



UNIVERSIDADE CATÓLICA PORTUGUESA

Unprotected and Unheard: Women's Rights Violations in Gaza

Carolina Cortinhas Nogueira de Sousa

Mestrado em Direito

Faculdade de Direito | Escola do Porto

2025



UNIVERSIDADE CATÓLICA PORTUGUESA

Unprotected and Unheard: Women's Rights Violations in Gaza

Carolina Cortinhas Nogueira de Sousa

Orientador: Prof. Dr. José Alberto Azeredo Lopes

Mestrado em Direito

Faculdade de Direito | Escola do Porto

2025

I would like to express my sincere gratitude to Professor Azeredo Lopes, who guided me throughout this journey and to my sister for the unconditional support.

Abstract

This work aims to examine violations of women's rights in the Gaza Strip after the events of October 7, 2023, thereby aggravating preexisting dire conditions. This study examines the topic through a legal lens, drawing on Human Rights Law, International Humanitarian Law (IHL) and International Criminal Law (ICL). The analysis is based on a variety of sources, such as research, reports, surveys and personal testimonies to demonstrate how the war contravenes a set of legal provisions. The findings reveal not only the challenges endured by women but also unveil their unprotected status. To address the situation adequately, it's crucial to enhance legal frameworks, especially in regard to women's rights and strengthen accountability mechanisms to make justice for the victims. Concurrently, such reinforcements can also prevent future violations of rights.

Resumo

A presente dissertação analisa a violação dos direitos das mulheres na Faixa de Gaza depois do ataque de 7 de outubro de 2023, através de uma perspectiva legal, destacando-se, designadamente, as sistemáticas violações pelos Direitos Humanos, pelo Direito Humanitário Internacional e pelo Direito Penal Internacional. A análise teve por base a recolha de informação em várias fontes, nomeadamente, pesquisa, relatórios e testemunhos que demonstram o paradoxo entre as normas legais e a guerra em Gaza. Conclui-se, de forma clara, que é necessário atuar em relação à desproteção das mulheres e que a solução passa pelo reforço das normas internacionais e pela efetividade dos mecanismos de responsabilização para, desse modo, prevenir agressões futuras.

Keywords: women's rights, females in armed conflicts, gender-based violence, humanitarian crisis in Gaza, October 7, human rights, gender discrimination.

Palavras-chave: direitos das mulheres, mulheres nos conflitos armados, violência de género, crise humanitária em Gaza, 7 de outubro, direitos humanos, discriminação de género.

Index

Introduction	8
Chapter I – Background of the ongoing conflict and legal framework	9
1 – October 7 as a Turning Point.....	9
2 – Israel’s response: the civilian price	10
3 – Legitimization of violence and possible accountability	15
Chapter II – War on women: a comprehensive overview	17
1 – Healthcare as a target and how it impacts women.....	17
2 – The Mental Health toll on Women.....	21
3 – The Reproductive and Sexual Health struggles of Gazan Females.....	24
3.1 – Menstrual Health and Hygiene	27
3.2 – Access to Contraception	29
3.3 – Maternal Care	30
4 – The Weaponization of Sexual Violence against Women	32
5 – The collapse of the Educational System and its gendered consequences.....	36
6 – Indirect Victims: The Suffering of Mothers and Wives	38
Conclusion	40

Abbreviations List

ACAPS	Assessment Capacities Project
CESCR	Committee on Economic Social and Cultural Rights
CRC	Convention on the Rights to Child
HeRAMS	Health Resources and Services Availability Monitoring System
HRW	Human Rights Watch
HSDUs	Health Service Delivery Units
ICC	International Criminal Court
ICESCR	International Covenant on Economic, social and Cultural Rights
ICJ	International Court of Justice
ICL	International Criminal Law
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDF	Israel Defense Forces
IHL	International Humanitarian Law
MHM	Menstrual Health Management
MoH	Minister of Health of Palestine
NGO(s)	Non-Governmental Organization(s)
OCHA	United Nations Office for the Coordination of Humanitarian
OHCHR	Office of the High Commissioner for Human Rights
PFA	Psychological First Aid
STDs	Sexually Transmitted Diseases
UN	United Nations
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women

UNFPA	United Nations Fund for Population Activities
UNRWA	United Nations Relief and Works Agency for Palestine Refugees
UTIs	Urinary Tract Infections
WHO	World Health Organization

Introduction

Warfare amplifies pre-existing structural vulnerabilities in groups that are at risk even in the absence of conflict. Gaza is no exception. The 7 October war, affects social strata in different ways, leaving certain segments of society facing unequal challenges. It's a fact that conflicts are never gender neutral¹ and collateral impacts on females are perceived as an inherent part of warfare culture. The preexisting relationship between Israel and Gaza, defined by Israeli settler colonialism, reinforces patriarchal norms and underpins gender dynamics². This form of violence weaponizes gender and subjugates women to multiple forms of attacks, through military force, economic deprivation, displacement and destruction of family structures³. As a result of the ongoing war, women endure the most basic human rights abuses that affect the entire female population. The destruction of the health care system, the impact of the conflict on mental health, the inaccessibility of reproductive and sexual rights, including inhumane treatment during pregnancy, sexual violence and the right to education are all facets of overlooked violence taking place on the territory. Therefore, it is possible to identify three distinct layers of gendered harm: 1) comprises all female casualties; 2) includes women affected by the overall consequences of war; 3) incorporates indirect harm, endured as a consequence of a direct victim.

As the horrors continue to unfold, it is evident that the pervasive and entrenched gender inequalities intrinsic to all societies have ultimately contributed to the dire conditions endured by the female population in Gaza. The conflict in the Strip, one of the bloodiest in the 21st century⁴, manifests a series of distinct characteristics that expose women to unusual, heightened vulnerable circumstances. In most cases, males are assumed to be combatants and consequently suffer from direct harm, which accounts for the majority of deaths and injuries. Conversely, females are primarily affected by the broader consequences of warfare. However, the reality in Gaza challenges this conventional framework, as it exposes females not only to the typical repercussions of conflict, but also to direct violence⁵. As their survival conditions are defied, the number of female deaths reveals a pattern of widespread and systematic attacks against the civilian population. Within a society where pre-war rates of vulnerability among women reflected acute forms

¹ United Nations (UN): Palestine (2024, July 19).

² Iriqat, D. S. & Safarini, S. A. (2024, July 19).

³ Veronese, G., *et al.* (2025).

⁴ Sio, M. (2024, August 15).

⁵ Asi, Y., M. (2023, December 10).

of gender-based discrimination⁶, the current circumstances are of particular concern, as they intersect conflict and poverty, further compounded by the preexisting inequalities⁷. Therefore, it's crucial to stress the significance of legal frameworks. At the same time, it's also imperative to acknowledge the remarkable resilience demonstrated by the Palestinian people, particularly by Gazan women.

Chapter I – Background of the ongoing conflict and legal framework

1 – October 7 as a Turning Point

The persistent failure of peace initiatives has engendered a situation characterized by on-and-off conflicts, with the prospect of coexistence seemingly unattainable. From Israel's perspective, the notion of Palestinian autonomy is perceived as a potential threat, particularly about its possible implications for their territory and population. In contrast, Palestinians strive to regain autonomy and reclaim their freedom.

The 7 October episode is significant as it represents a new chapter in history. In the early hours of that day⁸, “ Hamas’ armed wing, the Qassam Brigades; the Palestinian Islamic Jihad’s armed wing, the Quds Brigades; the Democratic Front for the Liberation of Palestine’s armed wing, the National Resistance Brigades or the Omar al-Qasim Forces; the Popular Front for the Liberation of Palestine’s armed wing, the Martyr Abu Ali Mustafa Brigades; and the Aqsa Martyrs Brigades, formerly linked to the Fatah political faction”⁹ groups launched a full-scale military operation in Israel. The attack, perpetrated by thousands of militants, “breached Israeli sovereign territory by sea, land and air, invading over 20 Israeli communities, bases and the site of a music festival” and initiated a “wholesale massacre, mutilation, rape and abduction of as many citizens as the terrorists could find”¹⁰. During the incursion, it's reported that “they tortured children in front of parents, and parents in front of children, burned people, including infants, alive, and systematically raped and mutilated scores of women, men and children”¹¹. The death toll is estimated to be 1,200, with more than 5,500 wounded¹². Furthermore, “gunmen were moving from door to door, looking for civilians,”¹³ “including infants, entire families,

⁶ Asi, Y., M. (2023, December 10).

⁷ Abuzerr, S., & Kinszer, K. (2024, May 11).

⁸ United Nations Office for the Coordination of Humanitarian Affairs (OCHA). (2023, October 7).

⁹ Human Rights Watch (HRW). (2024, July 17).

¹⁰ International Court of Justice. (ICJ). (2024, January 12). South Africa v Israel.

¹¹ ICJ. (2024, January 12). South Africa v Israel.

¹² ICJ. (2024, January 12). South Africa v Israel.

¹³ Mellen, R. & Boxerman, A. (2023, October 7). The New York Times.

persons with disabilities and Holocaust survivors”¹⁴ to collect Israeli captives. It is estimated that 240 hostages were taken as an “insurance policy” in the event of any retaliatory acts¹⁵. On the one hand, they had brought human shields to protect them from Israeli attacks; on the other, they were seen as a lever in the negotiations to free Palestinian prisoners. Individuals, continue to be held in captivity in Gaza, while others have been released in prisoner exchanges or through Israel Defense Forces (IDF) operations, and some have died. The hostages’ role in the conflict’s extension is indisputable. Israel has identified the primary objective of “bring them home”¹⁶ and how it is conducting its operations to achieve it exerts significant influence on individuals’ perceptions of the war. The government’s efforts to release of the hostages have been the subject of significant criticism¹⁷, with the majority of the Israeli society (57.5%) supporting a comprehensive deal to release them all and bring an end to the war in Gaza¹⁸.

Undoubtedly, these attacks represent violations of international law and there are reasonable grounds to believe that crimes against humanity, through murder, extermination, torture, and rape and other forms of sexual violence; as well as war crimes, such as murder, cruel treatment, torture, taking hostages, outrages upon personal dignity, and rape and other forms of sexual violence were committed in the early hours of October 7.

2 – Israel’s response: the civilian price

The *jus ad bellum* between Israel and Palestinians is “a mess”¹⁹ because the scenario is “complex, uncertain and contested”²⁰. Nonetheless, at 10h45m of that morning, Israel attacked the Gaza Strip²¹ and unleashed “the most devastating bombing campaign in history”²². It’s estimated that, in a year of war, the nation dropped 85,000 tons of bombs²³, resulting in extensive destruction of Gazan landscape and a high number of fatalities. This impacted residential buildings, transportation infrastructure, commercial facilities,

¹⁴ ICJ. (2024, January 12). South Africa v Israel.

¹⁵ Lubell, M. & Georgy, M. (2023, October 9). Reuters.

¹⁶ Wolf, E. (2024, May 26). Israel Hayom.

¹⁷ Dolder, L. (2024, May 19). The New York Times.

¹⁸ Hermann, T. *et al.* (2025, January 15). The Israel Democracy Institute.

¹⁹ Milanovic, M. (2023, November 14). EJIL:Talk!

²⁰ Milanovic, M. (2023, November 14). EJIL:Talk!

²¹ OCHA. (2023, October 7).

²² WeWorld. (2024, October 11).

²³ Middle East Monitor. (2024, November 7).

educational institutions, and healthcare buildings, with many damaged or destroyed²⁴. Besides, it's projected that 46,645 individuals lost their lives in Gaza and more than 110,012 were injured²⁵. Disturbingly, around 59% of the fatalities are vulnerable groups, including women, children and older adults²⁶. Like all others, the current conflict, must be conducted in accordance with IHL, to preserve a “measure of humanity amidst conflict, with the guiding principle that even on war there are limits”²⁷.

It's undeniable that Israel faces legal responsibilities, as a result of the war and as an occupying state. Therefore, regardless of the debate on the legal basis for initiating a new phase of hostilities, the ongoing conflict must respect the fundamental value of humanity²⁸. To conduct warfare within legal provisions, it's essential to distinguish the target of an attack, as the law offers different levels of protection. In this context, “persons who are not, or no longer, members of the armed forces”²⁹ and their objects enjoy a special layer of protection and in case of doubt such individuals and objects shall be considered civilian in nature³⁰. This norm limits the active participation of civilians in the conflict, otherwise they will lose the immunity. At the same time, “combatants are persons who may take a direct part in hostilities” whereas “may not be punished for the mere fact of fighting”³¹ and must be distinguished from civilians³². Second, an attack must be proportional, aiming to minimize harm³³. So, if it causes “incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”³⁴ it's prohibited. Although “there is no set formula according to which it is possible to weigh civilian damage against the expected military benefits from the offensive”, “it's a question of degree” and an attack must be refrained if it's “expected to cause the civilian population damage that is disproportionate to the expected military

²⁴ AJLabs. (2025, February 3). Al Jazeera.

²⁵ OCHA. (2025, January 14).

²⁶ United Nations Relief and Works Agency for Palestine Refugees (UNRWA). (2025, January 16).

²⁷ International Committee of the Red Cross (ICRC) Blog for Ukraine. (2017, August 11).

²⁸ Ulfstein, G. (2024, March 8). EJIL:Talk!

²⁹ International Criminal Tribunal for the Former Yugoslavia (ICTY). (2000, March 3). The Prosecutor v Tihomir Blaškić (Trial Judgment).

³⁰ I Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (I Protocol). (1977 June 8). Article 50.

³¹ Humanitarian Law in Armed Conflicts – The Federal Ministry of Defence of the Federal Republic of Germany. (1992, August).

³² Abdullahi, A. O. (2024). Journal of East Asia & International Law.

³³ ICRC. Proportionality in Attack. Rule 14.

³⁴ ICRC. Proportionality in Attack. Rule 14.

gain”³⁵. Essentially, this principle recognizes military necessity and balances it with humanity, setting an admissible level of accidental injury. In addition, precautionary measures may be implemented. The “standards provide that those planning or deciding to launch an attack should, in selecting the means and methods of attack, take all practicable precautions to avoid, or at least minimize, unintentional loss of civilian life, injury to civilians and damage to civilian property”³⁶. This underscores the need to mitigate the harmful effects of military operations and to minimize harm to civilians. In essence, Israel has the obligation to spare civilians from hostilities, while guaranteeing humane treatment and fulfilment of basic needs³⁷, which is not happening on the ground. The conduct of systematic and indiscriminate targeting of civilians and their objects contradicts the very essence of these principles and undermines the cornerstone of humanity. Although IHL provides a robust legal framework for the protection of civilians and their objects, the political nature of the fighting between Hamas and Israel has placed the Gazans at heightened risk³⁸.

“Everyone has the right to life”³⁹, so “everyone” recognizes no exception to the rule. The simple condition of birth is required; thus, all have the inherent right to life⁴⁰. The excessive number of civilian casualties, which afford the highest level of protection, characterize the brutality of the conflict. In this sense, it’s crucial to underscore that the means and methods of warfare aren’t unlimited, so targeting densely populated areas, such as refugee camps, hospitals and bombarding designated safe areas, represents a serious violation of the law. Furthermore, the use of heavy explosive weapons, such as white phosphorus⁴¹, not only causes extensive destruction, without effectively weakening military forces but also significantly increases the number of deaths and injuries⁴². Even though its use is not explicitly prohibited by law, these weapons cause unnecessary suffering and destruction, violating nucleus values enshrined in the legal frameworks. These weapons contain incendiary and flammable substances that ignite upon impact, “setting fires and burning people”⁴³.

