

**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 rights to freedom of peaceful assembly and of association; the Independent expert on the promotion of a democratic and equitable international order; the Special Rapporteur on minority issues; 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 15/2025

(Please use this reference in your reply)

8 July 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 rights to freedom of peaceful assembly and of association; Independent expert on the promotion of a democratic and equitable international order; Special Rapporteur on minority issues; 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 58/14, 53/7, 50/17, 57/7, 52/5, 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 the **Law Prohibiting the Employment of Teaching Staff and Denial of Budget from Educational Institutions Due to Identification with a Terrorist Act or a Terrorist Organization (Legislative Amendments), 5785-2024**, enacted on 7 November 2024 ("Law").<sup>1</sup>

The Law introduces three principal amendments to existing laws,<sup>2</sup> allowing defunding of schools, the suspension of teachers, and the refusal of permission to teach in specified security/terrorism related circumstances. According to its explanatory notes, the Law is primarily aimed at Palestinian schools in East Jerusalem.

We are particularly concerned that the amendments below criminalize or otherwise infringe the legitimate exercise of rights protected under international human rights law and international humanitarian law, particularly the right to freedom of expression (International Covenant on Civil and Political Rights (ICCPR), article 19), the right to education (International Covenant on Economic, Social, and Cultural Rights (ICESCR), article 13), the right to work (ICESCR, article 6), children's rights (ICCPR, article 24, ICESCR, article 10 and Convention on the Rights of the Child (CRC)), the right to freedom of assembly and of association (ICCPR, articles 21 and 22) and freedom from discrimination (ICCPR and ICESCR, common article 2) in respect of Palestinian citizens in Israel and Palestinian residents of East Jerusalem. Israel ratified the ICCPR, the ICESCR and the CRC on 3 October 1991, and the Fourth Geneva

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<sup>1</sup> <https://main.knesset.gov.il/activity/legislation/laws/pages/lawbill.aspx?t=lawsuggestionssearch&lawitemid=2200735>.

<sup>2</sup> State Education Law, 5713-1953, Civil Service (Discipline) Law, 5723-1963, School Supervision Law, 1969, Compulsory Education Law, 5779-1949, Local Authorities (Discipline) Law, 1978, and Unique Cultural Educational Institutions Law, 5768-2008.

Convention relative to the Protection of Civilian Persons in Time of War on 6 July 1951, which all apply in Israel and the occupied Palestinian territories (E/C.12/ISR/CO/4, para. 9).

We have previously expressed concerns regarding the vague and overbroad definitions contained in the 2016 Counter Terrorism Law and the risk of them being misused through various letters, including [ISR 6/2022](#), [ISR 15/2022](#), [ISR 6/2023](#), [ISR 9/2023](#), [ISR 11/2024](#) and [ISR 12/2024](#). The new Law uses key definitions from that law. We regret that we have not received a reply to any of these letters to date.

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 law and international humanitarian law (see A/74/337). We encourage your Excellency's Government to review and reconsider key aspects of the amendments discussed below to ensure that they are fully compatible with Israel's international obligations, and to repeal all laws that are incompatible with international law. 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.

#### *Restrictions on school funding*

The Law firstly empowers the Minister of Education or an authorized representative to withhold temporary or permanent funding from recognized non-official educational institutions if it is proven to their satisfaction "that there are manifestations of identification with or support for a terrorist act or a terrorist organization that the management of the educational institution knew or should have known about". The Law relies on the definitions of "terrorist act" and "terrorist organization" in the Counter-Terrorism Law, although "identification with or support" for them does not appear to be defined in the Law or by reference to the Counter-Terrorism Law. The Minister makes the decision after consultation with the supervising district director of the school, and after giving notice to the school and giving it an opportunity to present its arguments.

These schools, which are partially private and partially state-funded institutions, follow core state guidelines but maintain significant autonomy in their curriculum and administration. As of mid-2023, there were 105 Palestinian schools classified recognized but unofficial schools, serving 44 per cent of East Jerusalem's Palestinian student population. The Law imposes similar restrictions on funding to unique cultural educational institutions and in respect of student tuition fees. It applies to funding from both local education authorities and state allocations directed to students.

