



Impact of the Israeli Occupation on Palestinian Education

Mai Abdul Rahman
Howard University
Washington, D.C.
maifordcschools@gmail.com

Abstract: This paper examines the stifling impact of Israeli occupation and policies on educational access to elementary, secondary, and tertiary education of the Palestinian population in the Occupied Palestinian Territories.

Introduction:

Historically Palestinians have valued their education and used educational attainments as personal and social transformative tools. Consequently through their acquisition of education they have improved their lot and their society. Education for Palestinian has served as a means of economic and social empowerment. "In Palestine education has served as a means to empowerment within the community and has played an important role since 1948" (Save the Children, Report "Palestine: The education of children at risk", presented to the 57th Session of the UN Commission on Human Rights, March 2001). Palestine exported its educated elite to seek employment in Saudi Arabia, Kuwait, England, Australia, the United States, South America and the rest of the world to improve their prospects and opportunity. Peter Hansen, Commissioner-General of the United Nations Relief and Works Agency (UNWRA) said this about the Palestinian appreciation and attitudes towards education: "The Palestinian people, who, with so many disadvantages to cope with, have traditionally put great stock in education. Palestinian literacy rates were among the highest in the region. Palestinian girls were the first in the Arab world to achieve educational parity with boys. All of which meant that Palestinian-educated engineers helped build the Gulf region and Palestinian-educated doctors have benefited communities from California to Cairo" (Frightened and Deprived, International Herald Tribune, October 9, 2002). Throughout Palestinian tumultuous political condition education has played a significant role in enhancing Palestinian's economic, social and intellectual standing.

According to the Special Rapporteur of the UN Commission on human rights the "military occupations are another appreciable curb on the human right to education, the most egregious example being the Israeli-Palestinian conflict" (Report of the Special Rapporteur on the Right to Education", UN Doc.

E/CN.4/2005/50para. 124, December 17, 2004). Palestinian human rights organization Al-Haq states Israeli occupation policies are impacting the future of Palestinians and their entire society. "Israeli occupation threatens the education of new generations of Palestinians living in the Occupied Palestinian Territories (OPT) and consequently endangers the future of a people. The problem is deepened by the fact that more than half of the Palestinian population is less than 18 years old" (Al-Haq, International Law in the Shadow of Israeli Occupation, April 12, 2005).

The impact of curfews and closure on children's school attendance has been considerable. According to



UNICEF in October 2002, "one month after the start of the Palestinian school year, over 226,000 children and 9,300 teachers were still unable to reach their schools" (UNICEF Press Release, 2 October 2002). UNICEF reports that more than 560 schools were closed "due to Israeli military curfews, closures and home confinement," and more than 197 were damaged by the IDF, while "275 schools were considered in the direct line of confrontation," subjecting school children to danger "(UNICEF Press Release, 2 October 2002). The Palestinian Ministry of Education accounts that in 2003, "1,135 school days have been lost during the Intifada and 54,730 teaching sessions were cancelled due to Israeli attacks during April and May of 2003 'Operation Defensive Shield'. And 850 Ministry of Education schools faced temporary closure" (Palestine Monitor, February 2003). When Palestinians attempt to respond to Israeli restrictions on their access to their schools by holding classes at home or local gardens, Israel countered by outlawing all forms of Palestinian informal education. Maria Holt explains, "The Israeli authorities, on learning about the mushrooming of popular education, promptly declared it illegal. Teachers and students became liable for arrest and punishment. In March 1989, UNRWA's attempt to hand out home- study packs to its primary school pupils was similarly forbidden. This leads one to the inescapable conclusion that it was education itself which was being punished" (Maria Holt, *The Right of the Child Denied: Palestinian Children under Occupation*, November 2001).

Education is a fundamental human right and basic to human freedom and aspiration. The International Covenant on Economic, Social and Cultural Rights (ICESC) underlines the fact that "Education is both a human right in itself and an indispensable means of realizing other human rights." While the Universal Declaration of Human Rights specifically stipulates that everyone has the right to education and states that education shall be accessible to all students, Article 28 states "Everyone is entitled to social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."

According to Amnesty International Israeli Military Defense Forces (IDF) actions and policies in the Occupied Palestinian Territories (OPT) have grave consequences for Palestinian children's rights and access to quality education "Closures and curfews have prevented children from attending classes for prolonged periods, with inevitable consequences for their education and future personal and professional development prospects" (Amnesty International, *Human Rights: Children under siege* Report, November 27, 2003). Israeli policies and restrictions also impact higher education students "Israel's restriction is a blanket refusal of requests made by Palestinian residents of Gaza to enter Palestinian territory, namely the West Bank, in order to study in institutions established for the benefit of those students and of Palestinian society as a whole" (Gisha: Center for the Legal Protection of Freedom of Movement, *Position Paper Submitted to the Israeli Knesset Limitations on Access to Higher Education For Palestinian Students*, December 2006).

Education in the Palestinian Occupied Territories:

According to the Ministry of Education and Higher Education (MOEHE) the total number of Palestinians students is 1,078,488. (Palestinian Authority Ministry of Education and Higher Education, Directorate General of Development and Research, 2005). Palestinian Ministry of Education principally runs



Palestinian elementary and secondary schools (70%), followed by UNRWA (24%), and the private sector (7%). More than 800,000 are enrolled in K-12 schools and 138,139 students are enrolled in 10 traditional universities, 56 colleges, 19 community colleges, and one Open University. In Palestine education is compulsory for ten years, followed by two non-compulsory years of secondary education culminating in the Tawjihi general matriculation- similar to the Baccalaureate standardized program. The majority of Palestinian universities are non-profit private institutions. (Palestinian Authority Ministry of Education and Higher Education, Directorate General of Development and Research, 2005).

Population growth and popular commitment to education has consistently kept demand for education high in Palestine. According to the World Bank school enrollment rates amongst Palestinians is high and in comparison to others in the region Palestinian literacy rate is among the highest. (The World Bank and Bisan Center for Research and Development, *The Role and Performance of Palestinian NGOs: In Health, Education and Agriculture*, 2006). The great value Palestinians attach to education is reflected in Palestinian resolve to be educated despite the social and political obstacles they continue to face as noted by several studies. Dr. Ciaro Arafat conducted a comprehensive survey of children in the Occupied territories found, "School plays an essential role in the lives of Palestinian children. Although both parents and teachers were concerned about children's eroding ability to concentrate and pay attention in class, as well as rising absenteeism and drop-out rates, the children themselves clearly continue to value their education" (Cairo Arafat, *A Psychological Assessment of Palestinian Children*, July 2003). Similar findings were noted in 2001, by Save the Children report submitted to the UN, "children's attitudes to education were their first priority" (Save the Children, Report "Palestine: The education of children at risk", presented to the 57th Session of the UN Commission on Human Rights, March 2001.) Save the Children report suggests that although seeking an education is arduous within the West Bank, Gaza and East Jerusalem both Palestinian girls and boys equally prized education. "Education was given a very high importance in their future" (Save the Children, Report "Palestine: The education of children at risk, presented to the 57th Session of the UN Commission on Human Rights, March 2001). Also in 1999, Educational Studies published a study of 700, 9th Grade West Bank and Gaza students echoed the same conclusions. "We discovered the students work hard in school and are supported by their parents." But the authors of the study lamented, "Sadly, these youth realize that their lofty educational aspirations are not likely to be fulfilled because of their families' poverty and the disruptive influence of the Israeli occupation" (CAMILLE FRONK, Ray L Huntington and Bruce A. Chadwick, *Educational Attitudes and Trends in Palestine*, Educational Studies, volume 25, Number 2, July 1, 1999. P 217-243 Routledge part of the Taylor and Francis Group).

