The Right toEducation forPalestinians

The right to education is a fundamental human right enshrined in international law.

*Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.* (Universal Declaration of Human Rights, Article 26)

Education is both a human right in itself and an indispensable means of realizing other human rights. (*International Covenant on Economic, Social and Cultural Rights, ratified by Israel in 1991*)

The occupying power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children. (*Fourth Geneva Convention, Article 50*)

Under international law an occupation is defined as a territory under the control of a hostile army (*International Committee of the Red Cross, 2004*). As an occupying power Israel has a responsibility under international law to uphold the right to education.

The West Bank and Gaza

At the height of the Nakba (the enforced exodus of Palestinians in 1948-49), the only areas of Palestine not occupied by Israel were administered and controlled by two member states of the Arab League: the West Bank was administered by Jordan while Gaza was administered by Egypt. Consequently, both countries modelled the education system of the areas under their control on their own systems, which meant that the curriculum concentrated on Jordanian and Egyptian history and culture rather than focusing on Palestine. During the 1967 war the West Bank and Gaza were captured by Israel and the Palestinian right to education has been directly impacted by the continuance of the occupation ever since.

- After the beginning of the occupation in 1967, the military administration ran the schooling system. They largely kept the out-of-date Jordanian and Egyptian curriculum, but made some modifications. These included *the deletion of the word Palestine from textbooks, the deletion of maps and the censorship of anything deemed nationalist* (*Abu-Saad & Champagne, 2006, p. 1043*).

- Palestinian schools became arenas of confrontation between the Israeli military and Palestinian school children. This included *consistent harassment of school children and the use of physical violence as a means of repression* by Israeli forces (*Abu-Saad & Champagne, 2006, p. 1043*).

- Palestinian universities began to be established during the 1970s. They have never received any funding
from Israel under the occupation but are charged taxes that Israeli universities are exempt from (Sullivan, 1991 p. 250). Seen by Israel as centres of resistance, they have faced numerous restrictive measures, including:

- Limitations on the expansion of buildings and facilities
- Limitations on students’ access to library material (special permits to import new books).
- Obstruction of external financial assistance, particularly any originating from the Arab world. Palestinian universities were made to pay value added tax (VAT) which reached 17%.
- Continuous disruption of the learning process as a result of student arrests, interrogations and shootings – not only by the army, but also by settlers.
- Harassment of university graduates, particularly since 1992, who were denied the right to apply for positions as civil servants on the grounds that they had graduated from universities that were officially closed by the Israeli military administration. This was an indirect strategy to limit the effectiveness of off-campus teaching strategies adopted by many Palestinians in response to closures, curfews and disruptions. (Assaf, 1997: 57-58 from Abu-Saad & Champagne, 2006: 1044).
- Restriction of academic freedom through the imposition of military orders. For instance, Military Order 854 (introduced in 1980) gave the Israeli authorities broad powers over Palestinian universities (Sullivan, 1991 p. 255). Refusal to meet the requirements of such military orders, which were often collectively resisted, frequently led to the deportation of academics (Sullivan, 1991 p. 256).

The First Intifada

The First Intifada (meaning ‘a shaking off’ in Arabic) was a popular uprising against the occupation in the late 1980s.

- Schools were regularly stormed by Israeli armed forces, tear gas was frequently fired into classrooms, and harassment and physical assaults against students and staff increased. This produced a climate of extreme insecurity, which affected younger schoolchildren especially (Abu-Saad & Champagne, 2006: 1044).

- Schools and universities have often been closed by the Israeli authorities since 1967 (e.g. Birzeit University was closed for 60% of the time between 1979 and 1992), however, during the First Intifada a systematic closure policy was enforced against all Palestinian educational institutions. This is a form of collective punishment, forbidden under international law. Palestinians responded by convening clandestine classes so that they could pursue their education (Bruhn, 2006 p. 1131).