³⁵ IDF Rules of warfare on the Battlefield. (2006), as cited in ICRC. Proportionality in Attack. Rule 14.

³⁶ Kubiak, M. (2023). Security Dimensions.

³⁷ Baldwin, C. (2023, October 27). HRW.

³⁸ Abdullahi, A. O. (2024). Journal of East Asia & International Law.

³⁹ UDHR. (1948, December 10). Article 3.

⁴⁰ International Covenant on Civil and Political Rights. (1966, December 16). Article 6.

⁴¹ HRW. (2023, October 12).

⁴² International Network on Explosive Weapons. (2023, October 9).

⁴³ HRW. (2023, July 7). YouTube.

Since the beginning of the conflict, the death toll provided by the Minister of Health of Palestine (MoH), which is administered by Hamas has faced biased scrutiny⁴⁴. Although the information shared by this entity is typically correct attributing the MoH a trustworthy reputation, the accuracy of the statistics is being questioned. It's important to note that, as the war continues, Hamas' ability to record deaths is progressively weakening, likely reducing the accuracy of their reports. To clarify ambiguities, the Non-Governmental Organization (NGO) Airwars, initiated an investigation to analyze the 3,000 deaths that, according to MoH, occurred in the first 17 days of the war⁴⁵. The research only verified the numbers for a specific period, but conclusions can still be drawn. The research team collected information on every incident through reports from other NGOs, social media obituaries, names written on body bags and lists provided by grieving families. The researchers thoroughly examined all names and compared these with the list of names conveyed by the MoH. The organization identified 2,993 of deaths, 2,236 of which appeared on the Hamas' list, indicating an accuracy rate of approximately 75%. In terms of demographics, the study revealed an overall match of 83% for adults across both lists, with men showing a slighter higher match of 86%, compared to 80% of women. This discrepancy can be attributed to the difficulties in properly identifying women, essentially due to the complexities of Arabic naming customs, in particular: 1) regarding family affiliations, either marital or parental, so it was common to find "wife of (husband's name)" or "mother of (first son's name)", invalidating matching efforts; 2) variations between maiden and married name, for instance, the MoH's list might include the maiden name, while the investigation resources might reference the married name. As a consequence, at least 81 women were unidentified. So, although children were the most affected group during this specific period, there were barriers identifying women adequately. This fact suggests that female's deaths may have been not only underreported during the first 17 days of war, but also on the total number deaths.

Recently, a renowned medical journal, The Lancet, published a survey conducted by a team of epidemiologists, focusing exclusively on the actual number of traumatic deaths in Gaza between October 7, 2023, and June 30, 2024⁴⁶. It is important to note that during this period the MoH reported 37,900 deaths from traumatic injuries. However, this figure does not include indirect deaths caused by the conflict, such as due to hypothermia,

⁴⁴ Al Jazeera English. (2023, October 26). YouTube.

⁴⁵ De Silva, R., Walker, N., Dyke, D. & Airwars Research Team. (2024, July 24).

⁴⁶ Jamaluddine, Z., *et al.* (2025, January 9).

malnutrition, illnesses, or bodies still trapped under the rubble. The methodology relies on capture-recapture analysis, a common technique to estimate conflict casualties. The investigation intersected data provided by three different lists: hospital morgue data released by MoH's; cases reported in an online survey promoted by MoH, a measure introduced in January 2024 to overcome the damage of hospital systems, in specific raids and disruptions on digital communications; and social media obituary posts, in which family members provided details about the case. Firstly, the survey analyzed all data from the five updates provided by the hospitals, which contained Palestinian ID numbers, names, age at death and sex. In this phase, all unidentified decedents were excluded. Secondly, the study assessed the numbers reported in an online survey promoted by the MoH, which allowed the disclosure of Palestinian ID numbers, names, age at death, sex location of death and reporting source. After a thorough analysis, 930 people were excluded but were later assumed as decedents. Thirdly, the social media posts were checked to perform an analysis on name, age at death, date of death and reporting source. Regarding data management, the study verified all ID numbers and checked for implausible ages. Following this, it standardized Arabic names across all resources, for example names containing family prefixes, and, in cases of unclearness they were considered unsuitable. The main purpose was to eliminate duplications, while still matching decedents. An algorithm was used to check duplication and filtered information. In cases of likelihood superior to 80%, the information was reviewed manually and discussed until consensus was achieved.

Following, it was possible to identify 4,044 individuals, crossing between the three lists. Therefore, these combined indicate that 29,271 people were killed in Gaza, after the October 7 until the 30th of June. Throughout this period, women, children and elderly represented 59.1% of victims. As highlighted by the findings, there's a noteworthy contrast intersecting age, gender and mortality chances. For males, the risk of death reaches its peak between 15 and 45. In contrast, the female's risk is uniformly high from childhood through older ages.

After applying various models and conducting statistical analysis to predict unreported deaths, it's estimated that the reported information only represents 45.4% of the total deaths. These findings reveal that an additional 34,995 deaths, not included in any list, are likely to have occurred. Combining the verified victims from the lists with the additional unreported deaths, it's estimated that 64,260 lives were lost due traumatic injury, between the beginning of the war and until the end of June 2024, which is 41%

higher than initially reported. However, the accuracy of the total number of deaths varies based on the statistical models applied, resulting in a wide margin between 45,912 and 88,332. This study is crucial because, it not only reinforces the data provided by the MoH but, concomitantly, suggests that the reality might be even worse. This would imply that in eight months and 25 days, 2.9% of the overall Gazan population or one in 35 habitants was eliminated. In addition, if missing persons were included as decedents, the numbers would increase between 58,735 – 84,472. Likewise, the study suggests that the same ratio of underreporting was applied between October 2023 – and October 2024; in one year, the victims would exceed 70,000 deaths.

This is one of the biggest humanitarian tragedies of the century and it's uncertain whether the actual number of victims will ever be unveiled. Amid questions and doubts about the accuracy of the numbers, the affirmative scenario appears more plausible than otherwise. Also, it has been suggested that the reported numbers may underestimate the real ones. Yet, one thing is undeniable: the overall statistics demonstrate that women, children and the elderly are the primary victims of direct trauma. This represents a key factor for assessing whether the war is being conducted in accordance with the law, balancing IHL and human rights. In circumstances where the death toll is extremely high, it's common to perceive data as mere numbers to be added or subtracted. Nonetheless, it's essential to humanize these statistics and remember that each of these thousands of numbers represents a person and, consequently, a lost human life.

3 – Legitimization of violence and possible accountability

The violations committed are legitimized by the false association of Palestinians in Gaza with terrorism. As an effect, individuals are stripped of their humanity, as their existence is reduced to a mere instrument of retaliation for the actions of Hamas. The language used by the Israeli government plays a pivotal role in contributing to making soldiers comfortable conducting brutal operations inside Gaza, as it helps not see Palestinians as persons but seeing them as the enemy⁴⁷. There's an undisputable sense of division between “us” and “them” and the mere existence of “them” represents a threat. Israeli political leaders claim that “this war is between the children of light and the children of darkness” and it's their mission to overcome the darkness⁴⁸; it is a fight against “human

⁴⁷ Gunter, L. P. (2024, August 5). Counter Punch.

⁴⁸ Prime Minister of Israel @IsraeliPM. (2023, November 3). X.

animals”, and they will act accordingly⁴⁹. These statements, among many others, illustrate a clear policy of extermination, since the aim is “to create a situation where Gaza’s population will be reduced to half its current size in two years”⁵⁰, so enemies must be pursued until they are “wiped out”, as the ultimate goal isn’t “half jobs”, but rather “utter destruction”⁵¹. The prevalence of these ideals makes IDF soldiers “slaughtering Palestinians” without remorse or empathy⁵².

From a legal perspective, “Israel has carried out acts prohibited under the Genocide Convention, with the specific intent to destroy Palestinians in Gaza”⁵³. In this sense, “the use of derogatory language toward members of the targeted group” is a determinant factor in analyzing intent and, therefore a key indicator whether a genocide is occurring⁵⁴. In addition, “deliberate deprivation of resources indispensable for survival”⁵⁵, “subjecting a group of people to a subsistence diet, systematic expulsion from homes and the reduction of essential medical services below minimum requirement”⁵⁶, comprehend a group of conducts “that would lead to a slow death”⁵⁷. Simultaneously, the conditions mothers and newborns bear, compromise the biological renovation of the group. The war already erased thousands of entire Palestinian family lines, eliminating multiple generations⁵⁸. Ultimately, if the situation remains unchanged, it will, eventually, result in the extinction of the complete Palestinian population on that territory.

In a context in which Israel manages warfare by its playbook, violates Human Rights Law and disregards IHL, not only can the nation face international responsibility before international courts, but the individuals behind this massacre also bear criminal responsibility. In fact, ICL is unequivocal – *nullum crimen sine lege*⁵⁹. Considering this, the ICC issued arrest warrants for Benjamin Netanyahu, the Prime Minister of Israel, and Yoav Gallant, the ex-Minister of Defense, due to reasonable grounds that they have committed crimes against humanity and war crimes, from at least 8 October 2023⁶⁰. The

⁴⁹ Al Jazeera English. (2023, October 9). YouTube.

⁵⁰ Staff, T. (2024, November 26). Times of Israel.

⁵¹ Anadolu Staff. (2024, April 30). Anadolu Agency.

⁵² Gunter, L. P. (2024, August 5). Counter Punch.

⁵³ Amnesty International. (2024, December 5).

⁵⁴ International Criminal Tribunal for Rwanda (ICTR). (1999, May 21). The Prosecutor v. Kayishema and Ruzindana.

⁵⁵ ICC. (2002, September). Elements of Crimes, Article 6.

⁵⁶ ICTR. (1998, September 2). The Prosecutor v. Jean-Paul Akayesu.

⁵⁷ International Criminal Tribunal for Rwanda (ICTR). (1999, May 21). The Prosecutor v. Kayishema and Ruzindana.

⁵⁸ Kiyada, S., Scarr, S., & al-Mughrabi, N. (2025, March 1). Reuters.

⁵⁹ Rome Statute. (1998). Article 22.

⁶⁰ Statement of ICC Prosecutor K. Khan. (2024, May 20).

perpetration of widespread and systematic attacks on a specific territory is considered a crime against humanity⁶¹. This encompasses any deliberate attack on the civilian population, which is clear in Gaza through the high number of fatalities. Under a dominant and oppressive regime, policies of apartheid, extermination and persecution were implemented, exemplified by the bombing of critical infrastructures, the deprivation of access to food and medicine and the denial of fundamental reproductive and sexual rights. Reports of civilian detainees and enforced disappearance have emerged, as many citizens in Gaza were arrested, detained or abducted with Israel failing to provide information for extended periods. Concomitantly, Israel's grave breaches of IHL, alongside violations of customary law, fall within the scope of war crimes⁶². Deliberate killings, torture, infliction of great suffering or injury, denial of fair trials to protected persons, unlawful confinement, hostage-taking, outrages upon personal dignity and sexual violence are examples of violations of the Law of Armed Conflicts that the civilian population is facing in Gaza. Furthermore, the continuous obstruction of humanitarian aid, prohibiting access to essential supplies, employing starvation as a method of war and inflicting collective punishment on innocent civilians are also conducts subjected to prosecution under Article 8. It's equally important to stress that the combination of intentional attacks on the civilian infrastructure, such as compromising the healthcare sector without providing alternative care and deliberately causing the destruction of educational buildings are also war crimes.

Chapter II – War on women: a comprehensive overview

1 – Healthcare as a target and how it impacts women

In times of conflict, healthcare services are, usually, scarce, therefore, the fundamental right to access it is compromised. The situation in Gaza follows a similar outline, as Israel is systematically targeting hospitals in a pattern of attacks that raises serious concerns⁶³, exposing civilians to grave risks⁶⁴ and restricting their rights. The repeated bombardment of medical infrastructure, the seizure of surrounding areas, and the blockade of medical supplies create significant obstacles that endanger civilians and ultimately compromise the right to life. The combination of these actions has led to the obliteration of the system,

⁶¹ Rome Statute. (1998). Article 7.

⁶² Rome Statute. (1998). Article 8.

⁶³ Office of the High Commissioner for Human Rights (OHCHR) Report. (2024, December 31).

⁶⁴ ICRC. (2024, December 30).

as the entire health sector – patients, health professionals, ambulances, infrastructures and supplies – has become a target, increasing the vulnerabilities faced by the population. This situation intensifies the risks for specific groups, particularly women, who are exposed to a unique set of multifaceted effects that have an additional impact on their health.

Everyone has the right “to the enjoyment of the highest attainable standard of physical and mental health”⁶⁵. Therefore, civilians “shall in all circumstances be treated humanely”⁶⁶ and “the wounded and sick shall be collected and cared for”⁶⁷. To uphold this premise, IHL provides special protection of medical facilities as the general rule and loss of that protection as the exception⁶⁸. These places must be “sanctuaries from fighting”, because they provide life-saving care to all, whether “friend or foe”⁶⁹. In this way, civilian hospitals must be properly identified⁷⁰, as it is crucial to maintain the integrity and functionality of their services. But, medical units must never be used to shield military objectives from attack⁷¹, as their protection may be withdrawn if they are used for purposes outside their humanitarian function, in activities harmful to the enemy⁷². In such cases, the protection isn’t lost immediately, as a warning must be issued, stating the reasons for the loss of immunity and setting a reasonable deadline for the harmful activities to cease⁷³. If this warning is unheeded, the hospital may become a target, but only the parts used for military purposes can be lawfully attacked and the “wounded and sick people, and medical personnel who are not involved in the commission of acts harmful to the enemy” as well as “medical objects inside the hospital that are not being used to commit acts harmful to the enemy” continue to enjoy special protection⁷⁴. Additionally, “civilian medical personnel shall be respected and protected”⁷⁵

⁶⁵ International Covenant on Economic, Social and Cultural Rights (ICESCR). (1966, December 16). Article 12.

⁶⁶ Common Article 3 of the Geneva Conventions. (1949, August 12).

⁶⁷ Common Article 3 of the Geneva Conventions. (1949, August 12).

⁶⁸ ICRC Report. (2024, September 26). International Review of the Red Cross.

⁶⁹ ICRC Report. (2024, September 26). International Review of the Red Cross.

⁷⁰ IV Geneva Convention relative to the Protection of Children Persons in Time of War (IV Convention). (1949, August 12). Article 18.

⁷¹ I Protocol. (1977 June 8). Article 12.

⁷² I Protocol. (1977 June 8). Article 13.

⁷³ IV Convention. (1949, August 12). Article 19.

⁷⁴ ICRC Report. (2024, September 26). International Review of the Red Cross.