Save the Children outlines the following as impediments to realizing Palestinian aspirations to be educated, "Israel imposed a wide-ranging internal and external closure of the Palestinian territories. The closure, and the subsequent violence, has significantly limited the provision of and access to education in the territories" (Save the Children Report, *Growing up under curfew: Safeguarding the Basic Rights of Palestinians*, 2003).



Israel has targeted Palestinian education since 1967, “Teachers and schoolchildren have been subjected to violence and schools have been attacked. Israeli checkpoints “have been placed to impede travel on roads leading to schools, and Palestinian pupils and teachers have been shot at, killed, wounded or arrested on their way to school” (The Palestinian Society for the Protection of Human Rights & the Environment (LAW), Israel Violating Palestinian Right to Education, Report updated March 2001). In 2008, World Vision, Save the Children UK, Save the Children Sweden Submitted a report to the United Nations that expressed disappointment in Israel’s refusal to take measures “to ensure that children in the West Bank and Gaza are protected and that their rights are fulfilled and has developed no mechanisms for overseeing the implementation of the CRC in the West Bank and Gaza” (Save the Children UK, Save the Children Sweden, and World Vision, Children’s Rights in the Occupied Palestinian Territories (OPT), December 2008). Their report suggests that Israeli policies and actions have obstructed other organizations willing to provide Palestinian children their rights to education and other services. “Israel actions and policies have led to the deterioration of the rights environment for children in the OPT and have stopped other actors including the PA and UNRWA from meeting their obligations as secondary duty bearers.” (Save the Children UK, Save the Children Sweden, and World Vision, Children’s Rights in the Occupied Palestinian Territories (OPT), December 2008). The report laments “Since Israel does not see itself as responsible for implementing the UNCRC in the OPT, it has put in place no mechanisms to child rights proof government policy, legislation, and actions taken in the OPT. To the contrary, Israeli policies and actions are the cause of many of the most serious children’s rights violations in the OPT. Specific violations of children’s rights in the OPT caused by Israeli actions and omissions include threats to children’s lives and physical security, restricted access to basic services, arrest and arbitrary detention, and violations of children’s rights to education and health and welfare”(Save the Children UK, Save the Children Sweden, and World Vision, Children’s Rights in the Occupied Palestinian Territories (OPT): Key Issues and Concerns Stakeholder Report on Israel Submission by For Universal Periodic Review, Third Cycle, December 2008).

Israel Disputes Palestinian Internationally Protected Right to Education:

United Nations Security Council on November 22, 1967 unanimously adopted Resolution 242 (S/RES/242), which was approved under Chapter VI of the United Nations Charter. Israel was the only state that contested the resolution and has since rejected the applicability of international law to the Palestinian territories. Subsequently the UN has approved countless of resolutions based on UN Resolution 242, which designate the West Bank, East Jerusalem and Gaza as the occupied Palestinian Territories and legally defines Israel as the occupying military force. Former Israeli UN Ambassador Dore Gold explains Israeli position for refusing to abide by international law and Israel’s rejection of its obligation to international norms and covenants he suggests that Israel disputes its occupation because at the time of occupation the land was won by war. Ambassador Gold argues Palestinian population had no clear rights and there was no operative diplomatic arrangement when Israel acquired the West Bank, East Jerusalem and Gaza on June 1967. (Dore Gold From Occupied Territories to Disputed Territories,



Jerusalem Center for Public Affairs, No. 470, January 16, 2002).

Regardless of semantics and political or legal definitions Palestinians' right to education has suffered since 1967 due to Israeli policies. Carol Philipa McGregor of the University of Canterbury School of Educational Studies and Human Development asserts, "Israelis have severely disrupted all levels of Palestinian education" (McGregor, Philippa Carol, Palestinian education in the occupied territories, 1992:

<http://hdl.handle.net/10092/2482>). While Palestinian Minister of Education Na'im Abu Al-Hummus

describes the state of education in the OPT "The education system in the Palestinian Territories is under a state of emergency, and (IDF) district officers decide whether to keep schools open or close them"

Education Today, United Nations Educational, Scientific Organization (UNESCO) January- March Edition, 2005).

Furthermore The Israeli government administers and governs the OPT through a set of comprehensive Israeli military issued orders that total more than 1,300. These military orders regulate what flowers Palestinian farmers are allowed to plant, which books and subjects are taught in schools and colleges, who is permitted an exit permit, operate a cab, or return home, redefine what age is considered a minor, and what currency Palestinians are allowed to use. Israeli Military orders provide the IDF control all aspects of OPT judicial, legislative and executive powers. (Israel Law Center:

<http://www.israellawresourcecenter.org>).

Israeli policies impact the entire educational experience in the OPT. Israeli military actions and measures are equally obstructive beyond K-12 and apply to colleges, universities and other educational institutions in the West Bank, Gaza and East Jerusalem. "Palestinian education system is deeply affected by the political atmosphere in Israel occupied Palestinian territories. Due to restrictions imposed by Israel on the movement of Palestinians, the eight major universities in Gaza and the West Bank and other education institutes are subjected to severe restrictions in distribution of knowledge and overall development of young people" (Ra'ad, Basem, Nafi, Jamal, The geography of occupation: Palestinian education today, 2007).

Israel is Legally Obligated to Protect the Right of Palestinians to Education:

Israel disputes and rejects its legal obligation for ensuring Palestinian children human rights and their right to education are met in the OPT of the West Bank, East Jerusalem and Gaza. Israel insists that international law is not applicable to Palestinian students However, Israeli Military Major General Dr. Finkelstein negates Israeli contention that the OPT are outside Israel's control and jurisdiction. "Since 1967, governmental, legislative, and administrative power of the territories held in Judea, Samaria and the Gaza Strip have been in the hands of the IDF" (Dr. Major General Menachem Finkelstein, The Israeli Military System: Overview of the Current Situation and a Glimpse into the Future, Air Force Law Review, Winter 2002). Clearly Major General Finkelstein contradicts Israeli stated position while asserting Israel's military control of the entire OPT. Meanwhile, according to Israeli human rights organization B'Tselem the entire OPT is under Israeli military rule and classified a "closed military area, as to which entry and exit requires a permit issued by the military" (B'Tselem, Ground to a Halt: Denial of Palestinians' Freedom of



Movement in the West Bank, August 2007). In 2006 Israeli Legal Center Gisha addressed the Israel Knesset and outlined Israeli comprehensive control of the OPT, “with the capture of the West Bank and Gaza Strip in 1967, Israel declared both areas to be closed military zones and required Palestinians to obtain permits to leave them” (Gisha: Center for the Legal Protection of Freedom of Movement Position Paper Submitted to the Israeli Knesset Limitations on Access to Higher Education For Palestinian Students, December 2006).

