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The absolute and urgent need to end the humanitarian crisis for women, children and the hostages in Gaza

Report[1]
Committee on Social Affairs, Health and Sustainable Development
Rapporteur: Ms Saskia KLUIT, Netherlands, Socialists, Democrats and Greens Group

Summary

The military campaign launched by Israel in Gaza in response to the appalling terrorist attack on 7 October 2023 continues, causing an unimaginable humanitarian crisis. The report calls for an immediate and unconditional ceasefire and the immediate release of hostages.

More than 43 000 people lost their lives and more than 100 000 civilians were injured, including large numbers of women and children, who make up 70% of the victims. In addition, 120 000 people died from ailments and diseases. Humanitarian personnel and structures were also attacked.

The incessant bombing and ground operations of Israel are only adding to the death toll of innocent civilians and thousands of children continue to die and suffer life-altering injuries, with no means of escape and no access to even the most basic humanitarian services. This is a blatant violation of children's rights.

Both Israel and Palestine, whose parliaments enjoy respectively observer and partner for democracy status with the Assembly, should be urged to respect international humanitarian law and do everything in their power to end the conflict without delay and the suffering of the people in Gaza, including that of the hostages, thus showing their full commitment to the values of the Council of Europe.

The ban on United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) must be repealed.

1. Reference to committee: Doc. 15977, Reference 4813 of 24 May 2024.

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A. Draft resolution[2]

1. The Parliamentary Assembly has condemned in the strongest possible terms, from the outset, the appalling terrorist attack by Hamas and other militias against Israel on 7 October 2023. It continues to do so. The murders, hostage-taking and all other crimes committed, not least sexual assaults, during this attack constitute a complete violation of human rights and human dignity, for which the perpetrators must be held accountable. The Assembly reiterates its call for the immediate release to their families and homes of all hostages still held in captivity, and calls on Hamas to grant the International Committee of the Red Cross access to those hostages without delay.

2. More than a year on, the military campaign launched by Israel in Gaza in response to that attack continues, causing an unimaginable humanitarian crisis. The whole Gaza strip is under control by the State of Israel, and especially besieged northern Gaza. During Israel's military campaign, more than 43 000 people have lost their lives and more than 100 000 civilians have been injured, including large numbers of women and children, who make up 70% of the victims. The hostages are exposed to the same humanitarian crisis as the civilians in Gaza, further compounded by their captivity. Many medical and humanitarian workers have died, including 243 people working for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). A conservative estimate is that 120 000 people have died from ailments and diseases which could not be properly treated or managed, due to the severe damage to the healthcare system in Gaza. Entire sections of the infrastructure of society in Gaza – homes, schools, hospitals and medical facilities – are now completely destroyed or unable to function. In recent months the conflict has escalated to other areas, such as Lebanon, Syria and the West Bank where the same pattern and effects of attacks on civilian areas and humanitarian aid structures can be observed.

3. The Assembly cannot remain silent concerning the fact that women and children are without any shadow of doubt the main innocent victims of the conflict. In May 2024, the Gaza Ministry of Health put the number of children killed in this period at 14 100 and on 16 September published a list containing the names of 11 000 dead children who were able to be identified. These figures do not include the many more children who are missing, detained, buried under rubble, separated from their families or without any family, or those who have lost their lives indirectly as a result of the conflict. According to United Nations special rapporteurs, more than 183 women a day are giving birth without pain relief, while hundreds of babies have died because of the lack of electricity to power incubators.

4. The Assembly refers to its Resolution 2524 (2024) adopted on 23 January 2024 "Recent developments in the Middle East: Hamas' terrorist attack on Israel and Israel's response" in which it pointed to the loss of thousands of lives, massive displacement and widespread destruction of civilian objects and infrastructure in Gaza and voiced its sorrow and dismay at the staggering number of innocent casualties in the Gaza Strip. It also notes that many parliamentarians spoke in favour of an immediate ceasefire in the current affairs debates on the "War in Gaza: ensuring the release of the hostages, the implementation of an immediate ceasefire and the provision of humanitarian aid" and on the "Situation in the Middle-East: escalation of violence and mounting humanitarian crisis, particularly in Gaza", held respectively on 27 June and 1 October 2024.

5. Today, the Assembly expresses its deep concern that the humanitarian situation in Gaza – which was already under stress before October 2023 and clearly dire at the time of Resolution 2524 (2024) – has deteriorated further as a result of the ongoing military operations in Gaza. The Assembly cannot accept that this humanitarian crisis could be portrayed or seen as inevitable or be allowed to become the "new normal". The incessant bombing and ground operations of Israel are only adding to the death toll of innocent civilians. The coming winter will exacerbate the already inhuman and degrading living conditions of the people of Gaza, who are subjected to an infernal cycle of suffering. The Assembly cannot remain silent while thousands of children continue to die and suffer life-altering injuries on a daily basis, especially in a situation where they have no means of escape and no access to even the most basic humanitarian services or assistance. This represents a blatant violation of children's rights under the UN Convention on the rights of the child, 1949 Geneva Conventions and 1977 additional protocols.

