

Adalah's NGO Report to the UN Committee on the Rights of the Child Responses to the List of Issues in Advance of its Review of the State of Israel

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Adalah is pleased to submit this report to the UN Committee on the Rights of the Child, in view of Israel's upcoming review by the Committee in its ninety-seventh session (26 August to 13 September 2024). This report is a follow-up to Adalah's previous submission to the Committee, dated 20 January 2023 (see: [link](#)). In that report, Adalah discussed violations of the Convention both in Israel and in the Occupied Palestinian Territory (OPT). This report relates to the Committee's List of Issues to Israel and Addendum thereto, as well as to Israel's responses, provided in its Combined 5th and 6th Periodic Reports Concerning the Committee's List of Issues, and to more recent developments on the ground, including during the current war on Gaza. This submission is based on information contained in a range of publications by Adalah, and its legal work before the Israeli courts and state authorities.

Adalah is an independent human rights organization and legal center, founded in 1996. Its mission is to promote human rights in Israel in general and the rights of the Palestinian minority, citizens of Israel, about 20% of the population, in particular. This work also includes promoting and defending the human rights of all individuals subject to the jurisdiction of the State of Israel, including Palestinian residents living under occupation in the OPT. Adalah works before Israeli courts to defend the human rights of Palestinians in Israel and in the OPT.

1. Lack of disaggregated data provided by the State of Israel

In many sections of Israel's reports to the Committee, it has not provided disaggregated data on children who are Palestinian citizens of Israel (PCI), and much of the data it has provided contains inaccuracies and omissions. In general, Israel fails to collect or publish comprehensive data disaggregated by nationality, a failure that masks the full extent of discrimination against PCI. When data is per community, the state fails to collect data from Arab towns and villages, does not provide a breakdown of data by nationality for the 'mixed cities', etc.

This data problem is most acute in relation to Palestinian Bedouin citizens of Israel, especially those living in officially 'unrecognized' villages in the Naqab/Negev region in the south of Israel. Israel not only fails to collect specific, detailed data on this group, leaving them absent from many relevant surveys, statistical reports and other sources of data, but in many cases, it does not collect any data about them at all, leading to gaps, inconsistencies and under-reporting of discriminatory outcomes.

For example, in the Annex to its report on the List of Issues, Israel provided data regarding youth who were transferred to alternatives to detention in the years 2019-2023 (para. 39), however, no specific information is provided about how many of these youths are PCI or Jewish Israeli citizens.

A further example is the data provided by Israel in response to question 20 posed by the Committee concerning children in conflict with the law. In none of the Tables 58-62 provided by Israel in this section is any disaggregated data provided by nationality. This lack of disaggregated data is a major

omission given entrenched discrimination against PCI detainees within the Israeli criminal justice system and comes despite the Committee asking for this data to be disaggregated, inter alia, by ethnic origin and national origin.

2. Application of the CRC to the OPT

As set out in para. 9 of Israel's Combined Fifth and Sixth Periodic Reports, Israel maintains that the CRC does not apply to the OPT and claims that there are no enforcement mechanisms to ensure compliance with the Convention. This stance persists despite repeated inquiries from the Committee, as detailed in the List of Issues, which includes several sections specifically addressing the application of the CRC in the OPT – sections 2(f), 4(a), 4(b), 4(d), 4(e), 9(b).

Israel's stance creates a legal vacuum that could potentially lead to numerous violations in the absence of international accountability, particularly under the current far-right Israeli government coalition. Israel has avoided giving written answers to questions about the application of the CRC in the OPT for many years; however, failure to address this critical matter prevents the effective application of the CRC and its protections to Palestinian children in the OPT.

Regarding the CRC's application to the OPT, the International Court of Justice (ICJ) has affirmed that the Hague Regulations are part of customary international law and that the Fourth Geneva Convention applies.¹ Additionally, the ICJ stated that international human rights treaties, including those concerning civil and political rights; economic, social, and cultural rights; and the rights of the child, also apply in the OPT.² In the *Marabi* case, the Israeli Supreme Court recognized the ICJ's Advisory Opinion on the Wall as providing valuable interpretations of international law, although it is non-binding and does not prescribe specific actions.³ In that decision Chief Justice Barak further referenced a previous Supreme Court decision on the subject of international humanitarian law (in the *Beit-Sourik* case) and acknowledged that, while the application of human rights conventions to the OPT was not directly addressed in that case, it is assumed to be applicable.⁴ In the recent ICJ Advisory Opinion issued on 19 July 2024, the Court concluded that Gaza remains part of the Palestinian territory occupied in 1967, along with the West Bank and East Jerusalem.⁵

Adalah urges the Committee to call on Israel to ensure full compliance with the CRC in all the territories under its occupation and effective control, including the OPT, and to continue to issue recommendations and observations that relate to Israel's violations of the CRC in these areas, despite Israel's position in this matter.

¹ International Court of Justice (ICJ), "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," Advisory Opinion, 9 July 2004.

² Ibid.

³ HCJ 3239/02, *Marabi, et al. v. Israeli Military Commander, West Bank*, decision delivered on 5 Feb. 2003.