⁷⁵ I Protocol. (1977 June 8). Article 15.

and must be allowed to carry out their duties⁷⁶. The occupying power has the obligation to enable them to perform their humanitarian functions, providing all necessary means⁷⁷. Despite the strong protection of health care under international law, the IDF systematically target these infrastructures, carrying out patterned attacks that severely restrict the right of civilians to access it. A typical operation begins with air strikes or artillery shelling directly the hospital or the premises and it is followed by ground forces besieging the infrastructure, denying accesses to those in need, isolating those inside and cutting off essential medical supplies. Heavy machinery is often used to raid the facilities. In addition, the detention of medical staff and patients or forced evacuation of hospitals that do not provide alternative care is common⁷⁸. Finally, troops abandon the area, leaving a disastrous trail behind, as infrastructures become non-functional.

To legitimize such unlawful actions, Israel relies on the law. They claim that these facilities are used for purposes beyond their humanitarian function and accuse Hamas of exploiting the protection granted to these facilities to further its goals⁷⁹. Given the brutality and systematic nature of the attacks, serious concerns have been raised about the “reliability of claims about military activity in Gaza’s hospitals used to justify Israeli attacks on healthcare facilities”⁸⁰. Despite the lack of information to verify military presence on the ground, the repeated targeting of hospitals or their premises, the shooting of civilians and medical personnel, and the repeated siege of hospitals or their premises⁸¹ constitute serious breaches of international law. Nevertheless, it’s imperative to establish “either truth or falsehood” of these allegations, and, in the affirmative, to assess the extension of the military presence⁸². In terms of proportionality, however, the allegations appear to be “grossly exaggerated”⁸³ to justify the scale of the attacks.

“The massive degradation of the health system in the Gaza Strip is due, inter alia, to extensive bombardment, widespread destruction, increasing health needs, restrictions on the entry of fuel, goods, medical supplies and medical personnel, as well as substantial limitations on the outbound movement of patients, including the injured”⁸⁴. The average number of attacks on the health system in Gaza is 73 per month, more than in any other

⁷⁶ IV Convention. (1949, August 12). Article 56.

⁷⁷ I Protocol. (1977 June 8). Article 15.

⁷⁸ OHCHR - Thematic Report. (2024, December 31).

⁷⁹ Staff, T. (2024, March 26). The Times of Israel.

⁸⁰ Davies, H. (2024, December 11). The Guardian.

⁸¹ OHCHR - Thematic Report. (2024, December 31).

⁸² Davies, H. (2024, December 11). The Guardian.

⁸³ Davies, H. (2024, December 11). The Guardian.

⁸⁴ WHO Report by the Director-General. (2024, January 22).

recent global conflict⁸⁵, and represents a “systematic dismantling of the health system”⁸⁶. Of the 75 Health Service Delivery Units (HSDUs) analyzed, which include hospitals, field hospitals and government primary health care centers, monitored by Health Resources and Services Availability Monitoring System (HeRAMSs), only 51% are at least partially functional⁸⁷. The main constraints affecting functionality are insecurity (67%), lack of equipment (48%) and damage to the facility (37%)⁸⁸. Accessibility to these units is also very limited, not only due to insecurity or physical barriers, but also due to financial constraints, in addition to the fact that buildings and equipment have been severely damaged⁸⁹. In addition to these obstacles, recent research found that, at least, 597 medical personnel have been killed, 194 of them women⁹⁰. It’s important to highlight the fact that one-third of the victims are females, which is a particularly high proportion given their limited presence on the workforces. For example, in 2022, the female labor force in Gaza represented only 31.1%⁹¹.

Simultaneously, the destruction of healthcare has a gendered impact, as pre-existing medical conditions go unaddressed, and women, despite needing more medical assistance (42%-39%)⁹², possess fewer financial means. Non-communicable diseases, such as diabetes mellitus, cancer, cardiovascular and chronic respiratory conditions are a major cause of death in Gaza⁹³. It’s estimated that around two-thirds of older Palestinians suffer from these conditions⁹⁴ and women are more affected⁹⁵. In addition, cancer, one of the leading causes of death in Gaza⁹⁶, pre-war statistics recorded 9,000 cases, of which 5,201 of patients were women⁹⁷, who are more susceptible to certain types of cancer, such as breast cancer. It’s worth noting that breast cancer accounted for 19.2% of all new cancer cases in 2022⁹⁸. However, due to the war, the only cancer treatment facility ceased its services, leaving patients without follow-up care and access to treatment⁹⁹. Moreover, a

⁸⁵ Save the Children. (2024, April 22).

⁸⁶ Sullivan, R. (2024, December 30). Euronews.

⁸⁷ WHO. HeRAMS. (2025, January).

⁸⁸ WHO. HeRAMS. (2025, January).

⁸⁹ WHO. HeRAMS. (2025, January).

⁹⁰ Healthcare Workers Watch. (2024, October 7).

⁹¹ Statista. (2023, April).

⁹² UN Entity for Gender Equality and the Empowerment of Women (UN Women) Report. (2024, September).

⁹³ WHO: Eastern Mediterranean Region. (*s.d.*)

⁹⁴ Albelbeisi, A. H., *et al.* (2022, January 1). P. 46

⁹⁵ UN Women Report. (2024, September).

⁹⁶ AlWaheidi, S. (2019, October 1). P. 1

⁹⁷ UN Women Report. (2024, September).

⁹⁸ MoH. (2023, October).

⁹⁹ Reuters. (2023, November 1).

high number of women in the Strip suffer from diabetes, a condition that increases the risk of developing associated diseases, such as hypertension¹⁰⁰. It's a fact "too many women are at risk of dying from medical complications after months without any medication, limited access to doctors and no treatment for serious illnesses like diabetes or cancer"¹⁰¹, as these chronic conditions require ongoing medical care to manage symptoms and prevent progression.

Another gendered facet is the fact that women are more exposed to infectious and contagious diseases due to their social role as primary informal caregivers. In the context of war, it's estimated that 177,000 women face life-threatening health conditions, this statistic means that 162,000 women are suffering or at risk in the midst of a devastated healthcare system¹⁰². Multiple factors such as living in displacement in overcrowded spaces, limited access to clean water and lack of adequate sanitation systems, create the perfect environment to the spread of a wide range of viruses and infections, such as, *influenza*, SARS-CoV-2, bacterial dysentery, hepatitis A, typhoid, cholera, measles, meningococcal meningitis, diarrhea and polio posing serious threats¹⁰³. As a result, women reported 25% of skin infections, double the 12.5% of cases reported by men¹⁰⁴. They also account for more than two-thirds of gastrointestinal diseases and hepatitis A¹⁰⁵. In fact, it's predicted that infectious diseases will be the leading cause of death in Gaza, after traumatic injuries¹⁰⁶.

2 – The Mental Health toll on Women

International law places physical and mental health on an equal footing, as both are indispensable components for the attainment of the highest standard of health¹⁰⁷. Likewise, the right to health is not reduced to the absence of disease or infirmity¹⁰⁸, so its full enjoyment results from a combination of factors, as it "embraces a wide range of socio-economic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe and healthy working

¹⁰⁰ UN Women Report. (2024, September).

¹⁰¹ UN Women's Regional Director for Arab States – Moez Doraid. (2024, September 19).

¹⁰² UN Women Report. (2024, September).

¹⁰³ Rescue: Press Release. (2024, April 16).

¹⁰⁴ UN Women Report. (2024, September).

¹⁰⁵ UN Women Report. (2024, September).

¹⁰⁶ Jamaluddine, Z., *et al.* (2024, February 19).

¹⁰⁷ ICESCR. (1966, December 16). Article 12.

¹⁰⁸ WHO Constitution. (*s.d*)

conditions, and a healthy environment”¹⁰⁹. The context of conflict underscores the necessity to promote mental health, as warfare, with its inherent stressors, imposes new layers of mental strain on individuals. In Gaza, the repercussions extend beyond the aggravation of pre-existing mental conditions, given that daily exposure to insecurity, attacks and displacement erodes overall well-being and can trigger new cases of anxiety, depression and Post-Traumatic Stress Disorder (PTSD).

It's important to stress that the primary function of the Law of Armed Conflicts was to protect individuals from physical harm, so mental health was not originally considered. However, within a broader interpretation, it is understood that the term "health" as employed in the Geneva Conventions and its Protocols, also encompasses mental health. Nonetheless, while the law provides a solid foundation for overall health, it offers no specific protection for mental health and this absence engenders the probability of the norms being overlooked and ignored. In the context of armed conflict, the provision of specific psychological support to affected populations is imperative, given the short, medium and long-term destabilizing effects. The profound and traumatic impacts of prolonged displacement, constant fear, incessant bombardment, continuous deprivation of basic necessities, and countless deaths, demands access to mental health services as a critical form of protection. Consequently, it is imperative that specific provisions are a part of IHL, in order to mitigate the harmful effects on individuals and communities, as war constitutes a trigger for mental health disorders.

According to estimations of the prevalence of mental disorders in conflict settings, 22.1% of the population is expected to suffer from a mental disorder, with severe cases typically accounting for 5.1% of the population¹¹⁰. Applying this in Gaza, it is predicted that 452,600 individuals are living with mental health disorders, with 104,450 experiencing severe conditions, including schizophrenia, bipolar disorder, severe level of depression and severe level of anxiety¹¹¹.

The repercussions of the ongoing conflict have been profoundly traumatizing and has taken a “tremendous toll on mental health”¹¹². A recent study conducted among affected young individuals in Gaza, using the International Scale for Generalized Anxiety

¹⁰⁹ Committee on Economic Social and Cultural Rights (CESCR). (2000, August 11). General Comment No. 14

¹¹⁰ Charlson, F., *et al.* (2019, June 12).

¹¹¹ United Nations Fund for Population Activities (UNFPA), *Juozor & Gender and Adolescence*. (2024, November).

¹¹² UN Women Report. (2024, September).

Disorder (GAD), found that 61% showed symptoms of anxiety, with 34% experiencing severe symptoms and 27% exhibiting moderate¹¹³. Regarding depression, 58% presented signs of the illness, with 8% having severe cases, 21% moderate to severe and 29% moderate. In addition, 94% of the respondents revealed signs of psychological distress¹¹⁴. In the context of armed conflict, the provision of Psychological First Aid (PFA) plays a pivotal role in fostering a sense of calm and safety among affected individuals, as it comprises a set of competencies and insights designed to assist individuals in distress. Yet, PFA units are extremely scarce in the Strip, as 64.3% don't work, mainly because of lack of supplies and staff¹¹⁵. An analysis of data on HSDUs, provided an overview of the mental health services availability and current needs are not being addressed. In terms of mental health and inpatient mental healthcare, it is not available up to standard in any facility¹¹⁶, implying scarce access to diagnosis, treatment, medication or hospitalization. It's a fact that before 7 October, women had difficulty accessing mental health services, as the society continued to perpetuate stigma and discriminatory norms¹¹⁷. The situation is undoubtedly worse, and although Israel faces legal obligations, including specific provisions to protect females' rights, every woman in the Strip is a "story of loss"¹¹⁸. "The war is embedded on women's faces and bodies"¹¹⁹, they are "losing their lives, they are hungry, exhausted, holding families together despite their constant fear and loss"¹²⁰. Notwithstanding the unimaginable suffering and grief experienced, they remain fully in charge of their households and continue responsible for the wellbeing of their family members. In a survey of 600 women from households with children, 77% reported responsibility for feeding, hygiene and overall care of their children, while 57% also assumed the obligation of their education¹²¹. Many of the respondents encounter extreme difficulties in protecting their children, both physically and mentally, while feeling unsafe, insecure and unable to meet basic needs¹²². Due to the overwhelming accumulation of responsibilities, women are one of the most psychologically affected groups¹²³. Young women between the ages of 20 and 25 who were married and had

¹¹³ UNFPA, Juzoor & Gender and Adolescence. (2024, November).

¹¹⁴ UNFPA, Juzoor & Gender and Adolescence. (2024, November).

¹¹⁵ WHO. HeRAMS. (2025, January).

¹¹⁶ WHO. HeRAMS. (2025, January).

¹¹⁷ Abu Hamad, B. A., *et al.* (2022, November 1). P.2

¹¹⁸ UN – The question of Palestine. (2024, June 24).

¹¹⁹ United Nations (UN): Palestine (2024, July 19).

¹²⁰ UN – The question of Palestine. (2024, July 18).

¹²¹ UN Women Report. (2024, September).

¹²² UN Women Report. (2024, September).

¹²³ UN Women Report. (2024, September).

experienced more than eight displacements, reported higher levels of moderate to severe anxiety, depression and distress, with many signs of PTSD¹²⁴. It's worth noting that the group of women who were married during childhood showed higher levels of distress¹²⁵. The war environment is undeniably causing extreme levels of stress, which is intrinsically linked to a 300% increase in miscarriages, since October 2023¹²⁶. Furthermore, the lack of adequate hygiene and proper menstruation management puts further strain on females, exacerbating feelings of embarrassment, low self-esteem and isolation caused by the social stigmatization of women and girls in menstruating age, which can have a significant impact on their mental health¹²⁷.

The psychological impact is likely to be a long-lasting legacy, since its effects will extend to future generations, not only through social interactions but also through epigenetic intergenerational transmission of trauma¹²⁸. Research on the long-term effects of the Holocaust has shown that protracted exposure to extreme stress has the capacity to modify biological mechanisms associated with stress regulation¹²⁹. A similar outcome can be expected for individuals in Gaza, as these conditions are likely to leave lasting imprints, reinforcing a never-ending cycle of intergenerational trauma.

3 – The Reproductive and Sexual Health struggles of Gazan Females

For women, “sexual and reproductive health is indispensable to their autonomy and their right to make meaningful decisions about their lives and health”¹³⁰. It requires “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes”¹³¹. It's also intertwined with the person's ability to “have a satisfying and safe sex life”¹³², in addition to the chance of experiencing safe pregnancies coupled with “the best chance of having a healthy infant”¹³³. Nonetheless, the ongoing war in Gaza has had

¹²⁴ UNFPA, Juzoor & Gender and Adolescence. (2024, November).

¹²⁵ UNFPA, Juzoor & Gender and Adolescence. (2024, November).

¹²⁶ International Planned Parenthood Federation. (2024, July 9).

¹²⁷ UNFPA, Child Protection Area of Responsibility, Health Cluster: Occupied Palestinian Territory & Gender-Based-Violence Area of Responsibility. (2024, June 21).

¹²⁸ Javanbakht, A. (2024).

¹²⁹ Dashorst, P., *et al.* (2019).

¹³⁰ CESCR. (2016, May 2). General Comment No. 22.

¹³¹ UNFPA. (2014).

¹³² UNFPA. (2014).

¹³³ UNFPA. (2014).

a profound impact to fulfil these specific rights, in spite their needs aren't on hold throughout this period.

“Reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents”¹³⁴. Their exercise should be considered “the fundamental basis for government – and community – supported policies and program in the area of reproductive health, including family planning”¹³⁵. In this regard, states must “take appropriate measures to eliminate discrimination against women in the field of healthcare in order to ensure, on a basis of equality of men and women, access to health care services, including those related with family”¹³⁶. This includes “access to contraceptives and other means of maintaining sexual and reproductive health, from censoring, withholding or intentionally misrepresenting health-related information”¹³⁷. Concurrently, it is imperative to recognize the entitlement of expectant mothers to specialized care and assistance¹³⁸ and it is the responsibility of state entities to ensure “the right to dignified, respectful health care throughout pregnancy, childbirth, and postpartum and newborn care, as well as adequate access to food, water, and adequate housing”¹³⁹. To effectively address this wide range of basic needs, it is imperative to consider availability, accessibility, acceptability and quality as key factors in the realization of comprehensive sexual and reproductive health. This encompasses effective delivery of information, the provision of a range of contraceptive methods, fertility and infertility care, maternal and perinatal health, the prevention and treatment of Sexually Transmitted Diseases (STD), access to facilities with trained personnel, and essential medicines¹⁴⁰. Although, the provision of information and services to females in humanitarian settings is usually scarce¹⁴¹, states, including Israel, have international obligations.

