

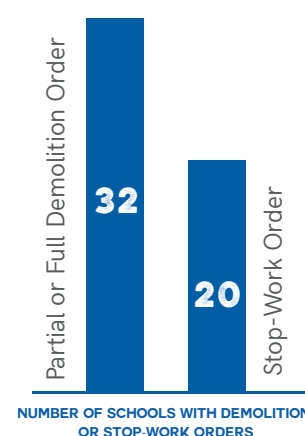


BACKGROUND ON SCHOOLS UNDER THREAT OF DEMOLITION IN WEST BANK

RIGHT TO EDUCATION IN OPT:

Under International Human Rights Law (IHRL), every child has the right to education and States have an obligation to protect, respect and fulfil this right. The universal right to education is enshrined in the Universal Declaration on Human Rights (1948), article 26: "everyone has the right to education". This right is reaffirmed by the International Covenant on Economic, Social and Cultural Rights (ICESCR); The Convention on the Rights of the Child; and the UNESCO Convention against Discrimination in Education. Further, 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.¹ It has been widely affirmed that Israel's IHRL obligations apply extraterritorially to its conduct in the oPt, including in reports of the Secretary General² and the UN High Commissioner for Human Rights³, as well as by relevant UN treaty bodies⁴ and the International Court of Justice⁵. In addition, Israel, as the occupying power in the oPt, has an obligation under international humanitarian law to facilitate- with the cooperation of national and local authorities- the proper working of all institutions devoted to the education of children.⁶

Throughout the oPt, the availability, accessibility and acceptability of education is under constant threat. Furthermore, threats to the right to education contribute to a prevailing coercive environment which gives rise to forcible transfer of communities from their homes and lands, in violation of international humanitarian and human rights law. According to the Education Cluster database for schools under threat of demolition,⁷ there are currently 52 schools (44 schools located in Area C and eight located in East Jerusalem) under partial or full demolition orders or have received stop-work orders. These schools serve around 5,200 students in the most vulnerable areas of the West Bank.



All 52 schools are currently receiving legal aid and have representation in the Israeli courts either from Education Cluster partners' Legal Aid Task Force or from the Palestinian Authority (PA) through the Wall and Settlements Resistance Commission.

NUMBER OF SCHOOLS UNDER THE THREAT OF DEMOLITION PER DIRECTORATE - AREA C

Yatta	9
Ramallah and Al Bireh	6
Jerusalem Suburbs	6
South Hebron	5
Bethlehem	4
Qalqillya	1
North Hebron	2
Nablus	2
Hebron	2
Tulkarem	1
Tubas	1
South Nablus	1
Jericho (Muarrajat)	1
Jericho	1
Jenin	2
Total	44

¹ UN CESCR, General Comment No 13: The Right to Education (Art 13), 8 December 1999.

² See especially: Human Rights Council, Report of the Secretary General on the Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, A/HRC/34/38, 13 April 2017, paras.3-12.

³ See especially: Human Rights Council, Human Rights Situation in Palestine and other Occupied Arab Territories: Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolution 7/1, A/HRC/8/17, 06 June 2008, para.7.

⁴ Including inter alia the ICCPR, ICESCR, CRC. See for example: Human Rights Committee, Concluding observations on the fourth periodic report of Israel, CCPR/C/ISR/CO/4, 21 November 2014, para. 5; Committee on Economic, Social and Cultural Rights, Concluding observations on the fourth periodic report of Israel, E/C.12/ISR/CO/4, 12 November 2019, paras.8-9; and Committee on the Rights of the Child, Concluding observations on the second to fourth periodic reports of Israel, CRC/C/ISR/CO/2-4, 04 July 2013, para.3

⁵ See: International Court of Justice (ICJ), Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 09 July 2004, paras.111-113

⁶ Article 50, Fourth Geneva Convention of 1949.

⁷ The Education Cluster collects data and monitors schools in West Bank that receive demolition or stop work orders. As a result, the cluster manages a database that includes relevant information on these schools classified as being under threat of demolition.

