



A just world for all women and girls

Sexual violence and legal accountability in Israel and the occupied West Bank and East Jerusalem

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About Equality Now

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Working with partners at national, regional and global levels, Equality Now draws on deep legal expertise and a diverse range of social, political and cultural perspectives to continue to lead the way in steering, shaping and driving the change needed to achieve enduring gender equality, to the benefit of all.

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Introduction

This paper provides an analysis of Israel’s laws and policies concerning the crime of rape and other forms of sexual violence¹ and examines how they are implemented. It assesses whether Israel’s laws and policies comply with international human rights standards, in particular the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)² and other relevant international human rights treaties, standards and jurisprudence to which Israel is bound.³ It provides recommendations for legal reform and improved implementation to ensure greater access to justice for victims/survivors.

1 For purposes of this report, sexual violence means rape, threat of rape, genital beatings, and/or unwanted and humiliating sexual touching.

2 Israel signed CEDAW in 1980 and ratified in 1991; CEDAW Committee, “General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19” CEDAW/C/GC/35 (26 July 2017); and CEDAW Committee, *Karen Tayag Vertido v. the Philippines*, CEDAW/C/46/D/18/2008 (22 September 2010).

3 Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) and Convention on the Rights of the Child (CRC), their general comments, jurisprudence and concluding observations. See also, Article 36, Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Although this treaty is primarily targeted to Council of Europe member states, it is open to non-member states to accede. Israel declared its intention to sign and ratify the Istanbul Convention in 2021, but later withdrew its intention in 2022 *see*, “Israel’s New Government Agrees Not to Sign Istanbul Convention on Violence Against Women” *Haaretz* (26 December 2022).

Part I: Israeli domestic jurisdiction

Country context

Studies indicate that approximately one in five women and girls in Israel experience rape or attempted rape in their lifetime.⁴ The Association of Rape Crisis Centres in Israel (ARCCI) reported that in 2021⁵ it handled 50,563 cases and received 14,066 new requests for assistance related to a broad range of sexual crimes. These new requests represent a 33% increase compared to its 2016 figures, with nearly 70% involving rape and attempted rape.⁶ Annually, only about 15% of the sexual violence reports ARCCI receives are reported to the police, indicating considerable impunity for perpetrators of rape. According to ARCCI, police data showed 90% of rape complainants in 2021 were Jewish, indicating potential underreporting by Arab citizens of Israel, who constitute 20% of Israel's population.⁷ Minoritised women generally, including those from the Bedouin and Ethiopian communities, report discrimination from the police, often linked to perceptions of their lower social status. As a result, some women, particularly those with insecure immigration status, do not report rape because they do not trust the police.⁸ These and other vulnerable communities are also more at risk of sexual violence. For example, reports from academics and the Knesset's Special Committee on Foreign Workers indicate that sexual violence against migrant workers is common in Israel's agricultural sector. Studies involving Thai female foreign workers reveal widespread sexual and gender-based violence, along with limited access to support services and complaint mechanisms.⁹ In addition, following the evacuations in northern and southern Israel after the 7 October 2023 attack, ARCCI received reports from displaced individuals who experienced sexual abuse in evacuation centres.¹⁰ During the six months after the attack, ARCCI also recorded

4 Association of Rape Crisis Centers in Israel (ARCCI) "[General Data](#)" citing Dr. Abigail Moore, "Dimensions of exposure to sexual violence among women in Israel and its characteristics: a preliminary assessment" *Social Issues in Israel* (2009).

5 These 2021 figures are included to allow comparison with the 2021 data provided by Israel in its most recent submission to CEDAW. Statistics from subsequent years are presented below.

6 ARCCI, "[Annual Report: 2022](#)" (25 November 2022) at pp. 18-20; 25 (only available in Hebrew). *See also*, United States Department of State, "[Israel Country Reports on Human Rights Practices for 2022](#)" (2023) at p. 50.

7 ARCCI, "[Annual Report: 2022](#)" (25 November 2022) at p. 26 (only available in Hebrew).

8 *See, for example*, Committee on the Elimination of Racial Discrimination, "[Concluding observations on the combined seventeenth to nineteenth reports of Israel](#)" CERD/C/ISR/CO/17-19 (27 January 2020); P J Tobia "[Looking into Discrimination against Ethiopians in Israel](#)" *i24 NEWS* (1 February 2019); and "[Unpromised Land: Eritrean Refugees in Israel](#)" *PBS Newshour* (20 June 2013).

9 Yahel Kurlander & Shahar Shoham, "[Working Paper: Gender Based Sexual Violence Against Migrant Workers in the Agricultural Sector in Israel](#)" Presented at Conference: Knesset's Special Committee for Foreign Workers (October 2021); "[Female foreign agriculture workers suffer gender-based violence, expert says](#)" *Jerusalem Post* (27 August 2025). Abuse of migrant agricultural workers has been documented since at least 2012; *see*, Workers Hotline "[Female migrant workers in agriculture: notable phenomena and deficiencies in their employment arrangements. Main points for the Knesset Foreign Workers Committee meeting on the sexual exploitation of female migrant workers in nursing and agriculture on November 31, 2012](#)"; Workers Hotline, "[Female Migrant Agricultural Workers in Israel and Gender-Based Violations of Labor Rights](#)" (December 2013) and Workers Hotline "[The Women Left Unprotected by the Law – Female Migrant Workers in Israel](#)" (10 March 2019).

10 ARCCI "[ARCCI Annual Report: 2024](#)" (25 November 2024) at pp. 22-23; Rachel Fink, "[New Report Reveals Alarming Rise in Sexual Abuse Cases and Systemic Failures in Israel](#)" *Haaretz* (19 November 2024).

a notable increase in calls, receiving more than 26,000 in total, including over 8,000 from first-time callers.¹¹

Cases of sexual violence and sexual harassment committed by the Israeli police themselves have been reported and experience high attrition rates. In 2021, the Police Investigation Department received 89 complaints of sexual offences and harassment, resulting in only 12 indictments and eight convictions (four prison sentences and four community service sentences).¹² The ARCCI reported 133 complaints were made in 2023 about alleged sexual crimes committed by police officers, two-thirds of which were closed without any investigation and 91% without an indictment. While the police offered a lower figure of 43% of cases closed without investigation, members of the Knesset Committee for the Advancement of Women, at a hearing on 17 November 2024, conveyed that either number showed the system was failing.¹³

Sexual violence within the Israeli Defence Forces (IDF) has received significant public scrutiny in recent years, with 1,542 complaints filed in 2020, 26 of which were about acts of rape.¹⁴ Women in the military have publicly criticised the IDF's culture of sexual violence through interviews and art pieces.¹⁵ A notable incident occurred in 2022 when a female IDF soldier committed suicide ten days after being raped, having reported the incident to her superiors without receiving any follow-up or the required support services.¹⁶

The ARCCI filed legal action against several Israeli ministries and law enforcement agencies in 2025. These agencies failed to comply with freedom of information requests for comprehensive data on sexual abuse, breaking from their practice and legal obligations in previous years.¹⁷ The state's refusal undermines the ability of the public and stakeholders to understand the full scope of sexual violence within Israeli society, as well as the measures taken by the state to fulfil its human rights obligations to prevent such violence, protect victims and ensure access to justice for women and girls.

11 For more discussion on the immediate and longer-term effects of conflict on women's safety and rights, please see: Equality Now, "[In Search of Justice: Rape Laws in the Arab States](#)" (September 2025) at p. 38.

12 ARCCI, "[Annual Report: 2022](#)" (25 November 2022). From the available information, the specific crimes that the officers committed are not specified.

13 ARCCI "[ARCCI Annual Report: 2024](#)" (25 November 2024) at pp. 44-47.

14 Knesset News, "[1,542 complaints of sexual harassment in the IDF were lodged in 2020, but only 31 indictments were filed](#)" (5 January 2022). During the Foreign Affairs and Defence Committee discussion on sexual assault and harassment in the military, Member of the Knesset, Ram Ben Barak explained "we've recently been exposed to the phenomenon of serious sexual harassment in the IDF and it is our duty to make sure that this serious and dangerous phenomenon is eradicated." See, generally, State Comptroller, "[Special Interim Report: Safety of Conscripts \(Female and Male Soldiers\) at the Ministry of National Security Units](#)" (28 November 2022).

15 Gili Izkovich, "[We Are All Sexually Harassed in the Israeli Army, Almost on a Daily Basis](#)" *Haaretz* (4 December 2018).

16 Yaniv Kubovich, "[Soldier Kills Herself After Reporting She Was Raped. Now Israeli Army Probes Suspicions of Negligence](#)" *Haaretz* (12 July 2022).

17 ARCCI "[ARCCI Annual Report 2025](#)" (20 November 2025) at p. 6 & "[Committee on the Status of Women discusses annual report of the Association of Rape Crisis Centers. MK Cohen, chair: Report presents several worrying trends](#)" *Knesset News* (19 November 2025).

Definition of rape

International standards define rape as all acts of penetration, however slight, of a sexual nature with any bodily part or object, without the full and informed consent of the victim.¹⁸ Israel has robust legal provisions on rape that generally align with international standards. The legal definition has been updated to remove requirements for physical force or resistance and places lack of consent as its central element.¹⁹

The age of sexual consent is set at 16 years old, with a close-in-age clause commonly referred to as “Romeo & Juliet” to prevent criminalising consensual acts between adolescents.²⁰ Marital rape has been unlawful in Israel since 1980.²¹

Lack of consent and coercive circumstances

International law stipulates lack of consent as the central element of the crime of rape, with consent being voluntary and a result of a person’s free will, assessed in the context of the surrounding circumstances.

Recognising that circumstances exist such that a victim is unable to give genuine consent, due to, for example, incapacity or unconsciousness or based on a young age, the law should enumerate a broad range of coercive circumstances recognised as rape.²² In addition to situations where genuine consent is never possible, there should also be a presumption of lack of genuine consent in the context of exploitation of positions of vulnerability, dependence, or authority, for example.²³

Israel’s rape criminal offences generally align with international standards by making consent the constitutive criminal element. A fully comprehensive definition of consent that is aligned with international standards would explicitly define it as voluntary, genuine and a result of a person’s free will, assessed in the context of the surrounding

18 CEDAW Committee, *Karen Tayag Vertido v. the Philippines* CEDAW/C/46/D/18/2008 (22 September 2010) at para. 8.9; CEDAW Committee, *General Recommendation No. 35* (26 July 2017) at para. 29(e). See also, International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Kunarac, et al.*, Case No. IT-96-23-T & IT-96-23/1-T, Trial Judgment (22 February 2001).

19 See the Annex for the current text of the legislation.

20 The so-called *Romeo and Juliet* defence to rape of a minor is found in Section 353, *Restriction on Criminal Responsibility*: “In a prosecution for an offence under section 346(a), it shall be a defence for the accused that the age difference between the accused and the minor does not exceed three years, that the minor consented to the act, and that the act was committed in the course of normal peer relations and without exploitation of the accused’s position.”

21 *Cohen v The State of Israel*, Criminal Appeal 91/80, 35 (3) PD (1980) 281, where the court rejected marital immunity to rape based on Jewish law. The marital defence to rape was later repealed from the penal code. See also, J. J. Gross, “Marital Rape—A Crime? A Comparative Law Study of the Laws of the United States and the State of Israel” 15 *International Journal of Comparative and Applied Criminal Justice*, 207 (1991).