⁴ HCJ 2056/04, *Beit Sourik Village Council v. The Gov't of Israel, et al.*, decision delivered on 20 June 2004.

⁵ ICJ, "Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem," Advisory Opinion, 19 July 2024.

3. Ban on Palestinian Family Unification

Re: Issue 8(c) of the Committee's List of Issues.

Please see Adalah's earlier submission to the Committee on this subject, pp. 17-18 ([link](#)).

In the Annex to Israel's Periodic Report, Israel provides general information about the requests for family unification filed to the Israeli authorities, and the numbers of those approved between the years 2019 and 2021 (question 8(c)). Given the pernicious effects of the ban on Palestinian family unification on children, Adalah suggests that the Committee request that Israel provide detailed statistical data on the number of children involved in family unification requests. In addition, Israel should provide data about the total number of children affected by the ban, as well as information about any measures it is taking to mitigate the violations of children's rights caused by the ban.

Adalah stresses that the ban on family reunification harms children in several ways: it leads to prolonged separation from family members, often resulting in economic, developmental and social deprivation; it elevates their risk of neglect and abuse due to the absence of a stable family unit; and it exacerbates feelings of insecurity and emotional distress. Comprehensive and detailed statistics focused on the child are critical for assessing any violation of Article 8 of the CRC, which protects the right of the child to preserve their identity, including nationality, name, and family relations without unlawful interference, and Article 9, which guarantees that a child shall not be separated from their parents against their will.

In an update about the law and legal challenges launched against it, on 9 July 2024, the Israeli Supreme Court issued an *order nisi* (order to show cause) in relation to nine petitions filed against the Citizenship and Entry into Israel Law (Temporary Order), 2022, including a case by Adalah. The law is also known as the Ban on Palestinian Unification Law. In the *order nisi*, the court ordered the state to explain why it should not repeal the temporary order; the state's response is due by 2 December 2024. The *order nisi* followed a court hearing held on 8 July 2024. After the hearing, Adalah commented as follows:

"Israel's Supreme Court, in highlighting several flaws in the law, clearly indicates that the government and the Knesset have failed to justify the law's purported security justification, exposing, once again, its true racist demographic purpose. Israel has maintained this oppressive ban for over 20 years under false security pretexts, and it is unmistakably an apartheid policy. We can only hope that the Supreme Court will depart from its previous rulings to uphold the ban, which has arbitrarily violated the fundamental right of Palestinians to family life. Its failure to repeal the law entirely would equate to its endorsement of apartheid in citizenship."⁶

⁶ Adalah Press Release, "The Supreme Court has issued an order nisi to the Knesset and government authorities, demanding their explanations for why the ban on Palestinian family unification should not be canceled", 10 July 2024: <https://www.adalah.org/en/content/view/11144>

4. Criminal Justice – The Youth Law: New proposed legislation concerning the imprisonment of Palestinian children, citizens and residents of Israel and East Jerusalem

Adalah wishes to bring to the Committee's attention a new piece of proposed legislation namely the **Youth Law (Trial, Punishment and Modes of Treatment) (Amendment No. 25 - Temporary Order), 2024**. The bill is at the final stage of the legislative process, having passed a first reading before the Knesset plenum. On 8 July 2024, the Knesset's Constitution, Law, and Justice Committee approved the amendment for its second and third readings.

The amendment, which takes the form of a temporary order valid for five years, proposes to allow the Israeli authorities to sentence minors as young as 12 years old to imprisonment if convicted of an act of murder or attempted murder that is classified by the authorities as an "act of terror", or if "the act was performed as part of the operations of a terrorist organization and aimed at advancing its objectives." Under current Israeli law, individuals under 12 cannot be held criminally liable, and those under 14 receive special protections under the Youth Law, which places an emphasis on rehabilitation, and allows the courts to order minors under 14 to be placed in a secure facility as an alternative to incarceration.

For minors from the age of 12 whom the Israeli courts sentence to imprisonment under the proposed amendment, it allows for them to be placed in a secure facility and then to be transferred to prison upon turning 14. The legislation will affect children subject to Israeli civilian law, including Israeli citizens and residents of East Jerusalem. Palestinian children in the occupied West Bank are subject to Israeli military law, which allows their imprisonment from the age of 12 and over.

According to the explanatory notes attached to the bill, in cases of "act of terrorism", there should be no distinction between adults and minors. This approach contradicts the fundamental principle that minors require special and appropriate protections in legal proceedings, as established by the CRC. During the Knesset Committee's discussion on 13 February 2024, proponents of the legislation acknowledged that their motivations included retaliation and retribution and that it was specifically aimed at Palestinian minors. In addition, the use of the vague and overly-broad terms "terror" and "terrorism" in the law indicate that the legislation is intended to be used against Palestinian children, citizens of residents of Israel and East Jerusalem, since the overwhelming majority of individuals whom Israel filed related charges against are Palestinians. Adalah sent a letter ahead of the Knesset committee's deliberations on the law, calling on its members to vote against it, on 5 June 2024.⁷

In addition to violating provisions of the CRC, in particular Articles 2 (freedom from discrimination) and 37 (rights of children deprived of liberty), the selective targeting on the basis of national belonging is contrary to the basic objectives of Israel's Youth Law, which prioritizes rehabilitation and public safety. Notably, a similar temporary order was in effect in 2016, enacted by the Knesset for three years.

