

## **Education within the Israeli Prisons: A Deliberate Policy to De-educate**

### **Introduction**

“Education is something I was denied from, this denial lasted for a long time especially during the very long house arrest period. It was just difficult for me to think about everyone else who was allowed to go to school when I wasn’t.”<sup>1</sup>

Samah Nasser is a 17-year-old child from occupied East Jerusalem<sup>2</sup>, she was arrested on 14 February 2016 from Salah al-Deen street, at that time she was just 14 years old. She spent two months in detention and then the Jerusalem District Court decided to place her under house arrest until the end of her trial. She spent about a year under house arrest and was not allowed to leave the house, not even to school. Also, this house was not her family house as one of the conditions of her house arrest was to serve it in different neighborhood from hers. After this year, Samah returned to her family house and still she was not allowed to leave the house except for the last two months where she was only permitted to go to school. On 15 February 2018, the legal procedures ended, and the court sentenced Samah to eight months in detention at Hasharon prison.<sup>3</sup> Again, Samah was banned from education: she stated that “during this period[detention] I received no education from the prison authorities at all. The other girls and women, including me, asked the prison’s social worker repeatedly for a teacher, but no teacher came.”<sup>4</sup>

Over 800 Palestinian children from Jerusalem were arrested in 2018; this number included two administrative detainees.<sup>5</sup> The year ended with at least 41 detained children from occupied East Jerusalem.<sup>6</sup> Under international human rights law, Palestinian children, including those in detention, have the right to adequate education. However, this right is denied in Israeli prisons. Usually, children get a range of 20 hours a week of classes compared to an average of 35 hours in regular schools. Taught classes are normally Arabic and Maths, and sometimes Hebrew. Most of the time the classes do not meet the level of the child and at times children do not get any form of education in prison. Amongst the alleged reasons for suspending lessons is the lack of teachers. Data collected through a survey shows that children are mixed and allocated to classrooms without taking into consideration their age or education level.

Addameer and TDH Italy conducted several interviews with Palestinian children from occupied East Jerusalem, between September and December 2018. The interviews were conducted within the frame of the project “Valuing diversity – Inclusive education intervention for East Jerusalem children”. Some out of those interviews were conducted

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<sup>1</sup> Interview conducted with Samah Nasser. Jerusalem, 9 September 2018.

<sup>2</sup> Israeli occupation forces illegally annexed occupied Jerusalem and applies Municipal Authority and Israeli civil law on Palestinian Jerusalemites despite their legal status as protected people under International Humanitarian Law. In addition to this, the Palestinian Jerusalemites were not granted Israeli citizenship, and they are subject to Israeli civil, criminal and sometimes military laws.

<sup>3</sup> This prison is located South of the line extending between Tulkaram and Netanya on the old road leading to Hadera.

<sup>4</sup> Interview conducted with Samah Nasser. Jerusalem, 9 September 2018.

<sup>5</sup> Administrative detention (AD) is a procedure that allows Israeli occupation forces to hold prisoners indefinitely on secret information without charging them or allowing them to stand trial.

<sup>6</sup> Statistics are from Addameer’s monitoring and documentation, in addition to statistics taken from the Israeli Prison Services (IPS).

with children still in detention and others were held after their release. Those interviews revealed that 25% of children did not receive any education during detention, while the others only received some Arabic, Math and sometimes Hebrew classes. Furthermore, those who did receive education have evaluated it as not adequate and not in line with their needs.

### **Incarceration of the Mind**

While not necessarily representative of the entire juvenile prison population of Palestinian child detainees from occupied East Jerusalem, the cases documented present significant grounds which show that the right to education for children in Israeli prisons is undermined and to some extent denied. In Israeli prisons, there is usually a classroom, which contains a board, student desks and a table for the teacher. While some of the children are provided with pens and notebooks, there remain a significant lack of the provision of required stationery in respect to the needs of the courses. Ahmad Ali, 15 years old was arrested in July 2018 and spent a total of four months in detention. Ahmad was placed under house-arrest following his release from Megiddo prison in October 2018. Ahmad said that, “the term started early September 2018, this is when the teacher started coming to the prison. Our books were different from the ones we used in schools outside the prison. Also, I remember the teacher bringing notebooks and pens for us. Though, they were not enough so some of the children had to buy theirs from the prison’s canteen.”<sup>7</sup>