Although Israel disagrees where the authority rests regarding the legal obligations for ensuring human rights are met in the OPT, the application of the laws of occupation does not annul its responsibilities as an occupying force according to international conventions it has signed and ratified. International human rights organization and international scholars and jurists insist Israel is bound by international law for its actions in the OPT as an occupying force. (Save the Children Sweden, 2003). Human rights organizations disagree with Israel's rejection of its responsibility to conform to covenants it has ratified and include Israeli human rights organization such as B'Tselem and Gisha: Center for the Legal Protection of Freedom of Movement, and international organizations such as the Committee on the Rights of the Child (CRC), the UN Committees and the International Committee of the Red Cross (ICRC) charged with implementation of the Geneva Conventions and the International Court of Justice.

“Israel remains the occupying power in the Occupied Territories and therefore must comply with the provisions of the Fourth Geneva Convention and other rules relating to occupation” (B'Tselem The Separation Barrier – A Position Paper, April 2003). Human rights organizations maintain Israel as an occupying power in the OPT is the state responsible for upholding the rights of Palestinian children. In 2002, the UN Committee on the Rights of the Child “underlined the applicability of the Convention in the OPT and Israel's responsibility to implement its provisions therein” (Concluding observations of the Committee on the Rights of the Child: Israel. 09/10/2002, CRC/C/15/Add.195, section A, Para. 2). Likewise in July 2004, the International Court of Justice reaffirmed Israel's obligation to apply CRC provisions and protections to Palestinian children residing in areas under Israeli occupation. (International Court of Justice Advisory Opinion, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 9 July 2004, Para. 113.). The International Court of Justice (ICJ) again asserted that occupying powers must extend their international human rights treaty obligations to the people in the territories they occupy. (Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territories, International Court of Justice (ICJ) Advisory opinion, July 9, 2004, Paras 111-113). All these organizations have categorically stated that “Israel must comply with the provisions of the human rights conventions in all the territories under its control, including the West Bank and Gaza Strip, and that this obligation applies also in the circumstances that have been created following the outbreak of the al-Aqsa Intifada” (Save the Children Sweden, 2003).

Oxford University international law expert and legal scholar Alexander Orakhelashvili contends, “Sources of international law are normally based on the consent of States: they embody norms that have been agreed and accepted by States” (The Interaction between Human Rights and Humanitarian Law, A Case



of Fragmentation? International Law and Justice Colloquium, New York University, February 26, 2007). He suggests a number of treaties that states ratify and sign international human rights covenants indicate an acceptance of human rights and recognition of internationally outlined norms and obligations. "The acceptance of human rights and humanitarian norms is on the one hand demonstrated by the number of treaties on this subject, such as UN Human Rights Covenants, regional human rights treaties or the 1949 Geneva Conventions and its Additional Protocols" (The Interaction between Human Rights and Humanitarian Law: A Case of Fragmentation? International Law and Justice Colloquium, New York University, February 26, 2007).

Since 1948 Israel has held countless of UN posts. In 2006 Israel was given UN member endorsement to serve on the UN Economic and Social commission (UNESCO) Israel's term will end in 2010; in June 2005 Israel's Ambassador to the United Nations, Dan Gillerman, was appointed- one of the 21 vice presidents of the General Assembly; in July 2005, Israel was elected to deputy chairmanship of the United Nations Disarmament Commission (UNDC); Israeli diplomat Ron Adam was elected to head United Nations Political Affairs Department; Israel was chosen to chair a United Nations committee of UN Program and Coordination (CPC); until 2004 Israeli Mayer Gabay, was UN Administrative Tribunal vice-chair.; in May 2000, Israel accepted an invitation to become a temporary member of the United Nations' Western European and Others Group (WEOG), in 2004; Israel was granted an indefinite extension of its qualified membership in WEOG. Israel was elected to lead several UN positions including the high administrative tribunal at The Hague, Vice Chair of the World Health Organization's Executive Committee and the UN Human Rights Committee. Today Israel is an elected, appointed or selected member to more than 25 UN Committees.

Clearly Israel leads a prominent international role as a UN state member and as a state signer of The Universal Declaration of Human Rights. Despite Israel's active international role and Israeli ratification of international treaties and conventions, the Israeli government continues to reject the application of these treaties to Palestinian children and students. International treaties recently ratified by the Israeli government include; "The International Humanitarian Law (IHL), Human Rights Laws (HL), and the UN Convention on the Rights of the Child enshrine Israel's obligations in relation to Palestinian education." IHL guarantees schools protection from "military attacks and attacking schools is classed as a war crime." IHL provides the following clause to ensure student safe access to schools: "In situations of military occupation, the occupying power must facilitate institutions devoted to the care and education of children and ensure provision of free and compulsory education at primary level, with accessible secondary and technical education" (Susan Nicolai, "Education and Chronic Crisis in Palestine", 2006).

In addition Israel signed in January 1991 two International Covenants on Civil and Political Rights (ICCPR); and the International Convention on Economic, Social and Cultural Rights (ICESCR); and the Convention on the Rights of the Child (CRC) was ratified by Israel in November 1991. All these covenants have specific clauses that protect children rights and their right to education. CRC in particular rests on four principles: non-discrimination: the best interests of the child, right to life, survival and development,



and the right to be heard (Articles 2, 3, 6 and 12). In addition CRS specifically states that children living under military occupation have the right to education as outlined in article 24 of the Geneva Convention: "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. (...) Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend" (Art. 24, Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949). In addition Israel ratification of ICESCR proclaims "The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms." ICESCR defines the following specific rights protected;" Availability, which pertains to physical structures and programs of educational facilities, quality and teaching methods; Accessibility relevant to student and teacher access to and from educational institutions without discrimination and bias; Accessibility, which relates to the form, content, substance and teaching methods necessity to be acceptable and applicable to the culture of the occupied; and Adaptability of educational programs to fit the cultural and social needs of the occupied population" (Annual Report of the Special Rapporteur on Human Right to Education, E/CN.

4/2202/60.paras. 27-29, General comment 13, par. 6). Yet despite Israel's ratification of ICESCR, all educational institutions in the OPT are subject to multitude of Israeli Military orders including IDF Military order 854, which was first introduced in 1980. Order 854 provides the IDF control over curriculum, student admission, hiring and firing of faculty at every educational institution in the OPT.