⁷ Adalah, letter dated 5 June 2024 (Hebrew):
https://www.adalah.org/uploads/uploads/youthlaw_letter_050624.pdf

Another proposed amendment to the **Youth Law (Judgment, Punishment, and Treatment Methods) (Amendment – Presence of a Lawyer in the Investigation of a Minor) (Temporary Provision), 2024**, still at the pre-reading stage, introduces the right for minors to have an attorney present during their investigation. This amendment follows the recommendations of the Danziger Committee, which identified key risk factors for false confessions among minors (The Public Committee for the Prevention and Correction of False Convictions - Interim Report on False Confessions in Investigation, 25 January 2024). Crucially, however, the bill *excludes* minors suspected of security offenses, as defined under Israeli law, from this right. This exclusion violates the principle of equality and constitutes illegal discrimination, particularly because Palestinian minors constitute the overwhelming majority children who are accused of committing “security offenses”. These offenses are broadly and vaguely defined and open to abuse by state officials, and in Adalah’s view, there is a basis to fear that the law would be applied in a selective manner to target Palestinian minors. Therefore, this bill also violates the CRC, in particular Articles 2 (freedom from discrimination) and 37 (rights of children deprived of liberty).

The harm caused by this distinction is disproportionate and unreasonable. The potential for false confessions is high in both types of cases, and the development-related risks that the law seeks to address apply to all minors. The right to have legal counsel present during investigation should be provided as a basic protection for all detained minors, and it should apply equally to all minors, regardless of the nature of the offenses they are suspected of committing.

Adalah calls on the Committee to issue a recommendation to Israel to remove these two bills to amend the Youth Law from the Knesset’s agenda and to refrain from promoting any legislation that violates the rights of Palestinian children in conflict with the law, particularly those provisions that target them specifically as a group on the basis of their national and ethnic belonging. Furthermore, Adalah urges the cessation of discriminatory distinctions between security and criminal offenses, as such distinctions undermine legitimate legal processes and result in unfair treatment of Palestinian minors. This legislative pattern reflects a broader, systematic approach by which Israel targets Palestinian minors specifically, further entrenching two separate legal systems – one for Palestinian children and one for Israeli Jewish children - both of whom are subject to Israeli civilian law. This trend undermines the principle of equality before the law and continues to entrench discriminatory practices.

5. Forced displacement in the Naqab – The right to housing

Re: Issue 9(d) of the Committee’s List of Issues.

For almost three decades, Adalah has represented Palestinian Bedouin citizens of Israel in the Naqab/Negev in southern Israel who are threatened by dispossession and forced displacement by state authorities. Currently, Adalah is representing Bedouins living in Ras Jrabah and Al-Bqea, two unrecognized Bedouin villages, which the State of Israel has targeted for evacuation. The Bedouin population in Israel has a high birth rate and a high percentage of children compared to the national

average.⁸ The seizing of the ancestral land of the Bedouin and the forcible displacement of entire villages of families constitutes a serious violation of the rights of Bedouin children under the CRC, including Article 2 (freedom from discrimination) and Article 27(3) (right to housing).

Al-Bqea is located between Arad and the Masada National Park, near the tourist site of Kfar Nokdim. The 520 current residents of Al-Bqea were expelled in the 1950s by Israel from their land in Kurnu and moved to Al-Bqea. In 2022, the Israel Land Authority (ILA) filed 18 eviction lawsuits against 254 residents of the village and their families, portraying them as “trespassers”. Adalah, together with Meezan Organization for Human Rights (Nazareth), is representing residents in court to stop the evictions, which would displace the entire village. In 2023, Adalah submitted defense arguments and collected affidavits from the residents and state archival materials and worked with Bimkom to analyze aerial photos and prepare an expert opinion on alternative planning solutions. Petitions concerning the evacuation of the village have not been consolidated and only one petition has been heard so far. The court decided in this case that, while the Bedouins in Al-Bqea are not trespassers, the state nonetheless has the prerogative to evacuate them from the land,⁹ a decision that could set a precedent for the remaining cases. Evidentiary hearings on the case are set throughout 2024.

Ras Jrabah (population: 500) predates the establishment of Israel and sits on land belonging to the Al-Hawashleh tribe. The village is adjacent to the city of Dimona, which was built on the tribe’s land. In 2019, the ILA filed 10 eviction lawsuits against 127 residents of Ras Jrabah and their families. Adalah submitted defense arguments and represented the villagers at court hearings in 2022, at which experts and residents testified against the eviction process. On 24 July 2023, the Be’er Sheva Magistrates’ Court ruled that all 500 residents of Ras Jrabah must evacuate and demolish their own homes by March 2024. The court ordered the residents to pay NIS 117,000 (approx. US \$31,700 USD) to cover legal expenses.¹⁰ Adalah appealed the decision. On 3 June 2024, the Be’er Sheva District Court rejected Adalah’s appeal against a lower court’s decision and ordered the residents of Ras Jrabah to demolish their homes and evacuate their village by 31 December 2024.¹¹ Adalah will seek permission to appeal this decision to the Israeli Supreme Court.