22 CEDAW Committee, *Karen Tayag Vertido v. the Philippines*, CEDAW/C/46/D/18/2008 (22 September 2010) at para. 8.9.

23 See, Dubravka Šimonović, “A framework for legislation on rape (Model Rape Law): Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences” A/HRC/47/26/Add.1 (15 June 2021) at paras. 19-21.

circumstances, which can be withdrawn at any time.²⁴

Rape, under the Israeli penal code, enumerates four circumstances where any form of consent is negated when obtained:

1. By deceit;
2. From a child below the age of 14;
3. By exploiting a person's incapacity due to unconsciousness or mental illness; or
4. From a relative who is aged 14 to 21.²⁵

Any act of sexual penetration in these circumstances constitutes rape with a maximum sanction of 16 years.

The penal code introduces a separate crime entitled "Prohibited Penetration",²⁶ which outlines additional situations where lack of consent is presumed, including statutory rape. While enumerated under a different crime, these acts, for which consent is immaterial, amount to rape under international law.

Penalties

In Israel, a minor below the age of 16 is legally incapable of giving genuine consent to sex acts. The offence of "Prohibited Penetration" makes it a crime for an adult to penetrate a child aged 14 or 15, even if the child appears to consent to the act. The provision further criminalises adult sexual penetration of a minor aged 16 to 17, where consent was obtained by exploiting a relationship of dependence, authority, education or supervision, or by means of a false promise of marriage. These offences carry maximum penalties ranging from five to seven years' imprisonment. Subsection 346(c) extends criminal liability to adults who engage in sexual activity with another adult by

²⁴ See, e.g., Dubravka Šimonović, "A framework for legislation on rape (Model Rape Law): Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences" A/HRC/47/26/Add.1 (15 June 2021) at para. 17. "Consent must be given voluntarily and must be genuine and result from the person's free will, assessed in the context of the surrounding circumstances, and can be withdrawn at any moment."

²⁵ Incest is proscribed in Section 351(b): "If a person penetrates the body of a woman or a man who has reached age 14, but has not yet reached age 21 and is his relative, then he is liable to sixteen years imprisonment."

²⁶ *Prohibited Penetration*, Section 346 reads:

(a)(1) If a person penetrates the body of a minor who has reached age 14, but has not yet reached age 16, or if a person penetrates the body of a minor who has reached age 16, but has not yet reached age 18, by exploiting a relationship of dependence, authority, education or supervision, or by a false promise of marriage, then he is liable to five years imprisonment.

(2) For the purpose of this subsection, a mental health practitioner who is a psychologist, psychiatrist, or social worker, or someone impersonating one of these, who penetrated the body of a minor who has reached sixteen years of age but has not yet reached eighteen years of age, during the period in which mental health treatment was provided to the minor by them, shall be deemed to have committed the said act through exploitation of a relationship of dependency; this presumption shall not apply if such acts began before the commencement of the mental health treatment within the framework of a romantic relationship..

(b) If a person penetrates the body of a woman or a man who has reached the age of majority by exploiting his authority in employment or service, or by false promises of marriage while pretending to be single in spite of being married, then he is liable to three years imprisonment.

abusing religious,²⁷ employment, or professional authority, or by deceptively promising marriage while already married. These offences carry lighter penalties of three to four years' imprisonment, creating a noticeable gap in sentencing severity when compared to offences in Section 345, "Rape". This disparity in sanctions between acts, all of which amount to rape under international law, suggests a hierarchy of harm in rape cases, undermining the notion of true and voluntary consent and permitting, under law, a certain measure of exploitation and thereby impunity.

Aggravating circumstances

Under international law, all acts of non-consensual penetration of a sexual nature of any orifice should be criminalised and punished, with sanctions commensurate with the gravity of the offence and applied consistently.²⁸

States should identify the factors that constitute aggravating circumstances, which increase the gravity and severity of the crime and are taken into consideration during sentencing. Aggravating circumstances typically consider the relationship between the perpetrator and the victim, the vulnerable condition of the victim, how the rape was committed, and the consequences of the rape on the victim.

Under Section 345(b), the Israeli Penal Code provides for increased liability of 20 years' imprisonment if the rape victim is a child younger than 16; impregnated or suffers physical or mental injuries; threatened with a weapon; abused before, during, or after the act; or raped by multiple perpetrators.²⁹ Section 351(a) further prescribes a 20-year sentence when the perpetrator is a relative of a minor victim or holds responsibility for a dependent or helpless victim.³⁰

27 Amendment No. 122 of 2016 to the Penal Law added Section 347B, "a religious clergyman who penetrates the body of a woman or man who has reached eighteen (18) years of age, during the period in which counselling or guidance was provided to them by him or shortly thereafter, with consent obtained through exploitation of actual psychological dependency on him, originating from the counselling or guidance provided to them by him, shall be liable to imprisonment of four (4) years".

28 CEDAW Committee, "[General Recommendation No. 35](#)" (26 July 2017) at para. 29(a).

29 "Rape" Section 345(b) stipulates that:

Notwithstanding the provisions of subsection (a), a rapist shall be liable to twenty years imprisonment, if the rape was committed under one of the following circumstances:

- (1) upon a minor under age 16, and under the circumstances said in subsection (a)(1), (2), (4) or (5);
- (2) while threatening with a firearm or other weapon;
- (3) while causing bodily or mental injury, or pregnancy;
- (4) while committing abuse before, during or after the act;
- (5) in the presence of one or several others, who joined together to commit rape by one or several of them.

30 "Sex offenses within the family and by persons responsible for helpless persons" Section 351(a) reads: "If a person committed an offense of rape under section 345(a), on a person who is a minor and his relative or on a helpless person for whom he is responsible, then he is liable to twenty years imprisonment". A "helpless person" is defined in section 368A as a person who, due to age or impairment, cannot provide for their own livelihood, health or welfare.

Minimum sentencing

Section 355 of Israel's Penal Code mandates that convictions for core sexual offences, including rape, indecent acts and sexual offences committed by a person in a position of authority or responsibility, carry a minimum penalty of one-quarter of the statutory maximum sentence, unless the court records special reasons to impose a lesser punishment.

The prescribed minimum sentence helps ensure consistency in sanctions for the most severe sexual offences, yet judges are allowed to “decide -- for special reasons that shall be recorded -- to adjudge a lesser penalty”.³¹ This provision effectively gives judges discretion, which could undermine the mandatory minimum penalty. Such broad discretion could open the door for gender stereotypes, rape myths and other forms of bias to influence sentencing, potentially leading to full or partial exemption from punishment. For example, the sentencing guidelines allow consideration of mitigating factors, including the offender's life circumstances, societal contributions and the harmful impact of the punishment.³²

However, in practice, a landmark court decision from 2015 in the case of *Anonymous v State of Israel* set a prevailing judicial trend for the sentencing to mirror the severity of the crime, which is deterrent, consistent and protective to victims/survivors, particularly where it relates to sexual offences against minors or within the family setting, including for marital rape. Courts have held that the mandatory minimum primarily applies to the custodial component of the sentence, although it may include suspended imprisonment or supervised rehabilitation, provided that the essential deterrent and punitive purpose of the law is preserved.³³ In exceptional circumstances, where there is clear evidence of rehabilitation potential or other extraordinary considerations, courts may depart from the statutory minimum. Yet even in such cases, the judiciary is said to have emphasised the need to uphold the underlying rationale of the minimum-sentencing rule: to safeguard the physical and psychological integrity of victims and to convey society's unequivocal condemnation of sexual violence. More analysis of cases will be needed to verify this.

31 Minimum Penalty, Section 355 reads, “If a person was convicted of an offence under sections 345, 348(a), (b) or (c1), or 351(a), (b) or (c1) or (2), then his penalty shall not be less than one fourth of the maximum penalty prescribed for that offence, unless the Court decided – for special reasons that shall be recorded – to adjudge a lesser penalty.”

32 *Penal Law (Amendment No 113) 2012: Structuring Judicial Discretion in Sentencing* explains in section 40(11)(a) “... the Court may consider circumstances unrelated to the commission of the offence, as delineated below, and the degree to which they occur, if the Court believes that it is appropriate to take them into consideration, and so long as the sentence does not deviate from the Proportionate Sentence Range:

(1) the harmful impact of the punishment on the offender, including as a consequence of his age;

...

(7) the offender's good behaviour and his contribution to society;

(8) the offender's difficult life circumstances, which affected the commission of the offence ...”

33 Supreme Court of Israel, *Anonymous v. State of Israel, CrimA 4876/15* (3 December 2015) at para 31.

Criminal process & implementation

Despite Israel's strong sexual offence legislation, victims of sexual violence face high levels of secondary victimisation during the criminal justice process.³⁴ To address this problem, the Berliner Committee was established to examine how sexual violence victims are treated throughout the criminal process and identify the specific challenges victims face. The Israeli legislature adopted procedural reforms leading up to and following the 2019 Berliner Committee report³⁵ and established the Commission for Victims of Crime, which includes a sex crimes rapporteur.³⁶ These changes aim to make the criminal process more victim-centred. The government expanded access to free legal aid for complainants, removing previous financial eligibility requirements.³⁷ As a result, 427 victims received legal representation in 2024, a 30% increase from the prior year.³⁸ Additional improvements include placing sexual offence specialists in most police stations, allowing complainants to select their investigator's sex, and a pilot programme assigning especially trained lawyers to these cases in the State Attorney's office.³⁹ While these reforms represent positive steps forward, many of the Berliner Report's recommendations remain unadopted and unimplemented. For those measures that have been implemented, their impact is not yet known as they are relatively new.

However, high attrition rates in rape cases persist, with a low number of complaints prosecuted and resulting in conviction. In its 2025 CEDAW submission, the Israeli government reported that it received 16,564 complaints of sexual offences, harassment and domestic violence in 2021 and opened 15,913 investigations. The government did not provide data on indictments, convictions, or specific figures for rape and attempted rape. According to ARCCI, Israeli courts convicted 77 defendants for sexual offences and 85 defendants for sexual harassment in 2021. Although the government did not release detailed or disaggregated data, the available figures suggest that indictments and convictions remain very low compared to the number of complaints filed.⁴⁰ Appeals against terminated sexual violence investigations were rejected over 90% of the time.⁴¹

34 Inter-Ministerial Committee on the Examination of Treatment of Sexual Crime Victims in Criminal Proceedings, "Report, Tevet 5780" (December 2019) at p. 11. Hebrew version, official [English version available for download](#). (Berliner Committee Report).

35 In 2018 the President of the Supreme Court appointed the Inter-Ministerial Committee for the Examination of the Treatment of Victims of Sexual Offences in Criminal Proceedings (Berliner Committee).

36 ARCCI "ARCCI Annual Report: 2024" (25 November 2024) at p. 12.

37 Free legal aid is only provided to victims of sexual offence after an indictment is filed. State of Israel, "Seventh Periodic Report of States parties CEDAW" CEDAW/C/ISR/7, (23 October 2025) at para. 72. See also, ARCCI "ARCCI Annual Report: 2024" (25 November 2024) at p. 10.

38 ARCCI "ARCCI Annual Report 2025" (20 November 2025).

39 The specialised police and attorneys are part of a pilot programme recommended by the Berliner Committee Report. See, ARCCI, "Annual Report, 2022" at pp. 10-12 (only available in Hebrew, translated by google).