On August 1998, Israel reported to the UN Human Rights Committee (HRC), which monitors compliance with the ICCPR, claiming that it did not have any obligations under the ICCPR in regard to the occupied territories. The HRC rejected this claim. Again, on December 2000, Israel released its draft report to the Convention on the Rights of Children monitoring committee; it included no mention of children in the Palestinian territories and its responsibilities to them. Meanwhile international covenants and human rights organizations hold Israel as the military occupier of Palestinian territories of the West Bank, Jerusalem and Gaza responsible and obligated to ensure the right of Palestinian children to safe access to schools. Israeli government contends it is not obligated by international human rights treaties and maintains it has no obligation to respect the rights guaranteed by international human rights treaties to Palestinians and their children it has signed and ratified. Israel continues to assert that international treaties are not applicable to Palestinian children. Nevertheless Nicoli contends, "Obligations in relation to education are enshrined in both IHL, human rights law and the UN Convention on the Rights of the Child which Israel has ratified" (Nicoli, 2006).

Conclusively these international conventions consider Israel the occupying force of the OPT, and maintain Israel is obligated to guarantee children's basic human rights to education and require it "to adopt



appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of rights” (Save the Children, 2003). In spite of Israel’s clear and well defined legal obligation to ensure Palestinian children’s rights and access to education, Israel continues to deny the applicability of human rights treaties to the OPT while maintaining its military in the OPT to implement and enforce policies and military orders sanctioned by the government of Israel.

Historical Background of Israeli Occupation Policies:

Since 1948, Israel has operated under a state of emergency, which was approved by the Israeli Knesset and signed into a law by then Prime Minister and Minister of Defense David Ben-Gurion and Minister of Justice Felix Rosenbleuth. “The Emergency Powers Law s which are only applied when as state of emergency has been proclaimed by the Israeli Keenest. Such a state of emergency has been in force since the founding of the State of Israel” (BTselem: The Closure of the West Bank and Gaza Strip: Human Rights Violations Against Residents of the Occupied Territories, May 1993). This emergency law extends to the entire Palestinian territories.

The Israeli government administers and governs the OPT through a set of comprehensive Israeli military issued orders that total more than 1,300. These military orders regulate every aspect of the Palestinian education including access, hiring, firing of staff and faculty, text book purchases and distribution and what subjects are allowed or disallowed to be taught in the OPT. (Israel Law Center:

<http://www.israelawresourcecenter.org>).

At the beginning of the Israeli occupation of Palestinian territories in 1967 Israeli military order 3 was issued stating that the Geneva Conventions applied to the recently Israeli occupied Palestinian territories. Israeli Military Order 3 stated “Article 35 of this proclamation stipulates that “the military courts and their directors should adhere to the terms of the Geneva Convention of 12 August 1949 concerning the protection of civilians during war and regarding all matters relating to judicial procedure. If there is a contradiction between this Order and the above-mentioned convention then the regulations of the convention will take precedent” (Israel Law Center: <http://www.israelawresourcecenter.org>). Within months of the occupation the Israeli military issued the following military orders that cancelled Israeli Military Order 3, and include Military Order 14, 53, 72, 64, 85, 100, 117, 144, 169, 186, 223, 231, 257, 269, 307, and Military Order 346. (Israel Law Center: <http://www.israelawresourcecenter.org>).

The Israeli government gives the IDF the authority to control of the OPT through a set Military Orders that allow the IDF to administer Palestinian individuals as well as their institutions. In 1967 the military issued Military Order 2: “This Military Order endows the Area Commander with all legislative, executive and judicial powers.” (Israel law Center: <http://www.israelawresourcecenter.org>). “The education system in the Palestinian Territories is under a state of emergency, and (IDF) district officers decide whether to keep schools open or close them” Education Today, United Nations Educational, Scientific Organization (UNESCO) January- March Edition, 2005). Israeli Military Order 5 elaborates, “This declares the entire West Bank a closed military area, with exit and entry to be controlled according to the orders and conditions stipulated by the military” Meanwhile Israeli Military Order 107 allows Israel to ban textbooks



taught in schools and colleges, it specifically states the following textbooks banned, "Arabic language books, history, geography, sociology and philosophy books." (Israel law Center: <http://www.israellawresourcecenter.org>).

According to B'Tselem, the Israeli occupation of the OPT is administered by a complex set of policies and military orders that have continued to obstruct Palestinians access to education (B'Tselem: *The Closure of the West Bank and Gaza Strip: Human Rights Violations Against Residents of the Occupied Territories*, May 1993). They include Military Order 854 which allows the IDF to "redefine the term 'college' and it sets conditions for granting permits for colleges to operate." In addition several Israeli issued Military orders including Military Order 91, 183, 345, 479, 518, 671,722, 761, 798, 904, 982, 1016, and Military Order 1065, that allow the IDF the authority to control the administration of Palestinian educational institutions. (Israel law Center: <http://www.israellawresourcecenter.org>). The IDF controls day- to- day practices of Palestinian schools and colleges through a set of military orders that allow Israeli forces to control the hiring, appointing, and dismissal of any faculty or staff at any Palestinian educational institution. While Military Order 77, 123, 138,142, 170, 171, 193, 179, and Military Order 185 allow the IDF to issue curfew orders at will within the OPT at any time, region and for as long as the IDF district commander mandates. (Israel law Center: <http://www.israellawresourcecenter.org>). Israeli Military Orders 132, and 225 lowered the age of legal responsibility to 16 years (Maria Holt, *The Right of the Child Denied: Palestinian Children Under Occupation*, November 2001).

The impact of the more than one thousand Military orders on Palestinians living in the OCPT is comprehensive and total. These IDF generated orders violate international human right laws and covenants, more significantly when applied to students, these IDF military orders impede their right to access their schools and impact the quality of their education and future prospects to become viable citizens of Palestinian society.

Palestinian Access to Education Denied

Israeli Occupation of the West Bank, East Jerusalem and Gaza impact on Palestinian education institutions is devastating and comprehensive. The application of IDF military orders obstructs access by young Palestinian children, teachers, college students and faculty to their educational institutions- from Kindergarten through college. The occupation and complex military laws jeopardizes Palestinians' education prospects. "Going to school continues to put students and teachers at risk as they cope with the violence in their everyday lives. Strict movement controls, humiliation at checkpoints and loss of land and livelihoods have led to a feeling that even education has little hope to offer the average child (Susan Nicolai, *Education and Chronic Crisis in Palestine*. 2006). IDF military restrict Palestinian access to their schools through a complex system of closures and curfews that affect all movement and access to education and services in equal measure. "To help consolidate its control over the territories, the Israeli government instituted in 1992 a calibrated system of closure, a system made possible by the bypass roads. Control over these roads allows the Israeli military to impose closure at will. Closures can be "total" or "partial". They can be "external", totally or partially banning the movement of people and goods from the



West Bank and Gaza Strip to Israel and East Jerusalem, or they can be "internal", banning movement between the pockets of land controlled by the PA. Internal closures are sometimes described as a "siege" or a "town arrest". This has been particularly effective in the narrow Gaza Strip, where closing down intersecting roads completely prevents movement between the different areas. Between 1994 (when closures began to be systematically implemented) and 1999, Israel imposed a total of 443 days of closure" (Palestine: The Education of Children at Risk, Save the children Alliance: 2001 Report).