  - The Israeli army closed all 1,194 schools in 9 months in 1988 and 8 months in 1989 affecting over 310,000 students. No official reason was given for these enforced closures. (Abu-Saad & Champagne, 2006 p. 1044).
By February 1988, Israel had closed all Palestinian universities outside of East Jerusalem (Sullivan, 1991 p. 249). At that time, the universities had 14,000 current students (Sullivan, 1991 p. 250). Some universities, such as Birzeit, remained closed until 1992 (Birzeit).

Arab Community Colleges, UNRWA and “government” vocational training centres were also closed in February 1988 (affecting 7,000 students) and were not permitted to reopen until the first half of 1990 (Sullivan, 1991 p. 250).

After the First Intifada

The Oslo Accords were signed in 1993. This brought the First Intifada to an end and resulted in the establishment of a Palestinian National Authority to administer some of the areas of Palestine occupied in 1967.

- In 1994 the education system started to be administered by the Palestinian Ministries of Education and Higher Education. This was the first time that the education system was directly administered by Palestinians.
- The separate education systems in Gaza and the West Bank were unified and a new Palestinian curriculum was developed (Abu-Saad & Champagne, 2006 p. 1045).

However, the occupation continued and even intensified with continued settlement construction, economic decline and additional restrictions on the freedom of movement (Abu-Saad & Champagne, 2006 pp. 1046-47), all of which had an impact on the development of education in Palestine.

The Current Situation

In response to the continued occupation, a Second Intifada began in September 2000. This has led to an intensification of Israel’s targeting of educational institutions.

- A network of over 579 obstacles to the freedom of movement across the West Bank, including checkpoints (OCHA, 2009), causes delays on a daily basis and stop Palestinians, often arbitrarily, from passing – making it difficult for students to travel to school and university. The Right to Education campaign at An-Najah University documents the delays caused by students passing through checkpoints. One of the instances they have noted illustrates the punitive and arbitrary characteristics of the occupation. On this occasion, students were made to form two lines: one of people wearing hair gel and one with people who were not. The people with hair gel were allowed to go to university that day (An-Najah Right to Education Campaign Magazine).

Why crossing the road to get to school can be a daily battle

The numerous settlements across the West Bank are connected by so-called ‘bypass’ roads. Use of these is restricted to Jews.

Palestinian roads often cross these roads. At these junctions Israeli occupying forces carry out routine humiliations of Palestinians.

This is demonstrated with the example of ‘Abd, one of the many villages to have a Jewish-only road cutting through it. There is only one school in the village so many children have to cross the road to get to school everyday.

Yasser Alian a villager with two children, aged seven and eight, has described the twice daily humiliations imposed on his children on their way to school:

“There have been incident where the soldiers chased the kids, threw teargas canisters at them and yelled at them”.

Sometimes they prevent the children from going to school at all.

On one occasion Israeli forces blocked the road on the children’s way home. Despite intervention from the Red Cross the soldiers maintained the block.

This meant that the children had to take a bus and drive 30km around the settlements.

• Around 6,759 Palestinians, amongst them student activists, are currently incarcerated by the Israeli state (B’Tselem, 2010). Many are held under a system of Administrative Detention, a form of detention where elementary rights, such as the right to a trial, are denied. On one occasion, documented by the Right to Education campaign at Birzeit University, Fadi Hamad, the head of Birzeit’s Student Council was incarcerated for belonging to 'an illegal organisation' (Birzeit R2E, 2007). The Right to Education Campaign at Birzeit notes, in the same press release, that Israel’s military laws effectively criminalise all student activism.

• Children are also subject to detentions and prosecutions, with over 6,700 Palestinian children arrested since the start of the Second Intifada (DCI/PS, 2009). Incarcerated children are provided neither with the conditions nor with the resources to fulfil their right to education.