40 State of Israel, "Seventh Periodic Report of States parties CEDAW" CEDAW/C/ISR/7, (23 October 2025) at p. 15.

41 ARCCI, "Annual Report, 2022" at p. 14.

The lack of a publicly available, centralised database complicates the understanding of reported rapes in Israel and what happens to these cases.⁴² The government does not provide comprehensive, disaggregated data on rape and other forms of violence against women, which is crucial for monitoring the implementation of laws and identifying areas for targeted interventions.

Sexual violence in the Arab community in Israel

Arab women in Israel face high rates of sexual violence but do not commonly report it to police, according to the Women Against Violence Organisation (WAVO), an Arab feminist organisation based in Nazareth.⁴³ According to its 2024 annual report, WAVO received 1,027 calls for assistance from Arab women and girls, of which 55% involved sexual assaults (تيسن ج تاء ادتعا), including rape, attempted rape, indecent acts, sexual abuse and technology-facilitated sexual violations. Only 23% of these sexual assault survivors filed an official complaint with the Israeli police, while 77% chose not to report. As of December 2025, neither WAVO nor the Israeli police have released publicly available, disaggregated data on reports of specific sexual violence offences among Arab citizens.

The low rate of police complaints among Arab women survivors of sexual violence reflects a deep, structural distrust toward Israel's law enforcement system.⁴⁴ This distrust is rooted in multiple, interconnected causes. Firstly, due to high attrition rates of sexual violence cases in the Israeli criminal justice system, many survivors believe that sexual assault investigations are rarely pursued to completion and that police tend to dismiss or minimise their testimonies, particularly when the victims are Arab women. Secondly, the lack of Arabic-speaking female investigators severely undermines accessibility and safety during the reporting process. Victims are often forced to recount traumatic experiences through male officers or inadequate translation, reinforcing shame, fear and alienation. In addition, several reports suggest a steep rise in organised crime, homicide and extortion, as well as gender-based violence in Arab towns, which has left women particularly fearful. The failure of law enforcement related to this criminality has also eroded public confidence in the police's willingness or capacity to protect Palestinian citizens at all.⁴⁵

42 Human Rights Committee, "Concluding observations on the fifth periodic report of Israel" CCPR/C/ISR/CO/5 (5 May 2022) at paras. 20-21; and Israel's Women's Network and Others "CEDAW Shadow Report - CEDAW Pre-sessional Working Group" (September 2023) at p. 32.

43 WAVO is one of the oldest Arab feminist organisations in Israel. It provides crisis intervention and legal support to women and girls who experience gender-based violence.

44 WAVO, "Annual Report 2024: Assistance to Victims of Sexual and Physical Violence" at pp. 4-6 (available in Arabic).

45 Ephraim Lavie, Meir Elran, Mohammed S. Wattad, "Neglecting the Struggle Against Crime in Arab Society Is a Threat to Israel's National Security" The Institute for National Security Studies, *INSS Insight* No. 1870 (26 June 2024); Charlie Summers, "As violent crime soars, Arabs see jobs, training as key to getting youth off streets" *The Times of Israel* (4 August 2025); CNN "Israel's Arab citizens demand justice after alarming rise in gang-related murders" (8 September 2023).

Additional factors reinforce this crisis of confidence: cultural insensitivity in police questioning, fear of community backlash against women who report and the experiences of Arab victims receiving less credibility and institutional protection than Jewish victims. Together, these conditions form a systemic pattern that discourages reporting and perpetuates impunity for perpetrators of sexual violence within Arab communities in Israel.⁴⁶

Sexual terrorism law

The Counter Terrorism Act was amended in August 2023 to include sexual offences with nationalistic motives as terrorist acts,⁴⁷ for which the penalty can be doubled up to 25 years' imprisonment.⁴⁸ The text of the law is neutral on its face, meaning it could apply to any perpetrator of a sexual offence when the motive is found to be nationalistic. For instance, under the plain language of the law, a Jewish man who rapes a woman for nationalistic reasons could be charged with committing a terrorist act. However, there are serious concerns that, in practice, the law may be enforced disproportionately against Palestinian men accused of assaulting Jewish women.⁴⁹ These concerns stem from statements made by lawmakers who explicitly framed the law as protection for Jewish women's honour from "terrorists".⁵⁰ Knesset Member (MK) Limor Son Har-Melech of the Jewish Power Party, a co-sponsor of the law, described it during parliamentary discussions as providing "proper and correct treatment to female Jewish victims... It can't be the

46 Eli Buchbinder & Leena Nassar Sakas, "Arab Women at the Police Station in Israel: Cultural Crisis and Empowerment" *Violence Against Women*, (2023) volume 29 (15-16): 3202-3222.

47 In its concluding observations in 2022, the [Human Rights Committee](#) expressed concern at the vague and overbroad definition of "terrorist act" in the Counter-Terrorism Law at paras. 18-19. Adalah explains that "nationalistic motive" also does not have a clear legal definition and is ambiguous and overbroad, thus granting the state broad authority to arbitrarily determine when a crime has been committed with a nationalistic motive. "[Adalah's Position Paper: Israel's Counter-Terrorism Law](#)" (29 November 2021) at para. 9.

48 The Law amending the Counter Terrorism Act stipulates, "[i]n section 37(a), in the text of the Counter-Terrorism Act, 2016-59, after 'who commits an offence' there will be 'including a sexual offence according to sections 345, 347(b) and 348(a), (b) and (C1) of the Penal Code.'" Section 37(a) of the Counter-Terrorism Act reads, "[o]ne who commits an offence that is a terrorist act, ... is liable to double the penalty prescribed for such offence, but not exceeding 25 years."

49 MK Aida Touma-Suleiman denounced the law, stating "any man who sexually assaults a woman is despicable... I really don't care if he is Arab, if he is Jewish, if the victim is Arab or Jewish, right-wing or left-wing. Literally, let him rot in a prison. ... Do not start sorting or making hierarchies. You should be ashamed of these laws." 101 session of the 25th Knesset, [second & third readings of the 'Bill to increase punishment for sexual offenses on a nationalistic basis'](#) (30 July 2023) at pp. 28-29 [transcript translated from Hebrew]. MK Ofer Cassif criticised his ring-wing colleagues before the final vote, "what is not in the law — and I suggested it and you are not willing to accept it — is to add 'sex' and 'gender', so that if a woman is attacked for being a woman, regardless of her national identity, it will also come under the same double punishment. This is a racist and unnecessary law." *Ibid* at p.28. The Association of Rape Crisis Centres in Israel opposed the passage of the law. The organisation's director, Orit Soliciano, expressed her concern: "Perpetrators should be harshly punished, and it doesn't always happen in Israel. But to declare one rape is more horrible than another rape — we do not support [this]." She also denied the lawmakers' claim of the phenomenon of Jewish women being sexually terrorised, stating, "we do not see any such phenomenon in our data — of rape as a form of terror." Carrie Keller-Lynn "[Knesset okays stronger punishment for sex offenses motivated by terrorism or racism](#)" *Times of Israel* (30 July 2023).

50 MK Tali Gottlieb stated during readings of the bill, "we will denounce terrorists, and this is not racism, it is our duty. And when we say that a terrorist who rapes a woman because she is Jewish, he deserves a harsher punishment, not because he is Arab, no. But because he is a terrorist who uses the fact that he is a terrorist to hurt and humiliate a woman for her Jewishness." 101 session of the 25th Knesset, [second & third readings of the 'Bill to increase punishment for sexual offenses on a nationalistic basis'](#) (30 July 2023) at p. 53 [transcript translated from Hebrew]. MK and Minister of National Security Itamar Ben-Gvir said of the law during its passing, "there is no racism, no racism, but there is a clear statement here for those who hurt Jewish girls because they are Jewish, for those who hurt and want to hurt the people of Israel. There is a clear statement here." *Ibid* at p. 44.

case that the honour of Jewish women is violated by miscreants who get away with no or ridiculous punishments”.⁵¹ Critics fear that Palestinian men suspected of rape might automatically be presumed to have a nationalistic motive if the victim is a Jewish woman.

If applied in this manner, the law could create a hierarchy of penalties based on the identities of victims and perpetrators, leading to discriminatory impacts on rape victims, with one group of female victims and male perpetrators being treated differently from others on the basis of race or religion. While a discriminatory motive for a crime could be used to increase penalties, such an increase must be applied fairly against all perpetrators, and judges should be guided by evidence only in all cases to ensure their judgments and sentencing are not influenced by stereotypes or other prejudice.

Part II: Occupied West Bank and East Jerusalem

Frameworks concerning Palestinians in the West Bank and East Jerusalem

This paper examines sexual violence and access to justice in two contexts. **Part I** focuses on Israel’s internationally recognised national territory within the Green Line.⁵² **Part II** analyses sexual violence in Area C and Hebron H2 of the West Bank, as well as East Jerusalem, areas of the Occupied Palestinian Territories (OPT) that are under Israel’s near-exclusive control.

In 1967, Israel occupied the West Bank, Gaza and East Jerusalem. Although East Jerusalem remains occupied territory under international law,⁵³ Israel unlawfully annexed occupied East Jerusalem, declared a unified Jerusalem as its capital and extended its laws and legal system to all East Jerusalem residents.

The West Bank is considered territory under occupation by the State of Israel. Therefore, Israeli domestic law, jurisdiction and administration should not apply in the territory.⁵⁴

51 Noa Shpigel “[Israel Pushes Law for Stricter Penalties for ‘Nationalistic’ Sexual Violence](#)” *Haaretz* (13 July 2023).

52 The Green Line is “the 1967 border between Israel and, respectively, Egypt, Jordan, Lebanon and Syria. The armistice demarcation lines became subsequently known as “green lines” because of the colour that was used to draw them on maps. This term is sometimes used interchangeably with the 1949 Armistice Line”. Definition from: “[The United Nations Terminology Database](#)”.

53 As the occupying power in the West Bank, Gaza and East Jerusalem, Israel remains bound by the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Times of War (12 August 1949) and customary international law. Numerous UN resolutions, advisory opinions from the International Court of Justice and orders from the International Criminal Court affirm that the OPT, including East Jerusalem, is occupied territory that Israel is prohibited from annexing. *See, generally*, International Court of Justice, “[Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem](#)” No. 186 (19 July 2024) at paras. 174-179.

54 International Court of Justice “[Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem](#)” (19 July 2024) at p. 4; Yesh Din, “[The Legal Status of the Israeli Occupation - Legal Opinion](#)” (June 2023) at paras. 33-44

Governmental authority in the area is vested in the Israeli military commander, and in practice, different legal regimes apply based on the identity of the parties involved. A Palestinian subjected to sexual violence by an Israeli soldier in the West Bank can only file a complaint with the Israeli military police. If prosecuted, the case proceeds before Israeli military courts. By contrast, if an Israeli settler living in the Occupied Palestinian Territories (OPT) commits a sexual offence against a Palestinian, any criminal complaint would be submitted to the Israeli civilian police, and Israeli domestic criminal law would be applied extraterritorially in Israeli criminal courts.⁵⁵ A Jewish rape victim in the West Bank is entitled to the existing victim-centred procedures within the Israeli system.⁵⁶

The 1995 Oslo Accords divided the West Bank into three administrative zones, Areas A, B and C, excluding Hebron. Hebron was subsequently split into H1 and H2.⁵⁷ Consequently, this division makes seeking justice for sexual crimes committed in the Palestinian community even more complex. In Area A, the Palestinian Authority manages civilian matters, public order and internal security.⁵⁸ Area B operates under split control; Palestinians govern civilian affairs and public order, while Israel maintains security oversight. The Israeli Security Forces (ISF)⁵⁹ have near exclusive control of H2 of Hebron and Area C, which comprises nearly 60% of the West Bank.⁶⁰ Area C includes Palestinian rural communities and agricultural lands and, along with East Jerusalem, is the primary area for illegal Jewish settlement expansion and annexation.⁶¹ While martial law ostensibly applies to all residents, Israeli courts and the Knesset have, in violation of international humanitarian law, gradually extended Israeli domestic law to Jewish settlers living in the occupied Palestinian territories, even for crimes committed within the West Bank.⁶² Palestinians, on the other hand, are subject to harsher Israeli military laws and courts.⁶³

55 The same would apply if an Israeli settler abused another Israeli settler.

56 See, for example, Victims of Crime Rights Regulations, 5762-2002.

57 The 1997 Hebron Agreement split Hebron into two sections: H1 and H2. The Palestinian Authority oversees H1 Hebron and Israel largely controls H2 Hebron. Approximately 34,000 Palestinians and 800 Israeli settlers live in H2, according to UNRWA's reporting in 2022.