6. The Assembly underlines that humanitarian organisations working in Gaza – whose ability to work on the ground is severely hampered, if not almost totally disrupted – sounded the alarm at two hearings held by the Committee on Social Affairs, Health and Sustainable Development on 13 and 30 September 2024. They reported that the majority of people in the Gaza Strip have little or no access to basic foodstuffs and hygiene products, drinking water, electricity or heating. 90% of the population has been displaced at least once and some even up to 15 times. Every displacement results in loss of necessary goods, contacts with family and

2. Draft resolution adopted unanimously by the committee on 6 December 2024.

relations, and in worse living conditions. People are living in makeshift shelters made from plastic tarpaulin which will be unusable in winter, having already been partly destroyed by the recent rains. They are concentrated in small, overcrowded areas, where rubbish is piling up because it cannot be disposed of or treated. As a result, preventable diseases and infections have spread among the already vulnerable population.

7. The healthcare system is on the brink of collapse due to the widespread destruction of medical infrastructure and the lack of supplies of essential goods resulting from administrative and physical restrictions imposed by the parties to the conflict, particularly the State of Israel. As a result, the population and hostages in Gaza have often no access to essential medicine such as insulin or blood pressure medication. In a situation where potentially fatal injuries are common, surgical dressings and essential medicines are hard to come by and there are no longer enough blood supplies to meet even half of the needs. Surgery, when it can be performed, is mainly carried out in field hospitals set up in tents.

8. The Assembly refers to the United Nations General Assembly Resolution of 12 December 2023 demanding a ceasefire and humanitarian access to Gaza. In Resolution 2024/2508(RSP) adopted on 18 January 2024 on "the humanitarian situation in Gaza, the need to reach a ceasefire and the risks of regional escalation", the European Parliament also called for a permanent ceasefire and for full, rapid, safe and unhindered humanitarian access to the Gaza Strip. On 26 January 2024, the International Court of Justice (ICJ) issued an order stating that "Israel must, in accordance with its obligations under the Genocide Convention, in relation to Palestinians in Gaza, take all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention" and "take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip". To this day this order has not been acted upon or implemented. On 21 November 2024, the International Criminal Court issued two warrants of arrest for Mr Benjamin Netanyahu and for Mr Yoav Gallant for crimes against humanity and war crimes committed from at least 8 October 2023 until at least 20 May 2024.

9. Echoing and reinforcing these calls, and in the light of the further dramatic deterioration in the humanitarian situation in Gaza, the Assembly urges all parties to the hostilities, in particular Israel to:

9.1. reach an immediate, permanent and unconditional ceasefire;

9.2. pending such a ceasefire, ensure that attacks do not destroy more civilian lives and civilian infrastructure, in particular hospitals, refugee zones and schools. The Assembly stresses that these are important protections under international humanitarian law;

9.3. ensure that attacks do not harm humanitarian personnel and structures and guarantee that humanitarian missions and their staff can carry out their work in safety and under appropriate conditions;

9.4. immediately and unconditionally repeal the ban on UNRWA imposed by Israel;

9.5. ensure strict and immediate compliance with international humanitarian law and standards, including with the principles of humanity, distinction and proportionality, at all times, in particular to

9.5.1. immediately grant full, rapid, safe and unhindered access by humanitarian aid organisations to the Gaza Strip and to ensure that the adequate supply of essential goods in the Gaza Strip, such as food, water, medical equipment and medicines, fuel and shelter, is guaranteed for all Palestinians, in particular women and children, and for the hostages in Gaza;

9.5.2. respect the "deconfliction" zones and ensure safe working conditions for humanitarian aid workers;

9.5.3. protect civilians, in particular women, children and other vulnerable groups, especially wounded children with no surviving family;

9.5.4. ensure that neonatal care facilities are established and protected at all times;

9.5.5. enable the stabilisation of the condition of the most seriously wounded;

9.5.6. immediately and unconditionally facilitate medical evacuations, in particular of children and their families and of pregnant women and their families;

9.5.7. provide adequate, permanent areas where families can stay and children can play in safety.

10. The Assembly reiterates the importance of free press in a democratic society and the responsibilities of the parties to the conflict in guaranteeing safety for journalists, especially when working in zones of military conflict. Journalists are entitled to protection as civilians under international humanitarian law. The Assembly calls on Israel to immediately allow access to the Gaza Strip by local and foreign journalists and by international organisations responsible for providing information or carrying out investigations, and to facilitate their safe work.

