

Al Mezan Centre for Human Rights



Factsheet

Children Access to Education in the Gaza Strip

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Executive Summary

Access to quality education in Gaza is continually denied due to the continuing Israeli-imposed siege on Gaza and regular military attacks and incursions from the IOF as well as attacks from Palestinian armed groups. Schools have been the direct target of airstrikes and shelling and have sustained damage from indirect attacks. Surroundings and routes to and from schools have also been attacked by the IOF. In addition, the Israeli-imposed siege on the Gaza Strip, which prevents the import of building materials, has had a serious negative impact on the quality of schooling available. School buildings which are damaged (often due to military attack) cannot be repaired meaning children are taught in unsafe and unsuitable surroundings. Overcrowding is a serious problem because new schools cannot be built. In order to accommodate the large number of students in many school buildings operate on a double shift in order to accommodate more students. This report describes in detail the nature of the armed attacks on schools and the siege and the effects they have on children's education and future.

Main findings

- During Operation Cast Lead, of the 560 UNRWA and government schools in the Gaza Strip, 280 schools sustained damage, of which 18 were completely destroyed. 36 of the schools which were damaged were UNRWA schools.¹
- 250 students and 15 teachers were killed and 856 students and 19 teachers were injured during Operation Cast Lead.²
- 441,452 students were unable to attend the first five days of the new school term and sit start of term exams during the offensive.³
- Since February 2009, there have been 31 documented incidents against schools and other educational facilities (including UNRWA summer camps and youth and education NGOs) which constitute attacks on schools or denial of humanitarian access to education.⁴
- Schools which were damaged during Operation Cast Lead or in military attacks since have not been rebuilt or repaired due to the ongoing Israeli-imposed siege which prohibits the import of building materials into Gaza.
- 15,000 students from the schools which were damaged or destroyed have been transferred to other schools in second shifts.⁵
- 94 percent of UNRWA schools (228 out of 243 schools) and 78 percent of government schools (308 out of 393) currently operate on double-shift system so that more students are able to attend school.⁶

¹ UN OCHA and AIDA 2009 'The Gaza Blockade: Children and Education Factsheet' pg 2

http://www.ochaopt.org/documents/un_ngo_fact_sheet_blockade_figures_2009_07_28_english.pdf

² UNESCO Psychosocial assessment of Education in Gaza and Recommendations for Response' Report on the findings of an assessment conducted by Kathleen Kostelny and Michael Wessels pg 10

<http://unesdoc.unesco.org/images/0019/001904/190400e.pdf>

³ Ibid. pg 10.

⁴ UNICEF MRM Database.

⁵ O'Malley, B. 2011 'The longer term impact of attacks on education on education systems, development and fragility and the implications for policy responses' pg 1-2. Paper commissioned for the EFA Global Monitoring Report 2011, The hidden crisis: Armed conflict and education.

- In order to accommodate all students now and for the next five years, 130 new Government schools and 100 new UNRWA schools will have to be built.⁷

Recommendations

- The international community must uphold its responsibilities and exert pressure on Israel to end direct and indirect attacks on schools, other educational facilities and their surroundings which affect the ability of schools to be safe places for children.
- Israel must end the illegal siege imposed on the Gaza Strip and allow the import of building materials so new schools can be built, destroyed schools can be rebuilt, and damaged schools can be repaired and sufficient educational supplies and equipment can enter. All education materials and personnel must be allowed to move in and out of Gaza without restrictions.
- The IOF acting within the Gaza Strip must ensure respect to the basic principles of distinction and proportionality and ensure at all times schools and their surroundings are safe for children and ensure the free and safe movement of students and staff to and from school.
- The Israeli government should establish a mechanism which meets international standards requiring adherence to international law, promptness, independence, impartiality and thoroughness through which complaints can be made and investigations conducted into military actions affecting schools and students.
- International donor institutions must continue their assistance and support to projects and programs to develop general education in the Gaza Strip.
- International donor states must provide funding to build classrooms in existing schools in Gaza. They must pressure Israel to allow the construction materials needed to enter Gaza without delay.
- The Gaza government must protect and ensure the proper functioning of all educational facilities for children and allow students to travel abroad for their education.