58 For more information on Palestinian laws, policies and practices with respect to rape, see: Equality Now: In Search of Justice: Rape Laws in the Arab States, (September 2025).

59 Israeli Security Forces refers to various military, law enforcement and intelligence organisations of the State, including Israel Defence Forces, Police, Prison Service, Security Agency, *et al.* For Area C, civilian administration is managed through bodies under the Israeli Ministry of Defence, including the Coordination of Government Activities in the Territories and the Civil Administration Unit.

60 The Palestinian Authority is responsible for the provision of medical and educational services to Palestinians in Area C. "Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel" A/77/328 (14 September 2022) at para. 44.

61 "Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel" A/77/328 (14 September 2022) at paras. 14, 25, & 46.

62 Defence Regulations (Judea and Samaria – Adjudication of Offences and Legal Assistance), 5727-1967; Law for Amending and Extending the Validity of Emergency Regulations (Judea and Samaria – Jurisdiction in Offenses and Legal Aid), 2007; Law for Extending the Validity of the Defence Regulations (Judea and Samaria – Adjudication of Offences and Legal Assistance), 5772-2012; see also, International Court of Justice "Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem" (19 July 2024) at p. 4; Yesh Din, "The Legal Status of the Israeli Occupation - Legal Opinion" (June 2023) at paras. 33-44.

63 A significant amount of the criminal laws applicable to the West Bank is listed in the Order regarding Security Provisions, containing criminal offences, penalties, evidence laws, legal procedure rules and court powers. See Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651) – 2009.

A Palestinian victim of sexual violence perpetrated by another Palestinian in Area C and H2 can lodge a criminal complaint with the Palestinian authorities in Areas A, B and H1. In Areas C and H2, complaints may also be referred to Israeli security authorities, but law enforcement remains limited and inconsistent, and, given the context, complaints are unlikely to be filed. This convoluted legal and administrative structure, shaped by prolonged occupation, serves as the backdrop for examining sexual violence in Area C, H2 and East Jerusalem.⁶⁴ This structure has created parallel legal systems where a suspect's national or religious identity determines the applicable legal regime and protections.⁶⁵

As a party to armed conflict and an occupying power, Israel must adhere to international humanitarian law, particularly its obligations under the Fourth Geneva Convention. This framework considers the civilian Palestinian population “protected persons” and explicitly prohibits sexual violence, particularly rape, perpetrated by public or private actors against women, girls, detainees and all other persons.⁶⁶ While common Article 3 of the Geneva Conventions does not explicitly mention rape or other forms of sexual violence, it prohibits “violence to life and person” including cruel treatment and torture and “outrages upon personal dignity”.⁶⁷ Rape is, however, explicitly referenced in Article 4 of Additional Protocol II.⁶⁸

Despite the complex jurisdictional landscape and protracted occupation, Israel remains bound by its international humanitarian legal obligations, including the laws on occupation, which complement and reinforce Israel's obligations under international human rights law. While the Israeli government has claimed it is not bound by the Fourth Geneva Convention which deals with the responsibilities of occupying powers, the International Committee of the Red Cross, which is the responsible body for monitoring and promoting adherence to the Geneva Conventions, along with a number of UN General Assembly and Security Council Resolutions,⁶⁹ has confirmed that Israel does have a responsibility over the West Bank and Gaza territories and therefore must apply the Conventions' standards.

64 “[Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel](#)” A/77/328 (14 September 2022) at para. 44.

65 Israeli domestic law can apply to Jewish settlers who are not citizens of Israel, but to whom the Law of Return applies. On the contrary, Palestinians with Israeli citizenship or residency who commit a crime in Area C may be prosecuted in military courts when it is found that the defendant and the offence have a “majority of connections” to the West Bank. Although the “majority of connections” test appears neutral on its face, as of 2014 court records showed no instances of its application to Jewish Israeli defendants. *See* The Association for Civil Rights in Israel (ACRI), “[One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank](#)” (October 2014) at pp. 33-39.

66 Geneva Convention relative to the Protection of Civilian Persons in Time of War, 75 U.N.T.S. 287 (1949) (Fourth Geneva Convention); Protocol I and Protocol II of the Geneva Conventions of 12 August 1949; 1907 Hague Regulations; and customary international law.

67 Rule 93: “Rape and other forms of sexual violence are prohibited” [International Humanitarian Law Databases](#).

68 Fourth Geneva Convention, Article 27, second paragraph (*ibid.*, §1556); Additional Protocol I, Articles 76–77 (adopted by consensus) (*ibid.*, §§ 1560–1561).

69 *See* for example, Security Council Resolutions 465 (1980), 452 (1979), and 446 (1979) (all “Affirming once more that the Fourth Geneva Convention ... is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem”).

At the same time, Israel's human rights responsibilities are determined by its effective control over a territory, irrespective of that territory's legal status under international law.⁷⁰ These obligations protect all individuals - Palestinians, Israelis and all others - regardless of their location in Israel or the OPT. Israel's obligations require it to prevent and punish all acts of sexual violence, committed by both State and non-State actors, and to ensure that victims have access to justice, protection and effective remedies. However, the Israeli government contends its international human rights obligations, including under CEDAW, CAT and CRC, do not apply in the OPT. It argues these conventions were designed for peacetime, not armed conflict, and that its human rights responsibilities do not extend beyond its national borders. The International Court of Justice (ICJ) and other human rights bodies consistently reject this assertion and remind the government of Israel's duty to uphold treaty provisions for all populations under its effective control, during both peacetime and armed conflict.⁷¹ The Israeli government's denial of the application of the human rights instruments does not serve as a justification for its grave and persistent violations⁷² and hinders scrutiny of its actions.

Sexual violence against women and girls

Armed conflicts typically engender a rise in rape and all forms of sexual violence, including opportunistic acts and systematic use as a weapon of war. Weak Palestinian institutions and poor structural conditions contribute to a culture of impunity for Palestinian perpetrators of sexual violence.⁷³ Palestinian women in East Jerusalem raped in their own communities are able to seek protection from Israeli police, but rarely do so due to distrust coupled with threats of family and community reprisals for seeking the intervention of the occupation police in what are deemed private matters.⁷⁴

70 International Court of Justice "Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem" (19 July 2024) at para. 264. CEDAW Committee, "General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations" CEDAW/C/GC/30 (10 October 2013) at paras. 8-12; United Nations Security Council, Resolution 1325 (2000), S/RES/1325 (31 October 2000) at paras. 9-12.

71 International Court of Justice, "Advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory" Doc. No. 273/10-ES/A (9 July 2004) at paras. 105-113; Committee against Torture, "Concluding observations on the sixth periodic report of Israel" CAT/C/ISR/CO/6 (22 December 2025) at paras. 8-9; Committee on the Rights of the Child, "Concluding observations on the combined fifth and sixth periodic reports of Israel" CRC/C/ISR/CO/5-6 (16 September 2024) at para. 3; CEDAW Committee, "Concluding observations on the sixth periodic report of Israel" CEDAW/C/ISR/CO/6 (17 November 2017) at para. 14. *See also*, International Court of Justice "Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem" (19 July 2024) at paras. 99-102; 264.

72 Committee on the Rights of the Child, "Concluding observations on the combined fifth and sixth periodic reports of Israel" CRC/C/ISR/CO/5-6 (16 September 2024) at para. 3.

73 UN Women "Clinical Management of Rape in The State of Palestine in the Context of Covid-19" (March 2021) at p.4.

74 Dubravka Šimonović "Report of the Special Rapporteur on violence against women its causes and consequences on her mission to Israel" A/HRC/35/30/Add.1 (8 June 2017) at paras. 56-58. *See also*, Human Rights Watch interview with Oheila Shomar, director of Sawa Organisation, Ramallah, 10 April 2018. While discussing the lack of domestic violence criminal complaints by Palestinian women in East Jerusalem, she explained "[m]any Palestinians don't want to cooperate [with the Israeli police] and fear what will happen to them and how the [Israeli] police will use their situation to harm the family if they file a complaint. If a woman tries to go to the [Israeli] police, the family and community stigmatise her for going to the occupation and harming her family." Excerpt from Human Rights Watch, Women's Centre for Legal Aid and Counselling and Equality Now, "Joint Submission to the CEDAW Committee on the State of Palestine, 70th session" (June 2018).

Palestinian women and girls are also subject to a pattern of sexual harassment, humiliation and abuse by the ISF and settlers. Checkpoints, night house raids and prison visits often become sites of sexual violence, with women reporting strip searches, forced public nudity and genital abuse.⁷⁵ Women and girls also face threats of rape and gang rape from both settlers and soldiers.⁷⁶ The humiliation is compounded when sexual violence occurs in front of family members, traumatising those affected and attempting to exert dominance and control over the entire community.

Survivors of rape or other forms of sexual violence in detention also face numerous challenges that discourage reporting. Conservative cultural norms, severe social stigma and intimidation combine with the power imbalance between women and the ISF to significantly hinder seeking accountability.⁷⁷ Some women face social ostracisation after release from detention due to perceived exposure to sexual abuse. Others are reported to have received threatening phone calls from security officers, warning of harm to themselves or their families if they disclose the abuses they endured.⁷⁸ In the context of ongoing conflict and military occupation, in addition to the harm of sexual violence itself, these acts serve to subjugate, humiliate and psychologically torment Palestinian women and girls.

Since the 7 October 2023 attack on southern Israel (see page 25), the armed conflict has severely escalated, and the ISF have reportedly intensified sexual violence against all Palestinians.⁷⁹ This escalation has further reduced access to justice and entrenched the use and threats of rape and gang rape as tools of control and subjugation.⁸⁰

75 See, Revital Madar, *“Beyond Male Israeli Soldiers, Palestinian Women, Rape, and War Israeli State Sexual Violence against Palestinians”* *Conflict and Society: Advances in Research* 9 (2023): 72–88.

76 See generally, B’Tselem, *“Sexism, homophobia and harassment by settlers and soldiers: life’s routine in Hebron”* (11 July 2021) for documentation on settlers’ sexual harassment and threats of sexual violence.

77 Women’s Centre for Legal Aid and Counselling *“Sexual Violence Against Palestinian Women: Submission to the UN Special Representative on Sexual Violence in Conflict”* (February 2024) at pp. 3-4.

