



Al Mezan Center for Human Rights

Fact Sheet:

Gaza Students Anxious to Complete Their Educations in the West Bank

10 June 2012



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Four female graduate students from the Gaza Strip filed a joint lawsuit in the Israeli Supreme Court in protest of the Israeli policy banning them from completing their graduate studies at Birzeit University in Ramallah.¹ On 23 May 2012, the Supreme Court ordered the Israeli military to reconsider their ban on the entry of Gazan students into the West Bank and issue a decision within 45 days.² The official Israeli policy, in place since 2000, at issue in the lawsuit dictates the denial of Gaza Strip students' permits to enter the West Bank to attend Palestinian universities located within the 1993 Oslo Accords-recognized Palestinian Territory.³ The Oslo Accords emphasize the importance of maintaining the single unitary character of the Occupied Palestinian Territory and continued free movement between the individual parts of the territory.⁴ However, Israel's Gaza coordination and liaison office, the body that grants travel permits to Gazans, only accept requests within the category of humanitarian or urgent medical needs.⁵

Majors of study and degrees offered at Palestinian universities are defined based on a unitary system to establish coordination between the universities.⁶ Under the assumption that students will have free access to both areas of the Occupied Palestinian Territories, this arrangement inherently means that certain areas of study are only available in either the West Bank or in the Gaza Strip universities.⁷ The 2000 blanket ban on the travel of students from the Gaza Strip to the West Bank deprives students of the ability to freely choose their areas of study.⁸ This blanket ban comes in the context of a policy of fragmentation between the Gaza Strip and the West Bank, a policy aimed at severing ties between the populations of the Occupied Palestinian Territory and weakening the national character of the Palestinian people. Together with the intrusive policies of settlement expansion and

¹ Press Release, "Violation of Gazan Students' Rights Must End Now. Al Mezan: Israel Must Allow Gazan Students to Reach West Bank Universities," Al Mezan Center for Human Rights, 2 Nov. 2011 (hereinafter referred to as "Violation of Gazan Students' Rights Must End Now"), 3, *available at*:

http://www.mezan.org/en/details.php?id=12884&ddname=education&id_dept=9&p=center.

² News Release, "For the first time in 12 years: Israeli Supreme Court orders military to reconsider application of Gaza-West Bank," Gisha Legal Center for Freedom of Movement, 23 May 2012 (hereinafter "For the first time in 12 years"), 1, *available at*: http://www.gisha.org/item.asp?lang_id=en&p_id=1597.

³ "Violation of Gazan Students' Rights Must End Now" at 3.

⁴ *Id.* at 4 (citing "Declaration of Principles on Interim Self-Government Arrangements," signed by Israel and the PLO on 13 Sept. 1993, International Legal Materials, vol. 32, no. 6, Nov. 1993, pp. 1527-41 (Declaration of Principles), Art. IV, at p. 1528 ("The two sides view the West Bank and the Gaza Strip as a single territorial unit, whose integrity will be preserved"); Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed by Israel and the PLO on 28 Sept. 1995, International Legal Materials, vol. 36, no. 3, May 1997 (Interim Agreement), pp. 557-649, Arts. XI:1 ("The two sides view the West Bank and the Gaza Strip as a single territorial unit, the integrity of and status of which will be preserved"), XVII:1(a) ("In accordance with the [Declaration of Principles], the jurisdiction of the [Palestinian] Council will cover West Bank and Gaza Strip territory as a single territorial unit"), XXXI:8, Annex I, Arts. I:2, XIII:11, pp. 561, 564, 568, 569, 586).

⁵ "Israel bans Gaza woman from studying human rights in West Bank," Amira Hass, Haaretz Newspaper in Israel, 12 July 2010 (hereinafter referred to as "Israel bans Gaza woman from studying human rights in West Bank"), 3, *available at*: <http://www.haaretz.com/print-edition/features/israel-bans-gaza-woman-from-studying-human-rights-in-west-bank-1.301372>.

⁶ "Violation of Gazan Students' Rights Must End Now" at 2.

⁷ *Id.*

⁸ "Israel bans Gaza woman from studying human rights in West Bank" at 2.



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village isolation in the West Bank, the Gaza closure is directed toward the overall goal of rendering Palestinian self-determination impossible.

