



HUMANITARIAN ALERT: SCHOOLS AT RISK OF DEMOLITION 9 MARCH 2023

1. Latest development

On 8 March 2023, the Jerusalem district court ruled that the Israeli Civil Administration can demolish the Jub a-Deeb school, east of Bethlehem. The court was petitioned by Regavim, whose costs were ruled to be reimbursed. The demolition can take place within the coming 60 days.

The donor funded school was established in 2017 and now serves more than 40 students (15 boys and 25 girls) from Grades 1-4. The school was established to serve the children of the community who had to walk long distances across a main road to reach the nearest school. The school is built on private land donated by the local community.

On 19 April 2017, the school received a Stop Work Order. Society of St. Yves directly submitted an application for a building permit and detailed plan, which was rejected by the court. Another building permit for the school was submitted in February 2021, following which an agreement was reached between the state and the petitioners for a new detailed plan for the school to be submitted in March 2021. On 12 January 2023, the Planning Sub-Committee of the ICA rejected the new outline plan, leaving Society of St. Yves 30 days to take legal action. On 10 February 2023, Society of St. Yves submitted a petition to the District Court against the demolition of the school along with a request for an interim injunction. The Court granted the interim injunction protecting the school and asked the ICA to respond. On 26 February 2023 the Court refused to extend the petition submitted by Society of St. Yves, leaving the school unprotected. On 2 March 2023, Society of St. Yves also submitted a petition to the supreme court and paid court fees of 20,000 NIS, but no response was provided, and no interim injunction was offered to protect the school from demolition.

The decision of the 8 March 2023 allowing the demolition to proceed was partly based on an argument that the school structure was not safe for children based on a report produced by the ICA in 2018 before the building of the school was finished.

2. Background

According to the Education Cluster database for schools under threat of demolition¹, there are currently 58 schools (50 in Area C and eight in East Jerusalem) under partial or full demolition order or have received stop work orders. These schools serve around 6,500 students in the most vulnerable areas of the West Bank and are staffed by at least 700 teachers (379 of whom are female).

Governorate	Number of schools at risk of demolition
Hebron	21
Jerusalem	14
Ramallah	7

¹ The Education Cluster collects data and monitors schools in West Bank that receive demolition or stop work orders. The cluster manages a database that includes relevant information on the schools classified as being under threat of demolition.

Bethlehem	4
Jericho	3
Nablus	3
Tubas	2
Jenin	2
Tulkarem	1
Qalqiliya	1

As of February 2023, at least seven schools out of the 58 are legally unprotected as their lawyers have exhausted all legal measures to protect the schools.

In 2022, Israeli authorities ordered the demolition/stop work order of at least 6 schools in Area C, impacting over 206 students (102 girls) and 41 teachers. In the same year, Israeli authorities carried out three demolition incidents (fully or partially) targeting two schools in Area C (one school was demolished twice – Isfey Al Fouqa School – on 23 November and 6 December) impacting over 85 students (37 females) and 18 teachers.

Between 2010 and 2022, Israeli Authorities have carried out 36 demolition incidents (demolition or confiscation – fully or partially) targeting 20 schools (17 in Area C and three in East Jerusalem). Some of these schools were affected more than once. In addition, nine demolition incidents (two in East Jerusalem and the rest in Area C) targeted kindergartens.

Demolitions and the threat of demolitions significantly contribute to a coercive environment and exacerbate the risk of forcible transfer. Bedouin and herder communities in Area C are particularly affected.

3. Proposed actions by Member States

Israeli policies and restrictions jeopardize children’s safe access to school. Member states are urged to raise with Israeli authorities their obligations ensure safe access to education for all children in occupied West Bank, wherever they are. Israeli authorities should be urged to halt all demolitions.

- It is virtually impossible for Palestinians to obtain permits for the construction of schools in Area C. The United Nations Secretary General has stated that this planning and zoning regime is “restrictive, discriminatory and incompatible with requirements under international law” (see SG report A/HRC/31/43, para. 45, referring to A/HRC/25/38 para. 11-20).
- The Israeli policy of demolitions in Area C imposes unnecessary delays in the delivery of assistance and essential services and decreases the effectiveness of humanitarian operations. Most significantly, these policies deny some of the most vulnerable communities access to the protection and assistance that they need and are entitled to.
- All children have the right to safely access education, which is enshrined in international humanitarian and human rights law, including the Convention of the Rights of the Child that Israel ratified in 1991. Israel bears the primary obligation to meet the needs of the protected population, and has in particular the obligation to facilitate the proper working of all institutions devoted to the care and education of children.

- The demolition, destruction or confiscation of schools and educational infrastructure constitutes a grave violation against children in accordance with UN Security Council resolution 1612 and related resolutions.
- The obligation to ensure the right to education should be implemented alongside other important provisions of IHL, particularly in the Fourth Geneva convention. These include, among others, the prohibition of the destruction of private or public property, unless absolutely necessary for military operations (Article 53); the prohibition on individual or mass forcible transfers, including within the occupied territory (Article 49); and the occupying power's obligation to facilitate the rapid, unimpeded and impartial delivery of relief to civilians in need and assist personnel to the fullest extent practicable in carrying out their relief missions (Article 59, 60, 63).

It is with this legal framework in mind that Member States are urged to continue to call on Israel not to proceed with any planned demolitions, including of schools, in line with its obligations under international humanitarian and international human rights law.