



Right to Education

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Summary

Education is a fundamental aspect of human and economic development and, as such, it is a human right that is listed in various international human rights documents. However, Palestinians living under Israeli occupation and Palestinian citizens of Israel experience regular violations of this right. Palestinian schools both within Israel and within the occupied territories fare much worse than Jewish-Israeli schools as they are often underfunded, overcrowded, and lack sufficient resources. Palestinian schools in both the occupied Palestinian territories and in Israel are ultimately dependent on Israel to fulfill the right to education but do not receive the attention and aid they need.

International Law

Article 26 of the [Universal Declaration of Human Rights \(UDHR\)](#) states that everyone has the right to free education in the fundamental stages of their learning and easily accessible education in the later stages.¹ Other international human rights documents, such as the [International Covenant on Economic, Social, and Cultural Rights \(ICESCR\)](#) and the [United Nations Convention on the Rights of the Child \(UNCRC\)](#) make further

mention of this right in Articles 13 and 28, respectively.² Furthermore, discrimination is not permitted in education, as is made clear in various articles in the Convention against Discrimination in Education. Regardless of religion, national origin, or ethnicity, no distinction should be made to those seeking an education. Rather, education should be equally funded by the state so that students receive equivalent education. The Convention also makes allowance for [minority groups](#), stating that they have the right “to carry on their own educational activities” without fear of receiving a lower quality education.³

Despite this prominence of the right to education in international law and human rights frameworks, Palestinian students living under Israeli occupation and as citizens of Israel face severe discrimination. Palestinian students in the [West Bank](#) are [unable](#) to fulfill their right to education due to overcrowded and

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1. <http://www.un.org/en/universal-declaration-human-rights/>

2. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>; <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

3. http://www.unesco.org/education/pdf/DISCR1_E.PDF



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underfunded schools, lack of school resources, and physical obstacles such as Israeli military checkpoints that make access to education difficult.⁴ As an occupying power, Israel has the responsibility to ensure that educational needs are met for those living under its occupation. Israel also has a responsibility to ensure that minority citizens, including Palestinian citizens of Israel, have their education needs met.⁵ Education is a vital component of a flourishing society and political community, with empowering effects on social and economic development, as well as national political consciousness. Israeli violations of this right are intended to block this full range of possibilities.

Significance of the theme in the context of Israel-Palestine

Israel's systemic discrimination against Palestinian schools in Israel and within the occupied territories has lasting, detrimental effects on students. Lower educational levels lead to lower living standards and economic conditions, which create barriers to improving one's standard of living.⁶ Due to Israeli discrimination against Palestinian schools in both Israel and the occupied Palestinian territories, Palestinian students drop out of

the education system at higher rates, are less likely to pass their final examinations, and are less likely to get into university than their Jewish counterparts.⁷ These differences are even more heightened when comparing Palestinian [Bedouins](#) in the [Negev](#) with Jewish Israelis.⁸

Without adequate and accessible options for education, Palestinian schoolchildren are unable to fully engage in a vital aspect of social and intellectual life. According to [UNICEF](#), education "plays an important role in reducing poverty and child labour as well as promoting democracy, peace, tolerance, development, and economic growth."⁹ Deliberately impairing Palestinians' right to education is a violation that continues to impact Palestinians into their adult lives.

Historical Development

The Israeli Ministry of Education took over most schools in Palestine following the establishment of the State of Israel in [1948](#). Israel created three [separate school systems](#) based on ethnicity and religiosity: schools for religious Jews, secular Jews, and Palestinians.¹⁰ Since then, the quality of schools

4. <https://ucluanestysoc.wordpress.com/tag/mai-abu-moghli/>

5. <https://ihl-databases.icrc.org/ihl/385ec082b509e76c41256739003e636d/6756482d-86146898c125641e004aa3c5>

6. "Education in East Jerusalem" by Ata Qaymari for Palestine-Israel Journal of Politics, Economics, and Culture (East Jerusalem), volume 17, issue 1/2, p. 83, 2011.