Furthermore, the education provided in the classes does not meet with the child’s level. Yousef Omar is a 16-year-old child from occupied East Jerusalem held in Megiddo currently, he expressed his carelessness towards education in prison and said, “education here is really bad, I am not gaining anything out of it. In fact, during our classes the teachers spend the time by making us play, we play chess and the ladder and snake game. They do give us educational material but in total it would reach one hour a day.”<sup>8</sup>

In occupied Palestine, high school certificate is obtained following the completion of an official national exam called “Enjaz/Tawjehi”<sup>9</sup>. This exam requires an entire year of preparations and it is prerequisite for university admission. In Israeli prisons, taking this exam is not allowed, though the prisoners do conduct it unofficially. According to the IPS law about prisoner’s education, adopted in 2004 and updated in 2006, prisoners were allowed to obtain higher education degrees in prisons, including Tawjehi – now Enjaz. This was implemented through coordination with the IPS. The IPS specified what courses were allowed and what courses are not, this also applies to books. Some of the banned courses and books are biology, chemistry, physics, IT, anything that requires a drawing lap and anything that can, according to their arbitrary assessment, harm the security of ‘Israel’. This meant that the allowed courses were limited to social sciences.

Nevertheless, in June 2011 the Israeli occupation forces banned higher education for Palestinians in Israeli prisons, and this included the Tawjehi exams. This was imposed as collective punishment in response to the capturing of Israeli soldier Gilad Shalit. Several attempts from civil society organizations were made to appeal the decision to ban higher education for Palestinian prisoners. The appeal reached the Israeli high court in 2015 and the decision was negative as the court ruled to maintain the ban.

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<sup>7</sup> Interview conducted with Ahmad Ali. Jerusalem, 11 November 2018.

<sup>8</sup> Interview conducted with Yousef Omar. Megiddo prison, 24 October 2018.

<sup>9</sup> Enjaz is an exam taken as completion of secondary education (12<sup>th</sup> grade). The name used to be Tawjehi.

Detained Palestinian children have to prepare for this exam in prison, they are also forced to conduct and organize the exam by themselves because they do it unofficially. In 2018, the female prisoners at Hasharon prison, faced a major difficulty in preparing for Tawjehi/Enjazexam, not only because they had no teacher almost for the whole year, but also because the Israeli Prison Services (IPS) constantly harassed them when they were preparing themselves to conduct the exam. This used to happen through disrupting the self-organized classes, attempts to ban them, and sometime closing the classroom. The 17-year-old Samah Nasser stated that:

Most of the girls and women wanted to study for Tawjehi, and as we had no teacher, one of the female prisoners took the responsibility of preparing and conducting for the examinations. We took lessons with Khalida Jarrar<sup>10</sup>, she taught us English, Science, and also human rights. The IPS did not allow this to go smoothly and informed Khalida that she was not allowed to continue giving us English and Arabic. Sometimes they would close the classroom and prevent us from using it. I am grateful to Khalida, I am familiar with Mathematics now only because of her.<sup>11</sup>

In contrast to Palestinian children, “Israeli child prisoners held at Ofer participate in a differentiated educational program that fully supports the emotional and academic needs of child detainees while preparing them to succeed in the Israeli matriculation exam.”<sup>12</sup>

### **The Prison’s Impact on Children’s Education**

The educational process is related to psychological, social, economic and political development. It is a process of mental and physical growth connected to nutrition, environmental and health conditions. Palestinian children in the oPt including children from occupied East Jerusalem are surrounded with a violent environment. Also, those who experience detention, a traumatic experience, suffer greatly from its effects. The social and psychological impact begins from the moment of imprisonment and does not end with release.<sup>13</sup> Many children will struggle with poor concentration, difficulty in remembering, disorientation, loss of control over self-determination, shaken self-confidence, and over-sensitivity when dealing with others.

According to research conducted by the Justice Policy Institute,<sup>14</sup> detention interrupts the education of young people, many of whom find it difficult to resume study after prison. Given the centrality of the prisoner issue to Palestinian society and the high rates of incarceration, data on dropouts and reluctance to return to school are very revealing.

Recent statistics released in 2018 indicated that the total dropout rates (those who left school before completing their education) among young people in the oPt were 34% (42% for males and 27% for females).<sup>15</sup> More specifically, while violence among students in Jerusalem is escalating their dropout rates mounted to approx. 40% since some are absorbed as cheap labor in the Israeli labor market.<sup>16</sup> Those dropouts are not only caused by

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<sup>10</sup> Khalida Jarrar is an ex PLC member and known human rights defender in her community. Khalida was arrested in July 2017, she spent 20 months under administrative detention and was released in February 2019.

