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NOTE

From:	EEAS
To:	Permanent Representatives Committee/Council
Subject:	Note of the Office of the EU Special Representative for Human Rights

Delegations will find in Annex the note of the Office of the EU Special Representative for Human Rights on Israel's compliance with Article 2 of the EU-Israel Association Agreement (human rights clause).



OFFICE OF THE EUROPEAN UNION SPECIAL REPRESENTATIVE FOR HUMAN RIGHTS

Israel's compliance with Article 2 of the EU-Israel Association Agreement – “human rights clause”

This note seeks to contribute to the ongoing review of Israel's compliance with Article 2 of the EU-Israel Association Agreement (so-called “human rights clause”). Relying on facts verified by and assessments made by independent international institutions, and with a focus on most recent events in Gaza and the West Bank, it provides a succinct overview of serious allegations of grave violations of international human rights law (IHRL) and international humanitarian law (IHL). For the purpose of the aforementioned review, the note focuses on alleged violations committed by Israel in Occupied Palestinian Territory. Violations committed by Hamas terrorists and other Palestinian armed groups do not fall within the scope of this note. The note focuses on latest developments and reports.

The Office of the EUSR for Human Rights has no dedicated capacity to assess the situation on the ground. This paper therefore relies entirely on assessments made by the International Court of Justice (ICJ), the Office of the High Commissioner for Human Rights (OHCHR), the UN Secretary General's Special Representative for Children and Armed Conflicts (SRSG CAAC), the UN Committee on the Rights of the Child, UNOCHA, UNOSAT. The paper does not include any value judgment by the Office of the EUSR, the High Representative/Vice President or the European Commission.

I. BACKGROUND

Gaza: In response to the terrorist attacks of 7 October 2023, Israel launched an intense military campaign, involving the **use of weapons with wide area effects in densely-populated areas**, and **severe restrictions on the entry and distribution of essential goods and services** into Gaza. Early 2025, a two-month ceasefire temporarily allowed an increased inflow of humanitarian assistance. On 2 March 2025 however and for **11 weeks**, Israeli authorities imposed a **complete blockade** on Gaza, entailing a ban on the entry of **any supplies, including food, medicine and fuel**. On 18 March 2025, Israel launched a new military operation: bombardment from the air, land and sea and expanded ground operations have resulted in civilian **casualties**, destruction of **civilian infrastructure**, including shelters and objects indispensable to the survival of the population, and **large-scale displacement** of people [OCHA; OHCHR OPT]. Early May 2025, the Integrated Food Security Phase Classification (IPC) assessed that the entire population was facing high levels of acute food insecurity, with half a million people (one in five) facing **starvation** [IPC, see also OCHA]. On 19 May 2025, Israel temporarily allowed the UN to resume the delivery of **limited amounts of aid supplies** (food, nutrition, health, water purification items) into Gaza; fuel, shelter supplies, hygiene products and medical equipment remain blocked [OCHA]. On

27 May 2025, Israel started operating a militarized distribution mechanism of food supplies (**Gaza Humanitarian Foundation - GHF**). Unrest and deadly incidents of shootings toward Palestinians [OCHA] around and at those distribution points have been reported [UNSG, OCHA 1 2 3, OCHA OPT, OHCHR, WFP, UNRWA]. The UN (UNSG, OCHA, OHCHR) called into investigation into reported **deadly attacks around GHF aid distribution sites**.

West Bank: Since 7 October 2023, the negative trends of **discrimination, oppression, and violence** against Palestinians have worsened: OHCHR and OCHA reporting illustrate a mounting tension between Palestinians and Israelis (significant increase in Palestinian fatalities, and in attacks by Israeli settlers) and sustained settlement expansion. Israeli security cabinet's decision to resume land registration in Area C raise concerns of further expropriation of Palestinian land and natural resources, in violation of Palestinians' rights [OHCHR OPT]. Since 7 October 2023, movement obstacles (road closures, checkpoints, and the Barrier) that permanently or intermittently restrict the movement of Palestinians across the West Bank, have increased and continue to undermine Palestinians' access to livelihoods, healthcare, education and other essential services [OCHA 1 2]. In June 2025, OCHA reported that Israeli forces had conducted multiple operations across villages and towns in the northern West Bank, arresting residents, destroying roads and disrupting Palestinian access to essential services.