Women's sexuality remains constrained by “deeply engrained beliefs and societal values”¹⁴², preventing it from being adequately addressed. In this sense, the complete framework of IHL is designed using the male paradigm, so the protection of women is based simply on the equality between genders. Nonetheless, prohibiting discrimination

¹³⁴ UNFPA. (2014).

¹³⁵ UNFPA. (2014).

¹³⁶ CEDAW. (1979, December 18). Article 12.

¹³⁷ CESCR. (2000, August 11). General Comment No. 14. Paragraph 34

¹³⁸ UDHR. Article 25.

¹³⁹ Wille, B. (2025, January 28). HRW.

¹⁴⁰ WHO. (*s.d.*)

¹⁴¹ Zampas, C., Brown, R. & Afulukwe, O. (2024, June). P. 35

¹⁴² OHCHR. (*s.d.*)

isn't equivalent to limiting differentiation¹⁴³ and the law of armed conflicts presents constraints to, effectively, protect women's reproductive and sexual health. In principle, "women shall be treated with all consideration due to their sex"¹⁴⁴, nonetheless the absence of specificity in the overall norms results in significant unprotections on the ground. For instance, in the context of prisoners of war, the law stipulates that "women shall be treated with all the regard due to their sex"¹⁴⁵, underscoring the perceived vulnerabilities in relation to their "weakness", "honor and modesty" and "pregnancy and childbirth"¹⁴⁶. This legislative approach, however, appears to be an oversimplification of women's roles and needs, as it fails to encompass consider other rights, such as reproductive and sexual rights. This outdated approach perpetuates gendered stereotypes and disregards the distinct female essence. Conversely, if the law were to explicitly guarantee the aforementioned rights, it would have a beneficial outcome, especially in terms of providing a sense of dignity to women in the midst of warfare.

The inherent "patriarchal concepts of women's roles within the family mean that women are often valued based on their ability to reproduce"¹⁴⁷, so IHL offers a more comprehensive framework for motherhood. In the context of pregnancy and maternity, the norms applicable to "wounded persons"¹⁴⁸ are equally applicable, ensuring that they benefit from the same level of "protection and respect"¹⁴⁹. Furthermore, it is imperative that parties provide wounded and sick individuals with the best possible care as quickly as possible, including permitting impartial humanitarian organizations to provide it¹⁵⁰. The parties to the conflict "shall allow the free passage of all consignments of medical and hospital stores and objects" permitting "essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases"¹⁵¹. Expectant mothers must be protected from conflict zones, evacuated from besieged or encircled areas and protected in safe areas or hospitals¹⁵². The occupying power is therefore prohibited from interfering with obstructing any measures in place to support this

¹⁴³ Krill, F. (1985, December).

¹⁴⁴ I Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. (I Convention). (1949, August 12). Article 12.

¹⁴⁵ III Geneva Convention relative to the Treatment of Prisoners of War (III Convention). (1949, August 12). Article 14.

¹⁴⁶ III Convention. (1960, January 1). Commentary on article 14.

¹⁴⁷ OHCHR. (*s.d.*)

¹⁴⁸ I Protocol. (1977 June 8). Article 8.

¹⁴⁹ IV Convention. (1949, August 12). Article 16.

¹⁵⁰ ICRC. (2023, November 6).

¹⁵¹ IV Convention. (1949, August 12). Article 23.

¹⁵² IV Convention. (1949, August 12). Articles 14 and 17.

group¹⁵³. It is evident that the majority of provisions are focused on motherhood, presenting limited recognition to issues that affect women in their own rights. In essence, in order to ensure the preservation of humane treatment, a core principle of IHL and a norm of customary international law¹⁵⁴, it's vital to consider reproductive and sexual rights.

3.1 – Menstrual Health and Hygiene

Menstrual Health Management (MHM) is taking place in a resource-scarce context, with an estimated 691,300 women of menstruation age¹⁵⁵. These individuals face considerable challenges in accessing to menstrual hygiene, compounded by the unavailability of water, sanitation, healthcare, waste management, hygiene and environmental cleaning infrastructures while living in displacement. To effectively manage menstruation and uphold the fundamental rights of dignity and privacy, it is essential that every woman has “access to clean water, sanitation and hygiene facilities, affordable and appropriate menstrual hygiene materials, information on good practices, and a supportive environment where they can manage menstruation without embarrassment or stigma”¹⁵⁶. To this end, it is imperative that vulnerable women and girls have access to Dignity and MHM kits, as these contain menstrual products, toiletries, clothing, and basic items for personal care. In Gaza, despite the distribution of thousands of these kits, the needs of females remain “largely unmet”¹⁵⁷. The availability of these supplies is essential to allow females to maintain their normal routines as much as possible during displacement. In accordance with the global standards, it is imperative that women and girls must have access to absorbent cotton material, with four square meters per year; reusable sanitary pads, with six pads per year; or disposable pads, fifteen per month, as preferred¹⁵⁸. Nonetheless, due to the water shortages experienced in Gaza, the use of disposable products is particularly beneficial, indicating a monthly requirement of 10,369,500 disposable pads¹⁵⁹. As warfare generates scarcity, the cost of these products can be

¹⁵³ IV Convention. (1949, August 12). Article 50.

¹⁵⁴ ICRC. Humane Treatment. Rule 87.

¹⁵⁵ UNFPA, Child Protection Area of Responsibility, Health Cluster: Occupied Palestinian Territory & Gender-Based-Violence Area of Responsibility. (2024, June 21).

¹⁵⁶ UNFPA, Child Protection Area of Responsibility, Health Cluster: Occupied Palestinian Territory & Gender-Based-Violence Area of Responsibility. (2024, June 21).

¹⁵⁷ UN Women. (2024, April).

¹⁵⁸ The Sphere Handbook. (2018).

¹⁵⁹ UNFPA, Child Protection Area of Responsibility, Health Cluster: Occupied Palestinian Territory & Gender-Based-Violence Area of Responsibility. (2024, June 21).

elevated to tenfold their original price¹⁶⁰ and, consequently, it's estimated that almost three-quarters of females are unable to access menstrual hygiene products¹⁶¹. Furthermore, socio-psychological stigma plays a significant role in managing this phase, as cultural taboos foster secrecy and restrictions, limiting females' knowledge and generating embarrassment¹⁶². In fact, 55.4% of females reported feelings of shame in requesting support from their family members regarding their menstruation¹⁶³. To overcome the challenges, women and girls have developed coping mechanisms to circumvent their needs with the resources available to them. In situations where menstrual pads are not available, they resort to pieces of textiles, including fragments from their tents, as makeshift menstrual pads¹⁶⁴. Reports also indicate instances of females washing used disposable pads to reuse them¹⁶⁵. The use of inappropriate textiles and the failure to replace pads on a regular basis can lead to an increased risk of various health complications, including vaginal infections, Urinary Tract Infections (UTIs). Inadequate menstrual hygiene can also cause cutaneous irritation or inflammation, potentially leading to health complications during conception and pregnancy¹⁶⁶.

The inadequate sanitation systems present additional impediments to MHM. In some parts of Gaza, like Khan Younis, the ratio of bathroom facilities to displaced persons is reported to be as low as one to six hundred¹⁶⁷, a figure that stands in stark contrast to the international standards for medium-term humanitarian settings, which stipulates a ratio of one bathroom per twenty individuals¹⁶⁸. In other areas like Rafah, the situation is similarly dire, with an average of one square meter of space available per person¹⁶⁹, falling far short of the three and half meters recommended by Sphere's standards, excluding cooking, bathing and sanitation areas¹⁷⁰. Moreover, the effective management of waste is of paramount importance, not only for the health of the present populations, but also to prevent future contamination. The access to clean water is also severely compromised. The World Health Organization (WHO) has set a minimum standard for humanitarian emergencies of 15 liters per person per day for drinking and domestic

¹⁶⁰ Assessment Capacities Project (ACAPS). (2024, October 4).

¹⁶¹ UNFPA, Juzoor & Gender and Adolescence. (2024, November).

¹⁶² Columbia University and International Rescue Committee. (2017).

¹⁶³ UNFPA, Juzoor & Gender and Adolescence. (2024, November).

¹⁶⁴ Shaheen, D. (2023, December 16). Raseef22.

¹⁶⁵ Mousa, A. (2024, March 5). The Guardian.

¹⁶⁶ Kumar, G., Prasuna, J. G., & Seth, G. (2017).

¹⁶⁷ UN News. (2023, November 7).

¹⁶⁸ The Sphere Handbook. (2018).

¹⁶⁹ Handicap International. (2024, April 26).

¹⁷⁰ The Sphere Handbook. (2018).

hygiene¹⁷¹. However, the available water is only 1.5 liters per person¹⁷². In light of the prevailing scarcity of water, sanitation and hygiene, women have been compelled to cut their hair for fear of spreading lice¹⁷³.

3.2 – Access to Contraception

Prior to the war, in 2022, the fertility rate in Gaza was 3.5 births per woman which is significantly higher than the global average of 2.26 births per woman¹⁷⁴. In contexts characterized by such pronounced disparities in birth rates, the promotion of sexual health and reproductive rights becomes crucial, ensuring women and girls are empowered with the right to make decisions about their own bodies. Even before 7 October, access to these services was already limited due to difficulties in availability and accessibility. The onset of conflict has further exacerbated these challenges, leading to even greater restrictions on its access.

It's an established fact that the Gaza Strip is characterized by a high birth rate, with a multitude of factors contributing to this phenomenon. Firstly, the population is not adequately informed, as there are prevalent misconceptions surrounding the topic of contraceptives, which often result in unwanted pregnancies, a common cause of distress among women¹⁷⁵. The recurrent nature of conflict has been identified as a contributing factor to high fertility rates, as warfare frequently results in the loss of lives, especially among children, while aging parents continue in need of support¹⁷⁶. Concurrently, the prevailing social construct that women must respect their husbands' decisions stemming from their role as primary supporters of the family, further entrenches these dynamics. So, women frequently lack autonomy in this regard, as they are expected to decide in line with the principles of the partner¹⁷⁷.

However, giving the possibility of choice has been demonstrated to engender positive outcomes, including the promotion of education and economic growth, as well as the empowerment of women. With regard to the matter of contraception, it's estimated that 35.4% of women rely on an intrauterine device, 25.9% on combined oral contraception, 16.5% on condoms, 15.2% on natural methods and 3.2% on a hormonal implant, 61% of

¹⁷¹ The Sphere Handbook. (2018).

¹⁷² Euro-Med Monitor. (2024, January 15).

¹⁷³ United Nations (UN): Palestine (2024, July 19).

¹⁷⁴ Statista. (2024, December 5).

¹⁷⁵ Böttcher, B., Abu-El-Noor, M. A. & Abu-El-Noor, N. I. (2019, March 25).

¹⁷⁶ LaGore, A., Kridli, S. & Ronald, P. (2024, July 22).

¹⁷⁷ LaGore, A., Kridli, S. & Ronald, P. (2024, July 22).

which are provided by UNRWA¹⁷⁸. It is important to note that all of these methods require frequent restocking, which limits their accessibility. For instance, in the years 2014 and 2017, male condoms were unavailable in the Strip¹⁷⁹, which constitutes a significant constraint with regard to the prevention of both unwanted pregnancies and STDs. Additionally, when these methods are available, they are not always utilized as a contraceptive method, but rather for other medical purposes, such as to cover the head of the ultrasound during vaginal ultrasounds¹⁸⁰. These circumstances have the effect of rendering contraception not available, excessively expensive or expired, thus compromising its efficiency.

A recent survey of HSDUs revealed that half of the infrastructures are unable to provide free access to condoms. Additionally, with regard to family planning, it was found that 66.7% of facilities did not comply with the standard for pregnancy tests, while 81.8% of contraceptive distribution was also below the required¹⁸¹. Simultaneously, comprehensive abortion care is not available meeting the desirable parameters in nine out of 13¹⁸². However, it is crucial to acknowledge that the challenges faced by these infrastructures, including shortage of supplies, equipment, staff and overall resources, directly impact their ability to function effectively. Moreover, geographical dislocations within Gaza, hinders the access to these facilities, posing several threats. Ongoing restrictions and movement controls imposed on Gaza's civil society by Israel further exacerbate the situation, turning the access to contraception into a matter of life and death. People are forced to balance the risk of their personal safety against the uncertainty of whether these services are even available, as facilities may be inaccessible, out of stock or non-functional.

3.3 – Maternal Care

It is estimated that 5,000 newborns are delivered each month in Gaza¹⁸³. This equates to 180 daily births¹⁸⁴, which means that a new birth occurs every 10 minutes¹⁸⁵. Yet these “babies are being delivered into hell”¹⁸⁶. The process is an “nightmare” to these women¹⁸⁷

¹⁷⁸ LaGore, A., Kridli, S. & Ronald, P. (2024, July 22). P. 30

¹⁷⁹ LaGore, A., Kridli, S. & Ronald, P. (2024, July 22). P. 30

¹⁸⁰ Khader, A. & Hamad B. A. (2018), cited in LaGore, A., Kridli, S. & Piscotty Ronald. (2024, July 22).

¹⁸¹ WHO. HeRAMS. (2025, January).

¹⁸² WHO. HeRAMS. (2025, January).

¹⁸³ UNFPA Gaza Alert. (*s.d.*)

¹⁸⁴ CESCR. (2000, August 11). General Comment No. 14.

¹⁸⁵ UN Press Briefing. (2024, January 19).

¹⁸⁶ UN News. (2024, January 19).

¹⁸⁷ Anderson, R. (2024, August 7). Think Global Health.

who are fearful of not being able to access appropriate healthcare. It's well-documented that "mothers face unimaginable challenges in accessing adequate medical care, nutrition and protection before, during and after giving birth"¹⁸⁸. A survey reveals that 78.4% of pregnant women are unable to access essential health assessments¹⁸⁹. The psychological trauma that follows the pregnancy can expose women to life threatening complications at every stage of motherhood, resulting in higher rates of maternal mortality, neonatal deaths, miscarriages, premature births and stillbirths. Furthermore, high mortality of women during childbirth or shortly after also affects newborns, who face heightened risk of hospitalization and death if the mother dies¹⁹⁰.