• Settlements impact on the freedom of movement and affect the pursuit of education. In order to support their settlement programme, Israel places severe movement restrictions on Palestinians, impinging on their rights, including the right to education (Al-Haq, 2008). Settlements are often connected to each other by roads disallowed to Palestinians, euphemistically dubbed ‘bypass’ roads by Israeli sources. An example, the Jadallah children, whose house is built next to a road now forbidden for use by Palestinians, have to use a difficult 3km hilltop path, full of sharp ascents and descents, to reach school. It used to take two minutes to reach the school on the road that they currently are banned from using (video available on B’Tselem website (B’Tselem, 2009).

• The Wall cuts the path of 37% of students of Al-Quds University (Hassassian, 2007). It envelops areas of the West Bank confiscated for the use of settlers and has also resulted in a shortage of teachers for Palestinian areas of Jerusalem, as many came from the West Bank.

• Hundreds of students are unable to exit Gaza to study abroad. As a result of the blocks to education many students choose to study abroad. Although, hundreds of students are accepted to international academic programs, Israeli policy prevents many students from leaving (Gisha, 2008 p. 2). In the academic year 2009-2010, Gisha reported that 838 Palestinian students were waiting to leave Gaza for their respective universities after term had already begun (Gisha, 2009a). In addition, many students studying outside Gaza were not allowed to return. As far back as 2000, Israeli authorities imposed a sweeping prohibition on the exit of Gaza residents wanting to study, with a small number of exceptions (Gisha, 2009b, p.5). Today, numerous hurdles prevent Palestinians from leaving Gaza. Students are only considered after they have applied through the Palestinian Civil Affairs Committee (based in Ramallah) or through a "recognised" representative of the international community (Gisha, 2009b, p.6). Since June 2008, Israel has...
required students leaving for overseas universities to be accompanied by a diplomat from the country they are bound for, creating an unfair burden on diplomatic envoys and making it impossible for many students to leave, particularly if the country they wish to travel to does not have a diplomatic presence in Israel (Gisha, 2009a).

- The education system in Gaza is severely limited by a lack of resources. Of the six universities in Gaza there are no doctoral programmes and only a limited number of undergraduate and graduate courses on offer. The lack of resources has contributed to chronic overcrowding in the education system. Three Palestinians in four cannot pursue a higher education in Gaza due to overcapacity. Schools are so overcrowded that many operate a system of shifts. In September 2007, UNRWA revealed that a third of their students were without textbooks due to the siege (United Nations, 2007).

- The 22 day long winter assault on Gaza in 2008-2009 exacerbated the effects of the siege. 352 children were killed in the attack (DCI/PS, 2010). Some of the Israeli air strikes were carried out at the end of the first shift of the school day when students were filling the streets and numerous educational facilities were targeted. The bombings completely and partially destroyed many educational facilities causing longstanding damage to the right to education for Palestinians. This includes 150 out of the 384 public schools in Gaza, the main building of the Ministry for Education, a number of UNRWA schools that were clearly identifiable by UN insignia, 46 private schools and kindergartens and numerous higher educational institutions (PCHR, 2009 p. 108). Many other resources which have an indirect impact on the right to education, such as homes and water treatment facilities, were also destroyed (See factsheet on the 2008-2009 attack on Gaza).

- Israel prevents Palestinians from Gaza studying in the West Bank despite the territories legally constituting one unit and the occupier's obligation under international law to allow freedom of movement. From 2000 the Israeli army restricted the issuing of travel permits to Palestinians in Gaza who wished to study in the West Bank (Gisha, 2009b, p. 5). Since 2003, Israel has prohibited Palestinians with a registered address in Gaza from being in the West Bank, even if they have

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“For 20 years we must stop this brain from thinking”

International law requires child prisoners to have access to education. This is not the case for Palestinian children held by Israel. Female child detainees are not given any access to education and access for male children is severely restricted with limited resources in only 2 of the 5 detention centres where they are held.

For adult prisoners access to education is similarly circumscribed. Prisoners detained by the Israeli Prisons Service are prevented from studying numerous topics such as “History of the Middle East by the New Historians” and “Democracy and Dictatorship”.

As a form of practical resistance to this block on education Palestinians within detention centres have built a system of self and collective education.