II. EU-ISRAEL ASSOCIATION AGREEMENT

Article 2: Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement.

As underlined by the EU in February 2025, on the occasion of the 13th meeting of the EU-Israel Association Council, this clause “constitutes an essential element of the Association Agreement” (§3)

III. Possible human rights violations by Israel

A. Gaza

1. Blockade / denial / limited delivery of humanitarian aid

Under IHL

- Obligation to treat “protected persons” humanely at all times and to protect them against all acts of violence or threats (GCIV Art. 4 & 27)
- Obligation to take measures to ensure public order and safety (Hague Regulation, Art. 43)
- Obligation to provide sufficient hygiene and public health standards (GCIV Art. 56)
- Obligation to provide food and medical supplies (GCIV Art. 55)
- Obligation to agree to and facilitate relief schemes (GC IV Art. 59)
- Principles of distinction, proportionality and precautions in attack
- Prohibition of starvation as a method of warfare (Customary IHL Rule 53)
- Obligation to allow free passage of relief assistance and of essential goods intended for children under fifteen and pregnant and nursing mothers (GC IV, Art. 23)
- Obligation to allow and facilitate rapid and unimpeded passage of impartial and non-discriminatory humanitarian relief for civilians in need – including enemy civilians (Customary IHL)
- Prohibition to restrict the freedom of movement of humanitarian relief personnel (Customary IHL)

- Prohibition to intentionally direct attacks against personnel, installations or vehicles involved in humanitarian assistance (Customary IHL)

Israel's continued restrictions to the provision of food, medicines, medical equipment, and other vital supplies affect the entire population of Gaza present on the affected territory. According to OHCHR, the **blockade and siege of Gaza by Israel amount to collective punishment**, which is prohibited under IHL (GC IV Art. 33, CIHL Rule 103) [OHCHR 1 2] and **may also amount to the use of starvation as a method of war**.

Under IHRL

- Right to the highest standards of mental and physical health (ICESCR Art. 12)
- Right to an adequate standard of living, including adequate food, clothing and housing (Art. 11)
- Right to work (ICESCR Art. 6)
- Right to water (Art. 11 and 12, General Comment 15)
- Right to life (ICCPR Art. 6); prohibition of cruel, inhuman or degrading treatment (ICCPR Art. 7)

OHCHR finds that the severe restrictions imposed by Israel on the entry and distribution of goods and services necessary for the survival of the civilian population are **in violations of Israel's obligations** to ensure the Palestinians' internationally protected human **rights to food, water and health**. Humanitarian actors have described the limited resumption of humanitarian assistance into Gaza since 19 May 2025 as "far too slow to meet the overwhelming needs" [e.g. WFP]. The suspension of most economic activities, and the destruction of infrastructure, have left the majority of the population without formal employment opportunities, affecting Palestinians' **right to work** (ICESCR Art. 6) [WFP].

The blockade and restrictions on humanitarian aid are in violation of the ICJ's provisional measures orders, which are binding upon Israel. In 2024 (January, March, May), the ICJ ordered Israel to ensure, **in co-operation with the UN, the unhindered provision at scale of urgently needed basic services and humanitarian assistance** to Palestinians throughout Gaza, and to **maintain open the Rafah crossing**, with a view to prevent the commission of acts within the scope of the **Genocide Convention**.