#### *Dismissal of teachers*

The Law secondly broadens the grounds for administratively dismissing state teaching employees to include situations where the employee:

- (a) committed an act of public identification with a terrorist organization within the meaning of section 24(a)(1) of the Counter-Terrorism Law, published a direct call to commit an act of terrorism, or published words

of praise, sympathy or encouragement for an act of terrorism or identification with it, in view of the special gravity of being a teaching employee, including work with minors or vulnerable persons;

- (b) was convicted of a serious security offence or terrorism offence under the Counter-Terrorism Law; or
- (c) committed an act that constitutes a terrorism offence under the Counter-Terrorism Law (except section 24), where the security authorities (defined as the General Security Service or Israeli Police) have forwarded information about it to the Director-General of the Ministry of Education.

The relevant “terrorism offences” encompass expression-related offences, including, for instance, incitement to terrorism. After receiving notice of the intention to dismiss, an employee has seven days to respond and a hearing must be held within five days of receiving the comments a decision made at the end of those five days.

#### *Refusal of employment authorizations*

Thirdly, the Law amends the Supervision of Schools Law, 1969 by allowing the Director-General of the Ministry of Education to refuse granting an employment authorization to an individual to teach on the same grounds ((a)-(c)) as for dismissing state teaching employees mentioned above.

#### *Human rights concerns*

We are concerned that the Law is not consistent with Israel’s international obligations. Many of the grounds for restricting funding or dismissing or refusing to hire teachers are based on expression-related terrorism offences in the Counter-Terrorism Law, as well as underlying definitions of terrorist act and terrorist organization. As mentioned, Special Procedures mandate holders have previously expressed concern that some of these offences are vague and overbroad, do not satisfy the requirement of legality under article 15 of the ICCPR, constitute unnecessary or disproportionate restrictions on freedom of expression, and are prone to abusive and discriminatory application against Arab citizens of Israel and Palestinian residents of occupied East Jerusalem (see especially [ISR 6/2022](#)). In this context, we are concerned that by invoking such offences to restrict school funding and dismiss or refuse to hire teachers, the Law is likely to result in violations of other human rights.

#### *Freedom of expression and right to education*

The Law would unjustifiably infringe upon the right of teachers and students to freedom of expression and opinion as protected under article 19 of the ICCPR and as an element of the right to education in article 13 of the ICESCR. The right to education can only be enjoyed if accompanied by the academic freedom of staff and students, who must be free to pursue, develop and transmit knowledge and ideas, to express freely opinions about the institution or system in which they work, and to fulfil their functions without discrimination or fear of repression by the State (Committee on Economic, Social and Cultural Rights (CESCR), general comment No. 13, paras. 38-39). The State

must avoid measures that hinder or prevent the right to education (para. 47).

Further, in general comment No. 34, the Human Rights Committee emphasized that freedom of expression extends to “political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (para. 11). According to the Committee, any restriction must be compatible with the requirements set out in article 19(3) of the ICCPR, meaning that it must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives.

In the same vein, Human Rights Council resolution 12/16 called for refraining from imposing restrictions that are not consistent with article 19(3), including discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups. The Law would restrict and chill free political and human rights discourse in schools and viewpoints that diverge from the official positions of State educational authorities, as well as the possibility to participate in reunions to coordinate and/or express such viewpoints or to create informal associations to lead such coordination. In occupied East Jerusalem in particular, we note that Palestinians owe no duty of allegiance to the State of Israel and must be free to criticize the occupying power.

Moreover, by authorizing the arbitrary withholding of funding based on vague and overbroad restrictions on free expression, the Law may result in infringing Israel’s obligation to fulfil the right to education (CESCR, general comment No. 13, para. 47), in particular through the requirement to provide adequate funding.