The UN Special Rapporteur on minority issues and the UN Special Rapporteur on the right to adequate housing have called on Israel in 2022 to cease its actions to displace and depopulate Ras Jrabah.¹²

⁸ In 2019, over half (54%) of the Arab population in the Be’er Sheva District in the south of Israel, the majority of whom are Bedouins, were under the age of 18. This figure is significantly higher than among the overall Arab population in Israel (40%), among Jewish citizens living in the Be’er Sheva District (32%), and among the total population of Israel (34%). Knesset Research and Information Center, “Data on the Bedouin Population in the Negev,” 10 July 2023: https://fs.knesset.gov.il/globaldocs/MMM/5bbeceb1-2e1f-ee11-8159-005056aac6c3/2_5bbeceb1-2e1f-ee11-8159-005056aac6c3_11_20201.pdf

⁹ T.A. (Beer Sheva) 45811-03-22, *State of Israel v. Musa Alkhamaisa*, 20 June 2024.

¹⁰ Civil Case 16715-05-19, *Israel Land Authority – Southern District v. Al-Hawashleh, et al.* (Hebrew).

¹¹ Civil Appeal 21579-01-24 *Al-Hawashleh, et al. v. The Israel Land Authority* (Hebrew).

¹² UN Press Release, “Israel: UN experts urge authorities to cease eviction and demolition of Bedouin village”, 3 June 2022: <https://www.ohchr.org/en/press-releases/2022/06/israel-un-experts-urge-authorities-cease-eviction-and-demolition-bedouin>

Other Bedouin villages at risk of forced displacement are Um Mutnaan, Karkoor, Umm Ratam, Bir Haddaj, Tel Arad, Al-Ser, Wadi Al-Khalil, Al-Bat Al-Gharbi, and Daheeyeh. According to data gathered by the Negev Coexistence Forum, in 2023, a total of 3,283 buildings were demolished in Bedouin villages in the Naqab, the highest yearly total of the past decade, up from 2,850 in 2022, and 697 in 2013.¹³

Children who have experienced forced displacement, dispossession and home demolition face severe adversity that directly reduces their overall physical, mental and emotional well-being. Children who live with the insecurity and instability associated with the threat of losing their homes and villages bear an emotional and psychological burden, while being denied access to health and welfare services and other basic infrastructure. The combination of inadequate infrastructure and the fear of displacement creates a challenging environment that undermines their sense of safety and well-being.¹⁴

Witnessing the demolition of their homes has a severe impact on a child's mental health, in terms of elevated levels of anxiety, depression, and paranoia, among other psychological symptoms.¹⁵ In Israel, Palestinian Bedouin children may be forced to witness the demolition of their homes being carried out by their family members, often a parent who is typically seen as a protector. These "self-demolitions" are carried out by Bedouins in an attempt to avoid the exorbitant fines and other charges imposed on them when state authorities carry out demolition operations, often with a heavy security protection, the cost of which is passed on to the homeowners. This experience can be especially devastating and traumatic, as it shatters their perception of safety and parental protection and creates a sense of helplessness and fear. The destruction of their living environment and the severance from familiar social networks and community structures can leave children feeling isolated and helpless.

Adalah also stresses that Israel has taken moves to accelerate the process of forced displacement in some areas of the Naqab/Negev during the current war on Gaza, exploiting the fact that local and international attention is focused on more acute situations in Gaza and elsewhere. Forced displacement particularly during wartime, while they are left inadequately protected from the dangers of conflict, may have compounded and multifaceted effects on Bedouin children, adding to their trauma and further undermining their sense of security and stability.¹⁶

¹³ Ynet News, "An increase of about 115% in the demolitions initiated in the Negev: The government is sabotaging any chance of settlement", 7 August 2024 (Hebrew): <https://www.ynet.co.il/news/article/sylzcclcc>

¹⁴ Marey-Sarwan, I. (2020). 'Seeing through their Eyes': Towards Understanding Risk and Protection Perspectives of Young Bedouin Children in the Unrecognised Villages of the Naqab. *Children & Society*, 34(2), 151-169.

¹⁵ Qouta, S., Punamäki, R. L., & Sarraj, E. E. (1998). House demolition and mental health: Victims and witnesses. *Journal of Social Distress and the Homeless*, 7, 279-288.

¹⁶ Palacio, J., Maya-Jariego, I., Blanco, A., Amar, J., & Sabatier, C. (2017). Quality of life and Health in displaced communities affected by the armed conflict in Colombia. *Quality of Life in Communities of Latin Countries*, 167-184.

List of Issues - Addendum

1. Lack of air raid shelters during the war on Gaza

Re: Issue 2(c) of the Committee's List of Issues, Addendum.

