



Adalah's Report to the UN Special Rapporteur on the Right to Education

Israeli Academic Institutions Sanction Palestinian Students for Social Media Posts since 7 October, violating their Rights to Free Expression and Education

15 February 2024

Adalah submits this brief report to the UN Special Rapporteur on Education in response to the call for submissions on academic freedom and freedom of expression (FOE) in educational institutions, as a contribution to the SR's annual thematic report for the UN Human Rights Council in June 2024.

The focus of this report is on the widespread punitive measures taken by Israeli universities and colleges against Palestinian students, citizens of Israel and residents of East Jerusalem, for their social media posts since 7 October 2023, during Israel's military assault on Gaza.¹ The academic institutions' actions, taken without proper legal authority and in flagrant breach of students' basic due process, violate fundamental rights, including their FOE rights which are essential for the full realization of the right to education. Disciplinary proceedings brought against the students result in sanctions, including expulsions and suspensions, which significantly impede Palestinians' students' access to education and stifle their FOE within Israeli academic institutions. The impact of these actions affects all students, as this systematic curtailment of rights creates a hostile environment that hinders the pursuit of education by Palestinian students.

I. Overview

Following Hamas's attacks in Israel on 7 October 2023, and amidst Israel's onslaught on Gaza, 35 Israeli universities and colleges initiated disciplinary proceedings against around 160 Palestinian students for their posts on their private social media accounts.² Adalah is legally representing 95. These proceedings were prompted by complaints filed by far-right Jewish Israeli organized student groups and individual students with the institutions. The disciplinary policies instituted by the Israeli academic institutions post-October 7 and their impact on Palestinian students' rights, including the right to FOE and the right to education, are unprecedented.³ These policies appear to exclusively target Palestinian students and have been explicitly endorsed by the Israeli Minister of Education. In a formal letter, the Minister directed schools to "immediately suspend any student or employee who supports the barbaric terrorist acts currently experienced in the State of Israel", and that, "In cases where there is indeed incitement, [you must] order a *permanent expulsion*."⁴

¹ The Israeli universities' actions against the Palestinian students is part of a broader, nearly four-month-long crackdown on PCI's free speech and freedom of assembly rights. For further details, refer to Adalah's briefing paper, [Crackdown on Freedom of Speech of Palestinian Citizens of Israel](#) dated 23 October 2023, updated 16 November 2023.

² The figure of 160 Palestinian students was recorded by the Palestinian Student Coalition, while Adalah received 123 direct complaints from students.

³ During Israel's 2014 war on Gaza, several students were summoned for disciplinary hearings by their academic institutions over social media posts. In some cases, they faced sanctions, including expulsions from campus or demands to remove their postings, as documented by Adalah (see Adalah's report, '[Silencing the Opposition](#)'). The scope of the disciplinary actions taken against Palestinian students since October 7th is unquestionably unprecedented, encompassing a remarkable number of academic institutions and students.

⁴ The letter by the Minister of Education is available in Hebrew [here](#). An unofficial English translation of the letter can be found [here](#).

The posts triggering disciplinary measures vary widely, ranging from expressions of solidarity with the Palestinian people in Gaza to seemingly arbitrary content unrelated to Hamas or the war. Some of the posts also sought to provide context to the October 7th attack, countering the narrative of its being 'unprovoked,' and others expressed religious beliefs through quotes from the Quran. The universities and colleges took disciplinary actions even against those students sharing information, press releases, statistics, and images related to the ongoing war.

Adalah asserts that Israeli academic institutions lack the legal authority to initiate these proceedings, unequivocally rendering the entire process in violation of Israeli law. Furthermore, Adalah contends that these institutions overstepped their legal boundaries, imposing more restrictive constraints on FOE than mandated by law, thereby engaging in illegal "counter-terrorism" efforts. The punitive measures against Palestinian students not only constitute a severe infringement on their civil and political rights but also violate their procedural and due process rights. These flagrant violations decisively undermine the right to education for Palestinian students.

II. No legal authority to punish students for their social media posts unrelated to the university or their studies

The Israeli universities' disciplinary acts against the students for violating their rules of conduct due to speech published on private social media platforms lacks any legal authority. Not only does this policy broaden and exceed the scope of powers given to the universities, it, in fact, constitutes a violation of applicable law on freedom of speech, rendering it unlawful.

While academic institutions may regulate the conduct of members of their communities (students, staff, faculty etc...), their disciplinary powers with regard to students are limited by law to conduct related to their studies within the institution.⁵ Posts published by students on private social media accounts, which are unrelated to their academic studies (or status as "students"), fall outside of the categories of behaviors over which the institutions have any disciplinary jurisdiction.