⁶ Email communication with UNRWA Gaza Field Office; Education Statistics Yearbook, 2010/2011, (Gaza: General Directorate for Planning, Ministry of Education and Higher Education, 2010).

⁷ OCHA 'The Humanitarian Monitor' July 2011 pg 10.

Introduction

Denial of education due to the actions of armed forces or groups contributes untold damage to children's present and future lives. However, attacks on schools and other educational facilities and the prevention of access to a decent education are a part of many modern conflicts. The continuity of children's education is of high importance in any conflict; schooling maintains stability for children and can help children cope with potential trauma that comes from modern armed conflict. Attacks on educational facilities and policies which lead to denials of access to education can be viewed as direct attacks on an entire society; such is the importance that education provides in the development and flourishing of a society.

In the occupied Palestinian territory (oPt), attacks on schools and policies and acts which lead to the denial of access to education for Palestinian children have existed since the Israeli occupation began in 1967.⁸ During the First Intifada in the 1980s, schools were closed by the Israeli Occupation Forces (IOF) for extended periods, with the result that many children lost years of education. During the Second Intifada again, schools were bombed and students were regularly stopped at checkpoints, preventing them from reaching their school. These same attacks on and denials of education continue up to the present, from January 2011 to the time of writing, there have been 35 attacks against Palestinian schools perpetrated by the IOF, settlers and Palestinian armed groups affecting a total of 6,466 students and 27 more incidents resulting in denials of humanitarian access to education.⁹ Schools have been demolished, attacked, refused building permits to expand classrooms and children and teachers have been stopped at checkpoints preventing them from attending school. Students and teachers have also been killed and injured during military attacks.

The right to education is a right that must be protected even in times of armed conflict and occupation. The importance of education during times of armed conflict, and the seriousness of attacks against schools, which are supposed to be safe places of learning for children, has now been recognised by the UN Security Council. In July 2011, Security Council resolution 1998 was passed. This resolution includes attacks on schools and hospitals as a criterion for which countries guilty of such an act must report these violations directly to the UN.¹⁰ Israel/oPt is so far only a voluntary contributor to this mechanism.

This factsheet focuses on children's access to education in the Gaza Strip where they continue to bear the brunt of continued attacks on schools, in addition to receiving poor quality education due to the siege. Children in Gaza have missed days of schooling because their schools or their routes to school have been subject to direct and indirect attack by IOF airstrikes. Although the IOF is by far the main perpetrator of attacks on schools and denials of education, Palestinian non-state actors have also attacked places of education including UNRWA (United Nations Relief and Works Agency) summer camps and the Gaza

⁸ Negotiations Affairs Department Palestinian Monitoring Group 2005 'Trend Analysis Education Under Occupation: Disruptions to Palestinian Education Stemming from Israeli Military and Settler Activity, 01 September 2003 – 30 June 2005' <http://www.nad-plo.org/userfiles/file/pmg-reports/trend/PMG.TRE.05.pdf>

⁹ UNICEF 2011 CAAC Bulletin Israel & the occupied Palestinian territory September 2011 pg 4.

¹⁰ UN Security Council Resolution 1998 (2011) <http://www.un.org/children/conflict/documents/Res1998.pdf>

government has closed down educational NGOs and prevented students from travelling abroad to attend school. The prevention of building materials and even equipment such as books and paper due to the siege have made Gaza's schools overcrowded, unsafe and ill-equipped for teaching students.

The factsheet is organised in two parts. The first part analyses the international legal framework and the UN Monitoring and Reporting Mechanism as they relate to the right to education during armed conflict. The second part shows how the right to access education has been violated in the Gaza Strip through direct and indirect attacks on educational facilities, their surroundings and the routes to these facilities, and overcrowding and lack of materials caused by the siege which makes it impossible to build more schools. It also looks at the long-term effects these violations are having on children's ability to succeed in school. The factsheet concludes recommendations to Israel, the Gaza Government and the international community to ensure the protection of Gazan children's access to education.