During the war that began on 7 October 2023, Arab Bedouin communities in the Naqab/Negev area of southern Israel have particularly exposed to rocket fire and other aerial dangers due to the lack of public air raid shelters in their towns and villages. This discrimination in emergency infrastructure affects Arab Bedouin citizens of Israel living in both recognized and unrecognized communities.

Dozens of educational institutions located in Bedouin villages in the Naqab, for example, have no air raid shelters, something that puts the lives of thousands of schoolchildren, as well as their teachers and other school staff, at risk. In accordance with directives issued by the Home Front Command, some of these children resumed in-person learning in the recent academic year, even though they were at risk from rocket attacks during the current state of emergency.

In the Al-Qasoum and Neve Midbar Regional Councils, which serve a number of recognized Bedouin villages as well as many unrecognized villages, large numbers of students returned to in-person learning, even though there were not enough shelters or protected spaces available for their protection. In these regional councils, 122 Bedouin educational facilities lack shelters or protected areas entirely, and in 20 of them, there is a shortage of protected areas relative to the number of students.

Other Bedouin towns situated in the central Naqab have even more limited facilities, and were unable to resume in-person learning due to the lack of any nearby air raid shelters, in accordance with directives of the Home Front Command, a lack that infringes their basic rights to life, bodily integrity, as stipulated in Article 6 of the CRC, and also impedes their right to education, as outlined in Article 28 of the CRC. Furthermore, the stark contrast between these conditions and those in Jewish settlements highlights a clear instance of discrimination, violating Article 2 of the CRC, which prohibits discrimination against children based on nationality or ethnicity. In these villages, the absence of internet infrastructure, lack of access to the electricity grid, and a shortage of computers for the children combine to make remote learning unfeasible, as was already made evident during the COVID-19 crisis.

The state bears responsibility for ensuring the safety and well-being of school students in the Naqab that are within the range of rocket fire. The state's negligence in providing shelters also renders any form of learning in these areas impractical, and in many towns impossible. In the absence of a comprehensive cease-fire, these problems will continue to affect Bedouin children in the upcoming 2024/2025 academic year.

On 19 October 2023, the Israeli press reported¹⁷ that, following the instructions of the Israeli Army's Home Front Command, medical clinics in several Bedouin villages in the Naqab had been closed since the beginning of the war on 7 October 2023, because the facilities do not have shelters.¹⁸ Medical clinics were shut off in Wadi Al-Na'am, Al-Zarnouq, Abu Tuloul, 'Abdeh and Khirbit Al-Watan. These villages, which together have a population of about 20,000 Bedouin residents, including large numbers of children, already have extremely limited medical services and many of them are unrecognized by Israel, and therefore do not receive the most basic necessary services. This discriminatory policy is now putting their lives at immediate risk due to rocket fire. The immediate provision of protective facilities within educational institutions is an imperative for the general populations of these villages, as they could provide lifesaving refuge for residents during war times.

The lack of adequate sheltering extends to the north, where sources report a significant gap in emergency protection for Palestinian citizens of Israel.¹⁹ About a third of those living within 40 kilometers of Israel's northern border with Lebanon lack adequate protection, with around 70% of this group being Palestinian citizens. Among those living just nine kilometers from the border, roughly 15% are inadequately protected, with 60% being Palestinian citizens of Israel. Local leaders and representatives claim that no comprehensive plan has been developed to address these needs.²⁰

The mayor of the northern Arab town of Sakhnin, Mayor Ganim, notes that there are no suitable shelters for emergencies in the area and criticizes the Home Front Command's efforts as insufficient. Similarly, the Head of the Local Council of the Arab village of Deir al-Assad in the north, highlights the lack of protection in both homes and schools, where only a few classrooms are equipped for emergencies, forcing hundreds of students and teachers to seek shelter elsewhere.²¹

2. Amendment to The Unlawful Combatants' Law concerning detention procedures

Re: Issue 3(d) of the Committee's List of Issues, Addendum.

On 18 December 2023, in the aftermath of the outbreak of the current war on Gaza, the Israeli Knesset enacted an amendment to the Unlawful Combatants Law (Amendment No. 4), thereby making significant changes to detention procedures. The amendment allows individuals to be detained without an arrest warrant for up to 45 days, a sharp increase from the previous 96-hour limit. Judicial oversight of these detentions was also extended, with scrutiny deferred for up to 75 days, compared to 14 hours

¹⁷ Eden Solomon, *Haaretz*, "The clinics are closed due to the lack of protection, and thousands of Bedouins are left without available medical care", 19 October 2023 (Hebrew): <https://www.haaretz.co.il/news/politics/2023-10-19/ty-article/.premium/0000018b-4310-d614-abc-fcb7332ef0000>

¹⁸ Ibid.

¹⁹ Yaniv Kobowitz, *Haaretz*, "There is not even a proper shelter in Sakhnin: about a third of the settlements in the north have an acute protection problem; 70% of them are Arabs", 27 November 2017: <https://www.haaretz.co.il/news/politics/2017-11-27/ty-article/.premium/0000017f-ec66-d4a6-af7f-fee682ca0000?lts=1723385956099>

²⁰ Ibid.