Khaled al-Azraq is an ex-political prisoner who was detained for twenty years at Nafha prison. Whilst in prison he became part of the education movement:

“In prison I found Palestine's political, national, revolutionary university. It was in prison that I realized that knowledge is what paves the road to victory and freedom.”

Members of the prisoners’ resistance movement came up with ingenious ways to smuggle books into the prisons. Due to the difficulty of getting texts into the prison, the prisoners wrote out copies of books by hand.

One prisoner took on the role of a ‘librarian’, and would exchange books that prisoners had finished for ones they had yet to read.

The movement also organised workshops, seminars and lectures so Palestinians can access education despite their incarceration.

Source: (Khaled al-Azraq, 2009)
resided in the West Bank for years (Gisha, 2009c). The students who remain live in fear of travelling out of close proximity to their universities, because they may be forcibly returned to Gaza if they are stopped at one of the ‘flying checkpoints’ or by soldiers. For example, Berlanty Azzam, a student at Bethlehem University, was blindfolded, handcuffed and forcibly deported to Gaza after being stopped at a checkpoint near Ramallah. She was not removed due to any security concern but because she was residing and studying ‘illegally’ in the West Bank (Gisha, 2009c).

- In 2007, Israel heightened the restrictions on access for people and goods to Gaza to an almost total siege. The extreme poverty and high levels of malnutrition caused by the siege impacts on the ability of students to study. The Head of UNRWA in Gaza, John Ging, has stated that “the cumulative impact of years of violence and closures, of disrupted schooling and endemic poverty is clear from the stark exam results of Gaza’s schoolchildren.” (UNRWA, 2007).

Palestinians with citizenship of the Israeli state

Following the height of the Nakba in 1948 (see separate factsheet) and the establishment of the state of Israel on most of historic Palestine, those Palestinians who remained inside the 1948 borders came under control of Israel. Since then there has been an entrenchment of educational inequalities between Palestinians and the Jewish population that has settled there.

Palestinians were not subjected to assimilationist policies as Zionist settlers were mostly uninterested in integrating non-Jews into their society. Instead a system of “segmentation, dependence and co-option (Abu-Saad, 2006 p. 1087) was instituted, whereby Palestinians have been separated from the Jewish population. Consequently, even in towns with a mixed population, there is a separate schooling system for Palestinians. (Abu-Saad, 2006 p. 1088). Whilst the policy of separation in schooling gives the appearance of the “accommodation of cultural differences and educational pluralism”, it exists to serve the interests of the “dominant (Jewish) ethnic group while maintaining the marginalization of the indigenous Palestinian Arab community” (Abu-Saad, 2006 p. 1088).

- The 1953 Law of State Education states that the aim of state education is to base itself on the “values of Jewish culture and the achievements of science, on love of the homeland and loyalty to the state and the Jewish people” (Abu-Saad, 2006 p. 1088). This has continued to dominate, creating a curriculum that ignores Palestinian values, history and culture (Abu-Saad, 2006 p. 1089). The curriculum for the Arab school system is designed by the Ministry of Education, where “virtually no Arab educators or administrators” have the power to make decisions. This differs from the system for Jewish religious schools, which is completely autonomous with regards to its curricula (Abu-Saad, 2006 p. 1191).

- On the rare occasions that Palestinian history and culture is mentioned in the Israeli curriculum they are presented in an Orientalist way, whereby the superior West is juxtaposed with a backward, irrational and passive East (Abu-Saad, 2006 p. 1089). Studies of Jewish textbooks and children’s literature have noted that Palestinians and Arabs are portrayed as “murder[er]s,” “rioters,” “suspicious,” generally backward, and unproductive (Abu-Saad, 2006 p. 1090).