Legal Framework

The universal right to education was first recognised internationally in the Universal Declaration of Human Rights in 1948.¹¹ It has since become part of international human rights law, being recognized by state parties in article 28 of the UN Convention on the Rights of the Child (UN CRC)¹² and in articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).¹³

The ICESCR and UN CRC are both applicable in the oPt and Israel is the duty bearer of both of these treaties. According to the advisory opinion of the International Court of Justice paragraph 111 states:

The Court considers that the International Covenant on Civil and Political Rights is applicable in respect of acts done by a State in the exercise of its jurisdiction outside its own territory.¹⁴

Paragraph 113 of the ICJ's Advisory Opinion states that:

As regards the Convention on the Rights of the Child of 20 November 1989, that instrument contains an Article 2 according to which "States Parties shall respect and ensure the rights set forth in the . . . Convention to each child within their jurisdiction . . ." That Convention is therefore applicable within the Occupied Palestinian Territory.¹⁵

¹¹ Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948, Official Records of the Third Session of the General Assembly, Part I – Resolutions, 12 September–12 December 1948 (Paris: United Nations, 1948), pp. 71–7, Art. 26

¹² http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/217%28III%29

¹³ UN Convention on the Rights of the Child 1989 <http://www2.ohchr.org/english/law/crc.htm>

¹⁴ UN International Covenant on Economic, Social and Cultural Rights 1966 <http://www2.ohchr.org/english/law/cescr.htm>

¹⁵ International Court of Justice 2004 Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory Advisory Opinion of the 9 July 2004 pg 180 <http://www.icj-cij.org/docket/files/131/1671.pdf>

¹⁶ Ibid. pg 181

International humanitarian law is also applicable in the Gaza Strip due to Israel's level of effective control over the territory, which renders it still being the occupying power. The 4th Geneva Convention prohibits attacks and destruction of schools; article 53 prevents "any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations".¹⁶ Furthermore, article 48 of Additional Protocol I of the Geneva Conventions which calls on parties to distinguish between civilian objects and military objectives is also applicable here regarding attacks on schools by the IOF.

As well as prohibiting attacks on schools, the occupying power, has the duty to "facilitate the proper working of all institutions devoted to the care and education of children" (Art 50 4th Geneva Convention). This includes allowing building materials and classroom equipment to enter the Gaza Strip in order to build and furnish schools. Article 17 of the same convention goes further by stating sieges are prohibited.¹⁷

Article 52 of the Additional Protocol I of the Geneva Conventions states that all parties to a conflict, in this case the IOF and the Gaza Government and Palestinian armed resistance groups, have a duty to take precautionary steps to minimize harm to the civilian population and infrastructure.¹⁸ Palestinian armed resistance groups should avoid placing military installations next to civilian structures such as schools and the IOF also has a duty to avoid attacking objects which may also target civilian objects. The Gaza Government, as the de facto authority, must take steps to prevent acts that may endanger education facilities. The Gaza Government has the obligation to ensure protection of educational facilities by communicating with resistance groups to avoid launching attacks from the vicinity of schools, which could endanger them. There is a chance that legitimate military targets, such as a resistance cell launching an attack, could be near a school, in which case an attack by IOF could occur. However, even in these instances the principle of proportionality applies and the attack must consider civilian casualties in preparing the attack, its timing and the choice of weapons and reprisal attacks are prohibited under IHL.

All attacks on places of education and denials of access to education perpetrated by any party constitute violations of IHL. All states and non-state actors must abide by the rules of customary law when engaging in hostilities and have the obligation to distinguish between civilian objects and military objectives.¹⁹

Access to Education and the UN Monitoring and Reporting Mechanism

The importance of access to health and education for children during times of armed conflict was strengthened recently with the UN Security Council adoption of Resolution 1998. This resolution expands the criteria for mandating countries to report on all MRM (monitoring and reporting mechanism of grave violations against children in armed conflict) violations to the Special Representative to the Secretary General on children and armed

¹⁶ Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 1949
<http://www.icrc.org/ihl.nsf/full/380>

¹⁷ Ibid.