11. The Assembly calls on Council of Europe member States to comply with their obligations under the Convention on the Prevention and Punishment of the Crime of Genocide and to use their influence in every way possible to remind the parties to the conflict of obligations under this convention and of the need to respect minimum humanitarian standards including those set out in the Geneva Conventions. In particular, the following basic principles should be respected: civilians must be spared from military strikes; the wounded and sick must be collected and cared for; impartial humanitarian organisations must be able at all times to offer their services to alleviate suffering without this being considered as interference; and certain acts against protected persons, including women and children, are prohibited at all times and in all places.

12. In this context, the Assembly calls on Council of Europe member and observer States, as well as States whose parliament enjoys observer or partner for democracy status with the Assembly, to play an active role in addressing the current humanitarian emergency in Gaza and its future consequences, in particular as regards:

12.1. the support to and provision of emergency humanitarian aid without delay, including the allocation of sufficient funding for NGOs and international structures delivering humanitarian aid;

12.2. the restoration of vital infrastructure, in particular hospitals, to immediate working order;

12.3. the provision of emergency food aid;

12.4. the provision of appropriate physical and mental healthcare for the children, women, healthcare providers and medical and humanitarian staff who are suffering and will continue to suffer from the trauma caused by armed conflict;

12.5. the construction of safe emergency shelters and decent housing for families and children;

12.6. the provision of education and activities in safe physical settings for children and the reconstruction of schools as soon as possible;

12.7. the removal of rubbish and the restoration of sewage and sanitation systems;

12.8. the reception of persons requiring medical evacuation and the provision of specialised medical care within their countries to those persons.

13. The Assembly considers that the observer and partner for democracy status with the Assembly brings with it the duty and responsibility to uphold the values of the Council of Europe. The humanitarian crisis existing today in Gaza is in great disregard to these duties and responsibilities. The Assembly therefore urges Israel and Palestine whose parliaments enjoy respectively observer status and partner for democracy status with the Assembly, to do everything in their power to end without any further delay this conflict and put a stop to the suffering of the people in Gaza, including that of the hostages, thereby demonstrating with this resolute action their full commitment to the values of the Council of Europe in the field of human rights, democracy and the rule of law.

14. The Assembly will closely monitor the follow-up given to its above-mentioned requests to all parties to the hostilities, including for an immediate, permanent and unconditional ceasefire, the immediate release of all hostages and concrete and immediate measures to end the humanitarian crisis in Gaza. It refers to the possibility of returning to this question at a forthcoming part-session, with a view to assessing whether further steps are necessary in the light of the commitment shown to the values of the Council of Europe by States whose parliament enjoys observer status with the Assembly.

B. Explanatory memorandum by Ms Saskia Kluit, rapporteur

1. Introduction

1. In his report of 5 January 2024 entitled "Recent developments in the Middle East: Hamas' terrorist attack on Israel and Israel's response",[3] the Parliamentary Assembly's rapporteur, Piero Fassino, described the background, which needs to be reiterated. The attack which Hamas launched on Israel on 7 October 2023 was a multi-front assault against Israeli towns and cities, resulting in appalling scenes of violence. The brutality and ruthlessness of the actions of the Hamas terrorists caused the highest number of fatalities in a single day in Israel's history. In response to the attack by Hamas, the Israeli authorities declared a state of war and called up military reservists. On the afternoon of 7 October, the Israel Defence Forces (IDF) launched operation "Iron Swords" with strikes on the Gaza Strip by air, land and sea. The military campaign had the explicit objective of annihilating Hamas and securing the release of the hostages. The scale of the operation has rendered much of the north of Gaza inhabitable, forcibly displaced the vast majority of the population and led both directly and indirectly to major loss of life among the Palestinian people. The blockade of essential resources such as food, water, fuel, electricity and medicine has created an unprecedented humanitarian catastrophe.

2. Since Mr Fassino's report, Israel has continued to conduct a military offensive particularly in northern and central Gaza, gradually besieging Jabaliya refugee camp and the surrounding areas, and cutting off the north of the strip, where Israel claims that Hamas has attempted to regroup.

3. The IDF have launched almost continuous attacks on Gaza, while also conducting military operations in the West Bank. The conflict has spread to other parts of the region, in particular Lebanon, where the Israeli attacks have claimed at least 3 386 lives and left over 800 000 people internally displaced.[4] These areas are under intense military pressure. Military attacks by the parties to the conflict, in particular the State of Israel, on humanitarian structures and civilian objects, are taking place on an almost daily basis. However, in view of the dire and continually worsening situation in the Gaza Strip, which needs urgent and immediate redress, this report will focus on the humanitarian situation of women and children in the geographical area of Gaza. In Israel, tens of thousands of people had to flee or have been evacuated to northern parts of Israel, but Israeli authorities and humanitarian organisations have been able to manage this displacement. As a result, although the impact of this evacuation for innocent civilians in Israel is great, a humanitarian crisis in Israel has been prevented.