The issue of malnutrition in Gaza is a pressing concern, as evidenced by the fact that 83% of food aid is being sieged¹⁹¹. It's estimated that 15,000 pregnant women are on the brink of famine¹⁹², as 99% of expectant mothers are unable to obtain nutritional products and adequate supplements¹⁹³. It's established that pregnant women require an additional 300kcal per day¹⁹⁴, in order to ensure proper nourishment for both the mother and the fetus. Furthermore, it is imperative to note that postpartum women who are breastfeeding require an additional caloric intake of between 450kcal and 500kcal per day¹⁹⁵, to sustain milk production and replenish nutrients. With regard to water, it has been determined that pregnant and lactating women require an increased daily intake of between 0.3 and 1.1 liters extra per day respectively, in addition to the 2.7 liters recommended for women¹⁹⁶. However, the availability of water in Gaza does not meet these standards. In this sense, it's imperative to prioritize the nurturing and hydration of the mother, ensuring she is equipped with the necessary resources to breastfeed and provide her infant with all the essential nutrients, as infant formula is severely restricted¹⁹⁷. The failure to meet these needs has a detrimental effect on the health of both the mother and infant. The situation in Gaza is such that "women are the last eat and children are the first to die"¹⁹⁸. The repercussions of the food scarcity are also being felt by infants, with 8,000 children under the age of five diagnosed with acute malnutrition, of whom 1,600 were diagnosed with

¹⁸⁸ UN News. (2024, January 19).

¹⁸⁹ UN Women Report. (2024, September).

¹⁹⁰ WHO. (2019, August 12).

¹⁹¹ Save the Children: Press Release. (2024, September 17).

¹⁹² UNFPA. (2024, April 6).

¹⁹³ UN Women Report. (2024, September).

¹⁹⁴ Johns Hopkins Medicine. (*s.d.*)

¹⁹⁵ The American College of Obstetricians and Gynecologists. (*s.d.*)

¹⁹⁶ Howard, G., *et al.* (*s.d.*) WHO.

¹⁹⁷ OCHA Update #180. (2024, June 19).

¹⁹⁸ CARE. (2023, December 7).

severe acute malnutrition, the most critical form of the condition¹⁹⁹. The situation has thus far resulted in 32 reported fatalities due to acute malnutrition, with 28 of these cases occurring among children under the age of five²⁰⁰.

It is estimated that one in four pregnant women is at risk due to challenges in accessing adequate childbirth, obstetric care, and neonatal care for pre-term deliveries²⁰¹, forcing them to give birth in “incredibly distressing and unsanitary conditions”²⁰². As a result of the war, Gazan women have been subjected to caesarean sections without anesthesia²⁰³ and are discharged from healthcare facilities within a few hours after the surgery²⁰⁴. It’s imperative to emphasize the brutality of performing such a medical procedure without anesthesia. The surgery involves the incision of seven distinct layers of tissue: the skin; subcutaneous fat; fascia, which is the connective tissue that covers abdominal muscles; muscle, with a cut performed between the ribs and the pubic bone in front of the pelvis; peritoneum, the membrane lining the inside the stomach and the pelvis; uterus, with an incision is made to open it and amniotic sac, if it’s still intact, it’s crucial to rupture it to access to the baby²⁰⁵. A recent survey conducted in the postpartum found that 68% of the subjects suffered complications related to pregnancy, 92% of whom suffered UTIs, 76% had anemia, 28% experienced premature labor, 44% had hypertensive disorders, 20% bleedings, 16% experienced hemorrhage and 12% had a stillbirth²⁰⁶. Simultaneously, newborns encounter elevated challenges in terms of their survival, a situation compounded by the dearth of medical and energetic resources, thereby impeding the ability to provide them with adequate medical attention. Indeed, there have been reports of newborns dying due to the failure in the power supply, with incubators ceasing to function²⁰⁷.

4 – The Weaponization of Sexual Violence against Women

Throughout their lives, females are subjected to a multitude of forms of violence based solely on their gender. This constitutes one of the most prevalent human rights violations

¹⁹⁹ WHO Director-General. (2024, June 12).

²⁰⁰ WHO Director-General. (2024, June 12).

²⁰¹ WHO Report by the Director-General. (2024, January 22).

²⁰² Al Mezan. (2025, January 12). P.3

²⁰³ Al-Mughrabi, N. (2023, November 10). Reuters.

²⁰⁴ UN News. (2024, January 19).

²⁰⁵ Levine, H. (2024). WebMD.

²⁰⁶ UN Women Report. (2024, September).

²⁰⁷ Al Jazeera. (2023, 11 November).

in the global stage²⁰⁸ and while both genders are subjected to sexual violence, this crime affects disproportionately among women and girls²⁰⁹. Its prevalence escalates during of conflict, as the sociopolitical context serves to reinforce gender roles and to exacerbate preexisting vulnerabilities, resulting in a pronounced imbalance of power dynamics. It is important to note that these violations are deeply embedded in the culture of warfare, frequently normalized and perceived as unintentional or even accidental conducts²¹⁰. Considering this, it's essential to establish measures, not only to protect women, but also to safeguard victims, including a strong legal framework to convict the perpetrators.

The concept of sexual violence, an “umbrella term” encompasses various forms, including rape, forced marriage, forced prostitution, forced pregnancy, forced abortion and enforced sterilization²¹¹. In this regard, the commission of a crime that is based on gender constitutes, firstly, a violation of the rights to equality and non-discrimination. These fundamental tenants, connected to the concept of human dignity and inherent to all individuals²¹², are thus undermined. Furthermore, the right to protection against violations of privacy, honor and reputation²¹³, is universally acknowledged. So, such transgressions entail an infringement of fundamental rights, including the right to life, liberty and security of the person²¹⁴. In light of the aforementioned, the CEDAW stipulates that States, including Israel, are obliged to guarantee that public authorities and institutions, encompassing the IDF, assume responsibility for the eradication of preconceived gendered perceptions, the amendment of ideas that perpetuate hierarchization or stereotypes of the sexes²¹⁵, and the cessation of discriminatory practices or acts²¹⁶.

In the context of armed conflict, “women must be especially protected against any attack on their honour, particularly against rape, enforced prostitution, or any form of indecent assault”²¹⁷. This premise denounces recurrent crimes in warfare, as throughout conflicts, females were “subjected to outrages of the worst kind”²¹⁸. The law implies that women are covered by a “special protection”, as they are exposed to deeper dimensions of

²⁰⁸ UNFPA. (*s.d.*) Gender-Based Violence.

²⁰⁹ UNHCR. (*s.d.*) Gender-Based Violence.

²¹⁰ Kutlu, G. A. (2014).

²¹¹ Pulvirenti, R. (2024, March 7). The Conversation.

²¹² UDHR. (1948, December 10). Article 1.

²¹³ UDHR. (1948, December 10). Article 12.

²¹⁴ UDHR. Article 3.

²¹⁵ CEDAW. (1979, December 18). Article 5.

²¹⁶ CEDAW. (1979, December 18). Article 2.

²¹⁷ IV Convention. (1949, August 12). Article 27.

²¹⁸ IV Convention. (1958, January 1). Commentary on article 27.

violence. However, the terminology used to describe frequent violations is vague. The question that arises is how women can be effectively safeguarded if the law is unclear and ineffective. The assumption that females require additional protection, rather than prohibiting such acts and ensuring appropriate accountability, is obsolete and doesn't reflect contemporary values. Additionally, the employment of the term "honour" in a broad sense to encompass a range of crimes that, under international law, fall into the scope of crimes against humanity, war crimes and genocide, seems unsuitable. The letter of the law also insinuates that if a sexual crime occurs, there's an attack on the victim's honor, suggesting that, in such cases, they are dishonored, which evokes feelings of shame²¹⁹. Nevertheless, article 76 of the Additional Protocol I, has shown signs of progress as it extends the scope of its beneficiaries²²⁰, in comparison with article 27 of the IV Convention. This asserts that "women shall be the object of special respect and shall be protected"²²¹, thereby extending protection not only to women directly affected but also to all "women in territories involved in conflict"²²². This development signifies an enhancement in the level of protection afforded and serves to denounce common reprehensible acts. In accordance with article 4 of the Additional Protocol II, rape, enforced prostitution and any form of indecent assault are considered violations of personal dignity²²³, thereby infringing upon the right to dignity. Despite the explicit condemnation of such acts, the focus remains on dignity and personal integrity rather than on the criminal nature of these conducts. In light of the persistent threats posed by sexual violence, it is imperative that legal frameworks undergo continuous evaluation to effectively address emerging challenges. A significant step in this direction would be the categorization of sexual crimes as a form of torture in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, thereby strengthening legal protections.²²⁴

From Gaza, firsthand accounts of sexual violence are coming to light. Consequently, there is credible evidence to suggest that this conflict follows the typical pattern and places special sexual burdens on women²²⁵. The victims have reported a range of violations,

²¹⁹ Crowe, A. (2016). "All the regard due to their sex": Women in the Geneva Conventions of 1949.

²²⁰ I Protocol. (1987, January 1). Commentary on article 76.

²²¹ I Protocol. (1977, June 8). Article 76.

²²² I Protocol. (1987, January 1). Commentary on article 76.

²²³ II Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (II Protocol). (1977, June 8). Article 4.

²²⁴ UN News. (2024, October 25).

²²⁵ OHCHR. (2024, February 19).

including rape, threats of rape²²⁶, forced undressing, strip searches (sometimes conducted in front of male soldiers), “sexualized torture in detention”²²⁷, verbal and sexual harassment²²⁸, and frequent insults intended to dehumanize them²²⁹. The perpetrators of these crimes are predominantly Israeli soldiers, operating within checkpoints²³⁰, during raids²³¹ and in detention centers²³², who adopted a lenient attitude towards sexual violence. These behaviors are not only manifestations of harm, but also encompass forms of humiliation and degrading treatment, thereby constituting violations of other rights. These actions are considered a means through which the aggressors exercise control over the victim, particularly when these females “are members of a race, nation, ethnicity or a religion which is specified as an enemy by the assailants”²³³.

In Gaza, this violence is being used as a weapon. This predates the war, as it has been used as a mechanism to oppress Palestinian women living under occupation²³⁴. Currently, given the recent nature of the events, the prevailing social stigma and the pervasive security concerns, females are compelled to remain silent²³⁵, thereby rendering it impossible to ascertain the true number of victims. Additionally, the challenges in presenting an overview of statistics of these crimes are compounded by Israel’s consistent opposition to independent investigations, as promoted by the UN²³⁶. This posture raises serious concerns regarding the extent of sexual violence²³⁷. The Israeli government is therefore not only failing to facilitate impartial research, but also not taking any internal actions. The inaction is indicative of a flagrant disregard for fundamental human rights and international obligations²³⁸ as well as a blatant disregard for the national penal framework. For instance, if an individual engages in sexual intercourse without explicit consent, the maximum penalty is 16 years²³⁹. Nonetheless, the sentence can be increased to 20 years when the offence was committed while threatening with a firearm or other

²²⁶ OHCHR. (2024, February 19).

²²⁷ UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict. (2024, September 9).

²²⁸ Euro-Med Monitor. (2024, February 27).

²²⁹ Osman, N. (2024, October 7). *The New Arab*.

²³⁰ Euro-Med Monitor. (2024, February 27).

²³¹ Hussaini, M. (2025, January 14). *Middle East Eye*.

²³² The Israeli Information Center for Human Rights in the Occupied Territories. (2024, April 15). B’Tselem.

²³³ Kutlu, G. A. (2014).

²³⁴ Medien, K. (2021).

²³⁵ Euro-Med Monitor. (2024, February 27).

²³⁶ Rozovsky, L. (2025, January 8). *Haaretz*.

²³⁷ Euro-Med. (2025, January 10).

²³⁸ OHCHR. (2024, May 6).

²³⁹ Israel Penal Law 5737 – 1977 (English Translation). (1977). Article Five: Sex Offenses.

weapon or while causing bodily, mental injury or pregnancy²⁴⁰. In consequence, victims can't seek justice and inadvertently help to protect the perpetrators, despite "accountability is vital to break the cycle of impunity in the interests of reconciliation and a long-term sustainable peace"²⁴¹.

5 – The collapse of the Educational System and its gendered consequences

In Gaza, education assumes a pivotal role in empowering individuals, and it is a "cornerstone of pride and a fundamental value for Palestinian families"²⁴². The ability to access it is a synonym of development, insofar as it advances communities and enables personal growth. It is equally seen as an instrument for societal transformation, serving as a means to alleviate social disparities. In essence, it should equip children with the skills and knowledge to navigate a responsible life in a free society, stressing the values of peace, tolerance, gender equality and friendship among all individuals²⁴³. Since "everyone has the right to education"²⁴⁴, it must be accessible and it's the responsibility of the state to implement and guarantee it²⁴⁵.

Notwithstanding the fact that children in Gaza are eager to learn²⁴⁶, the educational system is currently "under attack"²⁴⁷. In periods of conflict, if local institutions are found inadequate for their purposes, the occupying power is accountable for the provision of education²⁴⁸, so, even during these times, children are entitled to special protection²⁴⁹ and to education²⁵⁰. Prior to the war, the territory demonstrated notably high literacy rates, with 98.94% of males and 96.72% females²⁵¹, but it is likely that these percentages will decrease in future generations, as a setback is expected. Since October 2023, more than 625,000 children have been deprived of formal education for a year²⁵². Currently, they are spending greater part of their day waiting in queues for essential commodities, such as water and food, rather than educational activities²⁵³. It is also pertinent to note that, of

²⁴⁰ Israel Penal Law 5737 – 1977 (English Translation). (1977). Article Five: Sex Offenses.

²⁴¹ Pulvirenti, R. (2024, March 7). The Conversation.

²⁴² University of Cambridge and UNRWA. (2024, September 25). P.5

²⁴³ Convention on the Rights to Child (CRC). (1989, November 20). Article 29.

²⁴⁴ UDHR. (1948, December 10). Article 26.

²⁴⁵ CRC. (1989, November 20). Article 28.

²⁴⁶ Al Sawalhi, M., Salman, A. & Haq, S. N. (2024, September 15). CNN.

²⁴⁷ Ashing, I., Egeland, J. & Sherif, Y. (2014, April 16). Save the Children.

²⁴⁸ IV Convention. (1949, August 12). Article 50.

²⁴⁹ I Protocol. (1977, June 8). Article 77.

²⁵⁰ II Protocol. (1977, June 8). Article 4.

²⁵¹ Statista. (2025, January 31).

²⁵² ACAPS. (2024, October 4). P.1

²⁵³ Al Sawalhi, M., Salman, A. & Haq, S. N. (2024, September 15). CNN.

the 200 schools in Gaza, none are currently operational, as many are being used as shelters for refugees. In accordance with the MoH, in August 2024, it was estimated that 411 school staff were killed, 2,411 were injured and 111 university staff lost their lives, with over 1,212 injured²⁵⁴. Additionally, it was reported that more than 9,839 school students have been killed, with 15,394 injured, while university student deaths exceed 651, with 1,317 injuries²⁵⁵. A total of 124 schools have been severely damaged, while 62 have been completely destroyed, including government schools and UNRWA buildings²⁵⁶, affecting the lives of approximately 90,000 students²⁵⁷. This has resulted in a situation where over 80% of school buildings are damaged or destroyed²⁵⁸. Additionally, 20 institutions dedicated to higher education suffered severe damage, more than 35 university buildings are completely destroyed, and 57 have been partially damaged. In this view, there are concerns that a “scholasticide” is unfolding in the Strip, considering the deliberate efforts to annihilate the system²⁵⁹. The term is defined by the intentional destruction of educational infrastructure, as well as the arrest, detention or killing of professors, teachers, students and staff²⁶⁰.