¹⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977 <http://www.icrc.org/ihl.nsf/full/470?opendocument>

¹⁹ Henckaerts, J.M. 2005 'Study on customary international humanitarian law: Annex. List of Customary Rules of International Humanitarian Law' *International Review of the Red Cross* 87(857): 198-212 <http://www.adh-geneva.ch/RULAC/pdf/Rules-customary-law.pdf>

conflict and includes all parties in violation of this to be listed in the Secretary-General's annual report to attacks on schools and hospitals. The adoption of this resolution illustrates the seriousness of attacks on schools and hospitals and the importance of access for children in times of armed conflict.

The definition used by the MRM for attacks on schools and hospitals is as follows:

“Attacks include the targeting of schools or medical facilities that cause the total or partial destruction of such facilities. Other interferences to the normal operation of the facility may also be reported, such as the occupation, shelling, targeting for propaganda of, or otherwise causing harm to schools or medical facilities or its personnel.

*Note: A “school” denotes a recognizable education facility or learning site. Education facilities and learning sites must be recognized and known by the community as a learning space and marked by visible boundaries.”*²⁰

Denial of humanitarian access includes denying access to school because it education is considered essential to a child’s survival. Under the MRM it is defined as:

“The intentional deprivation of or impediment to the passage of humanitarian assistance indispensable to children's survival, by the parties to the conflict, including wilfully impeding relief supplies as provided for under the Geneva Conventions; and significant impediments to the ability of humanitarian or other relevant actors to access and assist affected children, in situations of armed conflict.

The denial should be considered in terms of children’s access to assistance as well as humanitarian agencies’ ability to access vulnerable populations, including children.”²¹

Although Israel/oPt is not mandated to report to the MRM, it is an area of concern and voluntarily contributes information on violations to the various reports of the Special Representative.

The next sections of this factsheet will describe incidents occurring in the Gaza Strip in recent years which amount to attacks on schools and denials of humanitarian access to education and the effects of these incidents on children.

Access to Education Violations in the Gaza Strip

Attacks against Schools during Operation Cast Lead

Children’s access to education in the Gaza Strip took a massive hit during Israel’s offensive on Gaza (codenamed Operation Cast Lead), the most recent large scale Israeli offensive which took place from 27 December to 18 January. During the 22 days of intense attack, 280 schools sustained damage (including 36 UNRWA schools), of which 18 were completed

²⁰ Office of the Special Representative to the Secretary General on Children Affected by Armed Conflict, UNICEF, DPKO 2001 ‘MRM Field Manual’ pg 12 (emphasis in original).

²¹ Ibid. pg 12.

destroyed by military attack.²² Of the total 1,409 Palestinians who were killed, 250 were documented as students and 15 were teachers, an additional 856 students and 19 teachers were injured (out of a total of 5,380 Palestinians).²³ 441,452 students were unable to attend school during the offensive.²⁴

The first attacks of Operation Cast Lead began at midday on 27 December 2008, when many children were walking to and from school (midday is when the morning school shift ends and the afternoon shift begins).²⁵ One of the first attacks killed eight and injured 19 students who were standing outside their UNRWA school.²⁶ Also occurring on the first day was the bombing of Rafah City Hall which is close to Bir Al-Sabea Secondary School. The attack occurred when children were leaving the school after sitting exams and resulted in the death of at least two children who were making their way home.²⁷ On 5 January 2009, an UNRWA school in Shati refugee camp was attacked and three people were killed. The next day, another three UNRWA schools were attacked and forty-six civilians were killed.

During the offensive, 23 UNRWA schools served as shelters for approximately 16,000 people who had been displaced because their homes had been damaged or destroyed or because they feared their homes would be attacked soon.²⁸ On 5 January, IOF attacks on two schools being used as shelters killed 30 people and injured 55.²⁹ On 17 January 2009, the IOF fired shells of white phosphorous over Mashrou Boys School in Beit Lahiya. The school had been used as a shelter and by 16 January was housing around 1,900 people. Although weapons were prevented from entering the premises by guards and the GPS coordinates given to the IOF, IOF aircraft fired white phosphorous shells over the school, killing two brothers and injuring 13 more.