According to Amnesty International Israeli policies impact the quality and access of children to their education. "Their rights to and in education are increasingly unfulfilled: schools have been closed and teaching days lost, the quality of education is declining, and children's academic achievements are suffering. Furthermore, financial, physical and psychological barriers are preventing access to health services and parents are prioritizing only essential health care for their children" (Amnesty International, Children under siege Report, 27 November 2003). Palestinian Ministry of Education describes the daily impact of Israeli military practices on Palestinian schools, "Israeli policies cause disruption of the educational process. School schedules are interrupted, students, and teachers' attendance rate is lower, and students spend more time traveling to and from the schools than they spend learning in the classrooms" (Ministry of Education and Higher Education, The Effect of the Israeli Occupation on the Palestinian Education, From (28/9/2000- 15/4/2009).

From 1967-1994, Palestinian educational institutions suffered the ravages of the occupation. For twenty-seven years Palestinian run public schools were monitored and staffed by the IDF "uniformed military personnel" who were present and stationed on school buildings and although the occupying force is held responsible for the maintenance and facilitation of education "school funding for teacher salaries is minimal while new school construction and teacher training is "non-existent" (Nicoli, 2006). According to CESCR the right to education is "not only a matter of access but also of content" (CESCR, Right to Education, General Comment 13, Normative Content, par. 3). When the first intifada erupted in December 1987, Palestinian educational institutions bore the brunt of the wrath of the occupation. Israel restricted Palestinian schoolteachers from instructing content material in class relevant to Palestinian background and traditions. "Any mention of Palestinian heritage, culture or geography was forbidden" (Nicoli, 2006). "Many teachers were forced to retire, teachers unions were prohibited and students were expelled, arrested and prevented from traveling abroad" (Nicoli, 2006).

Since 1987, education has become a battleground between Palestinians and Israelis. Consequently the Palestinian educational system has continued to suffer as all aspects of the Palestinian education and institutions have become highly politicized. "Palestinians battling discrimination and closures by establishing a parallel system of 'popular education'. School administrators and teachers attempted to counter Israeli restrictions, curfews and school closures by working with university faculties and with NGOs to create home schools and prepare take-home lessons. The Israeli Civil Administration responded by criminalizing home education and imposing jail sentences and heavy fines on organizers" (Nicoli, 2006). Nicoli reports that more than 43 schools in the OPT have been occupied by the IDF and turned into



military bases (Nicoli, 2006). Palestinian MOEHE concurs "Since 2004 the IDF shelled and invaded 13 colleges and universities, "shelled and broken into", 288 schools, overtook and converted 43 schools into military barracks, and disrupted 1125 school" (Ministry of Education and Higher Education, The Effect of the Israeli Occupation on the Palestinian Education, From (28/9/2000- 15/4/2009).

During the First Intifada (which literally translates as the shaking off the occupation) in 1987 through 1992, Palestinian education was effectively made illegal by the Israeli occupation. Palestinian universities, schools and even Kindergartens were closed down by Israeli issued military order for nearly five years.

"Physical and economic access to schools and kindergartens are two important aspects of the right to education. Schools must be "within safe physical reach" and "education has to be affordable for all" (CESCR, Art. 13, Right to Education, General Comment 13, Normative Content). Since September 2000, tens of schools have been closed by the IDF and turned into military barracks, while hundreds more have been forced to close periodically due to prolonged curfew and obstructed access (Nicoli 2006). Hebron University and the Palestine Polytechnic University were closed down by Israeli military order for 8 months in 2003, denying over 6000 students their right to education (Right to Education Campaign, Birzeit University).

Since, 1993 UNRWA has warned that Israeli occupation policies across the OPT prevented students and teachers access to schools, most specifically Israel closure policy has severely impacted the education system in the Palestinian territories, since many teachers and students are prevented from reaching educational institutions. "Teachers and students from the West Bank and Gaza Strip are unable to reach institutes of learning in East Jerusalem, residents of the Gaza Strip are unable to reach the West Bank, and residents of the northern part of the West Bank are unable to reach the southern part, and vice versa" (UNRWA Press Release, 1993). UNRWA also described the effect of closures and denial of permits on college students who are unable to complete their exit exams, receive their diplomas or enroll, register or purchase textbooks. (UNRWA Press Release, April 1993).

Palestinian Students and Teachers Hindered by Check Points, Gates, Barriers, Curfews, Closures and Israeli Issued Permits

In 1994 Palestinians and Israeli signed the Oslo Accords. Since 1995, the Palestinian Authority (PA) undertook the responsibility of administering the Palestinian education system through the Ministry of Education and Higher Education (MOHE). Currently Palestinians are in charge of their education system for the first time in history but are still subjected to the Israeli military which maintains presence and authority of the OPT through a set of complex physical obstacles including the erection of separation walls, restrictive closures, gates and check points and Israeli mandated visa requirement to move within the OPT, that Palestinians are required to obtain from Israeli military administrators.

Israeli control of Palestinian access to education is intensifying. IDF manned and administered physical barriers and obstacles have restricted access and movement of Palestinian ministry staff, teachers and students. The numbers of check points Palestinians young and old daily endure are numerous and continue to increase. While in 2007 these obstructions on average were 453, "run by the (IDF) army, the



Border Police, or civilian security companies" (B'Tselem Checkpoints, Physical Obstructions, and Forbidden Roads, 2007). These Physical barriers according B'Tselem close off access roads within the OCPT through the use "of a variety of physical means, among them dirt mounds, concrete blocks, boulders, fences, trenches, and iron gates" (B'Tselem Checkpoints, Physical Obstructions, and Forbidden Roads, 2007). In 2007 the number of physical barriers in the OPT increased to 563. "In the occupied Palestinian territory, internal barriers, as well as heavy restrictions on cross-border movement of people and goods, compromise access to vital assistance. Access throughout the West Bank is restricted by 563 physical obstacles and is particularly difficult in areas under full Israeli control" (Report of the (UN) Secretary-General on the protection of civilians in armed conflict (S/2007/643) October 2007). In May of 2008 the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported, "Israel controlled more than 607 check points and road blocks impeding students and teachers access to schools and universities" (OCHA closure update: occupied Palestinian territory, May 2008).). In addition to the permanent checkpoints, "the army sets up dozens of temporary "flying" checkpoints every week" (B'Tselem Checkpoints, Physical Obstructions, and Forbidden Roads, 2007).