#### *Right to work and right to reputation of teachers*

Thirdly, by authorizing the dismissal of or refusal to hire teachers based on vague and overbroad restrictions on free expression, the Law may result in violations of the right to work of teachers under article 6 of the ICESCR, which includes the right not to be arbitrarily or unfairly deprived of work (CESCR, general comment No. 18, para. 6). Further, the right to work requires non-discrimination and equality in the maintenance of the employment (para. 12), and the Law appears aimed at impermissibly targeting Palestinian teachers on the basis of their political opinions.

We note that during the debate about the draft Law, officials from the Ministry of Justice and Attorney General’s office were concerned that it risked unconstitutionally labelling teachers as an entire group as a security threat, when the Israeli Security Agency had indicated that teachers were not considered such a threat and were not subjected to comprehensive security checks. Officials were further concerned about violations of the right to privacy and reputation, since teachers as a whole would be under increased suspicion and monitoring, and about the chilling of their free expression. In this respect, we fourthly emphasize that article 17 of the ICCPR prohibits Israel from subjecting any person to unlawful attacks on their honour and reputation.

### *Threshold for defunding schools*

Fifthly, we are concerned that the threshold for defunding schools is set far too low in additional respects. Funding may be withheld if a school's management "knew or should have known" of manifestations of identification with or support for a terrorist act or a terrorist organization, but there is no further requirement that management negligently failed to act to address such manifestations, such as through normal processes of internal counselling and disciplinary proceedings. Further, there is no requirement that manifestations of identification with terrorism are frequent or systematic in the school – even a single instance by a single student or teacher could be sufficient to defund a whole school, resulting in unnecessary and disproportionate restrictions on the right to education. In addition, there are no criteria for determining how the school "should have known" of manifestations, when schools cannot systematically monitor all speech by all individuals without undermining a free educational environment that appropriately values freedom of expression and opinion.

### *Right to due process*

Sixthly, we are concerned at inadequate procedural protections under the Law. The Law grants the Minister of Education and the Director-General (a political appointee), as officials in the executive Government, wide discretions to decide whether conduct under the Law has occurred and to consequently dismiss teachers and withhold funding. Only one of the three grounds under the Law requires the existence of a criminal conviction. The other grounds (public identification or other listed expressions of support for terrorism, and the alleged commission of a terrorism offence where the security authorities have merely forwarded "information" about it) require only a low and vague standard of proof, namely that they be proven to the mere "satisfaction" of the educational authorities. The decision is not made by any independent and impartial authority.

Further, the time periods provided for teachers to challenge the notice of intent to dismiss them and to provide comments (seven days) and for the authorities to make the decision (within five days) are far too short to enable a fair hearing. In particular, there may be insufficient time for the teacher to seek legal advice and adequately prepare their response, while the decision-maker will likely be under pressure to make hasty decisions which do not adequately collect and assess all relevant information. There is a real risk that the process will result in arbitrary dismissals and the misuse of the Law to silence political and other viewpoints at odds with those of the Government.

### *Non-discrimination*

Finally, the explanatory notes to the Law and statements by its proponents indicate that it foremost aims to target Palestinian citizens of Israel and Palestinian residents of East Jerusalem. As of August 2023, there were 105 Palestinian schools classified as "recognized but unofficial" schools, serving 44 per cent of East Jerusalem's Palestinian student population. The Law risks having a disproportionate impact on Palestinian citizens of Israel and Palestinian residents of East Jerusalem and being used to institutionalize the surveillance and repression of Palestinian teachers, students and schools where dissent is expressed against the Israeli Government. The Law may thus violate the duty of non-discrimination on the basis of nationality and

political opinion.

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 detail how the Law complies with the obligations of your Excellency's Government under international law to safeguard the rights under the ICCPR and the ICESCR, specifically the rights to freedom of expression and opinion, to education, work, reputation, due process, and non-discrimination.
3. Please provide information on what measures your Excellency's Government intends to take to ensure that the Law is repealed or reviewed to conform with international human rights law.

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

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