7. Ibid, pp. 83-87

8. <https://www.hrw.org/reports/2001/israel2/ISRAEL0901.pdf>

9. <https://www.unicef.org.uk/rights-respecting-schools/the-right-to-education/>

10. http://ijse.padovauniversitypress.it/system/files/papers/2012_1_6.pdf



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across systems has been noticeably different, with Palestinian schools faring the worst. Israel's examination system is also set up for Jewish students, with language and cultural factors that inherently disadvantage Palestinian students and result in lower performance. This creates a situation in which Palestinian students are rejected from Israeli universities at higher rates than Jewish students.¹¹ Although there are stark differences between the Jewish and Palestinian school systems in Israel, there are no programs in place to make up for the disadvantages and discrimination the Palestinian system faces. While Jewish students from poorer or marginalised backgrounds receive further funding and resources from the Israeli Ministry of Education to help them catch up with other Jewish students in their age group, nothing is done to help Palestinian students in Israel catch up with Jewish students in their age group. Instead, the Israeli Ministry of Education measures Palestinian students' performance against each other rather than against Jewish students. This restricted analysis of student performance ensures that the two systems vary widely and discourages equal performance for all students.¹²

For Palestinians living in the occupied territories, Israel violates their right to education primarily through restrictions on the freedom of movement, which places physical barriers on receiving an education and gives students little to no choice concerning which schools they attend.

Palestinian Bedouin in the Negev have particularly suffered from Israeli policies on education. There were no secondary schools for Negev Bedouin until 1969,¹³ and before then, many students had to travel long distances to attend school or simply not did not attend at all.¹⁴ Today, there are still less educational services for Negev Bedouin than for other Palestinians. In efforts to push Palestinian Bedouin to other towns, the Israeli government makes many Bedouin villages "unrecognised" and therefore illegal. This means that many Palestinian Bedouin in the Negev live in towns that receive little to no government services, from schooling, water and electricity to garbage collection. No Palestinian educational community organisations existed to address these problems until the 1970s.¹⁵

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11. <https://www.hrw.org/reports/2001/israel2/ISRAEL0901.pdf>

12. Ibid

13. Ibid

14. Ibid

15. Ibid

16. Ibid



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which also negatively impacts the Palestinian school system.¹⁷

In 1994, Palestinians in the West Bank, [Gaza](#), and [East Jerusalem](#) gained some control of their own school system through the creation of the [Palestinian Authority \(PA\)](#) under the Oslo Accords. All efforts to create a Palestinian educational system before 1994 within the occupied Palestinian territories were considered illegal by Israel, as the occupying power. However, even after the Oslo Accords, all schools, whether under the PA's control in the occupied Palestinian territories or in Israel, are ultimately under Israeli control. This has created a situation where a [dual education system](#) exists, with Palestinian schools providing a lower level of education than Jewish-Israeli schools.¹⁸

This inequality found in the school systems is symptomatic of broader Israeli policies of occupation and discrimination against Palestinians.

Right to Education Today

Right to Education in Israel

Palestinian children's right to education is not fulfilled due to Israeli discrimination and systematic inequality. Even Palestinian children who are [citizens of Israel](#) attend schools

that are understaffed, poorly built, and crowded.¹⁹ At classroom averages reaching typically 20 percent more than average Israeli classrooms, Palestinian students have to learn in [larger classrooms with less teachers](#) than their Jewish counterparts.²⁰ Palestinian schools are also underfunded, with the Israeli Ministry of Education spending less per student on Palestinian students than on Jewish students. In a [2016 comparison](#) of two high schools in Jerusalem that are both funded by the Ministry of Education, the Jewish school with 782 students was allocated 16.3 million shekels, while the Palestinian school with 783 students was only allocated 2.9 million shekels.²¹

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This discrepancy between the funding of Jewish and Palestinian schools is part of the systematic Israeli discrimination against Palestinians.

Palestinian schools have fewer essential resources such as libraries, laboratories, and recreational spaces in comparison to Jewish schools. There are also [little to no specialised courses](#) in Palestinian schools, such as film editing, compared to the courses offered in Jewish schools.²² Palestinian schools

17. http://ijse.padovauniversitypress.it/system/files/papers/2012_1_6.pdf

18. <https://ucluamnestysoc.wordpress.com/tag/mai-abu-moghli/>

19. <https://www.hrw.org/reports/2001/israel2/ISRAEL0901.pdf>

20. <https://www.hrw.org/news/2001/12/04/israeli-schools-separate-not-equal>

21. <https://www.haaretz.com/israel-news/.premium-arab-students-in-jerusalem-get-less-than-half-the-funding-of-jews-1.5427909>

