



**Submission by Human Rights Watch to the Committee on Economic, Social  
and Cultural Rights on Israel**

*64<sup>th</sup> pre-sessional, 2019*

This submission relates to the review of Israel under the Committee on Economic, Social and Cultural Rights. It focuses on the issue of the protection of students, teachers, and schools in situations of armed conflict and relates to article 13.

***Right to Education (article 13)***

***Demolitions***

Human Rights Watch has documented unlawful demolitions of Palestinian schools by Israeli forces over a number of years. In April 2018, Human Rights Watch reported that Israeli military authorities have demolished or confiscated Palestinian school buildings or property in the West Bank at least 16 times since 2010, with 12 incidents since 2016, and some cases of schools being repeatedly targeted.<sup>1</sup> Israeli authorities have justified the destruction or damage to schools on the basis that they lacked building permits from the Israeli military, but the military almost never grants Palestinians building permits in Area C, the 60 percent of the West Bank where it exercises exclusive control. International law prohibits an occupying power from destroying property, including schools, unless “absolutely necessary” for “military operations.”<sup>2</sup>

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<sup>1</sup> “Israel: Army Demolishing West Bank Schools: Could Amount to War Crimes,” April 25, 2018, <https://www.hrw.org/news/2018/04/25/israel-army-demolishing-west-bank-schools> (accessed December 18, 2018)

<sup>2</sup> ICRC, Convention (IV) relative to the Protection of Civilian Persons in Time of War, August 12, 1949, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=74DEE157D151F7EAC12563CD0051BE1B> (accessed January 10, 2019)

Over a third of Palestinian communities in Area C do not have primary schools as of July 2017, according to [the UN](#), forcing children to travel long distances, sometimes on foot, to reach the nearest school. About 1,700 children had to walk five or more kilometers to school due to road closures, lack of passable roads or transportation, or other problems and 10,000 children attend school in tents, shacks, or other structures without heating or air-conditioning, according to 2015 UN estimates. The long distances and fear of harassment by settlers or the military lead some parents to take their children out of school.

When Israeli authorities have demolished schools, they have not taken steps to ensure that children in the area have access to schools of at least the same quality.<sup>3</sup>

As of February 2018, the UN reported that 44 Palestinian schools were at risk of full or partial demolition. A November 2018 UN publication referenced reports of an “upward trend” in the 2018-19 school year in the number of incidents in which Israeli forces or settlers disrupted Palestinian access to schools.<sup>4</sup>

### *Protection of Education During Armed Conflict*

Human Rights Watch has documented a significant number of attacks by Israeli forces on Palestinian schools over a number of years. During in the armed conflict between Israel and Palestinian armed groups in Gaza in the summer of 2014, Israeli attacks hit three schools in Gaza on July 24 and 30 and August 3, 2014, killing 45 people, including 17 children. The schools were not in session at the time, but rather being used at the time to shelter families seeking protection. The attacks included:- Apparent mortar shells striking a coeducational elementary school in Beit Hanoun run by the United Nations Relief and Works Agency for Palestine refugees (UNRWA), killing 13 people, including six children.

- 155mm artillery rounds that hit in and around an UNRWA girls' elementary school in Jabalya, killing 20 people, including three children.

- An apparent Israeli airstrike using a missile hit directly outside an UNRWA boys' school in Rafah, killing 12 people, including 8 children, and wounding at least 25.

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<sup>3</sup> Ibid.

<sup>4</sup> The Monthly Humanitarian Bulletin – November 2018, UN OCHA, December 14, 2018, <https://www.ochaopt.org/content/monthly-humanitarian-bulletin-november-2018> (accessed January 10, 2019)

The Israeli military alleged that Palestinian fighters were operating near the school, or had fired mortars “from the vicinity” of it, but it has offered no information or evidence to support that claim.<sup>5</sup>

The UN said it had made the Israeli military aware 17 times, of one of the school’s location, the Jabalia Elementary Girls School, including “just hours before the fatal shelling” and that the school was well marked with a UN flag.<sup>6</sup>

These attacks did not appear to target a military objective or were otherwise unlawfully indiscriminate. The attack in Rafah was also unlawfully disproportionate if not otherwise indiscriminate.

Human Rights Watch has also documented unlawfully indiscriminate attacks or those targeting Israeli population centers by Palestinian armed groups in Gaza that have damaged schools, including during the 2014 conflict. A rocket fired from Gaza on July 3 hit a building used for day care in Sderot on July 3, but caused no casualties, media reports said.

In June 2015, the Gaza report from the United Nations Commission of Inquiry reported that 261 of the 520 facilities within the education sector in Gaza were damaged by Israel during the escalation in hostilities from June to August 2014.<sup>7</sup> Israeli restrictions on the delivery of construction materials to Gaza and a lack of funding have impeded reconstruction of damaged or destroyed facilities.

Israel has not signed the Safe Schools Declaration, an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict<sup>8</sup>; the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military*

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<sup>5</sup> “Israel: In-Depth Look at Gaza School Attacks: 45 People, Including 17 Children, Killed in 3 Attacks,” September 11, 2014, <https://www.hrw.org/news/2014/09/11/israel-depth-look-gaza-school-attacks> (accessed December 18, 2018)

<sup>6</sup> UNRWA Strongly Condemns Israeli Shelling of its Schools in Gaza as a Serious Violation of International Law, UNRWA official statement, July 30, 2014, <https://www.unrwa.org/newsroom/official-statements/unrwa-strongly-condemns-israeli-shelling-its-school-gaza-serious#.U9j5CrbPqSM.twitter>

<sup>7</sup> UNDP, Detailed Infrastructure Damage Assessment, 2014, <http://www.ps.undp.org/content/dam/papp/docs/Publications/UNDP-papp-research-damageassessment2014.pdf> (accessed December 19, 2018)

<sup>8</sup> Safe Schools Declaration, May 28, 2015, [https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe\\_schools\\_declaration.pdf](https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf) (accessed November 6, 2018).

*Use during Armed Conflict.*<sup>9</sup> As of December 2018, 82 countries—representing more than one third of all UN member states—had endorsed the Safe Schools Declaration.

*Human Rights Watch recommends to the Committee that it call upon the government of Israel to:*

- Accept the applicability of the Convention and international human rights law to the Occupied Palestinian Territory
- Endorse the Safe Schools Declaration, and take concrete measures to deter the military use of schools, including by bringing the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* into domestic military policy and operational frameworks.
- Suspend policies that arbitrarily prevent Palestinians living in Area C of the West Bank from obtaining construction permits.
- Ensure that any demolition of Palestinian homes and other property is carried out only as a last resort, is strictly necessary as required by a legitimate state purpose in accordance with Israel's human rights obligations and its obligations as an occupying power.

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<sup>9</sup> Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, [http://protectingeducation.org/sites/default/files/documents/guidelines\\_en.pdf](http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf) (accessed November 6, 2018).