The UN has criticised the militarised system of aid distribution established by Israel (GHF), as not having the capacity to deliver urgently needed humanitarian aid at scale to all in need [HCHR Türk], and as violating international standards on aid distribution (humanity, impartiality, neutrality, and independence), endangering civilians, and contributing to the catastrophic situation in Gaza [HCHR Türk, see also OCHA, OHCHR OPT]

2. Attacks with significant number of casualties

- Right to life (ICCPR Art. 6 & 4)
- IHL principles of distinction, proportionality and precautions in attack
- Obligation to treat "protected persons" humanely at all times and to protect them against all acts of violence or threats (GCIV Art. 4 & 27)
- Protection and safety of persons with disabilities (CRPD, Art. 11), children (CRC, Art. 38) in armed conflict

OHCHR monitoring indicates that the “unprecedented level of killing and injury of civilians” in Gaza was “a direct consequence of the Israeli Defense Forces’ (IDF) failure to comply fundamental principles of IHL”, i.e. the principles of distinction, proportionality and precautions in attack. According to OHCHR, of the verified Palestinian deaths caused by attacks on residential buildings in Gaza, 44% were children – mainly young children and babies. OHCHR observed that the distribution of victims in the current escalation, across all age groups, and among men/boy and women/girls, does not reflect known demographic of combatants but instead mirrors the age structure of the Gazan population at large. This points to indiscriminate attacks. The use of heavy weapons, incl. air-dropped bombs, on places where civilians are sheltering, including on tent encampment and schools (see also UNICEF UN), raise concerns about Israel’s compliance with the principles of precautions in attack, and proportionality [OHCHR]. In its order of 24 May 2024, the ICJ considered that “in conformity with its obligations under the Genocide Convention, Israel must immediately halt its military offensive, and any other action in the Rafah Governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part.”

3. Attacks on hospitals and medical facilities

- right to highest standards of health (ICESCR Art. 12)
- right to life (ICCPR Art. 6 & 4)
- IHL protection of medical infrastructures
- IHL principles of distinction, precautions and proportionality
- Duty to ensure and maintain medical facilities and services (GCIV Art. 56)

According to OHCHR, IDF has attacked hospitals across Gaza “in apparent systematic fashion”. These attacks involved “direct strikes, sieges, the use of snipers, raids, and the apparent arbitrary detention and ill-treatment of medical staff, patients and their companions, and internally displaced persons (IDPs) sheltering at hospitals”, and the killing of many emergency medical workers [OHCHR]. OHCHR has identified a pattern in Israel’s attacks on hospitals: airstrikes and shelling on the hospitals and/or vicinity, siege, raid, shooting of civilians, detention of medical staff, patients, companions and IDPs, and forcing remaining ones to leave [OHCHR]. According to OHCHR, under IHL, attacks on hospitals implicate an array of violations, including the rights to highest standards of health, food, water (e.g. during sieges) and ultimately the right to life [OHCHR]. Under IHL, even if Israel contends that a medical facility has lost its protection as a result of being used by Hamas, it must nevertheless comply with the IHL principles of precautions and proportionality.

4. Displacement

- Prohibition of mass forcible transfers (GC IV Art. 49)
- Right to liberty of movement and freedom to choose one’s residence (ICCPR Art. 12)
- Right to highest standards of health (ICESCR Art. 12)
- Right to education (ICCPR Art. 13; CRC)
- Right to adequate standard of living, incl. housing and food (ICESCR Art. 11)
- Right of children affected by an armed conflict to protection and care (CRC Art. 38)
- Right of persons with disabilities to protection and safety in situations of risk (CRPD Art. 11)
- Prohibition of mass forcible transfer (GCIV Art. 49)

90% of the population of Gaza has been displaced, often multiple times, due to Israel’s military

operations and to repeated displacement orders. Evacuations may be ordered in the context of hostilities, on limited grounds (security of the population or imperative military reasons), on a temporary basis, and provided the evacuating power ensures proper accommodation, satisfactory living and safety conditions for the displaced (GC IV Art. 49). The duration of displacement, together with the scale of destruction in the area of origin, poor living conditions in designated “humanitarian zones” and repeated Israeli attacks on those zones [OHCHR OPT] raise serious concerns as to the legality of the evacuations

