

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the right to education; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Ref.: OL ISR 7/2025
(Please use this reference in your reply)

1 May 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on the right to education; Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Human Rights Council resolutions 49/10, 53/7, 1993/2A and 52/36.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **(i) Youth Law (Adjudication, Punishment and Methods of Treatment) (Amendment No. 25 – Temporary Provisions), 2024; and (ii) the National Insurance Law (Amendment No. 251) (Revoking Allowances for a Child Imprisoned due to Terrorist Offence), 2024.**

We are concerned that the amendments and laws are inconsistent with the right of children under the Convention on the Rights of the Child (CRC) (ratified by Israel on 3 October 1991); non-discrimination under the CRC, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) (ratified by Israel on 3 October 1991) and the Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (ratified by Israel on 3 January 1979); the right to equal protection of the law (ICCPR, article 26); the right to social security under article 9 of the International Covenant on Economic, Social and Cultural Rights (ratified by Israel on 3 October 1991); and freedom from retroactive criminal punishment (ICCPR, article 15). In respect of the latter, Special Procedures mandate holders have previously expressed concerns regarding the vague and overbroad definitions contained in the 2016 Counter Terrorism Law and the risk of the Law being misused for political and ideological aims through various letters, including [ISR 6/2022](#), [ISR 15/2022](#), [ISR 6/2023](#), [ISR 9/2023](#), and [ISR 12/2024](#). We regret that no replies to any of these letters have been received to date.

We encourage your Excellency's Government to review and amend or repeal the amendments discussed below to ensure that they are fully compatible with Israel's international obligations. We underline that any measures taken to combat terrorism and violent extremism, including incitement of and support for terrorist acts, must comply with all obligations under international human rights and international humanitarian law (see A/74/337). We note that best international practice encourages States to regularly independently review counterterrorism and emergency laws to ensure their continuing necessity and compliance with international law.

Amendment No. 25 to the Youth Law (Adjudication, Punishment, and Methods of Treatment), 2024

On 7 November 2024, the Knesset passed Amendment No. 25 to the Youth Law (Adjudication, Punishment, and Methods of Treatment), 2024 (“Amendment”), which is set as a temporary provision valid for five years. The Amendment allows courts to sentence children as young as 12 years old to imprisonment, including life sentences, if convicted of murder or attempted murder classified as a “terror act” or if “the act was performed as part of the operations of a terrorist organization and aimed at advancing its objectives”. Minors as young as 12 years old may be placed in a secure facility and can then be transferred to adult prison upon turning 14 years old. The explanatory notes reportedly state that, in light of the gravity of terrorism-related offences, there should be no differentiation between adults and minors. They further state that the legislation aims to “reflect the public interest and considerations of deterrence, prevention, and retribution in the most severe cases.”

Palestinian children in the occupied West Bank are subject to Israeli military law, which already allows imprisonment of minors as young as 12 years old. The Amendment will affect Palestinian children living under Israeli civilian law, including citizens of Israel and residents of occupied East Jerusalem. The Amendment includes a temporary provision for three years, allowing the court to transfer a minor’s detention from a closed facility to prison for up to 10 days if the court believes the minor poses a threat to others or that their behavior could harm others. In the event of repeated instances, the court can keep the minor in prison for a duration determined by the judge. Minors will also be given the opportunity to present evidence and defend themselves. Prior to this Amendment, minors under 12 were exempt from criminal liability under Israeli law and minors under 14 could only be placed in secure facilities rather than regular prisons, regardless of the severity of the crime alleged. In addition, the Amendment empowers the Minister of Justice to extend the temporary legislation for periods not exceeding two years, subject to the approval of the Minister of Welfare and the Knesset’s Constitution Committee.

We have four main concerns about the Amendment. **Firstly**, the Committee on the Rights of the Child encourages States to set a minimum age of criminal responsibility of at least 14 years old when implementing article 40(3) of the CRC, and preferably 15 or 16 years of age, and urges States not to reduce the minimum age of criminal responsibility under any circumstances, in accordance with article 41 of the CRC (general comment No. 24, para. 22). The Committee noted that “maturity and the capacity for abstract reasoning is still evolving in children aged 12 to 13 years due to the fact that their frontal cortex is still developing. Therefore, they are unlikely to understand the impact of their actions or to comprehend criminal proceedings” (ibid). The Committee has expressed further concern about exceptions to the minimum age in relation to serious offences, noting that such practices are “not based on a rational understanding of children’s development” (ibid, para. 25). The Committee has called on States to abolish them and to set “one standardized age below which children cannot be held responsible in criminal law, without exception” (ibid). The decrease in minimum age is further not consistent with the duty to consider the best interest of the child “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies” (CRC, article 3).