22. <https://www.hrw.org/reports/2001/israel2/ISRAEL0901.pdf>



receive [fewer textbooks](#) and teaching materials and learn from a less developed curriculum than the curriculum used in Jewish schools.²³ Furthermore, the Arabic curriculum used for Palestinian students in Israel is a translation of the Hebrew curriculum from previous years, without any focus on topics unique to Palestinian identity such as Palestinian history, culture, or work from Palestinian authors. This lack of focus

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on [Palestinian identity](#) in the Arabic curriculum provided can also be alienating to students who, for example, must learn Hebrew from Jewish religious texts for their mandatory exams.²⁴ This is a clear violation of Article 30 of the [UNCRC](#), which states that minority children should have the right to celebrate their culture.²⁵

Palestinian students with special needs particularly suffer from this discrimination, due to the scarcity of qualified special education teachers, facilities, funding, and trained professionals. As a result, many families of children with special needs are left with the options of either sending their

children to a Jewish school without an Arabic curriculum or instruction, or not sending their children to school at all. Teachers in Palestinian schools as a whole receive lower salaries and are required to meet lower qualifications than teachers in Jewish schools. Conditions are harder for Palestinian Bedouin, as teachers in the few available schools in the Negev receive very few financial incentives. Although preschool attendance for three and four-year-olds is mandatory, there are not enough preschools for Palestinian children. This situation is further [worsened](#) in the Negev, where schools are scarce in general.²⁶

Right to Education in the Occupied Palestinian Territories

Within the occupied territories, other challenges abound. Due to the shortage of classroom space in Palestinian schools, tens of thousands of Palestinian students are forced to go to unofficial schools operated by churches, UN Relief and Works Agency (UNRWA), and religious trusts. The poorly equipped public schools and unofficial schools result in a high number of Palestinian students leaving the school system altogether. In 2016, [Ir Amim](#) reported that the number of Palestinian children in Jerusalem attending unofficial schools was higher than the number of those attending official schools in Jerusalem.²⁷ According to the Association for Civil Rights in Israel (ACRI), 5,500 Palestinian children from East Jerusalem were not

23. <https://www.hrw.org/news/2001/12/04/israeli-schools-separate-not-equal>

24. <https://www.hrw.org/reports/2001/israel2/ISRAEL0901.pdf>

25. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

26. <https://www.hrw.org/reports/2001/israel2/ISRAEL0901.pdf>

27. http://www.ir-amim.org.il/sites/default/files/Education_Report_2017-Fifty_Years_of_Neglect.pdf



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in public or private schools in 2009. This high drop-out rate leads to drug use, delinquency, and working from a young age. While East Jerusalem contributes 26 percent of the funds for Jerusalem, only 5 percent of Jerusalem's budget goes toward East Jerusalem's education and services.²⁸

Restrictions on Palestinian movement also contribute to the impairment of Palestinians' right to education in the occupied territories. With over 600 checkpoints in the West Bank, impaired movement in Gaza and East Jerusalem, and the illegal separation wall, this restriction on movement highly

affects school children. Some areas even require students to have [renewable education permits](#) with entry to school being entirely up to the discretion of Israeli guards.²⁹ Many Palestinian students have to travel long distances in order to attend school. New Palestinian schools are often [barred from being built](#) due to Israeli policies to move Palestinian communities out of certain areas.³⁰ Many of these students who travel long distances end up leaving the educational system entirely due to the long travel time and strain it places on their daily lives.³¹ Curfews also add

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increased stress, along with the impairment of Palestinians' freedom of movement and right to education. Invasions of Palestinian towns and curfews stop students from getting to school and create uncertainty even when the curfew is lifted. This causes students to miss multiple classes and creates an extremely [stressful learning](#) environment.³²

In addition to the lack of ample and adequate resources and the confiscation of school supplies already in use, Palestinian schools in the occupied Palestinian territories are frequently [demolished](#) by Israeli forces.³³ In late August

2017, Israeli forces demolished a school in the village of Jub a-Dib the night before the new school year was due to start. This school was made of six prefabricated buildings that were donated by the European Union. According to a [B'Tselem report](#), this act "epitomises the administrative cruelty and systematic harassment by authorities designed to drive Palestinians from their land."³⁴

The education system in Gaza is particularly unsatisfactory due to Israeli military attacks on schools, the ongoing blockade on