Attacks on Schools and Denials of Humanitarian Access to Education since Operation Cast Lead

From February 2009 (the month after the end of Operation Cast Lead) to the end of October 2011 there were 31 military attacks which constitute either attacks on schools or denial of humanitarian access to education (using the MRM definition outlined above).³⁰ These incidents affected approximately 72,391 students who were either injured during military attacks or were prevented from attending school or taking part in educational activities. Of

²² UN OCHA and AIDA 2009 'The Gaza Blockade: Children and Education Factsheet' pg 2

http://www.ochaopt.org/documents/un_ngo_fact_sheet_blockade_figures_2009_07_28_english.pdf

²³ UNESCO 2010 'Psychosocial Assessment of Education in Gaza and Recommendations for Response' Report on the findings of an assessment conducted by Kathleen Kostelny, PhD and Michael Wessels, PhD of the Columbia Group for Children in Adversity pg 10 <http://unesdoc.unesco.org/images/0019/001904/190400e.pdf>

²⁴ Ibid pg 10

²⁵ UN OCHA, 'The Humanitarian Monitor Occupied Palestinian Territory' January 2009 pg 2 http://www.ochaopt.org/documents/ocha_opt_humanitarian_monitor_2009_01_15_english.pdf

²⁶ UN OCHA, 'Protection of Civilians Weekly Report – 291 December 24-31, 2008' <http://unispal.un.org/UNISPAL.NSF/0/7E435793994EEBDD85257530006E7DB4>

²⁷ Al Mezan Centre for Human Rights and Defense for Children International – Palestine Section 2009 'Bearing the Brunt Again' pg 66

²⁸ UN OCHA 'Protection of Civilians Weekly Report 1 8 January 2009' pg 2. http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_2009_01_08_english.pdf The IOF actually made phone calls to residents telling them to evacuate their homes because they were about to attack them.

²⁹ Ibid. pg 1.

³⁰ All figures in this section are from UNICEF oPt's MRM database.

these incidents, 22 were committed by the IOF, four by the Gaza Government, four were by unknown perpetrators and two by Palestinian armed groups.

Schools in the Buffer Zone³¹ (the area of land up to 2km from the border)³² are most at risk of attack because of their location. A disproportionate number of attacks against schools occur in the Buffer Zone; eight out of the 22 incidents occurring during this period, all of which were perpetrated by the IOF, which constitute attacks against schools occurred in the Buffer Zone.

Military activity perpetrated by the IOF affected a total of 7,601 students who were injured or could not attend school due to evacuation or their school being damaged. The incidents documented include students being evacuated due to airstrikes, aerial firing, drone attacks, firing from helicopter gunships, missile firing, artillery shells, and schools being damaged by projectiles, suffering indirect damage because of attacks targeting nearby military bases, tunnels, open areas, and factories. These attacks have seen schools' windows shattered, and damage to roofs, walls, doors, electricity lines, sanitation facilities, and transportation (school buses).

During the reporting period, Gaza Government interfered with the Sharek Youth Forum, an NGO which serves young people throughout the Gaza Strip. The attacks saw office staff rounded up while equipment, including computers and cameras, was confiscated. A fourth incident, not a military attack but a denial of humanitarian access to education involved the denial of eight students aged 15-17 to travel to the USA to participate in a year abroad programme funded by the US State Department.

Of the four attacks by unknown armed Palestinians, three were against UNRWA summer camps which resulted in damage to camp infrastructure. The fourth incident was a grenade thrown into the YMCA building on al-Jalaa Street in Gaza City which resulted in shrapnel all over the playground.

Palestinian armed resistance groups perpetrated two attacks: one involved an explosion within a military training site which caused damage to three UNRWA schools; and the other incident entailed a rocket falling short on in North Gaza resulting in the death of one child, injury of three of his siblings and mother and damage to a nearby school affecting 697 students were affected.