The right to education is guaranteed by article 26(2) of the Universal Declaration of Human Rights states “[e]ducation shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.”⁹

The freedom of movement is guaranteed by article 13 of the Universal Declaration of Human Rights, which states that “(1) Everyone has the right to freedom of movement and residence within the borders of each state” and “(2) Everyone has the right to leave any country, including his own, and to return to his country.”¹⁰

Deputy State Prosecutor, Ilil Amir, defended the Israeli policy by explaining “it was dangerous to allow [these] students... to travel to the West Bank because Israel has to deal with the efforts of terrorist organizations to set up ‘branches of the Gaza terrorist infrastructure in the West Bank.’”¹¹ Though this is the claim, the ban is sweeping and is applied indiscriminately to students who present no security threats to Israel.¹² Further, the overarching ban is applied despite a 2007 recommendation by the Israeli Supreme Court to allow Gazan students to study in the West Bank, in situations where their studies are likely to have “positive human implications.”¹³ Israeli security frequently allows students passage through the Erez Crossing to traverse Israel and the West Bank to reach Jordan and fly to foreign countries to complete their studies. In furtherance of the policy of fragmentation, students are not permitted to stay in the West Bank, where they may connect with fellow students as well as West Bank society as a whole.

Case Study—Andalib Adwan:

Andalib Adwan, one of the student-plaintiffs in the case, is the Director of Gaza City’s Community Media Center. She began her masters in Gender Studies in the summer of 1999 and has completed twenty hours of the program. Regarding her “risk profile,” Adwan explains that “the West Bank is Palestinian land and we have a right to travel there and back without any problems.” She clarifies, “We do not have tanks, planes or any other weapons that Israel uses to threaten Gaza... Israel is the one who threatens us and creates animosity, not the other way around.” Israeli security officials have never made accusations that Adwan poses any threat to Israel’s security, and



⁹ “Universal Declaration of Human Rights,” adopted 10 December 1948 as part A of U.N. General Assembly Resolution 217 (III), *available at* <http://www.un.org/en/documents/udhr/>.

¹⁰ *Id.*

¹¹ “Israel bans Gaza woman from studying human rights in West Bank” at 6.

¹² “For the first time in 12 years” at 6.

¹³ *Id.*



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this is clearly established by the fact that since Israel prohibited her from continuing her degree, she has traveled to and from the West Bank numerous times.¹⁴

Though in the interim thirteen years Adwan has gradually lost hope that she will be permitted to continue her degree and has nearly completed a different degree at a Gazan university, this case has rekindled her vigor for finishing the program she began at Birzeit. Further, her goal of changing this policy that deprives Gazan students of their right to education and freedom of movement has been restored. Adwan mentioned that the Israeli fixation on the age of the student requesting permission to study in the West Bank (as evidenced by the exclusion of the high school student, Loujain Alzaeem, who was a joint party to the lawsuit, but was excluded from the court's verdict)¹⁵ needs to change. Adwan suggested insisted that relevant organizations must shift their focus to implementing this change and ensure that students of all ages are permitted to study in the West Bank.

Adwan faced many hardships and made great sacrifices in order to complete the twenty hours—about one-third—of her degree before the 2000 Israeli decision. “I was pregnant with my last child and I would cross Erez every day at the same time as the laborers; it was very crowded. I developed a disc in my back from long periods of sitting added to the physical stress of pregnancy. I gave birth and would leave my infant son for long periods as I traveled to the university and back.” Adwan spent two full days every week traveling to and attending university, time she says she owed to her children who “were young, all of them under thirteen, and needed my nurturing and care, and I gave two full days each week of my time to them to these studies.”

In accordance with the 2007 Israeli Supreme Court decision granting permission to students whose studies have “positive human implications,” Adwan explains that Gender Studies would have benefitted Gazan society greatly. The particular program available at Birzeit is not offered at any other Palestinian university or throughout the Arab world. Adwan clarifies that “women here [in Gaza] who are interested and went to the West Bank to study this subject could have made a great impact on the feminist movement [in Gaza] and encouraged other women to study this topic outside of Gaza.” She further explains that increased knowledge on gender could empower and help improve the legal position of women in the Gaza Strip.

Today, Adwan only hopes that this lawsuit can be resolved quickly because she worries that the benefit her studies and expertise can offer her community will be limited by a delay in the decision. “If this lasts much longer, I will not have the energy to [complete my degree], I am 46 years old.”

¹⁴ In 2006, Adwan traveled to Jordan by traversing through Erez Crossing and then through Allenby Crossing. In July 2011, Adwan spent five days in the Wet Bank for work. Both trips were arranged by the United Nations Development Program. Personal interview, Adalib Adwan, Community Media Center, 29 May 2012.

¹⁵ “For the first time in 12 years” at 2.