Despite the clear language of the law, the academic institutions rejected this argument at the hearings in which Adalah is representing students, and found that they enjoy unqualified jurisdiction over students' conduct. Notably, the Technion - Israel Institute of Technology, a highly respected university, seemingly admitted its lack of authority to initiate disciplinary proceedings in a different case, in response to a complaint by a Palestinian student against a Jewish-Israeli student for a threatening message. The Technion asserted that it considered online speech as beyond its disciplinary jurisdiction. Even in this student-student case, it appears that the Technion adopted a distinction between private conduct and conduct related to studies at the Technion. Conversely, social media posts published by Palestinian students since 7 October, which had no connection to the Technion or its community members, was and continues to be, considered as falling within the jurisdiction of its disciplinary authorities. As will be explained, this position underscores the discriminatory manner in which Israeli academic institutions are using their disciplinary powers.

III. Academic institutions restricting Palestinian students' speech rights beyond the Counter-Terror Law

⁵ Article 17 of the Israeli Students' Rights Law, 2007 defines the scope of these powers, stating that "an [academic] institution shall determine and publish, subject to the provisions of this law, rules of conduct that address the behavior of candidates and students in relation to their studies at the institution..."

In addition, Israeli academic institutions have exceeded their legal authority by effectively setting new limits on students' FOE that go beyond those set by Israeli law. The limits on the exercise of free speech under Israeli law – as controversial and problematic as they may be⁶ – cannot be further restricted by academic institutions, as per constitutional norms. By broadening the scope of prohibited speech, universities assume a quasi-legislative function that exceeds their power, actively redefining the scope of constitutionally protected speech.

While the language of the accusations against the Palestinian students appears to have been informed by speech offenses, as defined by Israeli criminal law, the actual charges brought against them are based on each institution's code of conduct. In most cases, the institutions accused the students of supporting a terrorist act or organization (Hamas), but the actual charge is “inappropriate conduct for a student” or “conduct that harms the dignity/honor of the university, its community etc...”. Thus, academic institutions – the majority of which do not have explicit rules against online speech – used the language of the criminal law without applying the relevant legal standards and tests required for a successful conviction in these offenses, since the committees are only required to conclude that the off-campus speech amounts to a violation of the internally devised and overly-broad rules of conduct.

In a way, the academic institutions have not only assumed the role of ‘legislating’ more stringent limitations on constitutionally protected speech, but they have also taken on another new role: that of independently enforcing counterterrorism measures, even in certain cases in which the State itself has decided that the speech does not amount to a violation.⁷ The international legitimacy of many counterterrorism measures adopted in domestic legislation is predicated on safeguarding basic human rights and guaranteeing due process rights. When a sub-state actor, such as an academic institutions, purports to enforce these measures, while neglecting to provide or being incapable of providing (due to institutional incapacity) for minimal procedural guarantees and balancing these measures appropriately against the right of FOE, these institutions become, in fact, illegitimately engaged in “combating terrorism.” Labeling students as terrorism sympathizers, often based on vague speech, is extremely harmful and should be taken with utmost seriousness; academic institutions, through their disciplinary authorities, not only lack legal authority, but are also woefully unequipped to decide on such weighty accusations.

Adalah's experience over the last three months demonstrated that universities are institutionally ill-fitted for the task due to the lack of relevant expertise and the influence of ideological biases on the process and decisions. It is one thing to entrust academic institutions with the task of disciplining students over accusations of plagiarism, for example, it is totally different to grant them the power to determine whether a student's speech amounts to inciting terrorism/violence, supports such an act or sympathizes with them. As Adalah saw in many instances, the test which is eventually adopted to make such determinations is the *feelings* of the campus community, used as a synonym for Jewish-Israeli members of the community, thereby curtailing Palestinian students' right to free speech

⁶ For further information on the discriminatory aspects of speech offenses under the Counter-terrorism law, refer to Adalah's Discriminatory Laws Database ["Anti-Terror" \(Counter-Terrorism\) Law](#)

⁷ In multiple instances, criminal investigations or proceedings ceased after the initial arrest or interrogation of a student. Notably, in a case involving disciplinary proceedings leading to permanent expulsion, during the period between the initial decision and the filing of an appeal against it, a student underwent a six-hour police interrogation. Several days later, the Israeli police officially closed the case. Additionally, in at least seven cases, students underwent interrogation or arrest by the police, and were not criminally charged. Despite this, the university or college opted to initiate disciplinary proceedings, resulting in expulsions, one-year suspensions, educational sanctions, or other punishments that are currently pending.

based on the political sensibilities of their Israeli Jewish counterparts, rendering even the most legitimate dissent vulnerable to populist impulses.