According to UNESCO and the Ministry of Education and Higher Education 79 schools throughout the Gaza Strip are thought to be at risk because they are located in the Buffer Zone (22 schools) and are exposed to attacks from regular IOF incursions or are located near security forces buildings and vulnerable to indirect attack or they have been suffering recurrent attacks. Children and teachers in these schools are at heightened risk of being injured in school or on their route to school and may lose days of education. The Gaza Government has been criticised for not taking action against locating military training grounds close to schools and other educational facilities. Training grounds, although not necessarily legitimate targets of Israeli armed attacks, are indeed a main target for airstrikes by the IOF therefore schools located nearby are extremely vulnerable to attack as well.

³¹ See OCHA's Gaza Strip: Access and Closure map (August 2011) for an illustration of the Buffer Zone http://www.ochaopt.org/documents/ocha_opt_access_and_closure_map_of_gaza_strip_august_2011_a0_english.pdf

³² OCHA 'Farming without Land, Fishing without Water: Gaza Agriculture Sector Struggles to Survive' May 2010. http://www.ochaopt.org/documents/gaza_agriculture_25_05_2010_fact_sheet_english.pdf

The long-term effects of Operation Cast Lead and on-going military attacks on access to education

Airstrikes and other military attacks are the most obvious and direct way to hinder access to education, through damage to school infrastructure and killing and injury of teachers and injury of students. However there have been many other conflict-related factors which have led to children's inability to access good education and achieve success. These include issues such as trauma, a general climate of fear and insecurity, displacement of tens of thousands of families due to home demolitions, poverty, deaths and injuries of family members, lack of routine, family breakdown and the on-going siege which has created a severe shortage in materials for schools (this is described in more detail below).

Operation Cast Lead created widespread trauma and distress among the entire population of Gaza but particularly among children. According to UNICEF, an estimated 14,000 to 18,000 children were in need of psychological support after the offensive.³³ In a survey conducted by researchers at Columbia University shortly after Operation Cast Lead, just over a third of primary schools students and two thirds of preparatory and secondary school students said they did not feel safe at school some or most of the time and around two thirds of all students said they did not feel safe going to or from school.³⁴ Most students of all ages reported feeling sad and nervous and having worries about another war.³⁵ Significant proportions of students of all ages reported feeling being treated badly by other students (around half of primary and preparatory students and a third of secondary students) and feeling angry (61 percent of primary students, 77 percent of preparatory students and 80 percent of secondary students).³⁶ These high levels of anxiety, fear, anger and sadness existing among Gaza's children have an impact on their ability to concentrate and learn, not only for those affected by these feelings directly but also on fellow students. The authors also found that teachers found it difficult to deal with students who were facing the problems described above in addition to dealing with their own trauma and experiences which caused problems such as poor concentration.³⁷

In addition to the psycho-social problems caused by Operation Cast Lead which have been detrimental to students' and teachers' wellbeing and ability to focus and succeed at school, on-going threats and actual military attacks have also closed schools. Even if schools are not officially closed, parents have been reluctant to send their children to school if there are escalating tensions and hostilities between the IOF and Palestinian armed groups. Continued threats of attacks and a general climate of fear psychological distress and trauma among students and teachers are not conducive to learning.

Other conflict related outcomes such as displacement, poverty, deaths and injuries of family members, lack of routine and family breakdown can all have serious psychological impacts on students and teachers. These impacts can result in poor performance by teachers and

³³ UNICEF, Factsheet on the Gaza Crisis (23 Feb. 2009): [www.unicef.org/oPt/Gaza_emergency_fact_sheet\(1\).pdf](http://www.unicef.org/oPt/Gaza_emergency_fact_sheet(1).pdf) (accessed 7 Sept. 2009).

³⁴ UNESCO, Psychosocial Assessment of Education in Gaza and Recommendations for Response, Report on the findings of an assessment conducted by Kathleen Kostelny, PhD and Michael Wessells, PhD of the Columbia Group for Children in Adversity, September 2010. Pg 22

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid. pg 62.

poor recruitment and retention rates, as well as low pupil attendance, concentration and attainment rates.³⁸

Operation Cast Lead left long term effects on Gaza children's access education which have not been resolved due to continuing military violence and the siege which prevents Gaza from rebuilding and recovering. In fact, the on-going denial of materials for schools into the Gaza Strip has worsened the entire education system in Gaza.

