



# General Assembly

Distr.: General  
1 September 2016

English only

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## Human Rights Council

### Thirty-third session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by the Norwegian Refugee Council, 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.

[26 August 2016]

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

GE.16-15149(E)



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## Occupied Palestinian Territories: Education Under Attack

1. The humanitarian crisis in the occupied Palestinian territory (oPt), which encompasses the Gaza Strip and the West Bank including East Jerusalem, is directly linked to the impact of prolonged occupation and is characterised by protection needs stemming from violations of international humanitarian and human rights law, forced displacement, the erosion of resilience and severe impediments in access to essential services including education.<sup>1</sup> UNOCHA estimated that 593,000 Palestinian children were in need of humanitarian interventions to access education in 2016.

2. As established by the Committee on Economic, Social and Cultural Rights (CESCR), in order for the right to education to be fully realized, education in all its forms and all levels must exhibit the essential elements of availability, accessibility, acceptability and adaptability.<sup>2</sup> Throughout the oPt the availability, accessibility and acceptability of education is under constant threat.

3. The physical *availability* of educational institutions is undermined through the destruction of school buildings and the imposition of administrative demolition orders on education infrastructure across the West Bank. The physical *accessibility* of educational institutions is compromised, *inter alia*, by the imposition of restrictions on movement and access, detention of and excessive use of force against minors, incidents of settler violence and harassment and impediments to developing sufficient educational facilities as a result of the discriminatory planning regime. In East Jerusalem the *acceptability* of the substance of education is also being diminished through Israeli policies, which threaten academic freedom and institutional autonomy.

4. Moreover, the hostile environment which prevails in the oPt severely impacts the psychosocial condition and development of school-going children, thereby further adversely impacting their capacity to receive an *acceptable* standard of education. OCHA estimates that 282,000 Palestinian children were in need of psychosocial support.<sup>3</sup>

### *Availability under Attack*

5. The availability of a sufficient number of educational institutions and programmes is an essential component of the right to education.<sup>4</sup> Destruction of schools and discriminatory barriers to developing educational facilities erode this requisite availability across the oPt.

6. In the West Bank, including East Jerusalem, discriminatory planning and zoning regimes imposed by Israel severely restrict Palestinian development. In Area C of the West Bank Palestinians require a permit for the construction of permanent, semi-permanent or mobile structures such as tents, shacks, sheds, mobile homes or caravans. However, official Israeli figures indicate that only 1.5 percent of Palestinian permit applications are approved.<sup>5</sup> Palestinians are thus obliged to construct without permits in order to cater to their development needs. Any such construction, erected without permit, is thus susceptible to be issued with ‘stop-work orders’ and ‘demolition orders’. Demolitions thus conducted are referred to as “Administrative Demolitions”.

7. In February 2016, the Israeli Civil Administration accompanied by the Israeli Military demolished three primary-school related structures and confiscated equipment such as tables and chairs in the Palestinian Bedouin community of *Abu Nuwar* by way of administrative demolitions.<sup>6</sup> This adversely affected 62 students who were attending the school. In March, wide scale demolitions in the community of *Khirbet Tana* resulted in the demolition of 41 structures

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<sup>1</sup> OHCA, *Humanitarian Needs Overview 2016: Occupied Palestinian Territory*, November 2015.

<sup>2</sup> UN CESCR, *General Comment No 13: The Right to Education (Art 13)*, 8 December 1999.

<sup>3</sup> OHCA, *Humanitarian Needs Overview 2016: Occupied Palestinian Territory*, November 2015.

<sup>4</sup> UN CESCR, *General Comment No 13: The Right to Education (Art 13)*, 8 December 1999, para 6.

<sup>5</sup> OCHA, *Humanitarian Coordinator calls on Israel to halt demolitions in the occupied West Bank immediately and to respect international law*, 17 February 2016.

<sup>6</sup> OCHA oPt, *Online Demolitions Database*, 25 August 2015.

including a primary school.<sup>7</sup> Further, a school in the community of *Khan al Ahmar* – built in 2009 and funded by the Italian government - is currently facing impending demolition. This would adversely affect the access to education of 160 students from 5 neighbouring Bedouin communities that attend the school.<sup>8</sup>

8. Likewise in East Jerusalem a discriminatory and restrictive planning and zoning regime – which explicitly seeks to establish a Jewish Israeli demographic majority in Jerusalem - has resulted in inadequate and insufficient public educational facilities. Only 2.6% of the land in East Jerusalem has been allocated for the development of public buildings for Palestinians<sup>9</sup> resulting in a classroom shortage within public schooling for Palestinian students. Ir Amim estimates this shortage to be at 2,247 classrooms.<sup>10</sup>

9. In the Gaza Strip mass destruction and import restrictions imposed by the siege severely impact the sufficient availability of educational facilities. As a result of periodic hostilities and the ensuing destruction of educational facilities, all of Gaza's 462,770 students have been adversely affected.<sup>11</sup> The 2014 open hostilities, which claimed the lives of over 2,000 Gazans and left 100,000 displaced; further resulted in the destruction or damage of 262 schools and 274 kindergartens.<sup>12</sup> Thus far, all the UN schools have been repaired and rebuilt while 96% of the non-UN schools have been repaired or rebuilt. 65% of the kindergartens have thus far been repaired or rebuilt.<sup>13</sup> While much has been accomplished, more is needed to facilitate reconstruction of schools damaged or destroyed, to limit the adverse impact of future hostilities, and to ensure that a durable solution to the humanitarian crisis is reached.