²¹ Ibid.

previously. The duration for which a detainee can be denied access to legal counsel was extended from 10 days (up to 21 days with court approval) to 75 days. With court approval, this period was extendable to 180 days under the now-expired December 2023 temporary order, and up to 90 days under a subsequent extension made in April 2024, valid until 31 June 2024. On 25 July 2024, the Foreign Affairs and Defense Committee approved a four-month extension of the temporary order. According to the committee, the extension is intended to allow the Israeli authorities to manage the increased number of “unlawful combatants” captured during the ongoing conflict.²²

According to data from the Israel Prison Service, as of 1 February 2024, there were five minors aged 16-18 and one minor under 16 being held as unlawful combatants in October 2023. In November 2023, the number of detained minors was three, and it increased to 10 in December 2023. This data was released in connection with a petition challenging the constitutionality of the law.²³ Additionally, data released as part of a quarterly report reveals that in January 2024, 8 minors were held as unlawful combatants, 23 in February 2024, and 20 in March 2024.²⁴

The law violates key provisions of the Convention on the Rights of the Child. Article 37 is designed to ensure that children deprived of their liberty are treated humanely and with respect, while Article 40 guarantees a fair trial for all minors accused of offenses. By undermining these protections, the law fails to uphold the CRC’s commitment to humane treatment and fair judicial processes for children.

On 19 February 2024, the Public Committee Against Torture in Israel, Adalah, HaMoked, and Physicians for Human Rights Israel filed a Supreme Court petition demanding the cancellation of the amendment; the petition is pending.²⁵ The petitioning organizations argued that the amendment violated the detainee's rights to freedom, life, bodily integrity, and due process, including judicial oversight and the right to be brought before a judge, under international human rights and humanitarian law, including Article 43 of the Fourth Geneva Convention. In the case of minors, the law and its amendment creates violate Article 37 (children deprived of liberty) and 38(1) (respect for the rules of IHL) of the CRC.

On 20 May 2024, the state responded to the petition, defending the amendment, citing their inability to interrogate detainees promptly due to a shortage of interrogators and a large number of detainees. At the hearing on 27 May, the court ruled that the state must update the court on the scope and nature of the hearings held by military commanders within 7-10 days of detainee arrest and provide details on the proposed mechanism for external supervision of military detention camps. (i.e. must provide

²² The Foreign Affairs and Defense Committee of the Knesset, “Approval of a Four-Month Extension of the Emergency Regulation on Detention Periods for Unlawful Combatants,” 25 July 2024 (Hebrew):

<https://main.knesset.gov.il/activity/committees/foreignaffairs/news/pages/257242.aspx>

²³ HCJ 1414/24, *Public Committee Against Torture in Israel et al. v. The Knesset, et al.*, p. 12.

²⁴ Israel Prison Service, Prisoners Report - First Quarter 2024, 1 April 2024 (Hebrew): https://www.gov.il/he/pages/report1_2024

²⁵ HCJ 1414/24, *Public Committee Against Torture in Israel et al. v. The Knesset, et al.*

information on internal process and proposed external oversight process). On 25 July 2024, the Foreign Affairs and Defense Committee approved a four-month extension of the order.

3. Bill to amend the National Insurance Law (Amendment - Denial of payments to terrorist operatives and their families outside Israel)

Adalah wishes to draw the attention of the Committee to this bill, which seeks to deny payments owned to residents from Gaza who have worked in Israel from the Israeli National Insurance Institute.

According to the Minister of Labor, various allowances are routinely distributed to residents of Gaza who obtained permits to work in Israel. Prior to the outbreak of the current war on Gaza on 7 October 2023, 183 Gazans received work disability allowances worth a total of 360,000 New Israeli Shekels (NIS) per year.²⁶ In addition, 64 people, the children and widows of Gazan workers killed in work accidents, receive an allowance for dependents of a work casualty who was killed/is deceased, amounting to a total of 175,000 NIS per year.

The purpose of the bill in question – Bill to amend the National Insurance Law (Amendment - Denial of payments to terrorist operatives and their families outside Israel) – according to the explanatory notes to the legislation, is to deny anyone who is not a resident of Israel and is convicted of an offense that the court has determined is an “act of terror”, the right to receive any allowance owed to them and their family members from the State of Israel. This denied is extended to anyone who is suspected or has been charged of such an offense, to whom payments will be delayed, and then cancelled in case of conviction. These payments are often a critical lifeline for affected families, including children, in Gaza, where poverty and unemployment rates are extremely high and climbing further amid the war.

This law violates Article 37 of the CRC, which stipulates the right of children to a standard of living adequate for their physical, mental, spiritual, moral, and social development. It requires States Parties to ensure that children have access to adequate nutrition, clothing, and housing, and to aid parents and others responsible for the child in this regard. Furthermore, by differentiating between types of detainees and establishing separate legal systems, the law fosters discrimination, thereby violating Article 2 of the CRC, which mandates equal treatment and prohibits discrimination. The act of punishing children for the actions of their parent undermines fundamental rights.