The absence of opportunities for learning has been demonstrated to have both immediate and long-term consequences, depriving an entire generation of their future. In an educated society, individuals access to a wider range of prospects, benefitting from more favorable circumstances. As a result of warfare, a significant number of children have been bereaved of their entire families and are facing life alone. The lives of younger children are profoundly impacted in terms of their cognitive, social and emotional development. Conversely, older children face heightened risks of being subjected to forced labor or early marriages. It's imperative to emphasize that the longer children are deprived of education, the less probable their return becomes²⁶¹. Concomitantly, the absence of education imposes further challenges, particularly for females, impeding progress towards gender equality, and compelling them to resort to gender-based coping strategies. In contexts of vulnerability, early marriage is perceived as a means of providing financial stability and safeguarding against physical and sexual abuse. However, this practice,

²⁵⁴ Palestinian Ministry of Education and Higher Education @PalestineMoE. (2024, August 27). X.

²⁵⁵ Palestinian Ministry of Education and Higher Education @PalestineMoE. (2024, August 27). X.

²⁵⁶ Palestinian Ministry of Education and Higher Education @PalestineMoE. (2024, August 27). X.

²⁵⁷ Alkas, D. A., *et al.* (2024, May 13). Reuters.

²⁵⁸ UN News. (2024, April 18).

²⁵⁹ UN News. (2024, April 18).

²⁶⁰ OHCHR. (2024, April 18).

²⁶¹ Staff, T. (2024, September 7). The Times of Israel.

masked as a form of protection, constitutes a form of gender-based discrimination²⁶². In Gaza, the war has led to a rise of early marriages, yet many of these women lost their husbands and became pregnant teenagers that are now even more exposed to vulnerabilities²⁶³.

6 – Indirect Victims: The Suffering of Mothers and Wives

The brutality of the war in Gaza has escalated to an unparalleled extent and although it targets an entire community, there are certain social segments that are more exposed, so the levels of personal and collective harm aren't equal nor standardized. The countless injured family members and their deaths, alongside continuous violations of rights, raises a discussion on who can be acknowledged as a victim. This debate open Pandora's Box regarding the categorization of victims – both direct and indirect. Considering the inhumane dimension of the conflict, it's pivotal to assess the concept outside those who have suffered direct physical trauma. In this regard, the focus should extend beyond directly affected individuals and also consider indirectly affected persons. Within this scope, Gazan women are affected in unique ways, as a result of their biological and social role. This leads to an essential question: can the legal system acknowledge Gazan mothers and wives as indirect victims and ensure their adequate reparations?

In the international legal system, regarding individual responsibility, the ICC holds jurisdiction over the conflict and it's actively working to bring alleged criminals to justice²⁶⁴. Focused on ceasing unaccountability, the ICC is aware that, in recent years, “millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity”²⁶⁵. Therefore, the Court's mission to prevent the most serious crimes and seek legal responsibility, has been reaffirmed through the Rome Statute and its trials. In this sense, the Lubanga was pivotal in establishing the parameters, as it determined three elements that must be fulfilled, to be acknowledged as indirect victims and to be eligible for reparations. Firstly, it's fundamental that the person suffers with personal harm from the loss, injury or damage as a result of the direct victim²⁶⁶. In addition, the Appeals Chamber endorsed that “reparation orders are intrinsically linked to the individual whose criminal responsibility is established in a

²⁶² Goli, S., Singh, A., & Singh, R. (2022, June).

²⁶³ Faculty of Education, University of Cambridge, Centre for Lebanese Studies and UNRWA. (2004).

²⁶⁴ ICC State of Palestine.

²⁶⁵ Rome Statute (1998). P.1

²⁶⁶ Spiga, V. (2010, March 22).

conviction and whose culpability for these criminal acts is determined in a sentence”²⁶⁷. So, to be entitled to a compensation, it’s required a link between the harm and a convicted crime. Lastly, it establishes that the harm suffered must result from a relationship, either personal or circumstantial²⁶⁸. In essence, to be a victim, it’s imperative the existence of personal harm but it doesn’t necessarily imply the existence of direct harm²⁶⁹.

To solidify the status in ICL, the Court introduced a “principle of liability to remedy harm”²⁷⁰, to complement the punitive spirit of the court, requiring reconciliation of the rights of the victims and the convicted person²⁷¹. It also establishes the foundations for reparations, which aim to ensure that individuals responsible for serious crimes repair the harm directly to the victims and, simultaneously, enables the court to fulfil its role, by ensuring accountability of the offenders²⁷². The court sets the principles for reparations, which can include restitution, compensation and rehabilitation, after analyzing the extent of harm²⁷³. To operationalize this principle, the ICC developed Rules of Procedure and Evidence, which set guidelines for the overall recognition of victims. These rules widened the scope and adopted a more inclusive angle to recognize indirect victims. The relationship requirement was discarded, consequently, the ICC not only admits family members as indirect victims, but also “anyone who attempted to prevent the commission of one or more of the crimes under consideration; individuals who suffered harm when helping or intervening on behalf of direct victims; and other persons who suffered personal harm as a result of these offences”²⁷⁴.

Karim Khan, the ICC prosecutor, initiated a *propriu motu* investigation and requested arrest warrants for all the starring characters of the conflict in Gaza. Despite criticisms – especially as it doesn’t align with USA’s double standards – it’s imperative that the court seeks individual responsibility as the entire world watches the atrocities. If violations of international law become the rule, not only undermines its role in the international community, but also fosters impunity that, in the end, will encourage additional violations.

²⁶⁷ ICC. (2008, July 11). The Prosecutor v Thomas Lubanga Dyilo. Appeals Chamber.

²⁶⁸ Spiga, V. (2010, March 22).

²⁶⁹ ICC. (2008, July 11). The Prosecutor v Thomas Lubanga Dyilo. Appeals Chamber.

²⁷⁰ ICC (2015, March 3). The Prosecutor v Thomas Lubanga Dyilo.

²⁷¹ Stahn, C. (2015, April 7). EJIL:Talk!

²⁷² ICC. Order for Reparations.

²⁷³ Article 75 of the Rome Statute.

²⁷⁴ ICC. (2015, March 3). The Prosecutor v Thomas Lubanga Dyilo. Order for Reparations. P.

In this sense, mothers and wives don't only experience direct consequences of war, through severe constraints of their own rights and freedoms, they are, simultaneously, collateral victims from the crimes committed against their loved ones. Through the harmful conducts inflicted on their family members, these women are also being indirectly affected, so, in essence, women in the Strip, are victims by proxy. "The harm suffered by these indirect victims may include the psychological suffering experienced as a result of the sudden loss of a family member or the material deprivation that accompanies the loss of his or her contributions"²⁷⁵, which is observable in Gaza as they experience the death or injury of their children and husbands. Children in the Strip are living in inhumane conditions, they are cold, malnourished and dehydrated. For instance, there are reports of newborn babies dying due to hypothermia²⁷⁶, as they are freezing to death in tents²⁷⁷. These events are traumatizing, especially days or months after giving birth in precarious conditions. These children are being deprived of the chance of having a life, while their mothers powerlessly assist. Simultaneously, these women also suffer from material deprivation resulting from the loss of husband's contributions and carry the weight to replace the financial support for their families. Therefore, Gazan mothers and widows appear not only entitled to be acknowledge as indirect victims but to be compensated by the individuals criminally responsible for these crimes.

Conclusion

The contemporary situation in Gaza is indicative of the culmination of several years of unresolved conflicts, which been intensified in recent times. The war is "the legacy of decades-long impunity for unlawful attacks and crimes by all parties, including Israel's crimes against humanity of apartheid and persecution against Palestinians"²⁷⁸. The ongoing events not only constitute a flagrant violation of international law but also represent a blatant disregard of the fundamental principle of humanity, displaying "how unconstrained war could take a grim human toll"²⁷⁹. Moreover, the asymmetrical nature of the conflict has the corollary effect of intensifying preexisting gender inequalities. The pervasive level of harm inflicted on the population through constant attacks, violations and restrictions, reveals a pattern of acts that disproportionately affects women. Despite

²⁷⁵ ICC. (2009, April 8). The Prosecutor v Thomas Lubanga Dyilo. Decision on "indirect victims".

²⁷⁶ Blondel, P. (2025, January 9). UN News.

²⁷⁷ Islamic Relief. (2025, January 6).

²⁷⁸ HRW. (2024, July 17).

²⁷⁹ Scheffer, D., J. (2023, October 19). Council on Foreign Relations.

the fact that Palestinian females in the territory have always been subjected to precarious conditions, the current crisis is worse than ever. This underscores the necessity of ensuring that their rights are upheld and highlights the distinctive challenges they encounter in conflict-affected areas.

The present study has identified and documented the most egregious violations endured by these women, revealing systematic patterns of violence and deprivation of essential resources. The analysis demonstrated that these violations are not isolated incidents but part of broader mechanisms that sustain inequality and oppression. The quantitative data presented underscores the magnitude of these violations and highlights the urgent need for interventions to mitigate the impact. In this regard, the present study categorized three distinct layers of gendered harm, stemming from the acts endured due to the conflict. Initially, most severely affected group encompasses the females who lost their lives. It is worthy of note that this demographic group accounts for a significant proportion of the fatalities, which is an uncommon occurrence during conflicts. This primary category comprises all female casualties resulting from indiscriminate attacks against the civilian population. Secondly, the wide-ranging ramifications associated with residing in a war zone that are visible as through unmet needs. These women are subjected to a multitude of risks, which are exacerbated by inadequate access to healthcare. Their reproductive and sexual health is entirely neglected, as they are subjected to hazardous sanitary conditions, without proper access to hygiene, contraception or adequate means for menstruation management. Furthermore, pregnant women suffer inhumane treatment throughout the full journey of motherhood and the conflict fosters the risks of sexual violence, at a dimension still unknown. Meanwhile, young women struggle to secure a better future while facing the “temptation” of forced marriage and forced labor. Thirdly, the indirect victims of the conflict. This category comprises mothers and wives who endure hardship as a result of the harm inflicted upon their families. Although this group is more restricted, these women endure the devastating loss of family members, including their children and husbands and extra financial constraints.

In conclusion, from a broader perspective, it is imperative that all women around the globe, regardless of their color, race or nationality are treated with humanity and respect. While being a woman is undoubtedly challenging, in places such as Gaza, it is particularly arduous, since these females live in a constant “horror show”²⁸⁰. In light of the constant

²⁸⁰ CNN Interview by C. Amanpour. (*s.d.*)

legal abuses, it is imperative to acknowledge the plight of thousands of women in the Strip who need assistance, so it is vital that they be given a voice and the chance to be heard. The implementation of gendered policies is essential to safeguard them in the present, to prevent further harm and to avoid future massacres. To this end, there's an urgent need to promote protective measures and strengthen legal frameworks, particularly in vulnerable settings, such as warfare. In essence, it's pivotal to ensure the application of IHL and Human Rights, thereby upholding the rule of law on a global scale. Simultaneously, there must be efforts to humanize the "subhuman" Gazan people, while promoting women's dignity within the community. Finally, it is imperative to acknowledge that the window of opportunity is closing, and that immediate action is required to avert irreversible consequences.

Bibliography

Legal instruments

CEDAW. (1979, December 18).

CESCR. (2000, August 11). General Comment No. 14: The Right to the Highest Attainable Standard of Health. Office of the High Commissioner for High Rights (OHCHR).

<https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/Health/GC14.pdf>

CESCR. (2016, May 2). General Comment No. 22: The Right to sexual and reproductive health. Article 12. Office of the High Commissioner for High Rights (OHCHR).

Common Article 3 of the Geneva Conventions. (1949, August 12).

CRC. (1989, November 20).

Humanitarian Law in Armed Conflicts – The Federal Ministry of Defence of the Federal Republic of Germany. (1992, August).

I Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. (I Convention). (1949, August 12).

I Protocol (1987, January 1). Commentary on article 76.

I Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (I Protocol). (1977 June 8).

ICC. (2002, September). Elements of Crimes, Article 6.

ICC. (2008, July 11). The Prosecutor v Thomas Lubanga Dyilo. Appeals Chamber. ICC-01/04-01/06. <https://www.legal-tools.org/doc/75cf1a/pdf>

ICC. (2015, March 3). The Prosecutor v Thomas Lubanga Dyilo. ICC-01/04-01/06.

ICC. (2015, March 3). The Prosecutor v Thomas Lubanga Dyilo. Order for Reparations. ICC-01/04-01/06. <https://www.legal-tools.org/doc/df2804/pdf/>

ICC. Situation in the State of Palestine. <https://www.icc-cpi.int/palestine>

ICESCR. (1966, December 16).

ICJ. (2024, January 12). Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel). Public transcript, CR 2024/2.

ICRC. Customary IHL, Humane Treatment. Rule 87. <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule87>

ICRC. Customary IHL, Medical Units. Rule 28. <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule28>

ICRC. Customary IHL, Proportionality in Attack. Rule 14. <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule14>

ICTR. (1998, September 2). The Prosecutor v. Jean-Paul Akayesu (Trial Judgement). ICTR-96-4-T. <https://www.refworld.org/jurisprudence/caselaw/ictr/1998/en/19275>

ICTR. (1999, May 21). ICTR-95-1-T. <https://www.refworld.org/jurisprudence/caselaw/ictr/1999/en/62079>

ICTY. (2000, March 3). The Prosecutor v Tihomir Blaškić (Trial Judgment).

IDF Rules of warfare on the Battlefield (Second Edition), Military Advocate-general's Corps Command, IDF School of Military Law (2006), as cited in International Committee of the Red Cross (ICRC) Customary IHL, Proportionality in Attack. Rule 14. <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule14>

II Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (II Protocol). (1977, June 8).
III Geneva Convention relative to the Treatment of Prisoners of War (III Convention). (1949, August 12).

III Geneva Convention. (1960, January 1). Commentary on article 14. <https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-14/commentary/1960>

International Covenant on Civil and Political Rights. (1966, December 16).

Israel Penal Law 5737 – 1977 (English Translation). (1997). Article Five: Sex Offenses. <https://www.icj.org/wp-content/uploads/2013/05/Israel-Penal-Law-5737-1977-eng.pdf>

IV Convention IV. (1958, January 1). Commentary on article 27. <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-27/commentary/1958>

IV Geneva Convention relative to the Protection of Children Persons in Time of War (IV Convention). (1949, August 12).

Rome Statute of the ICC. (1998).

Universal Declaration of Human Rights (UDHR). (1948, December 10).

Articles, books, news, reports and other references

Abdullahi, A. O. (2024). The Role of IHL for Civilian Protection in the Gaza Strip: Case Study of Israel-Hamas War. *Journal of East Asia & International Law*. <https://doi.org/10.14330/jeail.2024.17.2.10>

Abu Hamad, B. A., *et al.* (2022, November 1). Exploring the gendered mental health experience of adolescents in Gaza during the Covid-19 pandemic. *Advances in Global Health* 3 February 2022. <https://doi.org/10.1525/agh.2022.1730691>

Abuzerr, S., & Kinszer, K. (2024, May 11). Amplifying voices of women in the Gaza Strip. *The Lancet*.