<sup>11</sup> Interview conducted with Samah Nasser. Jerusalem, 9 September 2018.

<sup>12</sup> Ibid.

<sup>13</sup> For further information see the previous [TDH/Addameer factsheet](#).

<sup>14</sup> <http://www.justicepolicy.org/index.html>

<sup>15</sup> Palestinian Central Bureau of Statistics, 2017.

<sup>16</sup> Palestinian Central Bureau of Statistics, 2015. The Status of the Rights of Palestinian Children 2014 Ramallah – Palestine, p 26.

detention, though detention is one main element of what shapes the violent environment that is affecting Palestinian children.

Sameer Muhammad is a 16 years old child from occupied East Jerusalem, Sameer was detained by Israeli occupation forces and was denied education. As a result, he dropped out of school after his release and does not wish to resume his education:

“When I was detained at Megiddo I received no education at all. I received some educational support from other prisoners but nothing official from the prison itself. I do not know why. Anyway, I cannot go back to school now; it has been a while since I have left the school, I am not interested in it, though I might be interested in some vocational training.”<sup>17</sup>

## **Legal Paradigm**

Israel is under an obligation to respect and uphold the rights of the Palestinian population in the West Bank, including occupied East Jerusalem, and the Gaza Strip in accordance with its obligations as an occupying power under international humanitarian law.

### ***International Human Rights Law***

Article 26 of the Universal Declaration of Human Rights, issued in December 1948 states that ‘Everyone has the right to education, even those deprived of their liberty’. Furthermore, Article 13 of The International Covenant on Economic, social and Cultural Rights (ICESCR) which was ratified by Israel on 3 October 1991 recognizes several requirements that guarantee the full exercise of the right to education.<sup>18</sup> As well, the Convention on the Rights of the Child (CRC) was signed on 20 November 1989 and entered into force on 2 September 1990 ensures the right to education to everyone. Israeli government joined the CRC since 1991.<sup>19</sup>

### ***International Humanitarian Law***

In addition to the rights set forth in the Universal Declaration of Human Rights, in particular those that constitute the core of the non-derogable human rights, children also enjoy the protection of IHL. In fact, more than 25 articles in the four Geneva Conventions and their Additional Protocols of 1977 specifically address children who live in an occupied territory. For example, Article 94 of the Fourth Geneva Convention stipulates that “The Detaining Power shall encourage intellectual, educational and recreational pursuits, sports and games amongst internees”. Specifically, the article adds, “The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.” The Committee of the Rights of Children (CRC) have published recommendations in regard to the Israeli treatment of Palestinian children several times. Nevertheless, the Israeli occupation forces continues to systematically violate the rights of those children.

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<sup>17</sup> Interview with Sameeh Muhammad. Jerusalem, 4 September 2018.

<sup>18</sup> (a) Primary education shall be made compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means.

<sup>19</sup> Article 28 states, “Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and providing financial assistance in case of need”

### ***Israeli Law***

Although Israel is a State Party to the CRC and the Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and therefore it is bound to their provisions and obligated to respect international customary law, IHRL and IHL, it continues to deny Palestinian prisoners their rights, including their right to education. In 1997, a child prisoner, Mohammad Farahat, and a group of other Palestinian child prisoners, lodged Petition No. 97/400 at the District Court in Tel Aviv. The purpose of the petition was to achieve a court ruling against the IPS that would have the effect of allowing detained Palestinian children to enjoy their right to education on an equal footing with Israeli children. In a semblance of justice, the Court decision held that Palestinian child detainees have the same right to education as Israeli child offenders and are entitled to an education based on the recognized Palestinian curriculum. However, the same decision also stipulated that this “right is restricted to security conditions”.<sup>20</sup>

### **Conclusion**

Palestinian children suffer from restrictions on education imposed by the Israeli occupation forces in prison. The right to education is violated by the Israeli occupation forces in different forms in prisons and this de-education of Palestinians is a deliberate policy imposed by the Israeli Prison Service. Furthermore, the Israeli legal system does not respect or meet its obligations towards Jerusalemite children. This all comes as a part of a greater Israeli policy in Jerusalem to create a coercive environment and forcibly transfer Palestinians from the city.

We call on the Israeli occupation authorities to respect and meet its obligations according to the international legal standards.

We also call on third state parties to uphold their responsibilities and pressure the Israeli occupation forces to respect its obligations in accordance to international legal standards.

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<sup>20</sup> DCI Palestine Section (2007), “Palestinian Child prisoners”, Ramallah, pp (31)