²⁶ Legislative Proposal, Committee on Labor and Welfare, Knesset, Explanatory Notes, 22 July 2024 (Hebrew); Ariel Kahana, *Israel Today*, “Unbelievable: Gaza residents continue to receive social security benefits during the war”, 8 May 2024 (Hebrew): <https://www.israelhayom.co.il/news/local/article/15716969>

4. Humanitarian Aid, Health and Starvation

Re: Issue 4 of the Committee's List of Issues, Addendum.

On 18 March 2024, in light of the ongoing humanitarian catastrophe in Gaza, a group of five human rights organizations filed a petition to the Israeli Supreme Court arguing that Israel is preventing the supply of humanitarian aid to Gaza's civilian population, in violation of international law.²⁷ The petition was filed by Gisha, HaMoked: Center for the Defence of the Individual, Physicians for Human Rights Israel, the Association for Civil Rights in Israel, and Adalah.

The petitioners called on the Supreme Court to order the Israeli government, Prime Minister, Defense Minister, and the Coordinator of Government Activities in the Territories to enable access of all humanitarian aid, equipment and staff to Gaza, especially to the north of the Strip. The petitioners also called for a significant increase in the volume of aid to Gaza, including by opening land crossings between Gaza and Israel, and for all the needs of the civilian population to be provided for, in keeping with Israel's obligations as the occupying power.

Israel's unprecedented assault on Gaza and the siege it has imposed for more than five months since the horrific attacks of October 7 have led to utter devastation: Some 75% of Gaza residents have been internally displaced. Civilians, most of them women and children, are killed every day in Israeli military attacks throughout the Strip and are dying because of starvation, dehydration, the collapse of medical services, and dire sanitary conditions. The situation is particularly extreme in areas north of Wadi Gaza, where some 300,000 residents face acute malnutrition, according to the UN.²⁸ As the petitioning organizations stated, "The fact that children have died and continued to die in the north of Gaza as a result of malnutrition should have shaken the respondents, the Israeli public, and the world at large to their foundations. Instead, the respondents did nothing to change their ways and continue to trample the basic human rights of Gaza residents."

The humanitarian situation in Gaza was grim before the war, first and foremost because of Israel's closure policy and its repeated military offensives in the Strip. Israel's decisions after 7 October 2023 to block the supply of electricity, to significantly limit the supply of water and fuel, to block all entry of goods for almost two weeks and to continue to restrict the entry of aid into the Strip severely exacerbated the humanitarian crisis, harmed the functioning of critical civilian infrastructure, and created life-threatening shortages of necessities. Ongoing hostilities and their widespread impact, including on agriculture, have paralyzed industry and most food production in the Strip. Children, as the most vulnerable members of society, are the most at risk during the catastrophe.

²⁷ HCJ 2280/24, *Gisha, et al. v. The Government of Israel, et al.* (Hebrew):

<https://gisha.org/UserFiles/File/LegalDocuments/High-court-2280-24-petition-North-Gaza-he.pdf>

²⁸ UN OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #138", 13 March 2024:

<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-138>

Official claims by Israeli authorities that there is “no limit” to aid entering Gaza²⁹ contradict the facts on the ground: According to UN reports, Israel is effectively preventing access to aid by imposing obstacles during the inspection process and on the distribution of aid throughout the Strip. Israel has systematically denied access to the north of Gaza and failed to protect humanitarian staff from its bombardments and other dangers posed by the collapse of civil order.³⁰

Israel’s failure to take immediate, effective steps to increase the flow of aid to civilians throughout Gaza is a flagrant violation of its obligations under international law both as an occupying power and as a party to the hostilities. This failure is also a breach of the provisional measure set by the International Court of Justice on facilitation of aid: “The situation on the ground suggests that Israel is, inter alia, employing collective punishment to a point that may amount to starvation as a weapon of war, as well as violating other orders that impose on it the obligation to enable swift, uninterrupted supply of needed aid and even to provide all goods necessary for the civilian population.”

Starvation, dehydration, the collapse of medical services, and dire sanitary conditions violate several key provisions of the Convention on the CRC. These conditions infringe upon Article 6, which guarantees every child’s right to life, survival, and development. They also breach Article 19, which mandates protection from violence, abuse, neglect, and maltreatment, and Article 24, which ensures the right to the highest attainable standard of health and access to healthcare services. Additionally, such conditions undermine Article 27, which asserts the right to an adequate standard of living necessary for physical, mental, and social development. Collectively, these adverse conditions compromise children’s well-being and fail to uphold their fundamental rights as outlined in the CRC.

In the context of an armed conflict, Article 38 create an obligation for children to be protected and cared for, but severe conditions like starvation, dehydration, and poor medical services indicate that Israel is failing to respect this provision, and indeed is instead putting the safety and well-being of Palestinian children in Gaza under direct threat. Article 39 of the CRC stipulates proper treatment for children affected by conflict to help them recover and reintegrate, but the lack of adequate medical services and sanitation blocks their access to this necessary assistance. These failures both threaten children’s immediate survival and make it harder for them to recover and develop in the long term.