4. The speakers in the two hearings held on 13 and 30 September 2024[5] by the Committee on Social Affairs, Health and Sustainable Development did not raise any severe humanitarian problems in Israel, and the rapporteur's exchanges with other humanitarian organisations and the Israeli delegation to the Assembly have not done so either.

5. The large amount of information gathered at these hearings, which many members of the committee described as the most moving they have attended, provides the basis for this report.

6. Obviously, the recommendations made in the draft resolution, in particular the call for an immediate ceasefire and restoration of free access for humanitarian organisations, apply to the whole of the Middle East, including in Israel, the West Bank and Lebanon. There must be no more civilians killed, injured or displaced, and no more physical destruction of vital infrastructure in this part of the Middle East. It is time to put an end to this suffering for good and think about reconstruction. However, given the focus on humanitarian crisis, the rapporteur proposes to alter the title of the report and to focus on Gaza, where the humanitarian situation has spiralled and must be improved with no further delay.

7. The rapporteur is aware that the authorities of Israel do not accept many or most elements and details reflected in the reports concerning the humanitarian crisis which are outlined below, nor the reasons thereof. She would underline in this regard that the reports, including those from several international bodies as well as reputed and respected humanitarian organisations present on the ground, converge to a very great extent and that the appeals for the situation to be immediately addressed to limit any further humanitarian catastrophe could not be more clearly expressed.

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3. Doc. 15890 and add. See also Resolution 2524 (2024).
4. "Lebanon: Flash update #44 – escalation of hostilities in Lebanon, as at 14 November 2024".
5. AS/Soc(2024)PV06add and AS/Soc(2024)PV07add.

2. The humanitarian crisis in Gaza

8. A humanitarian crisis is an event or a series of events which poses a serious threat to the health, safety or well-being of a community or a group of people over a wide area. Extraordinary resources extending beyond conventional humanitarian assistance are then needed to avert a disaster or at least limit its consequences.

9. Since 7 October 2023, the Israeli Government has almost completely halted the supply of electricity, food, water and fuel to Gaza, which before the conflict was already facing crisis-level economic and humanitarian conditions.[6] The bombing and the siege of Gaza have claimed the lives of tens of thousands of Palestinians, 70% of them women and children, and led to mass destruction of housing and civilian infrastructure, combined with major and repeated displacements of the population,[7] thereby creating a humanitarian disaster on an unprecedented scale. Safe zones have been attacked on multiple occasions, leading to enormous and continuous amounts of innocent deaths. Many humanitarian organisations observe that there are no safe spaces in Gaza where civilians can shelter from the military actions of the parties to the conflict, Gaza being a besieged enclave from which it is basically only possible to enter or leave through the surrounding countries of Israel and Egypt, and only when such border passages are open.

2.1. A majority of women and children among the civilians killed or injured

10. The air, land and sea attacks and the intense and continuous fighting on the ground in the Gaza Strip since October 2023 have claimed a huge and unprecedented number of victims. According to the Gaza health ministry, the fighting in Gaza has killed at least 43 391 people and injured 102 347 civilians, including large numbers of women and children, who make up 70% of the victims, not including those who could not be removed from the rubble.[8] Many medical and humanitarian workers have been killed, including 243 people working for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). A conservative estimate is that 120 000 people have died from ailments and diseases which could not be properly treated or managed because of the severe damage to the healthcare system in Gaza.

11. The urban warfare in Gaza is destroying homes, communities and the social fabric, as can be seen in footage from the region. It has also caused appalling levels of deaths and injuries among civilians, even though footage here is not so widely available. The number and proportion of individuals killed or injured are monstrous. According to the Office of the United Nations High Commissioner for Human Rights,[9] this unprecedented level of killing and injury of civilians is a direct result of failure by the IDF to respect the fundamental principles of international humanitarian law, namely the principles of distinction, proportionality and precaution in armed conflict. Israel's conduct of the fighting has also destroyed Gaza's civilian infrastructure, in particular hospitals and schools, and electricity, water supply and sewage infrastructure, leaving survivors, who are often injured, without access to water, food or adequate healthcare. The conduct of hostilities by Palestinian armed groups from densely populated areas and the use of intrinsically indiscriminate weapons have in all likelihood also exacerbated the number of victims in Gaza.