The Siege and Access to Education

Due to the ban on building materials implemented as part of the intensified closure in place since June 2007, the 280 schools which were damaged or destroyed during Operation Cast Lead have not been rebuilt or repaired. Many of these schools lack toilets, running water, mains electricity, and equipment for classrooms such as desks, chairs, textbooks and even ink.³⁹ In addition, another 105 brand new schools are required to cope with the growing population.⁴⁰ The construction materials needed for these schools (both UNRWA and government schools) include 25,000 tons of iron bars, 40,000 tons of cement.⁴¹ At the beginning of the new school year in September 2010, UNRWA had to turn away 40,000 students due to a lack of space.⁴²

Although the Gaza Government has been able to build some classrooms from building materials smuggled through the tunnels, these have not been sufficient. International donors refuse to fund construction projects using materials from the tunnels. Therefore, they have to rely on permission from the Israeli authorities to import the required materials. UNRWA, which saw 36 of its schools damaged or completely destroyed during Operation Cast Lead, and has been unable to build any new classrooms since the tightening of the siege.⁴³ Additional classrooms at existing schools have been created out of metal shipping containers; one entire school for 865 students has been built out of 88 shipping containers.⁴⁴

In an attempt to overcome the lack of space, most schools operate a double shift, with one set of students coming in the morning and another group coming in the afternoon.⁴⁵ After Operation Cast Lead, 15,000 students from the 280 damaged and destroyed schools were

³⁸ O'Malley, B. 2011 'The longer term impact of attacks on education on education systems, development and fragility and the implications for policy responses' pg 1-2. Paper commissioned for the EFA Global Monitoring Report 2011, The hidden crisis: Armed conflict and education.

³⁹ IRIN 'OPT: Gaza schoolchildren struggling to learn' 5 February 2010
<http://www.irinnews.org/report.aspx?reportid=88005>

⁴⁰ O'Malley, B. 2011 'The longer term impact of attacks on education on education systems, development and fragility and the implications for policy responses' pg 10.

⁴¹ Ibid. pg 10.

⁴² UNRWA 2010 '40,000 students turned away from UNRWA schools due to Gaza closure'
<http://www.unrwa.org/etemplate.php?id=797>

⁴³ O'Malley, B. 2011 'The longer term impact of attacks on education on education systems, development and fragility and the implications for policy responses' pg 11. Paper commissioned for the EFA Global Monitoring Report 2011, The hidden crisis: Armed conflict and education.

⁴⁴ Ibid. pg 11

⁴⁵ UNRWA 2010 '40,000 students turned away from UNRWA schools due to Gaza closure'
<http://www.unrwa.org/etemplate.php?id=797>

transferred to other schools which began operating on double shifts.⁴⁶ However the shift system has done little to help overcrowding as some classrooms have up to 50 students. At time of writing, 94 percent of UNRWA schools (228 out of 243 schools) and 78 percent of government schools (308 out of 393) currently operate on double-shift system so that more students are able to attend school, however, this has reduced classroom time by almost a third.⁴⁷ Schools which operate on a single shift do so because they are located in low-population density areas and therefore there are insufficient numbers of students to require it to be a double shift school. However, students who currently do not attend school because of full capacity at schools nearby cannot simply go to the single shift schools due to them being too far away.

Serious overcrowding exists is even within the schools operating on shifts, the average class size is 39 students and some classrooms have up to 50 students.⁴⁸ These temporary solutions are not enough; according to UNRWA, thousands of children in Gaza still have no access to school.⁴⁹ In order to accommodate all students now and for the next 5 years, 130 new Government schools and 100 new UNRWA schools will have to be built.⁵⁰

As well as lack of actual classrooms, the siege has also prevented a sufficient supply of classroom materials and equipment. According to UNRWA, in February 2009, 221 Gazan schools, serving 200,000 students had only 40 percent of the total number of school books they required due to paper and glue being banned from entering.⁵¹

Due to effects of the siege, including severe overcrowding and lack of materials and poor infrastructure, as well as poor attendance rates, high levels of trauma and psychological upset caused by Operation Cast Lead and ongoing violent military attacks, there has been a steady decline in achievement in Gaza's schools; in 2011 less than 60 percent of students in Government schools passed their grade 4 Arabic exam and less than 50 percent pass their mathematics exam.⁵²

Conclusion

Education should not stop because of armed hostilities; in fact during times of conflict, maintaining education is crucial. In a situation of prolonged occupation, education must function as normally as possible. A properly functioning education system and schools can provide children with safety and security and a regular normal routine when the rest of their lives may be in turmoil.