28. "Education in East Jerusalem" by Ata Qaymari, pp. 83-87

29. <https://ucluamnestysoc.wordpress.com/tag/mai-abu-moghli/>

30. <https://www.hrw.org/reports/2001/israel2/ISRAEL0901.pdf>

31. Ibid

32. http://www.btselem.org/testimonies/20020622_20020704_tawjihi_in_bethlehem

33. <https://ucluamnestysoc.wordpress.com/tag/mai-abu-moghli/>

34. http://www.btselem.org/press_releases/20170822_israel_demolishes_school_in_jub_a_dib



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Gaza, and a lack of funding. The 2014 war on Gaza particularly hurt the healthcare and [education sectors](#), leaving 258 schools significantly damaged and 26 schools damaged beyond repair.³⁵ The UN has criticised Israel for these attacks, as Israel was found to be [targeting schools](#) for destruction.³⁶ The blockade on Gaza, which has lasted longer than a decade, severely impacts education by prohibiting the entry of building equipment needed to repair and build new schools. The blockade also creates [overpopulation](#) in Gaza, making it one of the most densely populated places on the planet.³⁷ With hundreds of thousands of children needing access to education and not enough funding to accommodate them, UN UNRWA provides 252 schools for over 240,000 students. The majority of these schools run in double shifts in order to accommodate all the students. This results in shortened, condensed lessons and students underperforming in examinations. In [2006](#), 80 percent of students in Gaza failed mathematics and 40 percent failed Arabic.³⁸ These conditions violate the right to education for students in Gaza.

Right to Education in Refugee Camps

Through the displacement of Palestinian communities, Israel has created a crisis of Palestinian [refugees](#). These refugees become reliant on non-governmental organisations like UNRWA to receive education, which is often overcrowded and underfunded.

UNRWA works to give education to Palestinian refugee children living in refugee camps in Syria, Lebanon, and Jordan. In Syria, UNRWA operates 42 primary and secondary schools for 67,300 students. Many schools operate two or three shifts per day in order to accommodate for the number of students. The ongoing Syrian conflict has negatively impacted Palestinian refugees and caused [disruption of education](#) and closures of schools in areas with severe violence.³⁹ In Lebanon, UNRWA operates 68 primary, secondary, and vocational schools for 38,173 students. UNRWA also has a special focus on educating students with disabilities in [Lebanon](#).⁴⁰ In [Jordan](#), UNRWA operates 174 primary and secondary schools for 118,500 students and provides university education in some subjects.⁴¹

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In January 2018, US President Donald Trump cut over half of the funding allotted to UNRWA. Only [\\$60 million](#) of the original \$125 million was donated.⁴² Since

35. https://www.unicef.org/infobycountry/oPt_74620.html

36. <https://www.theguardian.com/world/2015/apr/27/israel-responsible-gaza-strikes-un-schools-ban-ki-moon>

37. https://www.unicef.org/infobycountry/oPt_74620.html

38. <https://www.unrwa.org/activity/education-gaza-strip>

39. <https://www.unrwa.org/activity/education-syria>

40. <https://www.unrwa.org/activity/education-lebanon>

41. <https://www.unrwa.org/activity/education-jordan>

42. <https://www.aljazeera.com/news/2018/01/cuts-unrwa-funding-180116193513823.html>



UNRWA relies on voluntary contributions, this reduction of funds is particularly detrimental to the organisation. This also hurts Palestinian refugees who rely on [UNRWA](#) not only for education, but also for healthcare, social services, infrastructure, emergency response, and so forth.⁴³ The drastic decrease of funding to UNRWA by its largest donor only exacerbates the substandard quality of education and living conditions of Palestinian refugees. Due to the displacement of Palestinian communities and underfunding of UNRWA, many Palestinian refugees suffer from living in precarious conditions in which their right to education is often under threat or not fully fulfilled.

These combined factors, along with other obstacles caused by Israeli occupation, result in ongoing cycles of poverty, discrimination, and an overall lower quality of education for Palestinians. Although Israel is required by international law to provide equivalent conditions for both Palestinian and Jewish Israeli students, Palestinian education is fragmented, dependent on foreign aid, and under [constant attacks](#) by the Israeli occupation.⁴⁴ The struggle for equality in Palestinian and Jewish education systems represents the larger struggle for the respect of Palestinian human rights. Education symbolises larger issues, and it also points to whose futures are being prioritised.

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43. <https://www.unrwa.org/what-we-do>

44. https://www.academia.edu/13269595/Human_Rights_Education_in_the_Occupied_West_Bank_Sources_of_Influence_perceptions_and_struggle