2.2. The specific risks for women and children in Gaza

12. As described by the speakers at the two hearings held by the Committee on Social Affairs, Health and Sustainable Development, in addition to the direct deaths of children as a result of military strikes, the war is cutting off access to healthcare, education, electricity and drinking water. The effects are disastrous for the current and future well-being of the children of Gaza. Given the young age of the Gazan population (65% of the inhabitants are aged under 25), this is worsening and jeopardising not only the individual future of every Palestinian, but also that of society as a whole. Children make up a large proportion of internally displaced persons in Gaza. They should not just be seen as mini adults. The risks they face in situations of urban warfare are distinct and must be understood in the context of their social, physical, psychosocial and cognitive development.[10] As regards hospitalisations, there is insufficient bed capacity; for instance, there are two children to a bed in the paediatric unit in Nasser hospital, where there have been increased numbers of

6. Resolution 2142 (2017) "The humanitarian crisis in Gaza".
7. 90% of the 2.1 million inhabitants of Gaza have been displaced, "Occupied Palestinian Territories", Office for the Co-ordination of Humanitarian Affairs (OCHA).
8. "Reported impact snapshot | Gaza Strip", OCHA, 5 November 2024.
9. "Six-month update report on the human rights situation in Gaza: 1 November 2023 to 30 April 2024", Office of the United Nations High Commissioner for Human Rights, 8 November 2024.
10. "ICRC, Childhood in rubble: The Humanitarian Consequences of Urban Warfare for Children", 25 May 2023.

trauma, orthopaedic and severe burns cases since mid-May. Around 70% of major burns victims are under 18 years of age. There has been a huge rise in cases of burns caused by explosives since July, reaching 53% of the total number of burns patients, because of the military operations.

13. NGOs have condemned the fact that children are paying the price for a war for which they bear absolutely no responsibility. The lack of food and drinking water is particularly critical for them, as are the restrictions on travel to seek treatment elsewhere. Some families have been displaced 9 or 10 times, and some even 15 times, leaving them in an extremely precarious situation and without any guarantee of returning to their homes. These displacements increase the risks of violence and neglect for children, and their mental health is of course especially at risk. Children suffer life-altering injuries and amputations. After more than a year of war, they are showing signs of mental illness. Their mental health is described as critical. Symptoms include extremely high levels of persistent anxiety, loss of appetite, inability to sleep and emotional or panic attacks whenever they hear the bombing. Poliomyelitis (a viral disease that mainly affects children aged under 5 years) has returned to Gaza two decades after being eradicated, following the destruction of all infrastructure, including sewage systems. Many children have lost their parents. Joyce Msuya, UN Acting Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, has described how it has become common for injured children in the enclave to have the words “wounded child, no surviving family” written on their arms.

14. Both appropriate immediate care to alleviate children’s suffering and basic schooling are needed for children to regain a minimum degree of safety, well-being and human dignity. It is hard to imagine the trauma of children who have undergone amputations in unspeakable conditions and sometimes without anaesthetic and who do not even have access to a minimum level of re-education or to prostheses that would enable them to resume some sort of life.

15. As regards women, it is clear that the number of births and related interventions as well as the number of pregnancies has fallen. There is a lack of women’s hygiene products. UNICEF is working in appalling conditions for obstetric and neonatal care.

16. Given the destruction of the healthcare system, a possibility for medical evacuation is all the more important. Approximately 15 000 people are believed to meet the criteria for such evacuation. Women and children are numerous on the list of those requiring medical evacuation, and there is no longer any hospital department performing open-heart surgery in Gaza. Since the beginning of the war, only around 5 000 persons have been evacuated to Egypt or Qatar. Evacuations fell in number following the closure of the border in May and are now almost at a complete standstill, although Médecins sans Frontières/Doctors without Borders (MSF) is working with the World Health Organization (WHO) to restart them.

17. Women and children face very significant issues because of the collapse of public order. Any authority which exists is in the hands of scattered heads of family, clan chiefs, Hamas leaders and a few political leaders. In the event of a problem or a violent incident, people do not know whom to turn to. It is the most vulnerable individuals who are the worst affected. Women find it more difficult to find food and water, protect the lives of their children and cope with violence and abuse. Instances of domestic violence and suicide attempts are on the increase.

2.3. Collapse of the healthcare system and catastrophic sanitary conditions

18. Entire sections of the infrastructure of society in Gaza – homes, schools, hospitals and medical facilities – are now completely destroyed or unable to function. With the collapse of the health system and the decline in vaccinations, the health of the population will further deteriorate. UNRWA’s ability to co-ordinate polio vaccination in a hostile environment was the only glimmer of hope, now compromised by the decision of the Parliament of Israel which could effectively bring UNRWA’s operations in the occupied Palestinian territories to a halt.

