

*Education in Emergency*  
**Protecting Education Under Attack**  
**Special Focus: Abu Nuwar**



*#NotATarget*

## Education under Attack in Abu Nuwar

**Abu Nuwar** is a Bedouin community in the Jerusalem Governorate, located around 150 meters from the main road between Maa'le Adumim (est. 1975) and Qedar (est. 1985) settlements. The land of the community is estimated on 389 dunums and access to the community is via an unpaved rocky road. The community is located entirely in Area C of Palestine and is included within the jurisdiction of the Ma'ale Adumim in an area that was designated by the ICA in 1999 as 'G Block' – a neighborhood of Ma'ale Adumim that would create a territorial link between it and Qedar. According to BIMKOM, an Israeli human rights NGO working in Abu Nuwar, G Block constitutes an area of 389 dunams and will contain 1,500 housing units exclusively for Israeli settlers.

Of the Jahalin Bedouin communities in the Jerusalem Periphery, the village of Abu Nuwar is imminently at risk of being forcibly transferred to the Jabal West relocation site. This would constitute the fourth wave of ICA-administered forced population transfers of the Jahalin Bedouin since the initial ICA transfers in 1997.<sup>1</sup> As such, Abu Nuwar is one of the 46 Bedouin communities slated for relocation to one of three designated relocation sites by the Israeli Civil Administration (ICA). In its response to a petition challenging the transfer of the community, the State of Israel noted that it intended to displace the community in order to allow for the expansion of the Ma'ale Adumim settlement and that, furthermore, if the Court would allow for this transfer, it would provide a “**litmus test**” for other communities to be likewise displaced.<sup>2</sup> As a result, the community is being subjected to a harsh coercive environment, which encourages their non-consensual displacement from the land. According to the Abu Nuwar community, the ICA has demanded that the inhabitants of Abu Nuwar provide it with signed approval for its forcible transfer plans, in Grave Breach of Article 147 of the Fourth Geneva Convention.

The members of Abu Nuwar community are refugees, displaced from their original land in Tel Arad/Negev desert after the 1948 war. They settled in the West Bank in the early 1950s, and have permanently resided in the eastern mountains of Jerusalem since the early 1960s. The population consists of 107 households comprising 633 people including 345 children (majority of whom are registered refugees).

Since 2005, the ICA has issued stop work orders (SWO) and demolition orders against virtually all of the nearly 500 structures in Abu Nuwar, many of which are donor-funded humanitarian assistance. According to the community, orders were served in 2005, 2008 and 2015, but the first demolitions took place on 6 January 2016, after they had refused ICA's request that they accept to be forcibly transferred to Jabal West.

### Attacks on the Abu Nuwar School

In February 2016, the Israeli Civil Administration (ICA) accompanied by the Israeli Military demolished three donor-funded 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>3</sup> This adversely affected 62 pupils who were attending the school and violated their right to education.

In September 2016, the ICA again demolished two donor-funded school related structures in Abu Nuwar. The third grade class has since been forced to take place in the community's barber shop due to a lack of appropriate education infrastructure.

In August 2017, two donor-funded solar panels and their batteries which serve the elementary school, kindergarten and community centre were confiscated, despite the fact that an injunction preventing its confiscation had been issued that day by the Israeli High Court. This again amounts to an attack on education and directly interfering with the pupils' right to education in this community.

<sup>1</sup> UNRWA/BIMKOM, *Al Jabal: A Study on the Transfer of Bedouin Refugees*, 2013.

<sup>2</sup> HCJ 6137/15, 5950/15, 8802/15, State Response, 25 January 2016, para 35

<sup>3</sup> OCHA oPt, *Online Demolitions Database*, 25 August 2015.

# Protecting Education Under Attack in Palestine

**GOAL:** To support the right of every child to have **safe access to a quality education**

## Introduction

In 2014, the United Nations Secretary-General's *Children and Armed Conflict Annual Report* noted that children living in Israel and the State of Palestine were among those most exposed to the most egregious violations of their rights. These violations included attacks against their schools and the denial of their access to education. Today, in 2017, the Ministry of Education, education and protection actors are raising the alarm that in some areas, the educational system is in crisis. Protection risks are so severe that children can be injured, humiliated, or arrested on their way to school.

As per the MRM database, during the **first quarter of 2017**, 91 education-related incidents affecting 10,250 children were documented in the West Bank including East Jerusalem. These incidents include 62 interferences with access to education affecting 8,234 children, 24 attacks on schools affecting almost 2,000 children, as well as 2 incidents of military use of schools in Jerusalem and Hebron. 1 Palestinian minor was killed by Israeli forces in January 2017. In 2016, there were 256 education related violations affecting 29,230 students. These violations include attacks against schools, with 63 attacks documented, and 172 interferences with access to education (lost school times due to delays on checkpoints, delays at school entrances or closed military areas). At the time of writing there are 56 schools with demolition or stop work orders. In the first quarter of 2017, 28 attacks against education have been recording by MRM data.