- Less than 4% of Jewish people study the non-compulsory course in the Arabic language at schools, whereas all Palestinians are obliged to learn Hebrew and to study Zionist literature and poetry. Palestinian literature and poetry is not on the curriculum (Abu-Saad, 2006 pp. 1090-1091). In July 2005 the Knesset passed, by a large majority, a law to commemorate the tourism minister, Rehavam Zeevi. Zeevi was the extreme right wing founder of the Moledet party, which advocates the “voluntary” transfer of the Palestinian population from Israel, and was killed during the Second Intifada. The law orders schools to commemorate his “character” and “works” in accordance with material prepared by the Zeevi Centre (Arab
Jim Crow in Israel

Fathi Wahidi is a Palestinian single parent resident in Ramle. He works two jobs a day, six days a week, coming home for only three hours a day. Due to this he had to place his 18 month old son, Arafat, into a day-care centre:

“There is no child daycare center for children of his age (approximately 1½ years) in my neighbourhood...I want him to develop and explore the world. There are Arab centers in Ramle itself, but there is no transport arrangement to my neighbourhood, neither public nor private. That’s why I had to put him in a Jewish center.”

It was a hard search finding a daycare centre that would accept Arafat, with Fathi encountering much discrimination. After being rejected from several daycare centres he finally found one that would accept Arafat. However, this was on the condition that they pretended they were Jewish, with Arafat being called Adam at the preschool.

Two weeks after Arafat started at the facility, Fathi’s sister called the daycare centre and asked to speak to Arafat. The daycare worker she spoke to did not know of the secret arrangement. Later that day Fathi received a call from the director of the facility:

“One of the daycare workers opened your son’s bag and saw that he is called Arafat and he is an Arab. She spoke about this with a relative who also has children in the center, and in response they removed their children from the center because there is an Arab child there.”

Two days later the director called again telling that there had been more parents that had withdrawn their children and as a result Arafat would have to leave the facility at the end of the month.

Rather than waiting until the end of the month, Fathi withdrew his child immediately telling the director that he “wouldn’t want him to give the other children a disease or to start teaching them how to make bombs.”

Palestinian teachers, principals and supervisory staff are screened by Shin Bet, the Israeli secret police, prior to being hired (Abu-Saad, 2006 pp. 1092-1093). In contrast Jewish candidates need only present their qualifications and experience (Abu-Saad, 2006 p. 1093).

Jewish education workers are permitted to be openly racist and hostile towards Palestinians. For example, when a group of community leaders and parents from the unrecognised villages in the Naqab organised to improve their schools, the Jewish Director of the Bedouin Education Board, which manages education there, called them “blood-thirsty [Bedouin] who commit polygamy, have 30 children and continue to expand their illegal settlements, taking over state land” (Abu-Saad, 2006 p. 1093). When he was eventually dismissed it was for financial irregularities rather than as a result of his statements (Abu-Saad, 2006 p. 1094).

The Israeli Electricity Company only began to connect schools for Palestinians in the Naqab to the electricity network in 2009 (Adalah, 2009). 23,000 Palestinian Bedouin students study in the Naqab region.

Approximately 31% of Palestinians drop out before graduating high school, compared to 16% of Jewish children (Abu-Saad, 2006 p. 1094). Those who remain do worse than their Jewish counterparts in national examinations.

The sharp inequalities in the education sector mean that Palestinians are less able to apply for university. Palestinians seeking admission to university are rejected at a far higher rate than Jews (Abu-Saad, 2006 p. 1094).

One of the barriers to Palestinian education is the psychometric test, required for entry to Israeli universities. This has been criticised as being culturally weighted in favour of Jewish applicants (Abu-Saad, 2006 p. 1094).

“In their culture they take care of their needs outdoors. They don’t even know how to flush a toilet”

Director of the Bedouin Education Board justifying why Bedouin schools do not have indoor plumbing. (Abu-Saad, 2006 p. 1093)

Association for Human Rights, 2005). The law applies to Palestinian schools as well as Jewish schools, effectively compelling Palestinian students to “laud a heritage that includes the idea that they should be expelled from their homeland” (Arab Association for Human Rights, 2005).
In an effort to improve the admission rate of marginal Jewish populations into universities, the Ministry of Education removed the requirement for psychometric tests for the year 2003-2004. This had the unintended effect of mostly benefiting Palestinians and consequently the policy was reversed and the psychometric test reinstated (Abu-Saad, 2006 p. 1095).