²⁹ COGAT updates on Gaza Humanitarian Aid Data: <https://gaza-aid-data.gov.il/main/>

³⁰ Adalah, Press Release, “Five human rights organizations petition Israel’s High Court: Israel is preventing the supply of humanitarian aid to Gaza’s civilian population, especially in north Gaza, in violation of international law”, 19 March 2024: <https://www.adalah.org/en/content/view/11078>

5. Israel's self-exemption of responsibility and liability for damages, injuries, and deaths of Palestinians in Gaza – The case of Attiya Nabaheen

Re: Issue 3 of the Committee's List of Issues, Addendum.

Please see Adalah's earlier submission to the Committee on this subject, pp. 7-8 ([link](#)).

In an update on this case, Adalah regrets to inform the Committee that Attiya Nabaheen was the victim of an unlawful killing, along with members of his family, in a targeted Israeli airstrike in Gaza on Sunday, 8 October 2023, the day after the start of the current war. Adalah and fellow human rights organization Al Mezan pursued a lengthy legal battle on his behalf, against the State of Israel, seeking civil remedies before Israeli courts for a shooting by the Israeli military in 2014 on the day of his fifteenth birthday. The initial attack on Nabaheen left him paralyzed from the neck down and permanently confined to a wheelchair as a minor.

At approximately 11:30 a.m on Sunday, 8 October 2023, Israeli warplanes targeted—without prior warning—the four-story house of the Al-Nabaheen family, situated to the east of the Al-Bureij refugee camp, in Gaza's Middle Area District. The 13 victims of this brutal targeted attack are: Attiya Fathi Al-Nabaheen (24), Hadeel Abdel-Fattah Attiya Al-Nabaheen (25), Ola Ziyad Abdel-Aziz Al-Nabaheen (26), Areej Fady Fathi Al-Nabaheen (9), Mohammad Fady Fathi Al-Nabaheen (8), Adam Fady Fathi Al-Nabaheen (7), Qais Fady Fathi Al-Nabaheen (2), Kinan Tamir Fathi Attiya Al-Nabaheen (7), Rayan Tamir Fathi Attiya Al-Nabaheen (5), Maryam Tamir Fathi Attiya Al-Nabaheen (2.5), Jamal Ibrahim Attiya Al-Nabaheen (7), Mohammad Jaafar Attiya Al-Nabaheen (15), Rahaf Jaafar Attiya Al-Nabaheen (16). The attack also resulted in the complete destruction of the Al-Nabaheen family's house. According to Tamir Al-Nabaheen, Attiya's brother, who survived the targeted airstrike, the attack occurred while his children were playing with their cousins at the building's entrance. Tragically, Tamir's three children, as well as their cousins, were killed in the attack.³¹

Attiya Fathi Al-Nabaheen's life and tragic killing serve as a testament to the prolonged brutality and grave human rights violations perpetrated by Israel against the Palestinian people in Gaza. During his life, he lived entirely under Israeli occupation and largely under Israeli closure. Attiya survived six full-scale military bombardments on Gaza and a shooting that left him paralyzed as a fifteen-year-old child. He was denied any accountability and compensation for the crimes committed against him by the Israeli civilian and military authorities, and by the Israeli legal system, on either civil or criminal tracks, as a matter of policy towards Palestinian in Gaza who are injured or killed by the Israeli military.

The deliberate targeting of the Al-Nabaheen family, civilians who were actively seeking justice within the Israeli legal system for almost a decade against the atrocities inflicted upon their son by the Israeli military, without any prior warning, unequivocally constitutes a war crime, as well as a clear violation

³¹ For more information, see Adalah, "Attiya Fathi Al-Nabaheen Killed in Targeted Israeli Airstrike in Gaza After Long Legal Battle in Israeli Courts", 12 October 2023: <https://www.adalah.org/en/content/view/10902>

of article 6 of the CRC (right to life), as well as article 23 (needs and dignity of physically disabled children), article 38(1) (respect for the rules of IHL), and article 39 (duty to promote physical and psychological recovery). This act is part of Israel's widespread and systematic attack against the civilian population in Gaza, which is carried out with a declared intent to commit war crimes and other grave international crimes, as evident by statements of Israeli officials at the highest levels. This admission includes a statement by the spokesperson of the Israeli army, who said: "[in Gaza] the emphasis is on damage not accuracy."

Adalah therefore urges the Committee to issue an observation condemning Israel's actions in this egregious case, and its failure to hold those responsible for the killings of the Al-Nabaheen family accountable. Adalah further asks the Committee to call on Israel to immediately halt attacks against the civilian population in Gaza, including targeted attacks against family homes and children. Israeli widespread airstrikes, coupled with a complete closure of Gaza and the denial of access of most supplies necessary for the survival of the population, including water and food, is leading toward the genocide of the Palestinian people in Gaza, including minors, who make up a large proportion of the population of Gaza and are among its most vulnerable members.