19. Particular reference is made here to the well-reputed and experienced NGOs interviewed at the hearing of the committee on 13 September 2024, namely MSF, UK-Med and Save the Children, which all operate in Gaza and were represented during the hearing by humanitarian personnel who work on the ground there. All these NGOs highlighted the great difficulties in accessing healthcare and services and the critical lack of medicines and equipment, in particular for surgery on war wounds. Almost all medical facilities have been destroyed. Field hospitals, which are often just tents, are inadequate. The few establishments still operating, such as Nasser and Al-Aqsa hospitals, are running at over-capacity, with patients lying on the floor, but there are no other facilities functioning normally. Field hospitals, by definition temporary, are inadequate for providing the care needed by the population. Surgery, when it can be performed, is mainly carried out in intolerable conditions. There is a severe shortage of medicines, so some children undergo amputations

without anaesthetic. Others suffer amputations although they could have been treated without losing a limb if they had had access to the right treatment. The response capacity of the NGOs dealing with psychological trauma and physical injuries and also seeking to address the lack of essential goods such as water and food is woefully inadequate in relation to the needs.

20. Sanitary conditions are dire, with no water supply or waste management systems. The sewage system and many drinking water processing and supply facilities have been destroyed. Apart from lack of public hygiene, these sanitary conditions encourage the spread of preventable diseases such as diarrhoea.

2.4. Restrictions on food aid to Gaza, the siege in northern Gaza and the risk of famine

21. Food aid is blocked outside the borders of Gaza. Food aid lorries, under the control of the Israeli authorities, only get in occasionally, in numbers that are totally inadequate for feeding the population.

22. According to UNICEF, as long ago as March 2024, the number of children under two years of age suffering from acute malnutrition had increased alarmingly in the north of the Gaza Strip. At that time, one in three children were affected, namely 31% as against 15.6% in January.[11]

23. The rapporteur would like to focus on the siege of Gaza and especially northern Gaza and its humanitarian consequences, as this is a particularly alarming development in recent months. The conditions described above have been exacerbated to the extreme in that area since the beginning of October 2024 and the Israeli authorities' decision not to allow deliveries of essential goods from the south. The statement of 13 October 2024 by Muhannad Hadi, Humanitarian Coordinator for the Occupied Palestinian Territory, on "Civilians in northern Gaza cut off from supplies and services critical for survival" speaks for itself here: "Since 1 October 2024, Israeli authorities have increasingly cut off northern Gaza from essential supplies. Erez and Erez West crossings have been kept closed, and no essentials have been allowed from the south. Three renewed orders have been issued – on 7, 9 and 12 October – directing people's displacement. In parallel, hostilities continue to escalate, resulting in more civilian suffering and casualties. In the past two weeks, over 50 000 people have been displaced from the Jabalya area, which is cut off, while others remain stranded in their homes amid increased bombardment and fighting. A military siege that deprives civilians of essential means of survival is unacceptable."

24. Since 7 October, Israel has been conducting a military offensive in northern Gaza, gradually besieging Jabaliya refugee camp and the surrounding areas, where Israel claims Hamas has attempted to regroup.[12] Without independent press allowed to enter Gaza these claims cannot be independently verified. Senior UN officials and humanitarian organisations have issued several warnings about the devastating impact of the offensive. In a press release on 25 October 2024, Volker Türk, UN High Commissioner for Human Rights, called on the world to take action in response to the darkest moment of the Gaza conflict. He said that, in northern Gaza, the Israeli military was subjecting an entire population to bombing, siege and risk of starvation, as well as forcing it to choose between mass displacement and being trapped in an active conflict zone. On 26 October 2024, Joyce Msuya declared that "what Israeli forces are doing in besieged North Gaza cannot be allowed to continue," adding that hospitals had been hit, health workers had been detained and first responders had been "prevented from saving people from under the rubble." Her conclusion was that "the entire population of North Gaza is at risk of dying."

25. The latest military operations in northern Gaza have led to the closure of water wells, bakeries, medical centres and shelters, and the suspension of protection services, malnutrition treatment and temporary learning facilities. At the same time, hospitals have recorded an increase in the number of trauma cases. On 12 November 2024, Louise Wateridge, UNWRA emergency manager and communications officer, told the BBC that in Jabaliya, the area under siege, eight of UNWRA's wells had been bombed and destroyed and people were not receiving any water, with UNWRA unable to access the area. She concluded that the situation in northern Gaza was "absolutely beyond desperate," with 500 000 people sleeping on the ground and at risk of flooding with winter round the corner and weather conditions set to deteriorate.

26. The NGOs at the hearing with the committee in September 2024 also sounded the alarm about the imminent risk of famine.

11. UNICEF press release, 15 March 2024.
12. "Briefing on risk of famine in Northern Gaza, What's in blue, Security Council Report", 11 November 2024.