Every child has the right to safe access to education and States have an obligation to protect, respect and fulfil the this right, by ensuring that schools are inviolable safe spaces for children.

This briefing provides an overview of the increasing threats and violations against children's right to education and outlines recommendations for local and international actors to support,

## Education under a Coercive Environment

Crucially, attacks on the right to education also contribute to the prevailing **coercive environment** which gives rise to forcible transfer of communities from their homes and lands, in violation if international humanitarian and human rights law.

Israel, through a variety of mechanisms, creates such a coercive environment for many Palestinian communities, by establishing “push factors” which encourage non-consensual displacement from their homes. Such “push factors” include restrictions on access to basic services such as education where families are forced to leave their homes in order to access education safely elsewhere following attacks on pupils and staff and destruction of education infrastructure, for instance, in their current locale.

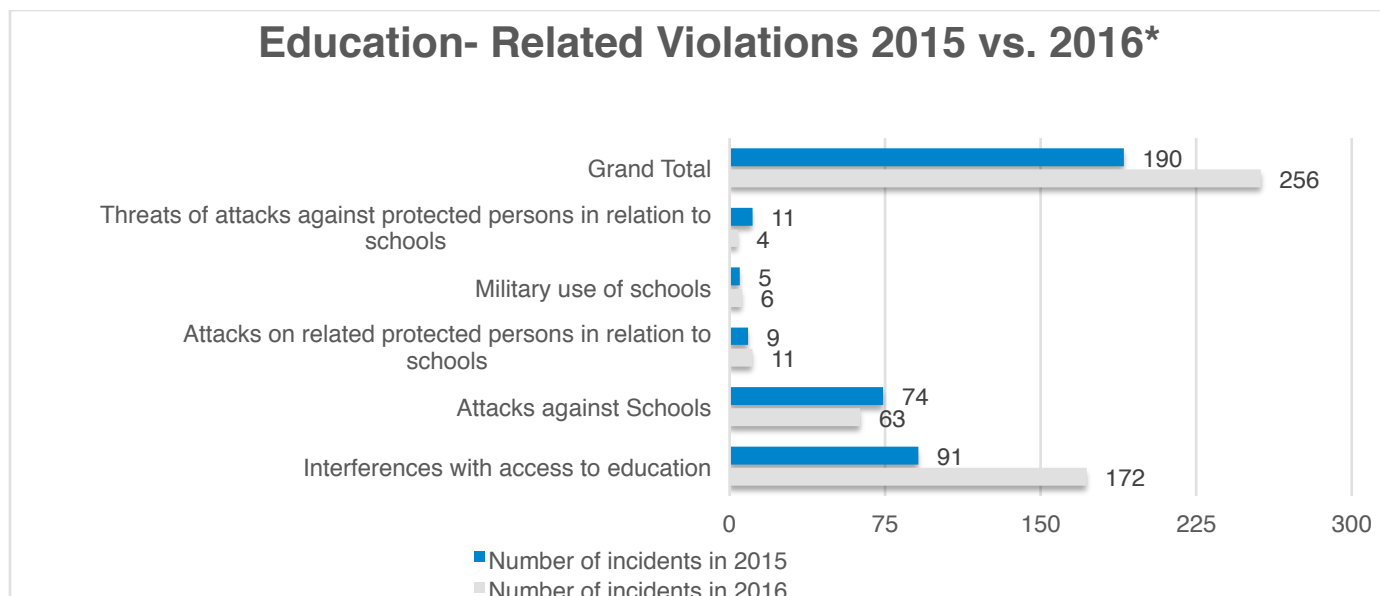
These processes of mass and individual forcible transfer of Palestinians occurs largely in areas often slated for settlement expansion, and thus contributes to the ongoing creeping annexation of vast tracts of West Bank land, as recognized by the International Court of Justice and the UN Human Rights Council.<sup>4</sup>

Furthermore, attacks on 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 if international humanitarian and human rights law.

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<sup>4</sup> UNHRC, Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, A/HRC/31/L.37, 22 March 2017; UNHRC, Israeli settlements in the Occupied Palestinian Territory including East Jerusalem, and in the occupied Syrian Golan, A/HRC/34/L.41, 22 March 2017; ICJ, Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, on the Wall, 9 July 2004, para 121.

## Education- Related Violations 2015 vs. 2016\*



### Protecting the Right to Education under International Law

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
- The Convention on the Rights of the Child
- The UNESCO Convention against Discrimination in Education

As established by the **Committee on Economic, Social and Cultural Rights** (CESR), in order for the right to education to be fully realised, education in all its forms and all levels must exhibit the essential elements of **availability, accessibility, acceptability and adaptability**.<sup>5</sup> Throughout the oPt the availability, accessibility and acceptability of education is under constant threat and attack.

#### Availability

In the oPt, the physical *availability* of educational institutions is undermined through the destruction and demolition of school buildings, the imposition of stop work orders and the inability of schools (in particular in East Jerusalem and Gaza) to carry out necessary repairs, maintenance and reconstruction.

