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**Human rights situation in Palestine and other
occupied Arab territories**

Written statement* submitted by the ADALAH - Legal Center for Arab Minority Rights in Israel, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Education of Palestinian Students in East Jerusalem

As independent human rights organizations working to protect the rights of Palestinian residents of the Occupied Palestinian Territory (OPT), the Civic Coalition for Palestinian Rights in Jerusalem and Adalah – The Legal Center for Arab Minority Rights in Israel, welcome the opportunity to contribute to the Human Rights Council (HRC), particularly Agenda Item 7. We are deeply concerned, and request intervention by the HRC to effectively address:

- Israel's continued intent to de-Palestinize the schools in East Jerusalem (EJ) by introducing the Israeli curriculum in schools there;
- Israel's failure to ensure the right to education for Palestinians under both International Humanitarian Law (IHL) and International Human Rights Law (IHRL); and
- Israel's failure to comply with a 2011 Israeli Supreme Court decision to take concrete measures to promote the right to education for children in EJ and address the lack of classrooms.

This submission illustrates the persistent pattern of Israel's systematic removal of the Palestinian culture from the Palestinian educational system in EJ.

The education of Palestinians in EJ has been affected by the broader context of Occupation of the area since 1967. Palestinians living in EJ have the status of permanent residents, and as such, in accordance with the Israeli 1949 Compulsory Education Law, they have the right to free public education from the ages of 3-18.

Since 1967, Israel's Ministry of Education (MoE) has tried to impose the Israeli education curriculum in Palestinian schools. In 1969, the Israeli government tried to strengthen its control over Palestinian schools in EJ by passing a law of school supervision, which allowed Israel to fully oversee the Palestinian schools in the city. Palestinians responded to this idea by going on strike. In 1974, the Jerusalem Municipality agreed to allow the schools to teach either the old Jordanian curriculum or the new Israeli curriculum. In 1994, after signing the Oslo Accords, the Palestinian Authority began to develop a Palestinian curriculum to replace the Jordanian one, and in 2000, the Palestinian schools in EJ started to use it.¹

In March 2011, the Jerusalem Municipality mandated that all private schools in EJ that receive budget allocations from the Israeli authorities must purchase only textbooks prepared by the Jerusalem Education Administration. Doing so obligated these schools to impose a syllabus that conveys a biased perspective of historical events in favour of the occupying State. This order was extended to public schools in September 2011.

The syllabus accordingly omits any recognition of Palestinian national identity, the Nakba, the Occupation, expansion of illegal settlements, resistance efforts, or Jerusalem as the capital of a Palestinian state.² It likewise entails the removal of the following:³

- The Palestinian Education Ministry logo (replaced with the Jerusalem Municipality logo);
- A portion in the first-grade book requiring children to draw/colour the Palestinian flag;
- Passages about the Palestinian refugee right of return;
- Lessons about significant cities in Palestinian history, such as Akka (Acre).

¹ J. Sokolower, Education under Occupation: East Jerusalem, an interview with Zakaria Odeh, Alternet, 13 April 2016, available at: <http://www.alternet.org/education/education-under-occupation-east-jerusalem>.

² Civic Coalition for Palestinian Rights in Jerusalem, Palestinian Schools in East Jerusalem Forced to Use Israeli-Censored Textbooks, 5 April 2012, available at: <http://www.civiccoalition-jerusalem.org/press-releases/palestinian-schools-east-jerusalem-forced-use-israeli-censored-textbooks-0>.

³ Kairos Palestine, Easter alert statement, April 2014, available at: http://civiccoalition-jerusalem.org/system/files/kairos_palestine_easter_alert.pdf.

Lack of educational cohesion, mounting discriminatory processes, and an oppressive surrounding environment all contribute greatly to a skyrocketing rate of school dropout amongst Palestinian youth in EJ. An estimated 36% of East Jerusalemites fail to complete high school, with many defaulting into the child labour workforce.⁴ The Jerusalem Municipality does little to deter this trend from growing, as 30% of EJ schools lack any dropout prevention program whatsoever and another 40% have only minimal services related to such prevention.⁵ A Palestinian student in EJ receives less than half of the budget allocated to an Israeli student.⁶

Recent developments in the educational sector in EJ warrant the HRC's special attention.