ACAPS. (2024, October 4). Palestine – One year of hostilities: impact on education in Gaza. ACAPS. <https://www.acaps.org/en/countries/archives/detail/palestine-impact-of-the-war-in-gaza-on-the-sexual-and-reproductive-health-and-health-rights-of-women-and-girls>

AJLabs. (2025, February 3). Israel-Gaza war in maps and charts: Live tracker. Al Jazeera. <https://www.aljazeera.com/news/longform/2023/10/9/israel-hamas-war-in-maps-and-charts-live-tracker>

Al Jazeera English. (2023, October 26). Biden says he has “no confidence” in Palestinians’ Gaza death toll. YouTube. https://www.youtube.com/watch?v=ZAi_tX-lolA

Al Jazeera English. (2023, October 9). Israeli defence minister orders “complete siege” on Gaza. YouTube. <https://www.youtube.com/watch?v=ReZEJPwrM1k>

Al Jazeera. (2023, 11 November). Two premature babies die, 37 under threat at Gaza’s al-Shifa Hospital. <https://www.aljazeera.com/news/2023/11/11/37-babies-at-risk-of-dying-in-gaza-hospital-israel-says-to-aid-evacuation>

Al Mezan. (2025, January 12). Reproductive Health during Genocide: The Struggle of Palestinian Women in Gaza. ReliefWeb.

Al Sawalhi, M., Salman, A. & Haq, S. N. (2024, September 15). “We no longer study.” Gaza’s children lose out on school, as Israel’s war disrupts a year of education. CNN. <https://edition.cnn.com/2024/09/15/middleeast/gaza-israel-schools-education-crisis-intl/index.html>

Al-Mughrabi, N. (2023, November 10). In Gaza, hospital procedures without anaesthetics prompted screams, prayers. Reuters. <https://www.reuters.com/world/middle-east/gaza-hospital-procedures-without-anaesthetics-prompted-screams-prayers-2023-11-10/>

Albelbeisi, A. H., *et al.* (2022, January 1). Do Patients with Major Non-Communicable Diseases Receive Advice on Health Behaviors from Healthcare Professionals in the Gaza

Strip, Palestine? African Journal of Health Sciences.
<https://pmc.ncbi.nlm.nih.gov/articles/PMC8864399/>

Alkas, D. A., *et al.* (2024, May 13). Gazans strive to study as war shatters education system. Reuters. <https://www.reuters.com/world/middle-east/gazans-strive-study-war-shatters-education-system-2024-05-13/>

AlWaheidi, S. (2019, October 1). Breast cancer in Gaza – a public health priority in search of reliable data. Ecaner Medical Science. <https://ecancer.org/en/journal/article/964-breast-cancer-in-gaza-a-public-health-priority-in-search-of-reliable-data>

Amnesty International. (2024, December 5). “You Feel like you are Subhuman”: Israel’s Genocide Against Palestinians in Gaza. Amnesty International. <https://www.amnesty.org/en/wp-content/uploads/2024/12/MDE1586682024ENGLISH.pdf>

Amnesty International. (2024, December 5). Amnesty International concludes Israel is committing genocide against Palestinians in Gaza. Amnesty International. <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/>

Anadolu Staff. (2024, April 30). Israeli minister calls for “utter destruction” of Gaza Strip. Anadolu Agency <https://www.aa.com.tr/en/middle-east/israeli-minister-calls-for-utter-destruction-of-gaza-strip/3206544>

Anderson, R. (2024, August 7). A Nightmare for Pregnant Women in Gaza. Think Global Health. <https://www.thinkglobalhealth.org/article/nightmare-pregnant-women-gaza>

Ashing, I., Egeland, J. & Sherif, Y. (2014, April 16). Education under attack in Gaza, with nearly 90% of school buildings damaged or destroyed. Save the Children. <https://www.savethechildren.net/blog/education-under-attack-gaza-nearly-90-school-buildings-damaged-or-destroyed>

Asi, Y., M. (2023, December 10). Unraveling the Multi-Faceted Impact of Armed Conflict on Women in the Gaza Strip. Wilson Center.

Baldwin, C. (2023, October 27). How Does International Humanitarian Law Apply in Israel and Gaza? Human Rights Watch. <https://www.hrw.org/news/2023/10/27/how-does-international-humanitarian-law-apply-israel-and-gaza>

Blondel, P. (2025, January 9). “Children are now freezing to death”: harrowing updates from Gaza. UN News. <https://news.un.org/en/story/2025/01/1158881>

Böttcher, B., Abu-El-Noor, M. A. & Abu-El-Noor, N. I. (2019, March 25). Causes and consequences of unintended pregnancies in the Gaza Strip: a qualitative study. PubMed. <https://pubmed.ncbi.nlm.nih.gov/30910799/>

CARE. (2023, December 7). Gaza: After two months of war, women last to eat and children first to die. <https://www.care.org/media-and-press/care-warns-on-the-occasion-of-the-two-month-mark-of-the-armed-conflict-in-gaza/>

Charlson, F., *et al.* (2019, June 12). New WHO prevalence estimates of mental disorders in conflict setting: a systematic review and meta-analysis. PubMed. <https://pubmed.ncbi.nlm.nih.gov/31200992/>

CNN Interview by C. Amanpour. (*s.d.*) “Every day felt like a horror show”: American doctor describes the reality in Gaza. <https://edition.cnn.com/2024/10/29/world/video/dr-samer-attar-gaza-israel-amanpour-cnni-world>

Columbia University and International Rescue Committee. (2017). A Toolkit for Integrating Menstrual Hygiene Management (MHM) into Humanitarian Response: The Mini Guide. International Rescue Committee. <https://www.publichealth.columbia.edu/file/8006/download?token=OIkKhP1F>

Crowe, A. (2016). “All the regard due to their sex”: Women in the Geneva Conventions of 1949.

Dashorst, P., *et al.* (2019). Intergenerational consequences of the Holocaust on offspring mental health: A systematic review of associated factors and mechanisms, *European Journal of Psychotraumatology*. <https://www.tandfonline.com/doi/epdf/10.1080/20008198.2019.1654065?needAccess=true>

Davies, H. (2024, December 11). Claims of Hamas fighters in Gaza hospitals have been exaggerated, says senior ICC prosecutor. *The Guardian*.

De Silva, R., Walker, N., Dyke, J. & Airwars Research Team. (2024, July 24). One Name, Two Lists. *Airwars*. <https://gaza-civilians.airwars.org>

Dolder, L. (2024, May 19). Thousands march in Tel Aviv to call for a hostage deal. *The New York Times*. <https://www.nytimes.com/2024/05/19/world/middleeast/thousands-march-in-tel-aviv-to-call-for-a-hostage-deal.html>

Ersel, M. (2016, March 9). Water and Sanitation in Humanitarian Action. *PubMed*. <https://pmc.ncbi.nlm.nih.gov/articles/PMC4910130/>

Euro-Med Monitor. (2025, January 10). Israel must be added to UN's sexual violence blacklist. *Euro-Med Human Rights Monitor*. <https://euromedmonitor.org/en/article/6591>

Euro-Med Monitor. (2024, February 27). In testimonies to Euro-Med Monitor, women from Gaza report being subjected to sexual violence, torture by Israeli forces. <https://euromedmonitor.org/en/article/6188/In-testimonies-to-Euro-Med-Monitor,-women-from-Gaza-report-being-subjected-to-sexual-violence,-torture-by-Israeli-forces>

Euro-Med Monitor. (2024, January 15). Lack of access to clean drinking water is a death sentence for the people of Gaza. <https://euromedmonitor.org/en/article/6096/Lack-of-access-to-clean-drinking-water-is-a-death-sentence-for-the-people-of-Gaza>

Faculty of Education, University of Cambridge, Centre for Lebanese Studies and UNRWA. (2004). *Palestinian Education Under Attack in Gaza: Restoration, Recovery, Rights and Responsibilities in and through Education*. Faculty of Education, University

of Cambridge.
https://www.educ.cam.ac.uk/centres/real/publications/Palestinian_education_under_attack_in_Gaza.pdf

Goli, S., Singh, A., & Singh, R. (2022, June). Armed conflicts and girl child marriages: Global evidence. *Children and Youth Services Review*.
<https://www.sciencedirect.com/science/article/abs/pii/S0190740922000949?via%3Dihub>

Gunter, L. P. (2024, August 5). Former IDF Sniper Says Dehumanization of Palestinians and a Rhetoric of Hate is Driving Israel's Forever War in Gaza. *Counter Punch*.
<https://www.counterpunch.org/2024/08/05/former-idf-sniper-says-dehumanization-of-palestinians-and-a-rhetoric-of-hate-is-driving-israels-forever-war-in-gaza/>

Handicap International. (2024, April 26). No safe place in Gaza: Khan Younis is uninhabitable.

Healthcare Workers Watch. (2024, October 7). The Killing, Detention and Torture of Healthcare Workers in Gaza.

Hermann, T., Yohanani, L., Kaplan, Y., Sapozhnikova, I. O. (2025, January 15). The Israel Democracy Institute. <https://en.idi.org.il/articles/57957>

Howard, G., *et al.* (s.d.) Domestic water quantity, service level and health, Second Edition. World Health Organization (WHO).

HRW. (2023, July 7). Incendiary Weapons | Explainer. YouTube.
<https://www.youtube.com/watch?v=AbEJKeNZkCY&t=14s>

HRW. (2023, October 12). Questions and Answers on Israel's Use of White Phosphorus in Gaza and Lebanon. <https://www.hrw.org/news/2023/10/12/questions-and-answers-israels-use-white-phosphorus-gaza-and-lebanon>

HRW. (2024, July 17). Questions and Answers: The Hamas-Led Armed Groups' October 7, 2023, Assault on Israel.

Hussaini, M. (2025, January 14). Palestinian women detail Israeli sexual assaults in Kamal Adwan raid. Middle East Eye. <https://www.middleeasteye.net/news/north-gaza-palestinian-women-recall-sexual-assault-israeli-forces>

ICRC Blog for Ukraine. (2017, August 11). The Basics of International Humanitarian Law in English. <https://blogs.icrc.org/ua/2017/08/in-english/ihl-basics-eng/>

ICRC Report. (2024, September). International humanitarian law and the challenges of contemporary armed conflicts. International Review of the Red Cross.

ICRC Report. (2025, March). International humanitarian law and the challenges of contemporary armed conflicts. International Review of the Red Cross.

ICRC. (2023, November 6). The protection of hospitals during armed conflicts: What the law says. ICRC. <https://www.icrc.org/en/document/protection-hospitals-during-armed-conflicts-what-law-says>

ICRC. (2024, December 30). Israel and the occupied territories: Obliteration of health-care system in northern Gaza puts civilians at grave risk.

International Network on Explosive Weapons. (2023, October 9). The use of heavy explosive weapons in Israel and Palestine must stop. <https://www.inew.org/the-use-of-heavy-explosive-weapons-in-israel-and-palestine-must-stop/>

International Planned Parenthood Federation. (2024, July 9). Press Release: Gaza nine months on, pregnant women carry the burden of conflict. <https://www.ippf.org/media-center/press-release-gaza-nine-months-pregnant-women-carry-burden-conflict>

Iriqat, D. S. & Safarini, S. A. (2024, July 19). Settler Colonialism as a Reinforcement of Patriarchy: A Focus on Palestine. International Journal of Religion. <https://doi.org/10.61707/m06xj712>

Islamic Relief. (2025, January 6). Israel's siege is freezing babies to death, Islamic Relief says – occupied Palestinian territory. ReliefWeb. <https://reliefweb.int/report/occupied-palestinian-territory/israels-siege-freezing-babies-death-islamic-relief-says>

Jamaluddine, Z., *et al.* (2024, February 19). Crisis in Gaza: Scenario-based Health Impact Projections. Report One: 7 February to 6 August 2024. Gaza Projections. https://gaza-projections.org/gaza_projections_report.pdf

Jamaluddine, Z., *et al.* (2025, January 9). Traumatic injury mortality in the Gaza Strip from Oct 7, 2023, to June 30, 2024: a capture-recapture analysis. *The Lancet*. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)02678-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)02678-3/fulltext)

Javanbakht, A. (2024). Gaza's hidden crisis: adults, children, and generations of psychological torment to come. *European Journal of Psychotraumatology*. https://pmc.ncbi.nlm.nih.gov/articles/PMC11500549/pdf/ZEPT_15_2416824.pdf

Johns Hopkins Medicine. (*s.d.*) Nutrition During Pregnancy. <https://www.hopkinsmedicine.org/health/wellness-and-prevention/nutrition-during-pregnancy>

Khader, A. & Hamad B. A. (2018). Family planning services in Palestine: challenges and opportunities, cited in LaGore, A., Kridli, S. & Piscotty Ronald. (2024, July 22).

Contraceptive use in the Gaza Strip: A systematic review. *Journal of Nursing Education and Practice*.

Kiyada, S., Scarr, S., & al-Mughrabi, N. (2025, March 1). The lives list in Gaza: a closer look at those killed in the conflict so far. Reuters. <https://www.reuters.com/graphics/ISRAEL-PALESTINIANS/FATALITIES/byvrxlqeqqv/>

Krill, F. (1985, December). The Protection of Women in International Humanitarian Law. *International Review of the Red Cross*. <https://international-review.icrc.org/sites/default/files/S002086040002489Xa.pdf>

Kubiak, M. (2023). Basic Principles of International Humanitarian Law of Armed Conflict. *Security Dimensions*. <https://doi.org/10.5604/01.3001.0054.2235>

Kumar, G., Prasuna, J. G., & Seth, G. (2017). Assessment of menstrual hygiene among reproductive age women in South-west Delhi. *Journal of family medicine and primary care*. https://doi.org/10.4103/jfmpe.jfmpe_24_17

Kutlu, G. A. (2014) *Armed Conflicts and Sexual Violence Against Women: An Inevitable Accompaniment?*

LaGore, A., Kridli, S. & Piscotty Ronald. (2024, July 22). Contraceptive use in the Gaza Strip: A systematic review. *Journal of Nursing Education and Practice*. Sciedu Press.

Levine, H. (2024). C-Section (Cesarean Section). WebMD. <https://www.webmd.com/baby/what-happens-during-c-section#1-3>

Lubell, M. & Georgy, M. (2023, October 9). Hostages complicate plan for “mighty vengeance” against Hamas. *Reuters*. <https://www.reuters.com/world/middle-east/israeli-hostages-complicate-plan-mighty-vengeance-against-hamas-2023-10-08/>

Medien, K. (2021). Israeli settler colonialism, “humanitarian warfare,” and sexual violence in Palestine. *International Feminist Journal of Politics*.

Mellen, R. & Boxerman, A. (2023, October 7). Israel’s Military Says Hamas Has Taken Hostages. *The New York Times*. <https://www.nytimes.com/2023/10/07/world/middleeast/hamas-hostages-israel-video.html?searchResultPosition=5>

Middle East Monitor. (2024, November 7). Israel dropped over 85,000 tons of bombs on Gaza. *Middle East Monitor*. <https://www.middleeastmonitor.com/20241107-israel-dropped-over-85000-tons-of-bombs-on-gaza/>

Milanovic, M. (2023, November 14). Does Israel Have the Right to Defend Itself? EJIL:Talk! <https://www.ejiltalk.org/does-israel-have-the-right-to-defend-itself/>

MoH. (2023, October). Cancer in Palestine. https://site.moh.ps/Content/Books/cAYNKTYvDWobRBNfvYEWrD3auYlmbGSLqFdyjakuWfy6npu4Oif1W_y63JG6bdtVEWz mh61jrdaBZ8h49GfGyiB3BJguzxDo2xiazO54gutz.pdf

Mousa, A. (2024, March 5). “My period has become a nightmare”: life in Gaza without sanitary products. The Guardian. <https://www.theguardian.com/global-development/2024/mar/05/my-period-has-become-nightmare-life-in-gaza-without-sanitary-products>

OCHA. (2023, October 7). Escalation in the Gaza Strip and Israel Flash Update #1 as of 18:00, 7 October 2023 <https://www.ochaopt.org/content/escalation-gaza-strip-and-israel-flash-update-1>

OCHA. (2024, June 19). Humanitarian Situation Update #180 | Gaza Strip and the West Bank.