#### *Accessibility under Attack*

10. Throughout the oPt the physical and non-discriminatory accessibility of schools is also impaired with educational institutions not being within safe physical reach of many students. As a result, 593,000 Palestinian children are in need of humanitarian interventions to access education.<sup>14</sup>

11. Across the West Bank restrictions on movement and access imposed by physical (checkpoints, roadblocks and the Separation Wall), and administrative (permit requirements and the closure of areas) measures, result in lengthy delays and access denials and thus severely impact students' access to education. Such restrictions have resulted in drop out rates estimated as high as 40 percent after the 10<sup>th</sup> grade in East Jerusalem.<sup>15</sup>

12. Further impediments in accessing education in the West Bank, stem from attacks on schools and an overarching environment of violence, harassment and intimidation generated by Israeli security forces and Israeli settlers. In 2015 the United Nations documented 283 incidents relating to education, including 96 cases of schools coming under fire during military-led operations and clashes, 46 attacks and threats of violence against students and teachers by Israeli security forces and settlers, and 62 instances of interference with education owing to the closure of schools or the arrest and detention of staff and students.<sup>16</sup> Indeed, incidents of settler violence resulted in the injury of 54 Palestinian children in 2015 while 27 Palestinian children were killed.<sup>17</sup> Further, in 2015 a total of 860 Palestinian children were arrested in

<sup>7</sup> OCHA opt, *Wide Scale Demolitions in Khirbet Tana*, 4 March 2016.

<sup>8</sup> Statement of the Palestinian Prime Minister, *Is Education a Threat to Israel?*, 17<sup>th</sup> August 2016, available at: <http://pgmc.ps/page.php?id=f177y61815Yf177>

<sup>9</sup> Ir Amim, *Falling between the Cracks: Education Report 2015*, August 2015, p. 7.

<sup>10</sup> Ir Amim, *Falling between the Cracks: Education Report 2015*, August 2015, p. 4.

<sup>11</sup> OHCA, *Humanitarian Needs Overview 2016: Occupied Palestinian Territory*, November 2015, p. 6.

<sup>12</sup> UN General Assembly & UN Security Council, *Children and Armed Conflict: Report of the Secretary General*, A/70/836-S/2016/360, 20 April 2016.

<sup>13</sup> *Ibid.*

<sup>14</sup> OHCA, *Humanitarian Needs Overview 2016: Occupied Palestinian Territory*, November 2015.

<sup>15</sup> OHCA, *Humanitarian Needs Overview 2016: Occupied Palestinian Territory*, November 2015, p. 8.

<sup>16</sup> UN General Assembly & UN Security Council, *Children and Armed Conflict: Report of the Secretary General*, A/70/836-S/2016/360, 20 April 2016.

<sup>17</sup> *Ibid.*

East Jerusalem, 136 of whom were under the age of criminal responsibility.<sup>18</sup> As of February 2016 406 Palestinian children are detained in Israeli prisons.<sup>19</sup>

#### *Acceptability under Attack*

13. Further attacks on the acceptability of the form and substance of education including the curricula are being incurred both through the imposition by the Jerusalem Municipality of a censored “Israeli-adjusted” Palestinian curriculum and the promotion of a full Israeli curriculum in Palestinian East Jerusalem schools. In 2011 the Jerusalem Educational Administration called for adjusted textbooks which were revised by the Israeli Ministry of Education to remove reference to Palestinian identity and culture, the occupation, Israeli settlements, the Intifadas, to Jerusalem as the capital of Palestine, information about Islam and other aspects of Palestinian geography and history.<sup>20</sup> The Israeli government has threatened to withhold recognition, permits and funding to schools who are not using censored curriculum.<sup>21</sup>

14. Furthermore, the Israeli Ministry of Education has announced its intention to offer additional funding to schools who adopt the Israeli curriculum in full or in part in furtherance of “the process of Israelization”.<sup>22</sup> Such actions greatly compromise academic freedom and institutional autonomy as essential components of the right to education in the oPt.

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<sup>18</sup> *Ibid.*

<sup>19</sup> Addameer, *Imprisonment of Children*, February 2016, available at:  
[http://www.addameer.org/the\\_prisoners/children](http://www.addameer.org/the_prisoners/children)

<sup>20</sup> CCPRJ, *De-Palestinianization of Education in Occupied East Jerusalem*, February 2015, available at:  
[http://www.civiccoalition-jerusalem.org/system/files/note\\_on\\_de-palestinization\\_of\\_education.pdf](http://www.civiccoalition-jerusalem.org/system/files/note_on_de-palestinization_of_education.pdf)

<sup>21</sup> CCPRJ, *De-Palestinianization of Education in Occupied East Jerusalem*, February 2015.

<sup>22</sup> Haaretz, *Israel’s Education Ministry to Pay East Jerusalem Schools to ‘Israelize’ Curriculum*, 29 January 2016.