78 Women’s Centre for Legal Aid and Counselling *“Sexual Violence Against Palestinian Women: Submission to the UN Special Representative on Sexual Violence in Conflict”* (February 2024) at pp. 4-5.

79 Statement by UN Special Procedures Experts *“Occupied Palestinian territory and Israel: Women and girls face exacerbated violence, inequalities and discrimination and see their future destroyed in front of their eyes”* (14 December 2023) at p. 2.

80 Office of the SRSB-SVC *“Mission Report: Official visit of the Office of the SRSB-SVC to Israel and the occupied West Bank 29 January – 14 February 2024”* (4 March 2024) at paras. 79-83; Women’s Centre for Legal Aid and Counselling *“Sexual Violence Against Palestinian Women: Submission to the UN Special Representative on Sexual Violence in Conflict”* (February 2024) at pp. 3-6. For exploration on the long-term use of rape threats as a tool of control and subjugation against Palestinians, see also, Revital Madar, *“Beyond Male Israeli Soldiers, Palestinian Women, Rape, and War Israeli State Sexual Violence against Palestinians”* *Conflict and Society: Advances in Research* 9 (2023): 72–88.

Access to justice

A Palestinian victim of sexual violence faces discrimination and additional barriers when trying to access justice. Palestinian women living in East Jerusalem,⁸¹ which Israel unlawfully claims as domestic territory, are entitled to the same rights and protections as Jewish Israelis; however, they are often unable to access them. In East Jerusalem, Palestinian women reported to UNFPA that Israeli police fail to prioritise or respond to their requests for protection.⁸²

Data on sexual violence complaints by Palestinians in Area C and H2 are not readily available, creating a gap in understanding the full scope of the issue. The fragmented legal jurisdiction severely impedes access to justice for victims of sexual violence, particularly in H2 and Area C. According to a report by the UNFPA, Palestinian women in H2 and Area C prefer to report crimes to Palestinian police instead of Israeli occupation forces, who regularly neglect their duty to protect Palestinians under their jurisdiction.⁸³ However, reaching Palestinian police stations requires victims to undertake difficult journeys through multiple checkpoints to access Areas A, B or H1, making the process expensive and time-consuming. This challenge is particularly evident in Hebron's H2 area, where 34,000 Palestinian residents must pass through twenty-two different checkpoints to reach H1, severely limiting their ability to access police stations.⁸⁴

Furthermore, Palestinian police cannot investigate crimes nor enter H2 or Area C without Israeli permission and coordination, which is said to rarely occur except in some life-threatening situations.⁸⁵ As a result, a UN Special Rapporteur on Violence against Women, following a mission to Israel, reported that most crimes against women in these areas go uninvestigated and unpunished.⁸⁶

These jurisdictional gaps enable perpetrators to evade justice by moving between areas. Those Palestinian offenders fleeing from Palestinian Authority-controlled areas can escape to Israeli military-controlled zones where Palestinian police lack authority to make arrests or enforce court orders.⁸⁷ Similarly, perpetrators with Israeli citizenship or residency who commit sexual violence in Area C or H2 can flee to Israel to avoid criminal

81 Palestinian women lawfully residing in East Jerusalem as either permanent residents or citizens of Israel.

82 United Nations Population Fund (UNFPA), "[Gender-Based Violence Needs Assessment in East Jerusalem](#)" (August 2021) at p. 18.

83 UNFPA, "[Gender-Based Violence Needs Assessment in East Jerusalem](#)" (August 2021) at pp.12 & 19.

84 "According to Awni Samari, the chief of police in Hebron, the police face a particular problem apprehending perpetrators of crime since 'all those fleeing from Palestinian law go into these [off-limit] areas.' In addition, it is difficult for women from the H2 area to reach the Palestinian police station, which is located outside of H2." Human Rights Watch "[A Question of Security - Violence against Palestinian Women and Girls](#)" (November 2006) at p. 35. *See also*, "[Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel](#)" A/77/328 (14 September 2022) at para. 56.

85 UN Women "[Access Denied: Palestinian Women's Access to Justice in the Occupied West Bank](#)" (March 2014) pp. 31-35.

86 Dubravka Šimonović, "[Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Israel](#)" A/HRC/35/30/Add.1 (8 June 2017) at para. 57.

87 Dubravka Šimonović, "[Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Occupied Palestinian Territory/State of Palestine](#)" A/HRC/35/30/Add.2 (8 June 2017) at para. 51.

accountability.⁸⁸ The disparity in legal frameworks, victim services and access to justice highlights the complex and often unequal treatment of sexual violence cases in the OPT, depending on the identities of the victim and perpetrator.

During the latest war, which began on 7 October 2023, the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel (Independent Commission of Inquiry)⁸⁹ has documented an increase in rape threats and violence by Israeli settlers in the West Bank, often occurring with the involvement or presence of the ISF. In one incident in April 2024, a Palestinian woman was stopped while travelling home by a group of settlers accompanied by an ISF soldier. She was physically assaulted and threatened with rape. The perpetrators told her, “We will fu*k you” if she did not leave the area and warned her that she would be killed if she returned. Fearing for her life, she has not returned to her home since.⁹⁰ In August 2024, a Palestinian man was threatened with rape by masked and armed settlers who harassed his family and threatened to seize their home and land.⁹¹ One of the masked settlers called the Palestinian landowner “my bitch” and “sweet” and stated that he would “rape for the sake of god” and would love to share a cell with the Palestinian man at Sde Teiman prison, a facility widely associated with reports of rape of Palestinian detainees, for which no one has yet been held accountable. Despite residents calling the police, no officers responded.⁹² The Independent Commission of Inquiry concluded that this use of rape threats serves to humiliate, instil fear and control. These acts occur in a context where ISF and Israeli settlers act with near-total impunity, particularly amid the ongoing conflict and publicised cases of rape, with almost no perpetrators held accountable.⁹³

88 Dubravka Šimonović, [“Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Israel”](#) A/HRC/35/30/Add.1 (8 June 2017) at para. 58.

89 The members, mandate, and terms of reference of the The Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel are available on the [OHCHR website](#).

90 As of March 2025, the date of publication of the Independent International Commission of Inquiry [“‘More than a human can bear’: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023”](#) A/HRC/58/CRP.6 (13 March 2025) at paras. 133-135.

91 Video recording of the encounter available at B’Tselem [“Settler Shem Tov Luski sexually harasses Palestinian and implicitly threatens rape”](#) 25 August 2025.

92 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel [“‘More than a human can bear’: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023”](#) A/HRC/58/CRP.6 (13 March 2025) at paras. 133-135.

93 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel [“‘More than a human can bear’: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023”](#) A/HRC/58/CRP.6 (13 March 2025) at para. 207.

Sexual violence by Israeli security forces

- **Civilian victims**

Palestinian women and girls⁹⁴ in the West Bank face sexual violence from security forces, although this is likely underreported, including due to the level of distrust in Israel holding military officers accountable.⁹⁵ Between 2017 and 2022, a reported mere 0.87% of complaints against Israeli soldiers for violence towards Palestinians and their property resulted in criminal indictments.⁹⁶

Human rights organisations have documented the systematic pattern of sexual violence committed by the ISF on Palestinian women during night raids in the West Bank. They report that women are routinely forced, at gunpoint and with attack dogs, to strip naked in front of male and/or female soldiers and family members, including children, as a form of sexual humiliation.⁹⁷ Threats of gang rape by the ISF are commonplace during night raids, arrests, interrogations and detention. The Israeli military's failure to hold its personnel accountable for crimes against Palestinians fosters a climate of constant fear, leaving Palestinians acutely aware of their susceptibility to sexual violence. Within this environment, the routine use of rape threats by ISF functions as a tool of coercive control to enforce submission and reinforce domination.

Women and girls are also victims of sexual abuse when visiting relatives in Israeli prisons or attending court. Prison guards and military court officers, of both sexes, subject visitors to humiliating strip searches, often with unwanted touching. Palestinian women feel they must suffer in silence because resistance or complaints risk the whole group being denied visitation as a form of communal punishment.⁹⁸ Women report similar treatment at checkpoints and permit-issuing offices.

In a rare case during which a security official was successfully prosecuted for rape of a Palestinian woman,⁹⁹ the IDF and military court barred the media from reporting details

94 Equality Now is a women's rights organisation and therefore focuses largely on women and girls who are disproportionately affected by sexual violence globally. International legal frameworks on sexual violence emerged from the obligation to protect women and girls from gender-based violence, although they apply to all persons. Because there are repeated reports that the Israeli authorities have engaged in the systematic use of rape and sexual violence against men and boys, particularly Palestinian detainees, this report therefore also refers to these violations in further detail below.

95 "The High Commissioner for Human Rights reported that the occupation and the multiplicity of authorities and legal systems posed critical obstacles to the prevention of and punishment for acts of violence by all duty bearers against women and girls, particularly in East Jerusalem and in Area C." "Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel" A/HRC/50/21 (9 May 2022) at para. 67; see also, UNFPA Palestine "Gender-Based Violence".

96 Yesh Din, "Data Sheet: Law Enforcement Against Israeli Soldiers Suspected of Harming Palestinians And Their Property" December 2022.

97 MIFTAH "Gendered Impact of Israeli occupation forces night raids on Palestinian women and young girls" (January 2023).

98 F.A. Al Issa and E. Beck, "Sexual Violence as a War Weapon in Conflict Zones: Palestinian Women's Experience Visiting Loved Ones in Prisons and Jails" *Affilia: Journal of Women and Social Work* 36 (2021) 2, 167-181, 170.

99 CEDAW Committee, "Concluding observations on the sixth periodic report of Israel" CEDAW/C/ISR/CO/6 (17 November 2017) at para. 19(c).

of the case due to stated concerns about national security. This raises concerns about transparency and sufficient public access to, and scrutiny of, information on sexual violence by state actors. An official responsible for issuing work permits was convicted in 2016 of raping a Palestinian woman and sexually assaulting others by extortion for work permits. He received an eleven-year prison sentence in a civilian facility and was stripped of his rank. The gag order on the facts of the case and specific offences was only lifted in 2021 after four years of litigation by a news site, when the IDF Court of Appeals declared, “there is no dispute that there is a public interest in publicising the details of this case, which has severe implications for the wider public”.¹⁰⁰ This case illustrates how the bureaucratic structures of the occupation, which require Palestinians to obtain permits for work and medical treatment in Israel, produce dependency relationships that can exacerbate the risk of sexual extortion.

- **Detainees**

Palestinian detainees, including minors, are subjected to sexual violence, including sexual humiliation and sexual torture at the hands of Israeli Prison Authority officials, guards and investigators. These abuses have been documented and challenged for decades,¹⁰¹ yet attempts at holding the military accountable have rarely been effective.¹⁰² The UN Special Rapporteur on the independence of judges and lawyers condemns this system, calling it a “militarily enforced, draconian penal system...where military judges in military courts consistently provide legal and judicial cover for acts of torture, cruel and degrading treatment against Palestinian detainees carried out by their colleagues in the armed forces and intelligence agencies. It also makes legal defence impossible”.¹⁰³

The Independent Commission of Inquiry found that ISF members commit rape and other forms of sexual violence to humiliate, degrade and cause pain and suffering to Palestinian detainees.¹⁰⁴ The persistence of reported sexual violence and the lack of accountability for perpetrators indicates that these acts may be routine and systemic forms of gender-based violence that violate Israel’s obligations as a state party to several international treaties, including CEDAW, the CRC, and the Convention against Torture and Other Cruel, Inhuman

100 Hagar Shezaf, “Israel Secretly Convicted Officer of Raping Palestinian Woman in 2016” *Haaretz* (20 October 2021); J.A. Gross, “IDF removes gag on 2016 conviction of officer for raping Palestinian woman” *The Times of Israel*, 20 October 2021.