All entries and exits to, from and through the OPT require IDF issued permits. "With the capture of the West Bank and Gaza Strip in 1967, Israel declared both areas to be closed military zones and required Palestinians to obtain permits to leave them. In 1972, Israel issued a general exit permit for Palestinians, allowing them to leave the areas. In 1991, Israel revoked the general exit permit and required Palestinians seeking to leave the West Bank and Gaza to obtain individual permits from the military. Travel between the West Bank and Gaza became highly restricted" (Gisha: Center for the Legal Protection of Freedom of Movement, Disengagement Danger: Israeli Attempts to Separate Gaza from the West Bank, Briefing Paper, February 2006). "Palestinians have to apply for permits from the Israeli military to travel to their educational institutions, jobs, medical clinics, religious sites, markets, or to visit relatives living across the Wall but within the OPT" (Ministry of Education and Higher Education, Annexation and Expansion Wall and its impact on education, 2004). B'Tselem confirms: "entry and exit requires a permit issued by the military" (B'Tselem, Ground to a Halt: Denial of Palestinians' Freedom of Movement in the West Bank, August 2007). Palestinians are confronted with a segmented, sectioned, and physically inaccessible areas that are difficult to overcome and confine their movement. The Swiss Agency for Development and Cooperation in the OPT reported "There are around 500 kilometers of restricted roads across the West Bank. In addition, approximately one third of the West Bank, including occupied East Jerusalem, is inaccessible to Palestinians without a permit issued by the IDF. These permits are extremely difficult to obtain" (Swiss Development and Cooperation Programme (SDC), Population in the Occupied Palestinian Territory (OPT), June 17, 2009). The Swiss Agency report elaborates, "At least 65% of the main roads that leads to 18 Palestinian communities in the West Bank are closed or fully controlled by IDF" (Swiss Development and Cooperation Programme (SDC), Population in the Occupied Palestinian Territory (OPT), June 17, 2009). Nicoli explains: "Oslo created a 'cartographic cheeseboard', and as Israeli settlements grew, the already separate West Bank and Gaza were further sectioned into a series of enclaves " (Nicoli,



2006). According to the UN Committee on Economic, Social and Cultural Rights Israeli closures are "widespread and gross violations of Palestinian economic, social and cultural rights." UNICEF reports that more than 560 schools were closed "due to Israeli military curfews, closures and home confinement," and more than 197 were damaged by the IDF" (UNICEF Press Release, 2 October 2002).

Palestinian children and their teachers equally suffer and endure daily searches and obstacles to and from school by the IDF. "Both children and teachers face difficulties Palestinian Territories reaching school." (Nicoli, 2006), According to Professor Roger Heacock, "Mobility is restricted to the point where it may be deemed minimal" (Roger Heacock, Higher Education in the occupied Palestinian Territories, 2008). Thousands of West Bank students are unable to attend school one day a month on average due to curfews and closures. (Kevorkian, N. S. Facing the wall: Palestinian children and adolescents speak about the Israeli Separation Wall, World Vision Jerusalem, West Bank, Gaza, 2007). In 2004 the Palestinian Ministry of Education estimated that on November 14, 2000 "A total of 20,000 children could not attend school because of closures and fear of violence. "Palestinian school days are lost due to curfews and other movement restrictions, with students detained and lives lost during military incursions" (Nicoli, 2006). While during 2002 instructional year more than one million Palestinian students were unable "on several occasions from going to schools due to closures, curfews, checkpoints or temporary road blocks manned by the IDF sometimes resulting in school disruption of classes and closure of schools for several weeks" (Ministry of Education, Summary of Israeli Violations of Palestinian Education, 29/9/2000-23/12/2002). According to the UN 17% of East Jerusalem students experienced delays in getting to school. (UN Humanitarian Monitor for the Occupied Territories, 2005). In addition "Students are deprived of their right to education, especially those who live in communities that have no schools and used to travel to other communities schools" (Ministry of Education and Higher Education, Annexation and Expansion Wall and its impact on education, 2004).

While closure limits the access of students to schools, the more significant problem arises in ensuring that teachers who live away from schools can get to work. UNICEF reported during October 2002, "one month after the start of the Palestinian school year, over 226,000 children and 9,300 teachers were still unable to reach their schools" (UNICEF Press Release, 2 October 2002). "The waiting time at checkpoints can vary from a couple of minutes to several hours and the checking of IDs in public transport make it impossible to be sure of arriving at school on time. If the students are on time, the teacher might not be in the classroom yet because of problems related to crossing the wall's checkpoints" (Adri Nieuwhof and Jeff Handmaker, "The Wall - an obstacle to educating Palestinian youth" 2005). "Teachers are often prevented from reaching their schools, and held for hours at checkpoints or wall gates" (Ministry of Education and Higher Education, Annexation and Expansion Wall and its impact on education, 2004).

School supplies and text- book also suffer IDF constrictions. "Not only students and teachers face restrictions on their travel to and from their schools, the movement and distribution of materials like school textbooks which should reach the schools at the beginning of each school-year are hindered by the military. The Principal of a high school like Mohammed Shahin of Ras a-Tira, for instance, was forced to



use donkeys to bring textbooks from Qalqilya because all the roads were blocked by (IDF) barriers” (Ministry of Education and Higher Education, Annexation and Expansion Wall and its impact on education, 2004).

In June 2002 the Israeli government decided to construct a wall barrier to prevent entry of Palestinians from the West Bank into Israel. (B'Tselem, The Separation Barrier – A Position Paper, April 2003). The Wall is eight-meter high, constructed of concrete slabs with watchtowers, gates and buffers zone. “In some areas, it consists of layers of razor wire, military patrol roads, sand paths to trace footprints, trenches, surveillance cameras, a three-meter high electric fence, and it is 60 to 150 meters wide that include a buffer zone of 30 to 100 meters beside the Wall; and Palestinians are prohibited from entering these zones. In other areas it consists of concrete cement wall, electric fences, trenches, cameras, sensors, gates, and is patrolled by the Israeli military” (Ministry of Education and Higher Education, Annexation and Expansion Wall and its impact on education, 2004).

In 2002 the Wall's construction in the Jerusalem area began and its impact was harshest on East Jerusalem Palestinian children. “While the wall has severe consequences over the livelihood and wellbeing of the entire Palestinian population throughout the West Bank, in Jerusalem the Separation Wall has the most stark and widespread effect. 92% (141,974 acres) of the lands confiscated for construction of the Wall are in the Jerusalem area. Jerusalem is the only region in which the Wall cuts through dense urban districts, separating many not only from their work place but also from services and needs such as local medical centers or schools (as well as from their friends and families)” (Shir Harver, The Separation Wall in East Jerusalem, September 2006). Franciscans International submitted a report to the UN in 2004 on the impact of the Israeli Wall on the lives of Palestinians, “ The Wall will affect more than 210,000 Palestinians, denying them the access to basic human rights, including freedom of movement, right to health, food and education; and it will create a profound humanitarian crisis” (Impact of the Israeli Security Wall in the Holy Land (oral statement) United Nations Commission on Human Rights 60th Session, UN Geneva 15 March – 23 April 2004). The United Nations Human Rights Special Rapporteur John Dugard described the impact of the wall on Palestinian students, “With respect to human rights in the Palestinian territories, the quality of education has deteriorated because schools have been obliged to shorten teaching hours as a result of wall gate-opening times” Repot of the Special Rapporteur of the Commission on Human Rights on the situation in the Palestinian territories occupied by Israel since 1967, August 18, 2005 A/60/271).