Extra funding for, conditioning funding on the Israeli curriculum:

In January 2016, the media revealed that the MoE was planning to encourage schools in EJ to switch from the Palestinian curriculum to the Israeli one. Extra funding would be made available to schools that decided to make the switch. The Minister of Education has been quoted as stating that he wants “to provide a strong tailwind to any school that chooses the Israeli curriculum. My policy is clear: I want to aid the process of Israelization.”⁷ Currently most public schools in EJ teach the Palestinian curriculum. Some schools offer students a choice between the two curriculums. The Israeli matriculation exam has become more popular because universities in Israel do not admit students who have passed the Palestinian matriculation exam.⁸

In August 2016, the media reported that the Minister of Jerusalem Affairs and Heritage Ze'ev Elkin decided to condition transfers of budgets for repairs to Palestinian schools in EJ (some NIS 20 million (US \$5.28 million dollars)) on the adoption of an Israeli-authored school curriculum. Conditioning the transfer of educational budgets in this manner is illegal, as the law prohibits unequal [budget] allocations and discrimination between institutions dependent upon government ministries; government and municipal budgets must be allocated equally and according to clear and written criterion. As only Palestinian schools will be harmed by this decision, it also constitutes discrimination on the basis of nationality. Further the ministry has no authority to condition budget transfers on changes in educational content.⁹

Violations of International and Israeli Law

In 2011, the Israeli Supreme Court accepted a petition calling for the Jerusalem Municipality to provide physical space for every EJ child to enrol in a municipal school by 2016; in cases until then where this is not possible, the municipality was ordered to refund tuition for children enrolling in privately operated institutions.¹⁰ At the time of the judgment the lack of classrooms amounted to approximately 1500. The five-year period has ended and the lack of classrooms has increased to 2247.¹¹ This deficiency is expected to continue to grow at a rate of 3-4% per year. Although city authorities often cite a lack of available land as justification for the lack of classrooms in EJ schools, it continues to encourage the development and expansion of illegal Jewish settlements throughout the area.

⁴ O. Maimon and others, *Falling between the Cracks: Student Dropout and the Shortage of Classrooms in East Jerusalem*, Ir Amim, August 2015, p. 5, available at: <http://www.ir-amim.org.il/en/node/1410>.

⁵ E. Uri and others, *Annual Status Report: The Failing East Jerusalem Education System*, Ir Amim and The Association for Civil Rights in Israel, 2013, p. 11.

⁶ N. Hasson, *Arab Students in Jerusalem Get Less Than Half the Funding of Jewish Counterparts*, Haaretz, 23 August 2016, available at: <http://www.haaretz.com/israel-news/.premium-1.738104>.

⁷ O. Kashti and N. Hasson, *Israel's Education Ministry to Pay East Jerusalem Schools to 'Israelize' Curriculum*, Haaretz, 29 January 2016, available at: <http://www.haaretz.com/israel-news/.premium-1.700219>.

⁸ *Ibid.*

⁹ Adalah sent a letter to the Minister of Jerusalem Affairs and Heritage and the Attorney General demanding that they revoke this decision, See Adalah Press Release, “Conditioning budgets for repairing East Jerusalem schools on adoption of Israeli curriculum is illegal,” 17 August 2016, available at: <http://www.adalah.org/en/content/view/8888>.

¹⁰ H CJ 5373/08, *Abu Libdeh et al. v. Minister of Education et al.* (decision delivered 6 February 2011), available at: <http://www.hamoked.org/Document.aspx?dID=Documents1384>.

¹¹ *Supra* note 4, p. 4.

Not only has the state failed to implement the Supreme Court's order but also by not providing for enough classrooms, it is responsible for serious IHL and IHRL violations. Israel is in direct violation of the Fourth Geneva Convention, which provides for the inviolability of rights of protected persons under occupation, and the obligation to facilitate the proper working of all institutions devoted to the care and education of children.¹² Additionally, the right to education, the right to cultural identity, and right to receive information, are codified in international law.¹³

Furthermore, the policy of Israelization brazenly contravenes Article 1 of the International Covenant on Civil and Political Rights by deliberately undermining the pursuit of social and cultural development amongst Palestinian youth and attempting to erase Palestinian history from the peoples' collective consciousness.¹⁴

Recommendations

Israel's repeated and severe violations of IHL and IHRL create a culture in which Palestinian children are deprived of their right to education. Accordingly, we call on the HRC and members states to:

- Conclude that, by continuing the process of Israelization or de-Palestinization in the EJ schools, Israel is violating not only the right to education under IHL and IHRL, but also the right to cultural identity and the right to receive information;
- Demand that Israel cancel its decisions to increase the funding or condition funding for schools on adopting the Israeli curriculum. Instead it should offer substantial increases in budgets to all Palestinian schools in EJ.

¹² Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), Geneva, 12 August 1949, articles 47 and 50.

¹³ International Covenant on Economic, Social and Cultural Rights, New York, 16 December 1966, article 13; Convention on the Rights of the Child, New York, 20 November 1989, articles 13 and 29(c).

¹⁴ International Covenant on Civil and Political Rights, New York, 16 December 1966, article 1.