Secondly, article 37(c) of the CRC prohibits detaining children with adults unless it is considered in the best interest of the child, an exception which should be interpreted narrowly and not so as to allow the convenience of the State to override their best interests (general comment No. 24, para. 92). Detention with adults “compromises their health and basic safety and their future ability to remain free of crime and to reintegrate” (ibid). Children should be detained in separate facilities that are staffed by appropriately trained personnel and that operate according to child-friendly policies and practices (ibid). The imperative to detain children separately from adults is particularly imperative where they may be exposed to possible radicalization and recruitment attempts by adult terrorist offenders.

Thirdly, despite the seriousness of the crime of murder, authorizing up to life imprisonment for children as young as 12 years old is not consistent with international law. Under article 37(b) of the CRC, the arrest, detention or imprisonment of a child must be used only as a measure of last resort and for the shortest appropriate period of time. The Committee on the Rights of the Child has indicated that in the few situations where deprivation of liberty is justified as a last resort, it must only be applied to older children and be strictly time limited (general comment No. 24, para. 6(c)(v)). The Committee has observed that life imprisonment is grossly disproportionate and therefore cruel, inhuman or degrading when imposed on a child, and has called on States to abolish it for children (ibid, para. 81).

Further, article 40(3) of the CRC requires States parties to promote measures for dealing with children accused of criminal offences without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. Diversion should be the preferred manner of dealing with children in the majority of cases, including for serious offences (general comment No. 24, para. 16). Allowing the imprisonment of children as young as 12 years old also appears to contradict the core objectives of Israel’s own Youth Law, which give priority to rehabilitation treatment over punishment of children accused and/or convicted of committing a crime. We note also that children accused of having committed crimes during armed conflicts should be treated primarily as victims of violations of international law, with a focus on non-judicial alternatives to prosecution and detention, and reintegration (general comment No. 24, para. 100).

Fourthly, we are concerned that Palestinian children – citizens of Israel and residents of occupied East Jerusalem – are disproportionately accused of terrorist offences and appear to be the primary targets of the Amendment. In contrast, Israeli Jewish children are primarily indicted under ordinary criminal law, rather than the counter-terrorism law, regardless of the nature, severity, or motivation behind their alleged actions. The design and application of the Amendment thus appear to discriminate on the basis of national origin, ethnicity and/or religious background. In accordance with article 2(1) of the CRC, States shall respect and ensure the rights of children within their jurisdiction without discrimination of any kind, irrespective of, relevantly, race, colour, political or other opinion, national, ethnic or social origin, or birth or other status. Discrimination is also prohibited by article 2 of the ICCPR and the Convention on the Elimination of All Forms of Racial Discrimination.

We emphasize that the Committee on the Elimination of Racial Discrimination has previously found that Israel maintains “several laws that discriminate against Arab citizens of Israel and Palestinians in the Occupied Palestinian Territory, and that create differences among them, as regards their civil status, legal protection, access to social and economic benefits, or right to land and property” (CERD/C/ISR/CO/17-19, para. 15). We echo the concerns expressed by the Committee that Israel claims that the ICERD “does not apply to all the territories under the State party’s effective control”, a position that “is not in accordance with the letter and spirit of the Convention and international law, as also affirmed by the International Court of Justice” (CERD/C/ISR/CO/17-19, para. 9). We note further the recent determination of the International Court of Justice in its Advisory Opinion that “a broad array of legislation adopted and measures taken by Israel in its capacity as an occupying Power treat Palestinians differently on grounds specified by international law”.¹ In its opinion, the Court found that such differentiation “cannot be justified with reference to reasonable and objective criteria nor to a legitimate public aim” and that “the régime of comprehensive restrictions imposed by Israel on Palestinians in the Occupied Palestinian Territory constitutes systemic discrimination based on, inter alia, race, religion or ethnic origin, in violation of articles 2, paragraph 1, and 26 of the ICCPR, article 2, paragraph 2, of the ICESCR, and article 2 of CERD.” It concluded that “Israel’s legislation and measures constitute a breach of Article 3 of CERD”², which requires Israel to prevent, prohibit and eradicate all practices of racial segregation and apartheid.

We reiterate the grave concerns about the Amendment expressed by the Committee on the Rights of the Child in September 2024 and its urgent call on your Excellency’s Government to withdraw it (2024 Concluding observations on the combined fifth and sixth periodic reports of Israel, CRC/C/ISR/CO/5-6, para. 49(b)).

National Insurance Law (Amendment No. 251) (Revoking Allowances for a Child Imprisoned due to Terrorist Offence), 2024

In December 2024, the Knesset passed Amendment No. 251 to the National Insurance Law (Revoking Allowances for a Child Imprisoned due to Terrorist Offence) (“Amendment”). The Amendment allows for the revocation of child welfare benefits from the parents of children who have been convicted of “security offences”, such as throwing stones or other objects at vehicles, if the courts determine that such acts constitute serious terrorist offences under the Counter-Terrorism Law. During the child’s incarceration, their parents would be stripped of child-related benefits, including child allowances, education grants, alimony payments, additional income support and dependents’ increments on certain benefits.