27. In short, the NGOs and the UN agencies operating in Gaza agree that the tiny number of lorries entering Gaza is far below the needs on the ground and that famine may occur for Gaza in the very short term. The swift and unhindered delivery of food aid is vital given the latest estimates that over two thirds of cropland and livestock have been destroyed in Gaza.[13]

3. Recommendations

3.1. International humanitarian law must be respected

28. International humanitarian law (IHL) is a set of rules which seek – for humanitarian reasons – to limit the effects of armed conflict. It is based on the four 1949 Geneva Conventions, which have been universally ratified or acceded to, and their Additional Protocols. It protects individuals who are not, or are no longer, participating in the hostilities and restricts the means and methods of warfare. IHL is also known as the "law of war" or the "laws of armed conflict". Persons protected by IHL are entitled to respect for their life, dignity and physical and mental integrity. They also benefit from a series of legal guarantees and must be treated humanely in all circumstances, without any adverse distinction. For example, it is forbidden to kill protected persons or subject them to torture. The wounded and sick must be collected and receive medical care. Medical personnel, facilities and transport must be respected and protected so that medical duties can be carried out. Access to humanitarian assistance for civilians affected by conflict must be granted and facilitated, subject to the consent of the parties concerned and their right of control. Under IHL, humanitarian relief personnel and objects used for humanitarian relief operations must be respected and protected.

29. With regard to the risk of famine, the rapporteur strongly underlines that IHL explicitly prohibits the use of famine or perfidy as a method of warfare against civilians.

30. In the humanitarian situation described in the explanatory memorandum, it is clear that none of the rules of IHL are being respected.

31. Civilians must be protected and their basic needs met. Civilians with double nationality must be allowed to leave and those who leave must also be able to return. Multiple access routes must be opened so that essential supplies and humanitarian relief services can be safely delivered, and in sufficient quantity, to people in need wherever they are. Civilians must not be forced to choose between displacement and starvation. They must have a safe place to go, with shelter, food, medicine and water. Any actions that are conflicting with fulfilling these needs are strong indications that possible methods of either ethnic cleansing or genocide are in place and should be treated by third parties accordingly.

32. The rapporteur reiterates that all parties and individuals in a conflict must always respect IHL, at all times. All world leaders have a responsibility to ensure respect for IHL, as set out in the Geneva Conventions. These are universally accepted and binding norms developed to preserve the very bare minimum of humanity. The rapporteur shares the view expressed by Volker Türk in his press release of 25 October 2024 that world leaders must "put the protection of civilians and human rights first, and not [...] abandon that minimum of humanity".

33. Lastly, we need to prepare for the future so that some kind of healing process can take place, however distant that may seem today. This will require a massive effort on all fronts: physical and mental health, reconstruction, education and the restoration of order.

3.2. Immediate ceasefire

34. As many international organisations, governments and parliaments have already stressed, as well as Volker Türk, in his address to the Assembly on 25 June 2024, the only solution is a ceasefire, as demanded by the UN Security Council.

35. Even though political tensions between Israel and Palestine are extremely high, it is clear that an immediate ceasefire is the only way to spare the lives of civilians, including Gaza's women and children, and allow survivors to rebuild their lives as well as possible, with hope and dignity. In the light of the tremendous humanitarian crisis in Gaza, and following repeated appeals by international organisations and NGOs, the

13. "Gaza: geospatial data shows intensifying damage to cropland", UN Food and Agriculture Organisation (FAO), 3 October 2024. "Protecting livelihoods and lives in Gaza", FAO, 28 October 2024.

rapporteur sees no other solution than an immediate ceasefire to avoid further death and suffering. This call goes hand in hand with the need for humanitarian assistance, which cannot be provided in the context of military strikes.

3.3. Special protection of children

36. Under IHL, children are entitled to special respect and protection in situations of armed conflict, meaning that they must receive appropriate assistance and care in a variety of specific ways.[14] The requirement for special protection is reflected in the many comprehensive provisions of the Geneva Conventions and their 1977 Additional Protocols, which set out specific measures for the treatment of children, as well as in State practice. These measures include continued access to age-appropriate education, food and medical care in all circumstances in times of war, including when they are deprived of their liberty; evacuation from combat zones for safety reasons; and measures to care for and reunite unaccompanied or separated children and to reunite them with their families.[15]

37. The rationale for this special protection is that the effects of armed conflict cause particular harm to children. When the Additional Protocols were drafted in 1977, it was noted that "the psychological trauma caused by war often leaves an indelible mark" on children, who therefore require special treatment compared to other civilians.

38. The rapporteur stresses that according to international law children affected by urban warfare are entitled to special protection. She proposes the development of a set of legal, policy and operational recommendations for those in a position to protect the lives of children, for whom a ceasefire is essential in the specific situation of Gaza. No one can remain silent when children are dying.