BACKGROUND AND LEGAL CONTEXT:

Area C comprises over 60 percent of the West Bank. Area C is under the security and administrative control of Israel, including law enforcement, planning and construction. The legal framework in Area C makes Palestinian construction on 70 percent of the land extremely difficult. The remaining 30 percent of land requires a construction permit issued by the Secondary Planning Committee, which is part of the Israeli Civil Administration. The application process for a construction permit has an extremely low success rate.⁸

The UN Secretary General has previously noted that the Israeli zoning and planning policy in the West Bank, which regulates the construction of housing and structures in Area C, is “restrictive, discriminatory and incompatible with requirements under international law”.⁹ As observed in a January 2016 report from the Secretary General, “[t]he planning system favors Israeli settlement interests over the needs of the protected population and makes it practically impossible for Palestinians living in Area C (approximately 300,000 people, according to the UN Office for the Coordination of Humanitarian Affairs) to obtain building permits. Severe restrictions on Palestinian planning in Area C further prevent the development of communities, which are effectively denied basic services and infrastructure under the current policy.”¹⁰

This restrictive and discriminatory planning regime is a key component of the coercive environment in Area C.¹¹ The restrictive permit regime results in schools at times being built without permits in order to ensure children in Area C have safe access to education. This is used as grounds to demolish schools and other structures citing the lack of building permits. In other cases, “demolitions are used as punitive measures or carried out as part of military activities”.¹² Most recently, this can be seen in the threat of demolition on a school in the Ras al-Tin community, which was built by a cluster partner. According to Diakonia IHL Centre, violations of Israeli-imposed zone planning laws, which are themselves inconsistent with international law, is not a legitimate justification for demolitions in the oPt.¹³

Demolitions of property of the protected population in the occupied Palestinian Territory for administrative reasons such as lack of building permit is prohibited under International Humanitarian Law.¹⁴

SCHOOLS UNDER THREAT OF DEMOLITION IN AREA C:

Eighteen out of the 44 schools under threat of demolition in Area C are located in Hebron Governorate, with the majority of the schools located in Yatta (nine schools) serving a total number of 2,003 students. Eight of these 18 schools received partial or full demolition orders for the school premises, while the other 10 received a stop-work order for all the school buildings or specific extensions of floors or classrooms.

Jerusalem suburbs have six schools affected by threats of demolition. These six schools serve a total number of 420 (192 girls) students. Four of these schools have a full demolition order.

⁸ Civil Administration's response to B'Tselem. Quoted in: B'Tselem. 2013. Acting the Land Lord: Israel's Policy in Area C, the West Bank. Available at https://www.btselem.org/download/201306_area_c_report_eng.pdf

⁹ UN Secretary General. 12.02.14. A/HRC/25/38. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan. Para. 11-20

¹⁰ UN Secretary General. 20.01.16. A/HRC/31/43. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan. Para. 45

¹¹ OCHA 2016, Humanitarian Needs Overview. Available at https://www.ochaopt.org/sites/default/files/humanitarian_needs_overview.pdf

¹² Diakonia: <https://www.diakonia.se/en/IHL/where-we-work/Occupied-Palestinian-Territory/Administration-of-Occupation/House-Demolitions/>

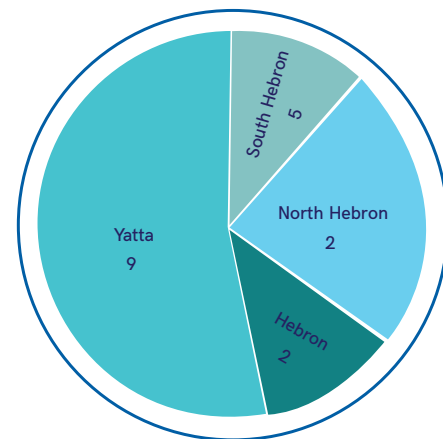
¹³ Diakonia website: <https://www.diakonia.se/en/IHL/where-we-work/Occupied-Palestinian-Territory/Administration-of-Occupation/House-Demolitions/>. For explanation of why the planning regime violates international law, see this article: <https://www.diakonia.se/en/IHL/where-we-work/Occupied-Palestinian-Territory/Administration-of-Occupation/House-Demolitions/I/Administrative/>

¹⁴ Article 53, Fourth Geneva Convention of 1949

Additionally, Abu Nuwwar Basic Co-Ed School has a demolition order for new buildings and Al Nabi Samuel Basic Co-Ed has a stop work order for three caravans that are used as classrooms.