The Amendment was introduced following a 2021 Israeli Supreme Court decision that struck down a similar law from 2015, which had denied social welfare benefits to parents of Palestinian minors convicted of security-related offences or offences committed on the basis of “nationalist motives”.³ In its decision, the Supreme Court held that the law violated the principle of equality under Israeli law and was

¹ ICJ, Advisory Opinion, Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, 19 July 2024, para. 223.

² Ibid.

³ HCJ 3390/16 Adalah - The Legal Center for Arab Minority Rights in Israel et. al v. The Knesset, 8 July 2021.

therefore unconstitutional. The 2024 law mirrors the 2015 law but removes the “nationalist motives” requirement, requiring instead that courts determine whether the offence constitutes an “act of terrorism.” The explanatory notes indicate that the Amendment aims “to denounce acts of terrorism and to cause parents to supervise their children and make sure that they do not engage in terrorist activity”.

In relation to the right to social security under article 9 of the ICESCR, the Committee on Economic, Social and Cultural Rights has indicated that “[t]he withdrawal, reduction or suspension of benefits should be circumscribed, based on grounds that are reasonable, subject to due process, and provided for in national law” (general comment No. 19, para. 24) and that “[t]he right to social security includes the right not to be subject to arbitrary and unreasonable restrictions of existing social security coverage” (ibid, para. 9). Since social security benefits aim to support the child in the community, including by supporting their parents, in principle the restriction of certain benefits while an imprisoned child is no longer in the community and under parental care, and is instead in the care of the State authorities, may be justifiable in certain circumstances. However, the Amendment allows for the termination of all child-related payments, without consideration of the nature of the payment, the impact on the child and the family, the conduct of the parents, or the duration of the period of incarceration. As such, the Amendment is overbroad and risks resulting in unnecessary, disproportionate, arbitrary and unreasonable restrictions in individual cases. Further, the authorities do not appear to have demonstrated that less invasive means would not be effective in deterring terrorist acts, aggravating the lack of proportionality.

We note that Israeli law does not withdraw benefits from children convicted of other serious offences, suggesting that the Amendment does not legitimately aim to suspend benefits that may be unnecessary while the child is in detention, but serves an ulterior punitive purpose. Further, the measure operates as an additional punishment automatically imposed by the legislature and not by the courts after considering the individual circumstances, raising concerns about the separation of powers and the proper role of the courts in determining punishment.

Further, since the Amendment creates a legal distinction between minors designated as “security prisoners” and “criminal prisoners”, and Palestinian children are reportedly disproportionately convicted of security offences, the amendment risks having a discriminatory impact on the basis of origin, contrary to article 2 of the ICCPR.

Finally, we reiterate concerns previously expressed by Special Procedures mandate holders about vague and overbroad terrorism offences under Israeli law, which do not satisfy the principle of legality under article 15 of the ICCPR and capture conduct that is not genuinely terrorist according to best practice international standards. Such overbreadth accordingly increases the likelihood that the restrictions on social security are not necessary, proportionate, reasonable or non-arbitrary. We emphasize the importance of fully implementing international human rights law in relation to the 2016 Counter-Terrorism Law, as highlighted in previous letters (cited above and especially [ISR 6/2022](#)).

We call the attention of your Excellency’s Government to the deleterious effect that the above-mentioned laws and amendments may have on human rights and freedoms protected under international law. We respectfully underline the importance

of upholding international human rights law while countering terrorism, which also makes counter terrorism efforts more effective. We urge your Excellency's Government to review the above legislation to ensure its strict compliance with international law.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned observations.
2. Please explain how Amendment No. 25 to the Youth Law complies with international law, including the rights under the Convention on the Rights of the Child and freedom from discrimination.
3. Please detail how the laws and amendments mentioned above, especially Amendment No. 251 to the National Insurance Law, comply with the right to social security, the rights of children and the family, and non-discrimination and equality before the law.
4. Please provide information on what measures your Excellency's Government intends to take to ensure that the abovementioned laws and amendments are reviewed and amended or repealed to conform with international humanitarian law and international human rights law.
5. Please indicate what safeguards were taken during the legislative process to ensure that such laws comply with international human rights law, including in their formulation as well as in their application.

We stand ready to provide your Excellency's Government with any technical advice it may require in ensuring that its legislation is fully compliant with international human rights standards and international humanitarian law.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please be informed that a copy of this letter is being sent to the Government of the State of Palestine.

Please accept, Excellency, the assurances of our highest consideration.

Ben Saul
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Farida Shaheed
Special Rapporteur on the right to education

Francesca Albanese
Special Rapporteur on the situation of human rights in the Palestinian territory
occupied since 1967

K.P. Ashwini
Special Rapporteur on contemporary forms of racism, racial discrimination,
xenophobia and related intolerance