- **Military Service, which almost all Palestinians do not carry out, is used as a block on Palestinian participation in higher education.** Needs based scholarships give an extra point to candidates who have completed military service (Mossawa, 2008 p. 23). Some university courses have raised the age of admission as a condition of enrolment. As Palestinians tend to apply to university earlier than Jewish students because they do not complete military service, they have a gap of several years in their education (Arab Association for Human Rights, 2005).

- **More than 7000 Palestinian students with Israeli citizenship leave the country to pursue further education in Jordan** (Mossawa, 2008 p. 24).

- There are no Palestinian universities inside the 1948 borders as all proposals for independent Palestinian universities have been denied by the Israeli government (Abu-Saad, 2006 p. 1095). **Palestinian academics hold only 1% of academic positions in Israeli universities**, despite comprising 19% of the population (Abu-Saad, 2006 p. 1095).

- **Academic freedom, especially for Palestinians or pro-Palestinian Israelis, is limited in Israeli universities.** For example, Nizar Hassan, a college lecturer at Sapir College in the Naqab was dismissed because he refused to declare his “respect for the uniform of the Israeli army”. In contrast, in the same college another lecturer who asked a Muslim student to remove her hijab was not rebuked and is unrepentant, arguing that she was allowed to do this on the grounds of “academic freedom” (Cook, 2008). Other universities, such as Haifa, which forced out the revisionist historian, Ilan Pappe, ban all protests on campus unless authorised by the vice principal (Cook, 2008). In one such case, Haifa University used security guards to break up a demonstration by students outside a hall that was hosting a conference on “The Demographic Problem and Demographic Policy in Israel” and disciplined the students involved (Arab Association for Human Rights, 2005). “The Demographic Problem” in Israeli terminology refers to the ‘problem’ that Palestinians have a higher birth rate than the average birth rate for Jewish Israelis (Arab Association for Human Rights, 2005).

- Palestinian students have criticised the General Students Union for not catering for the needs of Palestinians. Since 1958 Palestinian students in Israeli institutions have organised into Arab Students Committees but **Israeli University Institutions still do not recognise Palestinian student organisations**. An illustration of the entrenched discrimination in the Israeli student union system can be seen in the 2005 student elections at Ohalo College in the Golan, where the only Palestinian candidate was disqualified on the day of the election. The candidate, Adham Zoabi, maintains that he followed all of the procedures for the registration of candidates correctly and claims that “the decision was made to keep the elections for Jewish candidates only” (Arab Association for Human Rights, 2005).

- **Education inequalities have been noted by the Israeli government but have not been tackled.** A five year plan was initiated that intended to inject 50 million shekels per year for five years into the Arab schooling system to reduce inequalities (Golan-Agnon, 2006 p. 1076). This amount has been criticised as insufficient by Arab educators. What is more, the way the application of the money was handled undermined the alleged aims of the plan. The project was administered by a retired army captain, who found contractors to fulfil the aims of the project. Arab organisations were excluded from the process: Hebrew was the only language used in the project, the advertisements for contractors were only advertised in Hebrew newspapers and the requirements specified for the contractors could not be met by Arab organisations (Golan-Agnon, 2006 p. 1076). One of the companies that won a contract to improve the reading capacity of Arab students was a college in the West Bank settlement of Ariel (Golan-Agnon, 2006 p. 1076). More recently, a spending plan from the Department of Education allotted 25 million shekels to reduce the inequalities. However, as frequently occurs in budget allocations for Palestinians, the actual spending was far lower – at 4.4 million shekels (Mossawa, 2009 p. 2).
A class of schoolchildren in Gaza. Source: CAABU Photo Archive
Works Cited