101 The report examines, *inter alia*, the treatment of detainees and hostages from 7 October 2023 to August 2024. “Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel” A/79/232 (11 September 2024) at para. 101.

102 In 2000, while still in detention, Lebanese prisoner and Amal leader, Mustafa Dirani, sued his Israeli interrogators for civil damages for the rape and torture he endured while detained in the secret 1391 prison from 1994 without charges or a trial. He was released in a 2004 prisoner swap and in 2015 the Israeli Supreme Court dismissed his case finding that Dirani did not have legal standing to seek remedies from the State during wartime. D.J.N Weishut, “Sexual Torture of Palestinian Men by Israeli Authorities”, *Reproductive Health Matters*, (2015) 23(46):71–84.

103 United Nations Press Release “Israel: UN experts condemn decades of unfair trials for Palestinians in the occupied West Bank” (3 July 2024).

104 The report examines, *inter alia*, the treatment of detainees and hostages from 7 October 2023 to August 2024. “Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel” A/79/232 (11 September 2024) at para. 102.

or Degrading Treatment or Punishment (CAT).¹⁰⁵ The Commission found that Israel may also be in contravention of international humanitarian law, potentially constituting war crimes and crimes against humanity of torture, inhuman or degrading treatment and outrages upon personal dignity.¹⁰⁶

- **Minors in detention**

Palestinian children in detention are particularly vulnerable to abuse. In 2010, the Defence for Children International Palestine (DCIP) brought fourteen cases of sexual violence involving detainees aged thirteen to sixteen to the attention of the UN Special Rapporteur on Torture.¹⁰⁷ DCIP took this action due to the Israeli authorities' persistent refusal to investigate complaints against the ISF and the regular practice of prohibiting lawyers from accompanying children during interrogations.¹⁰⁸ Israeli authorities have reportedly retaliated against human rights defenders who expose such abuses. In 2021, after the US State Department inquired about DCIP's credible report of a Palestinian teenage boy raped by an interrogator in Jerusalem, Israeli officials are reported to have raided DCIP's offices and declared it a terrorist entity.¹⁰⁹

In July 2023, Save the Children reported an increase in reports of sexual violence against detained Palestinian children since 2020.¹¹⁰ This raises serious concerns about the systemic nature of these abuses and the urgent need for transparency, accountability and avenues for redress.¹¹¹

- **Women detainees**

Israeli authorities routinely subject Palestinian women detainees to cruel, inhuman and degrading treatment, namely prolonged forced nudity and invasive body searches. These invasive procedures frequently involve squatting while naked and penetrative examinations. Prison personnel use these searches punitively, sometimes conducting them in the middle of the night or during transfers to court hearings. Women who resist

105 CEDAW, arts. 1-3 and 5(a); CRC, art. 6(1), *see* Committee Against Torture, *V.L. v. Switzerland*, CAT/C/37/D/262/2005 (22 January 2007) at para. 8.10.

106 Fourth Geneva Convention; articles 27, 28.

107 "DCI Palestine submits 14 cases of sexual assault and threats to the UN for investigation" (2010); *See also*, DCI Palestine, "Israeli interrogator sexually assaults Palestinian child detainee" (10 February 2021).

108 Katherine Hearst, "Israel-Palestine war: Israel shut down NGO for reporting rape of teenager, ex-US official says" *Middle East Eye* (5 December 2023); DCI Palestine, "Israeli interrogator sexually assaults Palestinian child detainee" (10 February 2021).

109 "Former State Dept official, Josh Paul's interview with Christiane Amanpour" CNN (4 December 2023) at 8:10 minutes; DCI Palestine, "Israeli forces raid DCIP office, confiscate computers and client files" (29 July 2021).

110 Save the Children, "Injustice: Palestinian children's experience of the Israeli military detention system" (July 2023) at p. 12.

111 Mama Fatima Singhat, Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, *et al.*, "Communication concerning allegations of crimes of sexual violence and threats of sexual assault against Palestinian children by Israel Defense Forces (IDF) and Israel Prison Service (IPS)" (25 September 2024) at p. 1; Save the Children, "Physical abuse, infectious disease spreading as conditions for Palestinian children in Israeli military detention deteriorate" (22 July 2024).

face isolation cells. Additionally, guards sexually abuse prisoners through rape threats, including threats of rape against family members and other sexually degrading insults.¹¹² Where there is sensitivity surrounding sexuality and sexual assault in Palestinian society, this can also further complicate victims' access to justice, perpetuating a cycle of abuse, shame, silence and impunity.¹¹³

A 2015 case demonstrates how security detainees struggle to access justice for sexual violence committed by ISF members. When a Palestinian woman was arrested on suspicion of Hamas connections, two female officers were ordered by a Shin Bet officer to conduct invasive body cavity searches despite the victim's objections.¹¹⁴ The officers, on the same occasion, in turn, each penetrated her vagina and anus with their fingers searching for a SIM card, although no intelligence suggested she had concealed one in her body. The victim posed no clear and present danger, and the searches were deemed unlawful.¹¹⁵ With apparent encouragement from the then head of the Justice Ministry's Mivtan unit, which investigates complaints against the Shin Bet, another Israeli security agency, the victim filed internal complaints.¹¹⁶ She also filed criminal complaints for rape and sodomy. However, the State Prosecutor's Office closed the investigation into all six officers involved, acknowledging the unlawful searches occurred but citing insufficient evidence for rape.¹¹⁷ A legal opinion was issued by the head prosecutor stating that, although the penetrative searches were against protocol, they were legitimised given the security context.¹¹⁸ The victim's appeal to reopen the case was denied by the Attorney General's Office, leaving her with limited recourse for accountability.¹¹⁹

112 Addameer, "Palestinian Women Political Prisoners Systematic Forms of Political and Gender-Based State Violence" (December 2010) at pp.10-11; Revital Madar, "Beyond Male Israeli Soldiers, Palestinian Women, Rape, and War Israeli State Sexual Violence against Palestinians" *Conflict and Society: Advances in Research* 9 (2023): 72–88 at pp. 75-76; See, Chloe Benoist, "Palestinian women haunted by abuse in Israeli jails" *Middle East Eye* (8 February 2018).

113 Women's Centre for Legal Aid and Counselling "Sexual Violence Against Palestinian Women: Submission to the UN Special Representative on Sexual Violence in Conflict" (February 2024) at pp. 3-4

114 Revital Madar, "Beyond Male Israeli Soldiers, Palestinian Women, Rape, and War: Israeli State Sexual Violence against Palestinians" *Conflict and Society: Advances in Research* 9 (2023): 72–88 at p. 76.

115 Jonathon Ofir, "Rape and sodomy in Greater Israel" *Mondoweiss* (17 February 2022) quoting excerpts from the transcript of internal investigation as reported by Haaretz in Josh Breiner, "It Started With a Palestinian Woman's Arrest. It Ended With Israeli Officers Investigated for Rape" *Haaretz* (22 April 2021).

116 Josh Breiner & Yotam Berger, "Shin Bet Officers Suspected of Ordering Unwarranted Search of Palestinian Woman's Private Parts" *Haaretz* (2 November 2018).

117 Josh Breiner, "Shin Bet Officer Suspected of Ordering Search of Palestinian Woman's Private Parts Gets Promoted" *Haaretz* (28 September 2022).

118 Josh Breiner, "Israeli Prosecutor Defends 'Legitimate' Invasive Body Search of Palestinian Woman" *Haaretz* (7 November 2022).

119 Josh Breiner, "Palestinian Demands Israelis Who Conducted Intimate Body Search Stand Trial" *Haaretz* (16 February 2022).

Sexual violence allegations from 7 October 2023

On 7 October 2023, members of Hamas' armed wing and other Palestinian armed groups, accompanied by Palestinian civilians, invaded southern Israel, leading to the deaths of over 1,200 people and the taking of 252 people hostage into Gaza. The Independent Commission of Inquiry sent several requests for information to Israel and for access to Israel and the OPT, to which it did not receive a response. It considers that Israel is obstructing its investigations into events on and since 7 October 2023. However, the Commission examined open-sourced items and other documents, conducted several remote interviews and met with over 70 victims and witnesses (although no survivors of sexual violence committed on 7 October) and found reasonable grounds to believe that perpetrators committed rape on 7 October.¹²⁰ Its findings, based on credible witness testimony and digital evidence, indicated that there may have been the commission of war crimes including rape, torture and outrage upon personal dignity.¹²¹

This conclusion was echoed by Pramila Patten, the Special Representative of the Secretary-General (SRSG) on Sexual Violence in Conflict, who determined there were reasonable grounds to believe women were subjected to rape and gang rape at multiple locations in southern Israel. Her mission gathered credible circumstantial information indicating genital mutilation, sexualised torture and cruel, inhuman and degrading treatment.¹²²

120 For the Commission of Inquiry's methodology, *see*, Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel "Detailed findings on attacks carried out on and after 7 October 2023 in Israel" A/HRC/56/CRP.3 (10 June 2024) at paras. 2, 4-19.

121 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel "Detailed findings on attacks carried out on and after 7 October 2023 in Israel" A/HRC/56/CRP.3 (10 June 2024) at paras. 134 & 291-292.

122 Office of the SRSG-SVC "Mission Report: Official visit of the Office of the SRSG-SVC to Israel and the occupied West Bank 29 January – 14 February 2024" (4 March 2024) at paras. 84-86.

According to a January 2025 interview given by Israeli State Prosecutor Moran Gaz, prosecutors are unable to file rape charges against specific defendants for any 7 October sexual crimes. The lack of complainants and evidence connecting particular suspects to specific crimes makes it impossible to meet the required burden of proof in court at this time.¹²³ While this reflects a common reality in the context of sexual violence in conflict, it leaves the victims and their families without justice or a proper acknowledgement and public recognition of the harm done to all those violated.

An independent, comprehensive investigation by United Nations experts should be carried out in order to establish the prevalence, magnitude and scope of sexual violence committed on 7 October and thereafter. This would publicly reaffirm that rape, including rape in conflict, is never acceptable. It would also signal that the international community will continue to work to hold perpetrators accountable, to provide some form of justice to victims, and to devote more attention to the prevention of conflict-related sexual violence.

123 Ilana Curiel, “If you are a detainee of October 7th, as far as I am concerned, you have no right to live” *YNet News* (1 January 2025).