- In the **West Bank**, school infrastructure is demolished or confiscated while approximately 56 schools are served with demolition or stop work orders and thus face imminent demolition. In August 2017 alone, three schools were targeted with demolitions and confiscations prior to the commencement of the new school year: **Within the space of two weeks, the solar panels of the Abu Nuwar school were confiscated, the Jabal al Baba kindergarten was likewise confiscated, and the Jubbet Adh Dibh school was dismantled in August – immediately before classes were due to begin.** Both the Khirbet Tana and Khan al Ahmar communities' schools received stop work orders in January and February 2017, respectively. In 2016, four communities' educational facilities have been demolished and/or confiscated in 2016: Abu Nuwar (twice), Khirbet Tana; Sateh el Bahar; and An Nabi Samwil.

<sup>5</sup> UN CESCR, *General Comment No 13: The Right to Education (Art 13)*, 8 December 1999.

- In **East Jerusalem** a discriminatory and restrictive planning and zoning regime has allocated just 2.6% of the land in East Jerusalem for the development of public buildings for Palestinians resulting in a classroom shortage within public schooling for Palestinian students. This shortage is estimated to be at 2,247 classrooms.
- In the Gaza Strip 73% of UNRWA schools and 65% MoEHE schools operate on triple & double shift system to accommodate the high number of students.

### Accessibility

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.

### Acceptability

In East Jerusalem the *acceptability* of the substance of education is also being diminished through Israeli policies, which threaten academic freedom and institutional autonomy, through the imposition of an “adjusted” curriculum and the promotion of a full Israeli curriculum in Palestinian East Jerusalem schools by way of discriminatory financial incentives.

- 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>6</sup>
- The Israeli government has threatened to withhold recognition, permits and funding to schools who are not using censored curriculum.<sup>7</sup> 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 Israelisation”.<sup>8</sup> Such actions greatly compromise academic freedom and institutional autonomy as essential components of the right to education in the oPt.
- In May 2017 when the Israeli Cabinet approved the implementation of a 5-year plan targeting East Jerusalem schools in offering financial incentives to switch from the Palestinian curriculum to an Israeli one. Speaking of the move, Israel’s Minister for Jerusalem Affairs and Heritage – Zeev Elkin – stated that “sovereignty equals governance and responsibility, and it has to be expressed in the realm of education.”<sup>9</sup>

### Recommendations

We urge state parties, non-state actors, the local and international communities to:

- Cease violations of the right to education in all its forms and to seek and ensure accountability for violations of that fundamental right
- Cease violence or incitement to violence in or around schools and to respect all schools and places of learning as inviolable safe spaces for children and educational staff
- Take steps towards the demilitarization of schools; state and non-state actors should be prohibited from being in or around school premises and schools should not be used for military purposes. Ensure that any attacks they perpetuate against schools are properly investigated and punished. It is incumbent upon the

<sup>6</sup> CCPRJ, *De-Palestinianization of Education in Occupied East Jerusalem*, February 2015, available at: [http://www.civicoalition-jerusalem.org/system/files/note\\_on\\_de-palestinization\\_of\\_education.pdf](http://www.civicoalition-jerusalem.org/system/files/note_on_de-palestinization_of_education.pdf)

<sup>7</sup> CCPRJ, *De-Palestinianization of Education in Occupied East Jerusalem*, February 2015.

<sup>8</sup> Haaretz, *Israel’s Education Ministry to Pay East Jerusalem Schools to ‘Israelize’ Curriculum*, 29 January 2016.

<sup>9</sup> Haaretz, *Cabinet Approves Plan to Expand Israeli Curriculum in Arab East Jerusalem Schools*, 29 May 2017.

relevant Israeli authorities to communicate and enforce this, particularly at settlements located in proximity to a school.

- Take concrete and immediate steps, to ensure children have safe access to education. Allow for the unhindered and safe passage of students and school staff through checkpoints on their commute to and from school.
- Take all necessary measures to avoid the damage or destruction and confiscation of educational infrastructure, facilities and supplies, including denouncing the issuance of administrative orders calling for the demolition and confiscation of educational facilities in East Jerusalem and Area C of the West Bank.
- Ensure that security arrangements during Israeli holidays, feasts, or other events do not interrupt education or impede the safe passage of students and school staff to and from school
- Provide immediate support to schools and students affected by attacks on education through expanded counseling and psychosocial support programs, remedial education, protective presence, and implementation of the non-violence at school policy.
- Provide support to the Ministry of Education and Higher Education (MOEHE) in:
  - Broadening and strengthening its reporting on attacks against education through the CAAC mechanism.
  - In the implementation and operationalization of the Safe Schools Declaration Guidelines, by providing technical or financial support.
- To provide sustained pressure on all relevant parties to affect meaningful change in protecting education from attack, particularly by taking concrete measures to enforce accountability against perpetrators of alleged child rights violations.