5. Attacks against journalists

- Right to life (ICCPR Art. 6 & 4)
- Right to freedom of expression, right to seek, receive and impart information and ideas (ICCPR Art. 19)
- Prohibition of attacks targeting civilians (customary IHL)
- Prohibition of violence, cruel treatment and torture (GC Common Art. 3)
- Protection of journalists as “protected persons” (GCIV Art. 27)

Palestinian **journalists** and media workers have reportedly been killed in large numbers, **possibly** as a result of being directly **targeted** [OHCHR]. OHCHR identified and condemned the killings of journalists in Gaza [OHCHR OPT]. OHCHR noted that the apparent targeting of Palestinian journalists in Gaza, combined with the denial by Israel of access of foreign journalists to Gaza for over 18 months, except a few visits controlled by IDF, appear to indicate a **deliberate attempt** by Israel to **limit the flow of information to and from Gaza** and prevent reporting on the impact of its attacks and denial of humanitarian assistance

6. Lack of accountability

- Right to an effective remedy (ICCPR Art. 2(3))
- Duty to investigate alleged acts of torture; right to complain and have one’s case examined (CAT Art. 12 and 13)
- Duty to investigate and prosecute grave breaches of IHL (GC I, II, III and IV)

Under international law, States are primarily responsible to conduct investigations, hold perpetrators of violations and crimes to account. A State which finds that violations or crimes may have been committed within its jurisdiction must ensure that accountability be served on all sides. Failing this, supranational mechanisms may step in to investigate and/or prosecute.

In the context of Israel and the OPT, observers have deplored a persistent lack of accountability on all sides. This ongoing lack of accountability measures for serious allegations of international law violations has raised serious doubts about Israeli authorities’ **willingness and ability** to conduct genuine investigations, as required by international law [OHCHR 2025, 2024].

To date, Israel has not granted access to any **commission** of inquiry, fact-finding mission or other investigative body mandated by the UN, as stated in the ICJ order of 24 May 2024.

B. West Bank

1. Settlement consolidation and expansion

- Right to adequate standard of living, incl. housing (ICESCR Art. 11) and prohibition of forced evictions
- Right to liberty and security of the person (ICCPR Art. 9)
- Right to liberty of movement and freedom to choose one's residence (ICCPR Art. 12)
- Freedom from arbitrary or unlawful interference with one's privacy, family, home (ICCPR Art. 17)
- Right to work (ICESCR Art. 6)
- Right to education (ICESCR Art. 13, CRC. Art. 28)
- Right to self-determination (ICCPR and ICESCR Art. 1)
- Prohibition of discrimination (ICCPR Art. 2 and 26, ICESCR Art. 2(2) and CERD Art. 2)
- Prohibition of racial segregation and apartheid (CERD Art. 3)
- IHL rules on occupation (transfer of population, confiscation, etc.)

The impact on and obstacles to the enjoyment of human rights stemming from Israeli policies and practices is well-documented. OHCHR thus found that demolitions and ensuing forced evictions result in **numerous human rights violations**, impacting Palestinians' rights to adequate housing, land and property rights, water, sanitation, health, education, family life, residency and freedom of movement, and affecting women and girls disproportionately. In July 2024, the ICJ has identified 6 types of international law **violations** associated with **Israel's settlement policy**: 1/ **transfer** by Israel of its own population (settlers) to the West Bank; 2/ **confiscation and requisitioning** of land in occupied territory; 3/ **exploitation of natural resources**; 4/ **extension of Israel's law** to OPT; 5/ **forcible transfer** of Palestinians; and 6/ **settler violence**. The ICJ also found that Israel's regime of comprehensive restrictions imposed by Israel on Palestinians in the OPT constitutes **systemic discrimination** based on, *inter alia*, race, religion or ethnic origin (ICCPR Art. 2(1) and 26, ICESCR Art. 2(2), CERD Art. 2). The Court also found a breach of CERD Art. 3 (prohibition of **racial segregation and apartheid**). The Court also considered that Israel's "unlawful policies and practices" were in breach of Israel's obligation to respect the **right of the Palestinian people to self-determination** (ICCPR & ICESCR Art. 1). Israel has maintained its settlement policy – while settler violence intensifies. For OHCHR, State and settler violence and a "*de facto* policy of colonisation" contributed to further entrenchment of "a discriminatory system amounting to **segregation and oppression** of Palestinians" in the West Bank, including East Jerusalem, in violation of CERD Art. 3, which obliges States parties to prevent, prohibit and eradicate all practices of segregation and apartheid. OHCHR recently reported the **forcible transfer** of communities in the West Bank and called on Israel to abide by its obligation to bring an end to its unlawful presence, to cease all new settlement activities, and to evacuate all settlers from the OPT.