3.4. UNRWA must be able to continue to carry out its mission

39. On 28 October 2024, Israel's Parliament passed two laws banning the UNRWA from operating within Israel and prohibiting Israeli officials from having any contact with the organisation, effectively preventing its work in Gaza, the West Bank and East Jerusalem. The laws are due to come into force within three months.

40. Much of the international community, humanitarian organisations and the United Nations have condemned the decision, pointing to the agency's key role in providing assistance to Palestinian refugees, particularly in the war-torn Gaza Strip.

41. UN Secretary-General António Guterres said that "if implemented, the laws [...] would likely prevent UNRWA from continuing its essential work in the Occupied Palestinian Territory".[16] This view was shared by UNRWA Commissioner-General Philippe Lazzarini, who said that "these laws will only deepen the suffering of the Palestinians, particularly in Gaza, where people have been trapped in living hell for more than a year".

42. The ban on operating in Israeli territory directly threatens UNRWA's headquarters in East Jerusalem, the part of the city occupied by Israel since its annexation in 1967, and its activities in refugee camps. The ban on any contact with the agency jeopardises its operations in the West Bank and Gaza, where UNRWA must work with the Israeli authorities and army to transport and distribute aid, not least for its own safety. Under the new legislation, Israel will no longer provide UNRWA staff with the necessary work permits or visas.

43. As Mr Lazzarini said in a press conference on 13 November 2024, Israel's repeated accusations aimed at discrediting UNRWA are unfounded. An internal investigation led to the dismissal of nine staff members because of their possible involvement in the 7 October attacks.[17] A further report by an independent panel found no major shortcomings in the organisation's neutrality.[18] UNRWA is irreplaceable in Gaza as the only experienced relief agency working with other UN mechanisms and civil society.

44. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, published on 20 September 2024, also noted that Israel's extensive bombing campaign in Gaza had decimated essential services and caused an

14. ICRC Study on Customary International Humanitarian Law.
15. These include Articles 23.1, 24 and 50 of Geneva Convention IV (GC IV), Article 77 of Additional Protocol I (AP I) and Article 4.3 of Additional Protocol II (AP II). For an overview of the many other rules, see ICRC's "Legal protection of children in armed conflict" factsheet.
16. Post on X, 29 October 2024.
17. United Nations investigation.
18. "Final report for the United Nations Secretary General – Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality", 20 April 2024.

environmental disaster with lasting health impacts. It pointed out that by February 2024, the IDF had used over 25 000 tonnes of explosives across the Gaza Strip, "equivalent to two nuclear bombs". It also stressed that "civilians have been [...] killed en masse in Gaza" and pointed to the "life-threatening conditions [...] deliberately inflicted on the Palestinian people." The Special Committee stated that through its siege of Gaza, its obstruction of humanitarian assistance, its targeted attacks and its killing of civilians and humanitarian workers, despite repeated appeals by the UN, binding orders by the International Court of Justice and Security Council resolutions, Israel is intentionally causing death, starvation and serious injury, using starvation as a weapon of war and inflicting collective punishment on the Palestinian population.

45. As early as 17 October 2023, in a joint statement entitled the "Escalation of violence in the Middle East: protect the children", Simon Moutquin, Chairperson of the Committee on Social Affairs, Health and Sustainable Development, and Theodoros Rousopoulos, Chairperson of the Committee on Migration, Refugees and Displaced Persons, stated that the "abject murder of Israeli civilians – babies and children, young people enjoying a music festival and whole families in their homes, and the abduction of almost two hundred hostages – cannot be justified in any way". They also noted that "the response of the Israeli authorities to the aggression suffered must remain faithful to our democratic values, respect for human rights and the rule of law". Their call for Israel to "allow water, food and power to reach the desperate civilian population of Gaza, immediately stop the barrage of attacks which are indiscriminately killing civilians, damaging hospitals, schools, UNWRA shelters and civilian infrastructure in Gaza" and "allow the international community to bring humanitarian aid to the people in Gaza, and refrain from using white phosphorus bombs and forcibly displacing hundreds of thousands of civilians" went unheeded.

46. More than 13 months into Israel's military campaign, Palestinian women and children are being killed and subjected to the horrors and suffering of war in total violation of IHL. This must stop.

47. The rapporteur therefore calls upon the Assembly to adopt a resolution focusing on the need to put an end to the humanitarian crisis in Gaza with no further delay, and to monitor closely over the coming weeks and months the actions of the Israeli authorities in this respect. She underlines that the status of observer and the status of partner for democracy with the Assembly are important ones, which confer an access to the Assembly and its valuable work, and with that a duty and obligation to respect the values of the Council of Europe and of international humanitarian law.