



Denied the Right to Education

The European network to support rights of Palestinian prisoners

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Executive Summary

The right of children and youth to education, including those who are imprisoned, is enshrined in international human rights law, specifically Article 26 of the Universal Declaration of Human Rights and Article 94 of the 1949 Fourth Geneva Convention.

However, since the beginning of Israel's occupation of the West Bank and Gaza Strip in 1967, prisoners and detainees' right to education has been severely constricted, if not prohibited altogether. That includes children and youth, of whom the Israeli military arrests 700 annually. Although its regulations not only recognize the right of prisoners to pursue their education

but also require it to provide the necessary books and the opportunity to study or take exams, this basic human right has been undermined at every opportunity. The goal, concludes Addameer (a prisoner and human rights support association), is to "un-educate" Palestinians -- especially those aged 16-18 who "constitute the pillar of community development."



International Law and the Importance of Education

"We cannot imprison a person for many years without providing an avenue for change... Indeed change will have occurred but certainly not how it was envisioned. For we will have created an envious, frustrated, delusional, pent-up, angry and de-humanized individual who will certainly seek revenge." – A prisoner interviewed for the UN's Special Rapporteur Report on the Right to Education

According to the April 2009 report of the United Nations' Special Rapporteur on the Right to Education, Vernor Muñoz: "Learning in prison through educational programmes is generally considered to have an impact on recidivism, reintegration and, more specifically, employment outcomes upon release. Education is, however, much more than a tool for change; it is an imperative in its own right. Yet, prisoners face significant educational challenges owing to a range of environmental, social, organizational and individual factors."

Prisoners' right to education is guaranteed in international law. In addition to Article 26 of the Universal Declaration of Human Rights and Article 94 of the Fourth Geneva Convention, the Basic Principles for the Treatment of Prisoners – a resolution adopted by the UN in 1990 – states that people in prisons retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, including the "right to take part in cultural activities and education aimed at the full development of the human personality."

For children in particular, the right to education is widely considered a fundamental right. Thus, in territories under foreign military occupation, the occupying power is obliged to protect and respect the right to education, as noted in the United Nations Convention on the Rights of the Child (CRC). A "child" is defined as anyone less than 18 years of age.

Israel's Track Record

Israeli juvenile offenders are allowed to complete formal education from grade 8 to 12. For example, in the Ofek facility for Israeli juvenile offenders, there is a school with 19 classrooms in which no more than 10 students study at a time. The children there have the opportunity to follow a curriculum specially designed for them by the Israeli Ministry of Education, which includes four hours of class a day combined with educational workshops and work. Similarly, they have access to 33 teachers employed by the Israel Association of Community Centers on a permanent basis. At the end of a 12-week trimester, prisoners take exams and their grades are then certified by the Israeli Ministry of Education.

In contrast, since the beginning of Israel's occupation of the West Bank and Gaza Strip in 1967, the Israeli government has deprived Palestinian prisoners and detainees of their right to education. Children are penalized as well as adults, in part due to the fact that the military orders state that any Palestinian aged 16 and above is considered an adult. All Palestinian children between the ages of 16 to 18 are detained together with adult Palestinian detainees, and thus are often deprived of the opportunity to continue their education.

In 1997, a coalition of prisoner advocates submitted a petition to the Tel Aviv Central Court demanding that Palestinians' right to education be upheld just as for Israeli juvenile offenders. Although the court ruled that Palestinian prisoners are entitled to the same rights to education as Israelis, it also stated that the right to education was contingent on "security requirements." Thus, the impact in practice has been minimal.

For example, although Palestinian prisoners can receive books via the ICRC and their families during visits, such visits are frequently banned. In addition, restrictions are imposed on the kinds and number of books they are allowed to receive. They can get newspapers in Arabic, such as *Alquds*, free of charge, but other newspapers, in Hebrew or English, are distributed only to those with a subscription. Plus, the newspapers are always distributed after a delay and are not up to date.

Palestinian prisoners in Israeli prisons are allowed to study only at the Open University of Israel. They may not continue their studies at any institution they studied at prior to their arrest, even if the university approves. A years-long struggle to change this practice has been unsuccessful. The IPS claims that prisoners are barred from participating in study programs of Arab universities for security reasons. Many prisoners are unable to register at Israeli universities because of financial and language restrictions. In addition, detainees being held at military detention centers, as opposed to prisons, are prohibited from registering at any university. Prisoners who are held in isolation are also not allowed to study even at the Open University of Israel.

The list of forbidden specializations includes natural science, medicine, computer science, physics, chemistry and any program that requires the use of other supplies besides text books.