2. State and settler violence

- Right to life – non derogable (ICCPR Art. 6 and 4)
- Obligation to treat "protected persons" humanely at all times

States have a positive obligation to protect the lives of individuals against deprivations caused by persons or entities, whose conduct is not attributable to the State (ICCPR General Comment

36). Any use of weapons is subject to the requirements of **necessity** and **proportionality** which govern the use of force in law enforcement operations. According to OHCHR, the use of **unnecessary** and **disproportionate force** by Israel against Palestinians in the West Bank, including the unlawful use of methods and means developed for warfare, escalated dramatically in both intensity and frequency, while attacks by armed settlers, supported by Israeli forces, intensified.. Monitored cases also showed a **systematic denial or delaying of medical assistance** for the duration of the ISF operation [OHCHR]

3. . Detention

- Prohibition of torture or other cruel, inhuman or degrading treatment (ICCPR Art. 7, CAT)
- Right to liberty and security of person (ICCPR Art. 9)
- Right to prompt judicial review (ICCPR Art. 9(3)–(4))
- Right to be treated with humanity and dignity (ICCPR Art. 10(1), CAT, CRPD)
- Right to fair trial (ICCPR Art. 14)
- Protection of minors in detention (CRC Art. 37; ICCPR Art. 10(2)(b))
- Right to health and contact with the outside world (ICCPR Art. 10)
- GC Common Art. 3 (humane treatment, prohibition of violence), GC III (on prisoners of war), GC IV (on civilian internees): humane treatment, medical attention, relations with the exterior, transfer, death.

OHCHR has extensively reported on the situation of detention in the context of the current escalation of hostilities. According to OHCHR, after 7 October 2023, Israeli security forces conducted **mass arrests** of Palestinians in the West Bank, including East Jerusalem, the majority of which appeared **arbitrary** due to a **lack of legal grounds, violation of due process guarantees**, or the circumscription of the exercise of protected freedoms (incl. freedom of expression) [OHCHR]. Arrests reportedly often involved violence, humiliation and **inhuman and degrading treatment** in some cases amounting to **torture**, while the **conditions of detention for Palestinians** further deteriorated, severely restricting access to basic necessities. According to OHCHR, many detainees were subjected to violence which, in some cases, may have amounted to **torture or other ill-treatment** [OHCHR 1 2 3 4]. As stressed by OHCHR, the arbitrary detention and ill-treatment of Palestinians **violate IHL and IHRL**. OHCHR noted that the exact number and circumstances of death among Palestinian detainees in Israeli custody are unknown due to **Israeli authorities' refusal** to provide information about the fate and whereabouts of Palestinian detainees, to provide **access to ICRC**, but also to release the bodies of the deceased, all in violation of international law. OHCHR underlines that **withholding bodies** punishes the families of the deceased and thus could amount to **collective punishment**, prohibited under **IHL** (GC IV Art. 33). OHCHR adds it could also violate the prohibition of **torture and ill-treatment**, and Israel's obligations, as an Occupying Power (Art. 27 GC IV) [OHCHR].

IV CONCLUSION

On the basis of the assessments made by the independent international institutions cited above, there are indications **that Israel would be in breach** of its **human rights obligations** under **Article 2 of the EU-Israel Association Agreement**.