In a notable case, Palestinian student A faced disciplinary proceedings at a college due to a single post that he published challenging the media's narrative on the "unprovoked" attack led by Hamas. The post highlighted Israel's 56-year occupation and the 17-year blockade of Gaza. Despite the student's efforts to distinguish between "explanation" and "justification" and citing sources, including a statement by the UN Chief that conveys similar messages, the disciplinary committee dismissed the argument, noting that this "theoretical-philosophical" discussion was not essential. Instead, they asserted that "*the harm lies in how the readers interpret the post, not the intent behind it*" placing emphasis on the readers' subjective feelings and interpretation. The committee here completely disregarded a critical element in the offense of identification with a terrorist organization. Article 24 of the [Counter-Terrorism Law](#) specifically states that the act of identification constitutes a criminal offense when undertaken "for the purpose of identifying with the terrorist organization". The committee rendered a guilty verdict against the student using this subjective and distorted test, which bears no relevance to the legal standards of criminal law. The committee initially imposed a one-year suspension, however, after an appeal by Adalah, it was reduced to an educational punishment, requiring the student to take a course promoting coexistence.

The result of these new disciplinary policies introduced by Israeli academic institutions that lack the legal expertise to enforce the law, is the imposition of stricter restrictions on the right to FOE, which are often informed by decision-makers' ideological biases and political attitudes towards the student's speech.

IV. Violation of Students' Fundamental Rights

The disciplinary policies pursued by the Israeli academic institutions violate the fundamental civil and political rights of Palestinian students on campus, including the rights to FOE, religious freedom and belief, and political dissent. By suppressing speech and fostering an atmosphere of fear and intimidation, these policies obstruct Palestinian students in the exercise of their right to education. The right to education extends beyond mere physical access to institutions; it involves the freedom to engage in intellectual pursuits without the looming threat of reprisals. Therefore, safeguarding civil and political rights becomes not only essential but imperative for the genuine realization of this fundamental right.

Academic institutions have a responsibility not only to refrain from interfering in the exercise of these rights but, according to Israeli law, as legal entities with public responsibilities, they are mandated to safeguard students' FOE and to defend this fundamental right.⁸ The right to FOE is also firmly protected under international law. In a [UN experts' consultation session](#) held in 2020, the group emphasized that restrictions on academic freedom do not extend to "off-topic" activities, specifically those occurring in an entirely individual capacity, such as on a personal Twitter account. In such instances, these activities retain all protections associated with the FOE.⁹

⁸ Article 5 to the Students' Rights Law explicitly anchors students' right to free speech vis-à-vis the curriculum and article 6 enshrines students' rights of association and protest "on any issue."

⁹ See also the report by The Special Rapporteur on freedom of opinion and expression, which emphasizes that "academics should not be punished by their institutions for exercising their rights to freedom of expression, association, and assembly, and religious belief." [OHCHR | Report on academic freedom and the freedom of opinion and expression](#), 28 July 2020.

Many of the expressions for which punitive measures were taken include manifestations of Palestinian identity and political speech. Such expressions are not always palatable and comfortable for the Israeli public to interact with or hear. The protection of FOE is particularly crucial when the expressed opinions lack consensus and have the potential to provoke objections. In its [General Comment No. 34 on the ICCPR](#), the UN Human Rights Committee specifically noted that the scope of Article 19 of the convention "embraces even expression that may be regarded as deeply offensive". The Committee emphasized that restrictions must be narrowly defined and necessary. The UN Special Rapporteur on Minority Issues [further held that](#), as "widely acknowledged in the jurisprudence of international human rights bodies," freedom of expression protects the right to express content that might be considered "offensive, controversial, unpopular, or disturbing" by many.