Even at times of exams, teachers are prohibited from entering prisons to formally instruct inmates. Similarly, prisoners are prohibited from communicating with Palestinian teachers and schools through other means such as phones, letters or visits.

Recently, exams themselves have been prohibited. For example, in 2011, more than 300 Palestinian prisoners were excluded for the third consecutive year from taking their secondary school exams – required to graduate and go to college. According to the Palestinian Prisoners Centre, Israeli personnel at the jails also seized books and academic papers delivered to prisoners through the International Red Cross, and announced that prisoners would be prohibited from applying to Arab and Palestinian universities. In protest, the prisoners declared a hunger strike.

In 2009, when secondary exams were first prohibited, the Palestinian Authority's Minister of Prisoners and Ex-Detainees, Issa Qaraqi, appealed to the Israeli Supreme Court of Justice to reverse the decision. However, the court postponed the hearing on the suit, and it has not been discussed since.

The most recent decision to ban the exams came in the wake of Israeli Prime Minister Benjamin Netanyahu's declaration that Israel had the right to reduce the "advantages" granted to Palestinian prisoners in Israeli jails. It was reportedly an attempt to pressure the Hamas government in the Gaza Strip to free Israeli soldier Gilad Shalit, who was captured by Palestinian militants in a raid on an Israeli army border position in 2006.



There have some exceptions to this gloomy picture. In March 2010, imprisoned Fatah official Marwan Barghouti managed to complete his doctorate in political science. The University of Cairo and the Arab Academy for Research had accepted Barghouti in 1999 - three years before he was arrested by Israel. Barghouti's success in earning his degree even when in prison was due primarily to "personal efforts and study in secret," according to Qaraqi. In 2009, another former prisoner, Khaled Al-Azraq, explained how he and his comrades were able to pursue their education in secret:

"Members of the prisoners' movement came up with ingenious ways of smuggling books into Israeli prisons, methods that Israeli prison guards were never able to discover. The movement systematically organized workshops, seminars, and courses held inside the prison to educate prisoners' on every relevant topic one can imagine. Every day, the prisoner holding the position of 'librarian' would pass through the different cells and sections, and prisoners would exchange the book they had just finished for the one they were about to begin. The librarian carried the 'library book, a record of the books available in the library, and a list of the books each prisoner had requested.

"Talking about this reminds me of one of the most memorable prison library moments. We had found out that the movement had managed to smuggle Ghassan Kanafani's Men in the Sun into the old Nablus prison. We all raced to get our names on the list of people wanting to read the book, and the wait lasted weeks! Several times, we resorted to making copies of sought-after books like this. Of course, copies were done with pen and paper, and I remember copying Naji Aloush's The Palestinian National Movement of which we made five hand-written copies."

Addameer states: "Arguably some form of education, however informal or unstructured it might be, is more beneficial to the mental health of a detainee than no education at all. At the same time, such an arrangement does not absolve Israel from its obligations under international law, whereby education should be made available for all juvenile detainees."

Case Studies

Telmond Prison (near Netanya, Israel)

There are three types of Palestinian juvenile political detainees at Telmond: youth who are illegally imprisoned with juvenile Israelis confined for criminal reasons, those who were detained before the 1997 court decision that upheld their right to education (at least on paper), and a new section for detainees imprisoned after that court decision. The first group is treated in the same way as Israeli criminal detainees; they receive education in Hebrew (a language they typically do not understand), using the Israeli curricula. The second group is taught using a curriculum that includes only three out of the eight subjects required by the Palestinian Ministry of Education. The third group receives no education whatsoever. Thus, it is evident that the 1997 court decision that was supposed to ensure education for detained Palestinian children has been completely ignored.



Megiddo Prison, near Haifa

Palestinian children who are 16 or older at the time of their sentencing are detained in Megiddo Prison. Because Israeli Military Order No. 132 defines any Palestinian 16 and over as an adult, the Military Authority that runs Megiddo Prison refuses to recognize the educational needs of children detained there. The only form of education available is ad-hoc study groups where adult prisoners teach juvenile detainees. The attorney for Defense of Children International also reports that the prison administration severely restricts the movement of books into the prison.

After Effects

It is difficult for child prisoners to return to school following release from prison. This is due to a variety of factors, including the trauma of detention, the differences in age between ex-prisoners and other school children, and the inadequate or non-existent educational services provided by the prison administrations, which results in ex-prisoners falling behind in the educational process. Thus, youth are denied both childhood because of life in prison, and a decent future, because of the difficulties in acclimating once released.

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