OCHA. (2025, January 14). Reported impact snapshot | Gaza Strip. <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-14-january-2025>

OHCHR. (2024, April 18). UN experts deeply concerned over “scholasticide” in Gaza. <https://www.ohchr.org/en/press-releases/2024/04/un-experts-deeply-concerned-over-scholasticide-gaza>

OHCHR. (2024, December 31). Pattern of Israeli attacks on Gaza hospitals raises grave concerns – report. <https://www.ohchr.org/en/press-releases/2024/12/pattern-israeli-attacks-gaza-hospitals-raises-grave-concerns-report>

OHCHR. (2024, December 31). Thematic Report – Attacks on hospitals during the escalation of hostilities in Gaza (7 October 2023 – 30 June 2024).

OHCHR. (2024, February 19). Israel/oPT: UN experts appalled by reported human rights violations against Palestinian women and girls. <https://www.ohchr.org/en/press-releases/2024/02/israelopt-un-experts-appalled-reported-human-rights-violations-against>

OHCHR. (2024, May 6). Onslaught of violence against women and children in Gaza unacceptable: UN experts. <https://www.ohchr.org/en/press-releases/2024/05/onslaught-violence-against-women-and-children-gaza-unacceptable-un-experts>

OHCHR. (*s.d.*) Sexual and reproductive health and rights. <https://www.ohchr.org/en/women/sexual-and-reproductive-health-and-rights>

Osman, N. (2024, October 7). “War on Wombs”: Palestinian women reveal harrowing sexual violence by Israeli soldiers, settlers. The New Arab. <https://www.newarab.com/news/war-wombs-gaza-women-reveal-harrowing-sexual-violence>

Palestinian Ministry of Education and Higher Education @PalestineMoE. (2024, August 27). X. <https://x.com/PalestineMoE/status/1828356845863383403/photo/2>

Preux, J. (1985, October). Special protection of women and children. International Review of the Red Cross.

Prime Minister of Israel @IsraeliPM. (2023, November 3). X. <https://x.com/IsraeliPM/status/1720433550355271940>

Psychosocial Centre. (*s.d.*) A Short Introduction to Psychological First Aid. International Federation of Red Cross and Red Crescent Societies.

Pulvirenti, R. (2024, March 7). Gaza war: both sides are reporting sexual violence committed by their enemy – but these crimes are hard to investigate. The Conversation. <https://theconversation.com/gaza-war-both-sides-are-reporting-sexual-violence-committed-by-their-enemy-but-these-crimes-are-hard-to-investigate-225234>

Rescue. (2024, April 16). Press Release: ICRC emergency team warns: public health catastrophe underway in Gaza. Rescue. <https://www.rescue.org/press-release/irc-emergency-team-warns-public-health-catastrophe-underway-gaza>

Reuters. (2023, November 1). Gaza's only cancer hospital goes out of service, health officials say. Reuters. <https://www.reuters.com/world/middle-east/gazas-only-cancer-hospital-goes-out-service-health-officials-2023-11-01/>

Rozovsky, L. (2025, January 8). Israel Blocks UN Probe Into Hamas Sexual Crimes From October 7 to Avoid Inquiry Into Abuse of Palestinians. Haaretz. <https://www.haaretz.com/israel-news/2025-01-08/ty-article/.premium/israel-blocks-un-amas-sexual-crimes-probe-to-avoid-inquiry-into-abuse-of-palestinians/00000194-44e0-d087-a9bd-7de1d5f20000>

Save the Children: Press Release. (2024, September 17). Israel's siege now blocks 83% of food aid reaching Gaza, new data reveals. Save the Children. <https://www.savethechildren.net/news/israels-siege-now-blocks-83-food-aid-reaching-gaza-new-data-reveal>

Save the Children. (2024, April 22). Gaza: Rate of attacks on healthcare higher than in any conflict globally since 2018.

Shaheen, D. (2023, December 16). "I was forced to tear cloth from a tent when I got my period": The war that humiliated women. Raseef22. <https://raseef22.net/english/article/1096010-i-was-forced-to-tear-cloth-from-a-tent-wa-tent-when-i-got-my-period-the-war-that>

Sio, M. (2024, August 15). Gaza war one of bloodiest in 21st century: Report. Anadolu Ajansi. <https://www.aa.com.tr/en/middle-east/gaza-war-one-of-bloodiest-in-21st-century-report/3304092>

Spiga, V. (2010, March 22). Indirect Victims' Participation in the Lubanga Trial. Journal of International Criminal Justice.

Staff, T. (2024, March 26). In interrogations, Hamas, PIJ operatives describe using Shifa hospital as terror hub. The Times of Israel.

Staff, T. (2024, November 26). Smotrich says half of Gazans can be “encouraged to leave within two years”. Times of Israel. <https://www.timesofisrael.com/smotrich-says-half-of-gazans-can-be-encouraged-to-leave-within-two-years/>

Staff, T. (2024, September 7). Gaza approaches second year without schooling, with heavy cost for kids’ futures. The Times of Israel. <https://www.timesofisrael.com/gaza-approaches-second-year-without-schooling-with-heavy-cost-for-kids-futures/>

Stahn, C. (2015, April 7). Reparative Justice after the Lubanga Appeals Judgment on Principles and Procedures of Reparation. EJIL:Talk! <https://www.ejiltalk.org/reparative-justice-after-the-lubanga-appeals-judgment-on-principles-and-procedures-of-reparation/>

Statement of ICC Prosecutor Karim A. A. Khan KC: Applications for Arrest Warrants in the Situation in the State of Palestine. (2024, May 20). International Criminal Court. <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>

Statista. (2023, April). Share of male and female labor force in Gaza in 2022, by work status. <https://www.statista.com/statistics/1423116/gaza-gender-breakdown-of-labor-force-by-work-status/>

Statista. (2024, December 5). Fertility rate in Gaza from 1997 to 2015 with projections until 2050. Statista. <https://www.statista.com/statistics/1423019/gaza-fertility-rate/>

Statista. (2025, January 31). West Bank & Gaza: literacy rate from 2007 to 2022, total and by gender. Statista. <https://www.statista.com/statistics/1423995/literacy-rate-in-palestine/>

Sullivan, R. (2024, December 30). Israel has to “stop attacks on hospitals” in Gaza, says WHO chief. Euronews. <https://www.euronews.com/2024/12/30/israel-has-to-stop-attacks-on-hospitals-in-gaza-says-who-chief>

The American College of Obstetricians and Gynecologists. Breastfeeding Your Baby. <https://www.acog.org/womens-health/faqs/breastfeeding-your-baby>

The Beijing Declaration and Platform for Action: Fourth World Conference on Women. (1995).

The Israeli Information Center for Human Rights in the Occupied Territories. (2024, April 15). Testimony of Shaimaa Abu Jiab-Abu Foul (32) from Jabalya Refugee Camp. B’Tselem.

https://www.btselem.org/publications/202408_welcome_to_hell/testimony_of_shaimaa_abu_jiab_abu_foul

The Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response. (2018). <https://www.spherestandards.org/handbook/editions/>

Ulfstein, G. (2024, March 8). Does Israel have the right to self-defence – and what are the restrictions? EJIL:Talk! <https://www.ejiltalk.org/does-israel-have-the-right-to-self-defence-and-what-are-the-restrictions/>

UN – The question of Palestine. (2024, July 18). Media briefing at the UN Headquarters by Maryse Guimond, UN Women Special Representative in Palestine about her visit to Gaza. <https://www.un.org/unispal/document/media-briefing-unwomen-18jul24/>

UN News. (2023, November 7). Updated: Israel-Palestine crisis: UN humanitarian plead for “access, access, access”. <https://news.un.org/en/story/2023/11/1143292>

UN News. (2024, April 18). Gaza: UN experts decry “systemic obliteration” of education system. <https://news.un.org/en/story/2024/04/1148716>

UN News. (2024, January 19). Gaza crisis: Babies being born “into hell” amid desperate aid shortages. <https://news.un.org/en/story/2024/01/1145677>

UN News. (2024, October 25). Rights expert calls for recognition of sexual violence as torture to strengthen legal protections. <https://news.un.org/en/interview/2024/10/1156141>

UN Palestine (2024, July 19). No end in sight to the “war on women” in Gaza. <https://palestine.un.org/en/274422-no-end-sight-‘war-women’-gaza>

UN Press Briefing. (2024, January 19). United Nations Information Service. <https://www.ungeneva.org/en/news-media/bi-weekly-briefing/2024/01/press-briefing-united-nations-information-service-2>

UN Women. (1999). General Recommendation No. 24 (20th session) made by the Committee on the Elimination of Discrimination against Women. <https://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

UN Women. (2024, April). A Gender Analysis of the Impact of the War in Gaza on Vital Services Essential to Women’s and Girls’ Health, Safety, and Dignity – Water, Sanitation and Hygiene (WASH). <https://www.unwomen.org/sites/default/files/2024-04/gender-alert-gender-analysis-of-the-impact-of-the-war-in-gaza-on-vital-services-essential-to-womens-and-girls-health-safety-en.pdf>

UN Women. (2024, September). Gender Alert: Gaza – A War on Women’s Health. <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2024/09/gender-alert-gaza-a-war-on-womens-health/gender-alert-gaza-a-war-on-womens-health-en.pdf>

UN Women’s Regional Director for Arab States – Moez Doraid. (2024, September 19). War on women’s health in Gaza. <https://arabstates.unwomen.org/en/stories/press-release/2024/09/war-on-womens-health-in-gaza>

UN. (1998, April). Women2000. <https://www.un.org/womenwatch/daw/public/w2apr98.htm>

UN. (2024, September 9). Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict. <https://www.un.org/sexualviolenceinconflict/press-release/un-special-representative-on-sexual-violence-in-conflict-ms-pramila-patten-expresses-serious-concerns-over-reported-instances-of-rape-and-other-forms-of-sexual-violence-against-palestinian-detainee/>

UNFPA, Child Protection Area of Responsibility, Health Cluster: Occupied Palestinian Territory & Gender-Based-Violence Area of Responsibility. (2024, June 21). Menstrual Health Management Response Plan – Gaza Strip. <https://palestine.unfpa.org/sites/default/files/pub-pdf/mhm-plan-gaza-v2-june-2024-final.pdf>

UNFPA, Juzoor & Gender and Adolescence: Global Evidence. (2024, November). Shattered lives and dreams: the toll of the war on Gaza on young people. United Nations Populations Fund (UNFPA). <https://palestine.unfpa.org/sites/default/files/pub-pdf/2024-11/Gaza%20report%202024%20final%20version.pdf>

UNFPA. (2014). Programme of Action of the International Conference on Population Development, 20th Anniversary Edition. https://www.unfpa.org/sites/default/files/pub-pdf/programme_of_action_Web%20ENGLISH.pdf

UNFPA. (2024, April 6). Situation Report #7. UNFPA Palestine.

UNFPA. (*s.d.*) Gaza Alert: Help us support the most vulnerable. <https://www.unfpa.org/donate/Gaza>

UNFPA. (*s.d.*) Gender-Based Violence. <https://palestine.unfpa.org/en/gender-based-violence>

UNHCR. (*s.d.*) Gender-Based Violence. <https://www.unhcr.org/what-we-do/protect-human-rights/protection/gender-based-violence>

UN – The question of Palestine. (2024, June 24). There is nowhere safe for women and girls in Gaza, says UN Women Special Representative in Palestine. <https://www.un.org/unispal/document/media-briefing-un-women-240624/>

University of Cambridge and UNRWA. (2024, September 25). Palestinian Education Under Attack in Gaza: Restoration, Recovery, Rights and Responsibilities in and through Education. ReliefWeb. <https://reliefweb.int/report/occupied-palestinian-territory/palestinian-education-under-attack-gaza-restoration-recovery-rights-and-responsibilities-and-through-education-enar>

UNRWA. (2025, January 16). UNRWA Situation Report #155 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem. <https://www.unrwa.org/resources/reports/unrwa-situation-report-155-situation-gaza-strip-and-west-bank-including-east-jerusalem>

Veronese, G., *et al.* (2025). Intersectional violence against women in Gaza amidst genocide. Women's Studies International Forum. <https://doi.org/10.1016/j.wsif.2025.103081>

WeWorld. (2024, October 11). WeWorld Flash Update #24 – One year of War in Gaza: WeWorld Response. ReliefWeb. <https://reliefweb.int/report/occupied-palestinian-territory/weworld-flash-update-24-one-year-war-gaza-weworld-response-october-11th-2024>

WHO Constitution. (*s.d.*) <https://apps.who.int/gb/bd/pdf/bd47/en/constitution-en.pdf>

WHO Director-General. (2024, June 12). Opening remarks at the media briefing.

WHO Report by the Director-General. (2024, January 22). Health conditions in the occupied Palestinian territory, including east Jerusalem. https://apps.who.int/gb/ebwha/pdf_files/EB154/B154_51-en.pdf

WHO: Eastern Mediterranean Region. (s.d.) WHO in occupied Palestinian territory – Noncommunicable diseases. <https://www.emro.who.int/opt/priority-areas/noncommunicable-diseases.html>

WHO. (2019, August 12). Survive and Thrive: transforming care for every small and sick newborn. <https://www.who.int/publications/i/item/survive-and-thrive-transforming-care-for-every-small-and-sick-newborn>

WHO. (2023, December 1). Human Rights. <https://www.who.int/news-room/factsheets/detail/human-rights-and-health>

WHO. (2025, January). Health Resources and Services Availability Monitoring System (HeRAMS) Occupied Palestinian territory, Gaza – Infographics.

WHO. (s.d.) Sexual and reproductive health and rights. https://www.who.int/health-topics/sexual-and-reproductive-health-and-rights#tab=tab_3

Wille, B. (2025, January 28). “Five Babies in One Incubator” Violations of Pregnant Women’s Rights Amid Israel’s Assault on Gaza. Human Rights Watch. <https://www.hrw.org/report/2025/01/28/five-babies-one-incubator/violations-pregnant-womens-rights-amid-israels-assault>

Wolf, E. (2024, May 26). The rise and fall of the “Bring them Home” campaign? Israel Hayom. <https://www.israelhayom.com/opinions/the-rise-and-fall-of-the-bring-them-home-campaign/>

Zampas, C., Brown, R. & Afulukwe, O. (2024, June). Interpreting International Humanitarian Law to Guarantee Abortion and Other Sexual and Reproductive Health Services in Armed Conflict. <https://pmc.ncbi.nlm.nih.gov/articles/PMC11197860/>