Ramallah and Al Bireh Directorate has six schools under threat of demolition, affecting around 860 students (103 girls). Three out of the six schools received a demolition order for all school buildings, while the other three received stop-work orders for the entire school or the building of new extensions.

Bethlehem Directorate has four schools under threat of demolition, affecting around 424 students (93 girls). Three of these schools received a demolition order for newly constructed school buildings while one received a stop work order for new classrooms located in Area C.



SCHOOLS UNDER THREAT OF DEMOLITION IN HEBRON GOVERNORATE

SCHOOLS UNDER THREAT OF DEMOLITION IN EAST JERUSALEM:

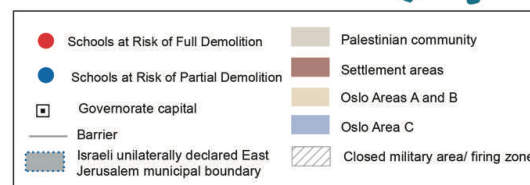
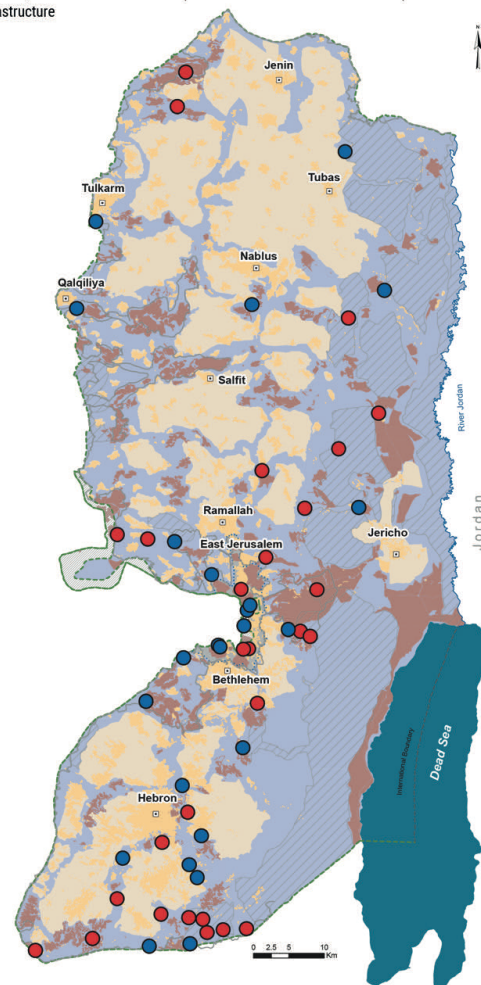
Schools in East Jerusalem face numerous issues in terms of over-crowding, lack of available classrooms, and restrictive zoning and planning regimes to accommodate the steady rise in the number of students. According to the Education Cluster many schools in East Jerusalem are in rented premises. The rented schools/classrooms are normally private residential properties, not equipped or fit to meet educational needs.

The classrooms themselves are small and children have little or no space for playgrounds, libraries or science laboratories. In addition to over-crowding, some schools are also in substandard physical condition, such as poor weather resistance or a lack of windows. According to information obtained by Association for Civil Rights in Israel (ACRI) from the Jerusalem Education Administration, in 2017, there were 1,815 classrooms in state schools, 47 per cent of which were in inadequate conditions and in need of replacement.¹⁵

In East Jerusalem, currently eight schools have a demolition order impacting some 1,100 students. Three of these eight schools have a full demolition order for the whole school premises. The other five schools received a demolition order for newly built floors.