Escalating sexual violence against detainees following the 7 October 2023 attacks

Following the escalation of armed conflict on 7 October 2023, the human rights conditions for Palestinian detainees have deteriorated significantly. Arbitrary and regular arrests have surged,¹²⁴ with disturbing increases in reports of the severity and prevalence of sexual violence during arrests, interrogations, searches, transfers and within military detention facilities and prisons.¹²⁵ Many female human rights defenders, journalists and politicians from the West Bank have been targeted and unlawfully detained in Israeli facilities. Women in detention report routine sexual and gender-based violence, including rape with objects, genital beatings, persistent rape threats, repeated and prolonged invasive strip searches, forced nudity in front of male soldiers and attempts to kiss and fondle their breasts.¹²⁶ A female detainee reported that a soldier threatened to gang rape her, kill and burn her toddler children. He asked, “How do you want us to rape you? One by one or all together?” After the detainee reported these threats to her lawyer, she was subsequently denied access to him.¹²⁷ At Sde Teiman prison, another female detainee endured repeated nude searches and was reportedly gang raped twice by two male soldiers while being filmed.¹²⁸

Many cases of rape of Palestinian women by Israeli soldiers likely go unreported, as ISF threats of retaliation, in addition to fear of social stigma, deter victims from coming forward.¹²⁹ Palestinian women reported that female soldiers inserted inspection devices into their anus and genitals, yet many did not recognise these acts as rape, due to a prevailing belief that rape involves a man forcibly penetrating a woman with his penis.¹³⁰ The Independent Commission of Inquiry concluded that the sexual violence committed

124 In October 2023, the Israeli Prison Service imprisoned 5,192 security detainees. As of September 2024, that number increased by more than 4,000 persons to 9,844 detainees. These figures do not include thousands of detainees transferred from the Gaza Strip who are held in Israeli military detention centres. “Prisoner Chart”, HaMoked (September 2024).

125 Reem Alsalem, “Communication of Special Rapporteur on violence against women and girls, its causes and consequences, *et al* concerning the detention of Palestinian women and girls” Ref.: AL ISR 1/2024 (7 February 2024); Palestine Ministry of Women’s Affairs “Palestinian Female Detainees: Ongoing Human Suffering and Escalating Retaliatory Measures” (2025).

126 “Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel” A/79/232 (11 September 2024) at paras. 62-69; Office of the High Commissioner for Human Rights “Thematic Report: Detention in the context of the escalation of hostilities in Gaza” (31 July 2024) at paras. 41-45. See also, “Israel’s escalating use of torture against Palestinians in custody a preventable crime against humanity: UN experts” (5 August 2024); Dania Akkad “Israeli soldiers have been sexually assaulting Palestinian women for decades. Now they’re speaking out” *Middle East Eye* (3 December 2024).

127 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel “‘More than a human can bear’: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023” A/HRC/58/CRP.6 (13 March 2025) at para. 120.

128 Testimony of Kifeya Khraim, Women’s Centre for Legal Aid and Counseling & Witness #3, Woman Human Rights Defender “Public hearings on sexual, reproductive and other forms of gender-based violence committed by the Israeli Security Forces and Israeli settlers” UN Commission of Inquiry Palestine, East Jerusalem & Israel (11 March 2025) at 22:15 min.

129 Women’s Centre for Legal Aid and Counseling “Sexual Violence Against Palestinian Women: Submission to the UN Special Representative on Sexual Violence in Conflict” (February 2024) at pp. 3-4.

130 Testimony of Kifeya Khraim, Women’s Centre for Legal Aid and Counseling & Witness #3, Woman Human Rights Defender “Public hearings on sexual, reproductive and other forms of gender-based violence committed by the Israeli Security Forces and Israeli settlers” UN Commission of Inquiry Palestine, East Jerusalem & Israel (11 March 2025) at 4:10 min.

against Palestinian female detainees, including physical sexual abuse and threats of rape, “amounts to the war crimes of committing outrages upon personal dignity and inhuman treatment and the crime against humanity of other inhumane acts. In some cases, these acts amount to the war crime and crime against humanity of torture.”¹³¹

Palestinian men and boys are specifically targeted for sexual and gender-based violence by the ISF, constituting gender persecution.¹³² Victims report forced public nudity, genital torture, anal electrical probes and rape,¹³³ which would constitute war crimes and crimes against humanity. According to the Independent Commission of Inquiry, these acts of sexual torture serve to “feminise” male Palestinian detainees, with the intent to humiliate, degrade and punish them for the Hamas attack committed on 7 October 2023.¹³⁴ It added that to further humiliate victims and intimidate the larger Palestinian male population, ISF personnel often photograph the sexual violence and disseminate the images and videos online.¹³⁵ The Independent Commission of Inquiry’s investigation into Israeli authorities’ treatment of detainees after 7 October found that the ISF engages in systematic and institutionalised sexual violence against Palestinian detainees, concluding this was the result of deliberate policy.¹³⁶

In July 2024, prison guards at Sde Teiman facility are alleged to have gang raped a Palestinian man with a sharp object, resulting in his hospitalisation with life-threatening injuries – a ruptured bowel, punctured lung and broken ribs.¹³⁷ Despite the arrest of nine soldiers, public sympathy for the perpetrators soared, with some advocating for impunity and a “right to rape” Palestinian security detainees.¹³⁸ The lenient treatment¹³⁹ of the suspects and the Israeli security minister’s praise for them as “heroes” raise concerns

131 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel “More than a human can bear: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023” A/HRC/58/CRP.6 (13 March 2025) at para. 195.

132 According to the Independent International Commission of Inquiry, this gender persecution intersects with “the systematic discrimination against Palestinians based on nationality, ethnicity, culture and religion.” “Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023” A/HRC/56/CRP.4 (10 June 2024) at para. 472.

133 Further testimonies from Palestinians reporting rape by Israeli Security Forces available at: Palestinian Centre for Human Rights, “PCHR Documents Testimonies of Systematic Rape and Sexual Torture in Israeli Detention against Released Palestinian Detainees” (10 November 2025).

134 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel “Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023” A/HRC/56/CRP.4 (10 June 2024) at paras. 365 & 471.

135 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel “Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023” A/HRC/56/CRP.4 (10 June 2024) at para. 384.

136 “Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel” A/79/232 (11 September 2024) at paras. 101-109.

137 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel “More than a human can bear: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023” A/HRC/58/CRP.6 (13 March 2025) at para. 120.

138 “Israeli protesters rally for ‘the right to rape’ prisoners” *Al Jazeera* (August 2024).

139 They were released into 10 days of house arrest shortly after their arrest.

about the integrity of the investigation.¹⁴⁰ In February 2025, five of the nine soldiers were indicted for severe physical assault as part of a group,¹⁴¹ but no charges were filed for rape, sodomy or other sexual offences.¹⁴²

Another Palestinian detainee described how ISF members sexually tortured him at Sde Teiman prison by suspending him from the ceiling and repeatedly inserting a metal tool into his penis until it bled and he lost consciousness.¹⁴³ In another documented case, after his release from Sde Teiman, Musab Madoukh described witnessing IDF soldiers single out a fellow detainee, strip him naked, and rape him anally with an iron rod while he bled and screamed for help.¹⁴⁴ Another example includes Dr Adnan Al-Bursh, head of orthopaedics at Gaza's al-Shifa Hospital, who was arrested by ISF in December 2023 and likely raped to death according to multiple credible reports.¹⁴⁵ As of September 2025, no details of any investigation or responsibility had yet emerged.¹⁴⁶ The Committee Against Torture¹⁴⁷ and the Independent Commission of Inquiry report that Israel has made no meaningful efforts to identify and punish perpetrators of acts of sexual violence. It is within this environment that victims of sexual torture are expected to seek accountability.¹⁴⁸

140 [“Ten days of house arrest for soldiers who raped a Palestinian prisoner: How Israel and its society normalize rape”](#) *Raseef 22* (27 August 2024).

141 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel [“More than a human can bear’: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023”](#) A/HRC/58/CRP.6 (13 March 2025) at para. 155.

142 Former IDF Military Advocate General Maj. Gen. Yifat Tomer-Yerushalmi faced intense backlash after attempting to hold soldiers accountable after their arrests in August 2024. She subsequently leaked video evidence of the abuse to defend her office against public and political attacks, for which action she was arrested in October 2025. This case underscores the profound institutional and political resistance to accountability for sexual violence by Israeli security forces against Palestinian detainees, even in high-profile cases. *See generally*, TOI Staff, [“Ex-IDF legal chief hospitalized after suicide attempt, police commissioner confirms”](#) *Times of Israel* (9 November 2025) and Simon Speakman Cordall, [“Israel’s focus on political drama rather than Palestinian rape victim”](#) *Al-Jazeera* (5 November 2025).

143 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel [“More than a human can bear’: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023”](#) A/HRC/58/CRP.6 (13 March 2025) at para. 119

144 Palestinian Center for Prisoners’ Advocacy [“Center Documents the Testimony of the Killing of Two Prisoners and the Rape of a Third in the Sde Timan Desert Prison”](#) (26 November 2025).

145 Simon Speakman Cordall [“Dying in ‘Hell’: The fate of Palestinian medics jailed by Israel”](#) *Al Jazeera* (24 November 2024); [“Gaza: New testimony claims to reveal the moments that led to death of Dr Adnan Al-Bursh”](#) *Sky News* (14 November 2024).

146 International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel [“More than a human can bear’: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023”](#) A/HRC/58/CRP.6 (13 March 2025) at para. 121; Tlaleng Mofokeng, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health [“Communication regarding the alleged attacks on hospitals and healthcare facilities and healthcare workers”](#) Ref.: UA ISR 19/2024 (20 September 2024) at pp. 3-4.

147 Committee against Torture, [“Concluding observations on the sixth periodic report of Israel”](#) CAT/C/ISR/CO/6 (22 December 2025) at paras. 30-31.

148 Since the beginning of the war on 7 October 2023, numerous organisations have documented and reported the systemic and widespread use of rape of Palestinian detainees by ISF members with objects such as sticks, broomsticks, vegetables, and fingers as well as sexualised torture, including electrical burning of detainees’ anus. For more detailed reports and victim testimonies, see Day 1 Testimonies [“Public hearings on sexual, reproductive and other forms of gender-based violence committed by the Israeli Security Forces and Israeli settlers”](#) UN Commission of Inquiry Palestine, East Jerusalem & Israel (11 March 2025); Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel [“More than a human can bear’: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023”](#) A/HRC/58/CRP.6 (13 March 2025); Jon Donnison, [“Palestinians tell BBC they were sexually abused in Israeli prisons”](#) *BBC* (20 December 2025); Alice Cuddy, [“Chemical burns, assaults, electric shocks - Gazans tell BBC of torture in Israeli detention”](#) *BBC News* (7 April 2025); Interview with Mustafa Barghouti [“Palestinians would defiantly ‘die here and not leave”](#) *Middle East Eye* (14 February 2025) at 30:00 min; Peter Osborne, [“EXPOSED: Israel’s Secret Torture Camps”](#) *Double Down News* (6 September 2024).

While impunity is not limited to sexual violence, the lack of accountability for rape, and all forms of sexual violence, committed by individual ISF members coupled with government officials publicly legitimising this mistreatment engenders the widespread and systemic sexualised torture of Palestinian detainees.¹⁴⁹ State actors' endorsement of sexual violence against detainees¹⁵⁰ threatens the rule of law and human rights¹⁵¹ in Israel, violating international laws that absolutely prohibit sexual torture under any circumstances, including during armed conflicts or states of emergency.¹⁵² Israel's obligation to prevent and punish such acts remains absolute, regardless of public opinion or security threats.¹⁵³

In March 2025, the Independent Commission of Inquiry concluded that political leaders' statements and actions, combined with ineffective military and civilian judicial systems, signal to ISF members that they can commit acts of rape with impunity. Israeli civilian and military justice systems are not holding perpetrators of sexual crimes against Palestinians accountable and cannot be relied upon by victims seeking justice. The Commission further determined that the Israeli justice system fails to meet international standards when dealing with Palestinians, operating in an inherently discriminatory manner that fails to guarantee fair trials and systematically uses domestic laws to persecute Palestinians while protecting those who violate the rights of Palestinians.¹⁵⁴

149 "Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel" A/79/232 (11 September 2024) at paras. 101-109.