One year after Israel began the construction of the wall a UN Secretary General Report suggested that Israel's wall trapped more than 160,000 Palestinians in 12 enclaves surrounded by the Wall. (UN General Assembly, Report of the Secretary-General op cit.). OCHA projected then that about 400,000 Palestinians (30% of the Palestinian population) are living “inside the Wall” separated from access to their jobs, farms, schools, and services (OCHA New Wall Projections, 9th November 2003.) Since numerous political and human-rights organizations have criticized the Wall” (Physicians for Human Rights, 2005, B'Tselem 2005, Bimkom, 2006). In addition the UN General Assembly Resolution ES-10/13 declared the construction of



the Wall illegal and despite intense pressure from Israel and the United States so did the International Court of Justice. On July 9th, 2004, the ICJ in the Hague stated: 'The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law'...The Hague Court also stated 'Israel is under obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion' (International Hague Court, Wall in OPT, July 9, 2007). The International Court concluded that Israel's Wall "impede the exercise by the persons concerned of the right to work, to health, to education and to an adequate standard of living as proclaimed in the International Covenant on Economic, Social and Cultural Rights." (International Hague Court, Wall in OPT, Opinion, Paras 105-109). The wall severs the entire Palestinian community from access to and throughout the OPT and severely impacts the daily lives and movement of all Palestinians. Most significantly the Israeli constructed Wall violates Palestinian children freedom to and from school. John Dugard the special Rapporteur of the Commission on Human Rights report on the situation of human rights in the Palestinian Territories occupied by Israel since 1967 documents the severe restrictions on the freedom of movements of Palestinians who live within the Wall. 'The Wall being built by Israel in the name of security penetrates deep into Palestinian territory and has resulted in the creation of a zone between the Green Line (the de facto border between Israel and Palestine) and the Wall inside the OPT, which Israel has designated as "closed" to all Palestinians. Palestinians who live, farm, work or go to school within this closed zone require special permits from the Israeli authorities. Both the construction of the Wall and the operation of the permit system for the "Closed Zone" between the Wall and the Green Line have caused great hardships to Palestinians and violated norms of human rights law and international humanitarian law" (Economic and Social Council: commission on Human Rights, February 27, 2004. E/CN.4/2004/6/Add.1). IDF Military Orders Provide Absolute Control of Palestinian Education:

Notwithstanding these well-established international covenants and Israel's recent ratification of international treaties and conventions including ICERS, Israel Military Order 854 allows Israel military forces complete access and control of all Palestinian higher education institutions. Israeli Military order 854 provides the Israeli military complete control and authority over every aspects of the educational process at every educational institution throughout the OPT. Palestinian universities and colleges are required to submit annually for licensing renewal, secure IDF approval to assign and hire faculty, certify program, or acquire books and school materials such as periodicals. (Palestinian Human Rights Monitor: Academic Freedom at Palestinian Universities, Volume 3, Issue 4).

Israeli military Order 854 allows the IDF to obstruct access of young Palestinian children, as well as college students, teachers and faculty to and from their colleges and universities with dire consequences for students' personal well being, their right to education, their ability to realize their aspiration, improve



their economic prospects, and the development and improvement of the entire Palestinian society. Palestinian living in the West Bank cities and villages are surrounded and trapped by Israeli checkpoints, "unable to travel more than a few kilometers in any direction." While Gaza students who legally entered the West Bank fear arrest Gisha: Center for the Legal Protection of Freedom of Movement, Disengagement Danger: Israel Attempts to Separate Gaza from the West Bank, February 2006). Annually thousands of college students are denied entry visas within the OPT to study at their choice of school. "The options for Gaza residents to pursue higher education within the Palestinian Authority's territories – Gaza and the West Bank – are extremely limited, due, among other things, to Israeli control there: even when Gaza's borders are open, Israel does not allow Gaza residents to study in the West Bank, where most of the Palestinian universities are located, and does not allow foreign lecturers and experts, especially from Arab countries, to enter the Gaza Strip." (Gisha - Legal Center for Freedom of Movement Israel Still Preventing at least 625 students from leaving Gaza, January 1, 2008).

Israeli soldiers invaded Hebron University on 17 occasions between 1980 and 2005, while the Wall constructed around Palestinian towns and villages cuts the path of 36% of students of Al-Quds University and prevents about 15,740 students access to their schools (Right to Education Campaign, Birzeit University). Since 2004 the IDF shelled and invaded 13 colleges and universities, "shelled and broken into", 288 schools, overtook and converted 43 schools into military barracks, and disrupted 1125 school. (Ministry of Education and Higher Education, The Effect of the Israeli Occupation on the Palestinian Education, From (28/9/2000- 15/4/2009).

University faculty, teachers and students are constrained by Israeli visa requirements. Israel requires special permits for ordinary Palestinians to move from village to village, travel to and from the West Bank, Gaza, East Jerusalem and abroad. Accordingly school students' teachers and university students and faculty are required by Israel to secure IDF issued permits to travel to their educational institutions. "In July 2005, the Palestinian Authority requested the issue of permits for 375 teachers. Weeks after the 2005 academic year began permits had still not been issued, despite international pressure" (Susan Nicolai, "Education and Chronic Crisis in Palestine". 2006). In the academic year 2006-2007, 14 faculty members at Birzeit University were at risk of completing the school year due to visa insecurity. In addition according to right to Education Campaign of Birzeit University 383 Birzeit University students (were still waiting the entire school year for their Israeli issued IDs to allow them access to the university) fearing deportation or imprisonment every time they cross a checkpoint. (Right to Education Campaign, Birzeit University). Israel also obstructs the access of students to study abroad. "Israel is still preventing some 625 students from leaving Gaza to pursue higher education in the USA, Europe, Asia, the Middle East, and other places around the world" (Gisha - Legal Center for Freedom of Movement Israel Still Preventing at least 625 students from leaving Gaza, January 1, 2008).

Israeli constructed and maintained roadblocks and checkpoints prevent faculty and student access to Universities. Restricted access to schools and other educational institutions in the OPT by Israeli check points, road blocks, fences, gates and the separation wall have resulted in delays and disruptions in



attendance and academic schedule. (Expansion and Annexation: Wall and its impact on the educational process, 2004). Palestinian Ministry of Education and Higher Education in 2004 conducted a statistical survey which revealed that "80% of Palestinian students report difficulties in their daily routine, including reaching schools and universities. Israel's restrictive policies have resulted in chronic shortages of teachers for K-12 schools and higher Education institutions. Universities are at constant risk of losing staff due to Israel's restrictions and closures" (Ministry of Education and Higher Education, Directorate General of Development and Research, 2004). Nieuwhop and Handmaker write "Traversing checkpoints on the way to school or university is a burden to both students and teachers and involves daily confrontation with the Israeli soldiers." (Adri Nieuwhof and Jeff Handmaker, "The Wall - an obstacle to educating Palestinian youth", 2005).