SCHOOLS UNDER THE RISK OF DEMOLITION IN THE WEST BANK DECEMBER 2020

A total of 52 Palestinian schools across the West Bank have pending "stop work" or demolition orders, which place them at risk of being fully or partially demolished, due to lack of building permits which are near impossible to obtain. These include 44 schools in Area C, affecting around 4,100 students, and 8 schools in East Jerusalem, affecting around 1,100 students. The orders prevent both the maintenance and expansion of school infrastructure



¹⁵ ACRI: <https://law.acri.org.il/he/wp-content/uploads/2017/05/EJ-education-290317.pdf>. [Hebrew]

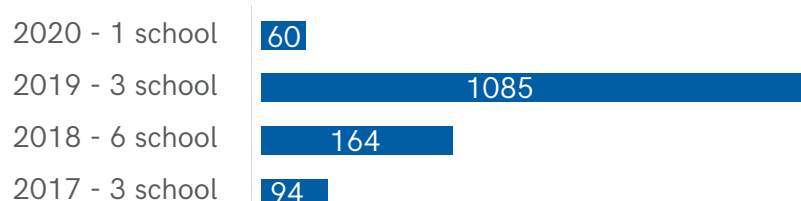
SCHOOLS DEMOLITION AND STOP-WORK ORDERS 2018 – 2020:

In 2018, Khirbet Zanuta and Khalet Al Dabe' schools were fully dismantled or demolished. In addition, four schools were partially demolished or dismantled: Abu Nuwwar, Jabal Al Baba, As Simya, Imreiha and Ibziq schools. After the school's demolition, Khalet Al Dabe' also received another demolition order for the buildings constructed to replace those razed in the first demolition. Seven other schools received a stop-work order in 2018.

In 2019, one of the two buildings in Al Razi School in Shu'fat Refugee Camp in Jerusalem Governorate was fully demolished after evacuating the students and school staff. In addition, As-Simiya School witnessed the partial demolition of the concrete floor of the school. This was a continuation of the demolition that occurred in December 2018. One school, Thaheer Al Maleh, had a mobile school canteen confiscated. Two schools, Ghuwain Basic Co-Ed and Ibziq Basic schools received stop-work orders for newly constructed buildings. Ibziq school, Khalet Al Dabe' Basic Co-Ed, and As Simya schools also all received demolition orders.

In 2020, the cement base of Birin Basic Co-Ed School was demolished, which was under-construction, after handing a demolition order to the school only 72 hours prior. Construction materials and equipment were also confiscated from Sousiya and Kisan Basic Co-Ed schools. In addition, Ras Al Tin school received a demolition order for all its school building on 1 September. The Israeli authorities also twice dismantled and confiscated the ceiling of Ras Al Tin school on both 6 and 10 of September for lacking a building permit for the school. Confiscation of building materials, chairs and tables from Ras al Tin school were also reported on the 10 September.

NUMBER OF AFFECTED CHILDREN FOR ACTUAL AND PARTIAL SCHOOLS DEMOLITION/DISMANTLE
2017-2020



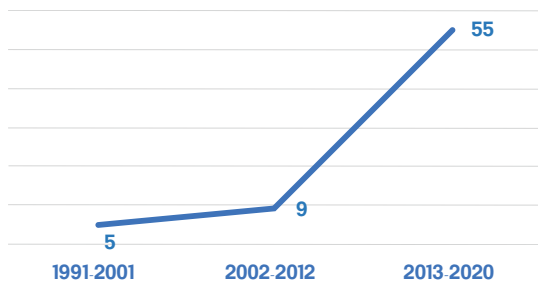
The Table below shows the confiscation of construction tools and materials from schools in the West Bank between 2017 – 2020:

Year	Number of Schools with confiscation of construction tools and materials
2017	1
2018	1
2019	0
2020	3

TIMELINE FOR DEMOLITION/STOP-WORK ORDERS:

The below analysis highlights that most demolition orders were issued between 2013 and 2020. Fifty-five out of the 69 demolition orders were issued in the last seven years. Some schools have received more than one demolition order on different dates.

NUMBER OF DEMOLITION/STOP-WORK ORDERS
FOR SCHOOLS IN THE WEST BANK



NUMBER OF DEMOLITION /STOP WORK-ORDERS FOR
SCHOOLS IN THE WEST BANK
2000 - 2020