150 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel "More than a human can bear": Israel's systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023" A/HRC/58/CRP.6 (13 March 2025) at paras. 156-7.

151 Article 5 of the Universal Declaration of Human Rights (UDHR); article 7, read alone and in conjunction with article 2(3), of the International Covenant on Civil and Political Rights (ICCPR); articles 1, 2, 15 and 16 of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT); Article 37 of the Convention on the Rights of the Child. *See also*, UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), which establish that all prisoners shall be treated with dignity and no prisoner shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

152 ICCPR, article 4(2); CAT, article 2(2); International Criminal Court, Rome Statute, article 8(2)(b)(xxii) & article 8(2)(e)(vi).

153 ICRC "Customary International Humanitarian Law Study Rule 93".

154 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel "More than a human can bear": Israel's systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023" A/HRC/58/CRP.6 (13 March 2025) at paras. 160-1.

Recommendations

While Israel has made significant strides in enacting a wide range of consent-based laws and victim-centred policies that align with international human rights standards on rape, it cannot advance women's rights holistically over the population it controls unless and until it centres all women and girls and complies with all aspects of international law. The Israeli government has obligations to all those within Israel. As the occupying force, it also has obligations with respect to the treatment of Palestinians under its control.

Equality Now recommends the following reforms to legislation and policies:

- ▶ **Harmonise the legal definitions and penalties for all forms of non-consensual sexual penetration** by ensuring that the offence of “prohibited penetration” is treated as rape and carries similar and commensurate penalties, thereby eliminating any hierarchy of severity within rape offences.
- ▶ **Legally ensure that judicial discretion in sentencing and the use of plea bargaining do not lead to effective impunity from prescribed punishments for rape.**
- ▶ While current judicial sentencing practices are strong, **the law should explicitly prohibit the use of mitigating circumstances in sentencing for rape based on gender stereotypes and rape myths**, such as cultural beliefs, religion, customs, or consumption of alcohol or drugs, as well as consideration of the perpetrator's reputation and character, their role in the Israeli security forces, or the personality and behaviour of the victim. Perpetrators must be held responsible for their own violent behaviour.
- ▶ **Review and monitor the application of the Counter Terrorism Act amendment to ensure it does not result in discriminatory enforcement** or create unjust hierarchies among rape victims and perpetrators based on race, religion, national identity or ethnicity.
- ▶ **Fully implement the recommendations of the 2019 Berliner Committee Report**, including expanding specialised training for law enforcement, prosecutors and judges, including provision of accommodations for people with disabilities; ensuring the nationwide presence of sexual offence experts in police stations; guaranteeing all victims the right to choose the sex of their investigator; and establishing evaluation mechanisms to monitor the effectiveness of these reforms.
- ▶ **Strengthen efforts to combat sexual violence within the Israel Police Service and Israeli Defence Forces**, including improving reporting mechanisms, ensuring thorough, impartial and transparent investigations, and holding perpetrators fully accountable.

- ▶ **Ensure linguistic and cultural accessibility for Arab women by employing Arabic-speaking female investigators in police stations** across the country and offering other linguistic support as necessary and free of charge for complainants to effectively understand and navigate the system and participate fully in all proceedings. These measures are essential to facilitate the filing of complaints by Arab women, reduce barriers of mistrust and language, and promote equal access to justice for all victims of sexual violence.
- ▶ **Establish a centralised database for collecting and publishing publicly and freely comprehensive, disaggregated data on rape and other forms of sexual violence**, including information on reported cases, investigations, prosecutions, convictions, sentences, early prison release, prison rehabilitation, recidivism, and detailed profiles of victims and perpetrators.

As the occupying force, Israel has several obligations with respect to the treatment of Palestinians under its control. International monitoring bodies report that ISF members use rape and other forms of sexual violence systematically as tools of control, subjugation and dispossession of Palestinians within the context of Israel's unlawful occupation of the OPT. The Independent Commission of Inquiry details that these acts of sexual violence are not isolated incidents but form part of Israel's broader pattern of domination designed to oppress the Palestinian population through fear, humiliation, degradation and collective punishment. The documented escalation of sexual violence and sexualised torture in Israeli detention facilities following the attacks on southern Israel in October 2023 reflects deliberate actions committed with "either explicit orders or implicit encouragement from Israeli military and civilian leadership".¹⁵⁵

To address the systemic sexual violence committed against Palestinians, the Commission emphasises the need to confront its root causes.¹⁵⁶ This requires Israel to:

- ▶ **End the unlawful occupation without delay.**
- ▶ **Evacuate settlers.**
- ▶ **Ensure accountability for violations.**
- ▶ **Eradicate the entrenched structures of discrimination and oppression, as determined by the International Court of Justice in July 2024.**¹⁵⁷

155 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel "More than a human can bear': Israel's systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023" A/HRC/58/CRP.6 (13 March 2025) at para 222.

156 Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel "More than a human can bear': Israel's systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023" A/HRC/58/CRP.6 (13 March 2025) at para 226.

157 International Court of Justice "Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem" (19 July 2024) at paras. 266-272.

Conclusion

Rape and sexual violence are never acceptable, no matter the identity of the victim or the perpetrator. Victims/survivors of rape and sexual violence should be at the centre of efforts to secure justice for any and all acts of sexual violence against them, and that justice must be accessible to all equally. All women, girls, men and boys in Israel and the OPT have the equal right to protection from rape and effective remedies when violations occur, in line with international human rights standards. Although the Israeli government has taken some positive steps to address legal gaps and support survivors within Israel, it must do far more to prevent sexual violence and to ensure that all complainants equally receive the justice and support they deserve. This includes ensuring that rape is not used as a tool to advance a nationalist agenda, that sexual violence, including against marginalised groups in Israel, is better addressed and that sexual violence within the Israeli police and IDF is treated with zero tolerance.

Palestinians experience compounded harm as a result of the occupation, which fails to prevent sexual violence and does not provide secure and effective routes to justice. Rather, the Israeli authorities have exploited the occupation to enable perpetrators of sexual violence to act with virtual impunity. Ending the illegal occupation is essential to dismantling the conditions that perpetuate systematic sexual violence in the OPT, without which efforts to ensure accountability and protect the rights and dignity of Palestinian women, men and children are unlikely to succeed.

This reality underscores a broader truth with respect to both Israel and the OPT: sexual violence does not occur in a vacuum, nor can it be addressed through isolated reforms alone. Where institutions tolerate impunity, and structural discrimination persists, sexual violence becomes normalised for more than just the immediate victim. Any meaningful response must therefore be grounded in unequivocal condemnation, survivor-centred justice and a commitment to dismantling the systems that enable such abuse.

Annex - Sections of the Israeli Penal Code

Rape

345. (a) A person who penetrates the body of a woman or a man in any of the following circumstances:

- (1) without free consent;
- (2) with consent obtained by deception as to the identity of the perpetrator or the nature of the act;
- (3) where the girl or the boy has not yet attained the age of fourteen years, even with his or her consent; or
- (4) by exploiting a state of unconsciousness in which the woman or the man is, or another condition that prevents them from giving free consent;
- (5) by exploiting the fact that the woman or the man is mentally ill or intellectually disabled, where, due to the illness or the intellectual disability, their consent was not free consent;

— commits the offence of rape and shall be liable to sixteen years' imprisonment.

(b) Notwithstanding the provisions of subsection (a), the penalty for rape shall be twenty years' imprisonment if the rape was committed in any of the following circumstances:

- (1) against a girl or a boy who has not yet attained the age of sixteen years, and under the circumstances set out in subsection (a)(1), (2), (4) or (5);
- (2) by threatening with a firearm or a cold weapon;
- (3) while causing bodily or mental injury, or pregnancy;
- (4) with abuse, whether before the act, during the act, or after it;
- (5) in the presence of another person or other persons who acted together with the offender in carrying out the rape by one or more of them.

(c) In this Chapter, "**penetration**" means the insertion of an organ of the body or an object into a woman's genital organ or into a person's anus, or the insertion of a sexual organ into a person's mouth.

Sex offences within the family and by a person responsible for a dependent

351. (a) A person who commits an offence of rape under section 345(a) against a person who is a minor and a member of his or her family, or against a person who is a dependent and for whom the offender is responsible, shall be liable to twenty years' imprisonment.

(b) A person who penetrates the body of a woman or a man who has attained the age of fourteen years but has not yet attained the age of twenty-one years, where such person is a member of his or her family, shall be liable to sixteen years' imprisonment.

(c) A person who commits an indecent act against a person who is a minor and a member of his or her family, or against a person who is a dependent and for whom the offender is responsible, shall be liable to the following penalties:

(1) in respect of an offence under section 348(a) or (c1) – ten years' imprisonment;

(2) in respect of an offence under section 348(b) – fifteen years' imprisonment;

(3) in any case not listed in paragraphs (1) and (2) – five years' imprisonment.

(d) A person who commits an indecent act in the presence of a person who is a minor, wherever the act is committed, and who is a member of his or her family, shall be liable to four years' imprisonment.

(d1) A person responsible for a dependent who commits an offence under section 349(a) against the dependent shall be liable to two years' imprisonment.

(e) For the purposes of this section—

“Foster parent” means one of the following:

(1) a father or mother in a foster family, as defined in the Foster Care for Children Law, 5776-2016;

(2) a person responsible for a minor under paragraph (3) of the definition of “person responsible for a minor or a dependent” in section 368A;

“Step-brother or step-sister” means the son or daughter of a spouse of a parent;

“Person responsible for a dependent” has the meaning assigned to “person responsible for a minor or a dependent” in section 368A;

“Family member” means—

(1) a parent; the spouse of a parent, even if not married to him or her; a grandfather or grandmother;

(2) a person who has attained the age of fifteen years and is one of the following: a brother or sister; a step-brother or step-sister; an uncle or aunt; a brother-in-law or sister-in-law; provided that, for the purpose of an offence of unlawful penetration under subsection (b), or of an indecent act under subsection (c)(3), committed against a person who has attained the age of sixteen years, an uncle or aunt, brother-in-law or sister-in-law shall not be included in the definition of “family member”;

(3) a foster parent; the spouse of a foster parent, even if not married to him or her; the father or mother of a foster parent;

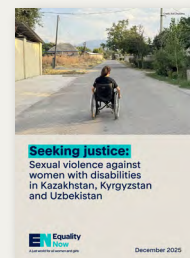
(4) a person who has attained the age of fifteen years and is one of the following: the son or daughter of a foster parent and the spouse of any of them; the brother or sister of a foster parent and the spouse of any of them; provided that, for the purpose of an offence of unlawful penetration under subsection (b), or of an indecent act under subsection (c) (3), committed against a person who has attained the age of sixteen years, the spouse of the son or daughter of a foster parent, the brother or sister of a foster parent, or the spouse of any of them shall not be included in the definition of “family member”;

“Dependent” has the meaning assigned to it in section 368A.

Explore further resources

Equality Now has produced several reports in legal and policy analysis and protocols related to sexual violence to promote improved access to justice with governments, law enforcement and other stakeholders, which can be found in our [Policy & Practice Centre](#). Our latest resources include:

[Seeking justice: Sexual violence against women with disabilities in Kazakhstan, Kyrgyzstan and Uzbekistan](#)



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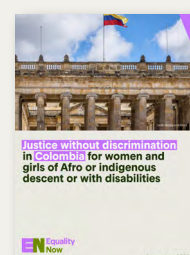
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