In 2006, a ruling of the Israeli High Court forbade 10 Gaza Palestinians from accessing Bethlehem University to study Occupational Therapy among them was Shamia Naji whose story was featured by Israeli Haaretz journalist Tamara Tubman in September 2006. "Shaima Naji, a 21-year old from Gaza, has never attended classes at Bethlehem University where she is enrolled to study occupational therapy. Naji registered at the university four years ago, but security forces forbade her entry into the West Bank." (Tamara Tubman, Haaretz, September 15, 2006, <http://www.haaretz.com/hasen/spages/758693.html>). The students were denied to study in a field specifically designed for the rehabilitation of the physically and mentally impaired, a field not offered in Gaza. "The need for occupational therapists in the Gaza Strip is grave. The disability rate is high: 1.7 percent of the population (or about 24,000 individuals)" (Tamara Tubman, Haaretz, September 15, 2006, <http://www.haaretz.com/hasen/spages/758693.html>). According to Tubman Israel's court decision left Gaza with only one certified occupational therapist treating the entire Gaza population. Israel also banned Gaza residents accepted by Israeli educational institutions to enter Israel to pursue their education despite the vigorous vetting process these institutions and Israel requires of Gaza applicants According to Gisha Wissam Madhun a Gaza student who secured acceptance from Tel Aviv University but was prevented "from reaching an interview at Tel Aviv University for a PhD program in environmental studies, as part of a ban on Gaza residents studying in Israel" (Gisha - Legal Center for Freedom of Movement Israel Still Preventing at least 625 students from leaving Gaza, January 1, 2008).

The Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, adopted by the World University Service in 1988, protects the right to academic freedom. "States are under an obligation to respect and to ensure to all members of the academic community, those civil, political, economic, social and cultural rights recognized in the United Nations Covenants on Human Rights. Every member of the academic community shall enjoy, in particular, freedom of thought, conscience, religion, expression, assembly, and association as well as the right to liberty and security of person and freedom of movement" (Article 4). The Declaration further proclaims that dismissal from a university requires a fair hearing from a democratically selected body of that academic community (Article 5), that academics have the right to teach without any interference, subject to the accepted principles, standards and methods of



teaching (Article 7). (The Declaration on Academic Freedom and Autonomy of Institutions of Higher Education Lima, September 10, 1988. These principals were adopted by UNSCO in 1997. Israel is a state signer and is currently a serving member state of UNSCO. Yet it's IDF targets Palestinian Educational Institutions and infrastructure. In April 2002, the Ministry building in Ramallah was severely damaged by the Israeli military that confiscated equipment and records (Serge Schemann, "Middle East Turmoil: Ramallah; Palestinians Say Israeli Aim Was to Destroy Framework, From Archives to Hard Drives" New York Times, Section A, p 18. April 16, 2002). Since 2004, the IDF shelled and invaded 13 colleges and universities, "shelled and broken into", 288 schools, overtook and converted 43 schools into military barracks, and disrupted 1125 school. (Ministry of Education and Higher Education, The Effect of the Israeli Occupation on the Palestinian Education, From (28/9/2000- 15/4/2009).

Christmas 2008, Israel launched "Operation Cast Lead" on Gaza. According to UNRWA and the Committee of the Red Cross during Israel military operation Cast Lead Gaza schools and universities were deliberately attacked and damaged. (UNRWA News, 16 January 2009; the Statement by Commissioner General Karen Abu Zayd, 27 January 2009; International Committee of the Red Cross, Operational Update of 25 January 2009; Field update on Gaza from the Humanitarian Coordinator, 24-26 January 2009). Amnesty International reported the IDF destroyed 240 schools. (Amnesty International Report: "Wanton Destruction" by Israel in Gaza, March 7, 2009. Israeli military targeted public, private and kindergarten schools and 36 UN run schools. (OCHA, Rapid Needs Assessment Report (Education Cluster) 30 January 2009). In addition the IDF destroyed the prestigious private American international school. "American International School of Gaza near the northern town of Beit Lahiya was destroyed by aerial bombing, leaving its 220 students without a place to continue their schooling. Warplanes also hit the science and engineering laboratories of the Islamic University in Gaza City, the territory's oldest and biggest facility for higher education, affecting over 20,000 students" (Associated Press, "Israel-Hamas war deals blow to schools in Gaza", February 3, 2009).

On January 17, 2008 Ban Ki-Moon the Secretary General of the United Nations issued the following statement: "Today, another United Nations school was hit by Israeli Defense Forces. I condemn in the strongest terms this outrageous attack, which is the third time this has happened."

Conclusion:

Regardless of semantics and political or legal definitions Palestinians' right to education has suffered since 1967 due to Israeli policies. Through creating and controlling a system of internal borders in the occupied territories, the Israeli military prevents students from accessing Palestinian schools and universities within and far from their homes. IDF military orders have limited students' choice in their course and discipline field of study choices; 12 students from Gaza have been denied permission to go to Bethlehem and study Occupational Therapy (a course not available in Gaza. In 2007 Israeli Gish Center for Legal Protection of Freedom described Palestinian student's frustration in the following statement: "The policy blocking students from leaving Gaza has no apparent expiration date. The students are hemmed in on all sides: they cannot go west due to Israel's closing of the seaports and other restrictions on the Gaza Strip's



territorial waters by the Israeli Navy; the southern exit to Egypt is blocked due to the closure of Rafah Crossing, since June 9, 2007, because of Israel's opposition to its opening and Egypt's refusal to open the crossing from its side. And for the students from Gaza, even the sky is blocked. Israel bans the opening of an airport and does not allow civilian flights in Gaza's airspace" (Gisha: Center for the Legal Protection of Freedom of Movement, Israel Undermines Higher Education – and its Own Best Interest – in Gaza, Update, October 22, 2007).

Although seeking an education is arduous for Palestinians, and despite the many physical obstacles they face education is still prized by Palestinians and still maintain one of the highest literacy rates in the Region at "97%"(UNICEF, 2007). Israel's failure to assume responsibility as an occupying power to secure Palestinian access to their educational institutions as mandated by International law has grave implications for the entire Palestinian society. Israeli continued obstructions are jeopardizing Palestinians' ability to seek the education they highly prize. An UNRWA study found limited access imposed by the IDF has had grave implication on Palestinian students outcome and a considerable drop in Palestinian student achievements. "UNRWA schools had dropped by about 50% in 2001 compared to 1999–2000 figures¹ Given that interruption in school attendance has increased in 2002, it can be predicted that this impact has similarly increased" (UNICEF Press Release, 2 October 2002). Today's Palestinian students are the future of Palestinian society and comprise over half of the total Palestinian population, the impact of the Israeli policies and Israel's rejection of assuming its minimal responsibility to the most vulnerable population in the OPT has grave consequences for the future of the entire Palestinian society.