As Israel's assault on Gaza escalated to unprecedented levels of the killings of civilians and the destruction of their homes, many Palestinian students sought to express their solidarity and support with their fellow Palestinians in Gaza. The ways by which they express their solidarity is through sharing stories of families from Gaza, pictures of the destruction etc. However, institutions have deemed this behavior unacceptable for students in Israeli academia, categorizing it as support for terrorism. In one case, a Palestinian student received an abrupt notification via email, stating, "*Your studies at the college are immediately suspended! You are not allowed to come to the college,*" without a prior hearing or without any further information. This punitive action was triggered by a post depicting a Palestinian man sitting amidst the rubble in Gaza, accompanied by a broken heart emoji. Upon Adalah's objection, the college summoned the student to a disciplinary hearing, where, during the proceedings, a committee member remarked, "While there's a war outside, when you see someone from the [Arab] sector identifying with Gaza, it is jarring". Despite Adalah's objections, the student was ultimately found guilty, and received a one-year suspension, coupled with the revocation of a scholarship, casting a shadow over the student's academic future.¹⁰

Any criticism of the war, whether addressing its brutality and lack of proportionality, critiquing the behaviour of the Israeli military, or the dehumanizations of Palestinians' lives, labelling the war as genocide or ethnic cleansing, or drawing comparisons to the war on Ukraine and the hypocrisy of the West, has often been labelled by Israeli academic institutions as unacceptable speech.

Furthermore, numerous disciplinary proceedings centered around students' posts that included verses from the Quran or other religious texts. Despite the inherent complexity of the Quran and religious text, requiring an understanding of an Aya (verse) through linguistic, historical and contextual considerations within the Surah (Scripture), as well as its varying interpretations, academic institutions opted for a singular interpretation of the verses. The institutions disregarded the nuances, interpretations and explanations provided by the students. An illustrative case involves B, a Palestinian student, who was expelled from a college without any hearings or fair procedures. Following Adalah's legal intervention, the student was summoned to a disciplinary hearing. The proceedings revolved around a post he shared in late October, quoting a verse from the Quran: "And We conveyed to the Children of Israel in the Scripture that: 'You will surely cause corruption on the earth twice and you will surely reach [a degree of] great haughtiness'" against the backdrop of bombings in Gaza (see post below). The student, who regularly shares verses from the Quran as part of his religious expression, used this particular verse to criticize the war. Despite his religious context and intention to express dissent through his faith, B was permanently expelled from the college.

¹⁰ Adalah filed an appeal; however, the appellate judges conducted a hearing in the absence of the student and chose not to alter the decision, as she had decided to pursue her studies elsewhere.

Following Adalah's appeal, the college revised the penalty, reducing it from permanent expulsion to a four-year suspension, which essentially equates to an expulsion.

V. Violation of Procedural and Due Process Rights

From the initiation of disciplinary processes against Palestinian students, through the manner in which hearings were conducted, to the decisions rendered, academic institutions failed to uphold basic procedural principles of fairness, and therefore, violated the fundamental principles of due process and fair trial. In numerous cases, academic institutions egregiously violated due process principles by imposing punitive measures without prior procedures, hearings, or inquiries. Even in cases where disciplinary hearings were conducted, severe due process violations took place. Committees often seemed predetermined in their decisions, rendering the hearings a mere formality.

VI. Conclusion

As of 15 February 2024, 36 of the cases have concluded with acquittals, cancellations, or exoneration based on reasonable doubt. Concurrently, 11 cases have led to so-called “educational punishments”, including reprimands, mandatory apologies, participation in educational courses, and volunteer work. However, the cases did not end with these outcomes. Many Palestinian students who have been unjustifiably branded as “terrorist supporters” face intense campaigns of incitement from their Jewish-Israeli counterparts, with some even receiving death threats. Furthermore, several universities have even referred complaints against the Palestinian students to the Israeli police, resulting in arrest and/or indictment. To date, five Israeli colleges and universities have formally acknowledged submitting complaints against their Palestinian students to the Israeli police—specifically, the College of Management, Nof HaGalil College, Tel-Hai Academic College, Ruppin Academic Center, and the Technion - Israel Institute of Technology. The Minister of Education also went so far as to explicitly urge academic institutions to “report to the Council for Higher Education and to the Israel Police any such cases of incitement to terrorism.”¹¹ These student arrests and criminal proceedings are part and parcel of a broader unlawful campaign of criminalizing Palestinian citizens of Israel in order to stifle any opposition to the war.¹²

The campaign of persecution against the Palestinian students is bound to stifle academic and political discussions on campus and in the classroom, creating a chilling effect wherein students suppress their opinions and positions. This self-censorship fundamentally undermines the purpose of academia and the right to education, as students seek to avoid severe sanctions in a culture of repression.

¹¹See letter at footnote 3 above.

¹² See Adalah’s briefing paper, [Crackdown on Freedom of Speech of Palestinian Citizens of Israel](#) dated 23 October 2023, updated 16 November 2023.