⁴⁶ O'Malley, B. 2011 'The longer term impact of attacks on education on education systems, development and fragility and the implications for policy responses' pg 1-2. Paper commissioned for the EFA Global Monitoring Report 2011, The hidden crisis: Armed conflict and education.

⁴⁷ UN OCHA and AIDA 2009 'The Gaza Blockade: Children and Education Factsheet' pg 1
http://www.ochaopt.org/documents/un_ngo_fact_sheet_blockade_figures_2009_07_28_english.pdf; OCHA The Humanitarian Monitor July 2011 pg 10

⁴⁸ OCHA 'The Humanitarian Monitor' July 2011, pg 10.; UNRWA 2010 '40,000 students turned away from UNRWA schools due to Gaza closure' <http://www.unrwa.org/etemplate.php?id=797>

⁴⁹ Ibid. pg 10

⁵⁰ Ibid. pg 10.

⁵¹ IRIN 'OPT: Challenges of getting aid to Gazans' www.irinnews.org/Report.aspx?ReportId=82813

⁵² OCHA The Humanitarian Monitor July 2011 pg 14; OCHA and AIDA 2009 'The Gaza Blockade: Children and Education Factsheet' pg 2
http://www.ochaopt.org/documents/un_ngo_fact_sheet_blockade_figures_2009_07_28_english.pdf

Attacks on schools and denying access to education are grave violations of children's rights in times of conflict. Despite the importance of access to education in international law, the almost half a million child-students in the Gaza Strip are all being denied their right to access safe and quality education. The destruction of schools of the type illustrated in this report during Operation Cast Lead and after cannot be justified by military necessity and constitute violations of international humanitarian law. Moreover, the siege denies building materials and other goods and personnel needed to run a well functioning education system in the Gaza Strip. The policies and military actions of Israel amount to violations of ICESCR and the UN CRC.

The military attacks perpetrated by the IOF within the Gaza Strip amount to attacks on Palestinian society. The negligence of Palestinian resistance groups and government authorities could endanger schools and children. Education provides a number of roles and purposes in society, all of which are hindered during times of armed conflict. It is the main route to social mobility and for individuals and families to improve their standard of living and is necessary for social cohesion, which is even more crucial in times of armed conflict and occupation. Education contributes to children's well-being, and develops a society's culture. Having quality education where children can learn in safety benefits the entire society.

Recommendations

- The international community must uphold its responsibilities and exert pressure on Israel to end direct and indirect attacks on schools, other educational facilities and their surroundings which affect the ability of schools to be safe places for children.
- Israel must end the illegal siege imposed on the Gaza Strip and allow the import of building materials so new schools can be built, destroyed schools can be rebuilt, and damaged schools can be repaired and sufficient educational supplies and equipment can enter. All education materials and personnel must be allowed to move in and out of Gaza without restrictions.
- The IOF acting within the Gaza Strip must ensure respect to the basic principles of distinction and proportionality and ensure at all times schools and their surroundings are safe for children and ensure the free and safe movement of students and staff to and from school.
- The Israeli government should establish a mechanism which meets international standards requiring adherence to international law, promptness, independence, impartiality and thoroughness through which complaints can be made and investigations conducted into military actions affecting schools and students.
- International donor institutions must continue their assistance and support to projects and programs to develop general education in the Gaza Strip.
- International donor states must provide funding to build classrooms in existing schools in Gaza. They must pressure Israel to allow the construction materials needed to enter Gaza without delay.
- The Gaza government must protect and ensure the proper functioning of all educational facilities for children and allow students to travel abroad for their education.