



ماامت للسلام والتنمية وحقوق الإنسان  
Maat For Peace, Development, and Human Rights

# Right to Education in Countries of Armed Conflict and War Zones

Within the framework of the 30×50  
Human Rights for All Campaign

## Introduction:

The right to education is one of the basic human rights regardless of race, gender, nationality, social status, religion, political leanings, age, or disability. Several international and regional agreements have guaranteed this right. The realization of the right to education leads to the enforcement of other rights; when people are empowered through education, they are better equipped to exercise their rights and advocate for themselves and others. Without access to suitable education, individuals may struggle to recognize and defend their rights, as well as address human rights violations. Education is widely recognized as a great essential value as the most effective tool for personal empowerment and human dignity. As well as being considered as an inherent right, encompassing various social, economic, and cultural aspects of human rights. It is a social right because in the context of society, it promotes the full development of the human personality, an economic right because it facilitates economic self-sufficiency through work, and a cultural right because the international community has directed education towards building a global culture of human rights. Ultimately, it is considered a fundamental requirement for individuals to thrive in today's society.

In the same context, the right to education has been emphasized in a number of international treaties and agreements. It has been included in many regional treaties and enshrined as a right in the majority of national constitutions. The 1948 World Declaration of Human Rights, despite it is not legally binding, clearly and explicitly refers to the right to education. Article (26) stipulates that “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory, technical and professional education shall be made generally available, and higher education shall be equally accessible to all based on merit”<sup>1</sup>. Article 13 of the International Covenant on Economic, Social, and Cultural Rights of 1966 refers to the right to education, stipulates that “The States Parties to this Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms”<sup>2</sup>. The right to education is also among

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<sup>1</sup> Universal Declaration of Human Rights, UN. Org, Available on: <https://cutt.us/7kzqS>

<sup>2</sup> International Covenant on Economic, Social and Cultural Rights, OHCHR, Available on: <https://cutt.us/MPBAX>

the goals of Sustainable Development 2030, as the fourth goal of the agenda stipulates ensuring quality, equitable, and comprehensive education for all<sup>3</sup>.

On the other hand, although most countries have ratified international and regional treaties affirming the right to education; millions worldwide are still deprived of educational opportunities due to the lack of resources, capacity and political will. Furthermore, the lack of appropriate legislative and administrative frameworks to ensure the implementation of this right and its application in practical reality. In this regard, we must point out that protecting the right to education under the conditions of armed conflicts and insecurity in the Middle East and North Africa region have become a difficult challenge, especially since many conflicts and wars are still ongoing in many countries of the Arab region; such as Yemen, Sudan, Syria, and Libya. Recently the brutal attacks carried out by the Israeli occupation on the Gaza Strip have almost completely disrupted the educational process in the Occupied Palestinian Territory and the Gaza Strip in particular. The targeting of schools and educational facilities results in many schools being out of work, along with several other factors such as poverty, low economy, underage marriage, and child labor.

In light of the above, and within the framework of the **50 x 30 Human Rights for All Campaign** launched by **Maat for Peace, Development and Human Rights** on 10 December 2022 to raise awareness of the articles contained in the Universal Declaration of Human Rights (UDHR), and which shall continue until 10 December 2023; the 75th anniversary of the Declaration, Maat focuses in this report on Article 26 of the UDHR and the violations to which this right is exposed in a number of countries of conflict and war.

### **First: Right to Education in International and Regional Agreements**

Since the adoption of the Universal Declaration of Human Rights, the right to education has been occupied by space and unanimity among the States Members of the United Nations. Most of the texts and articles relating to this right have not received opposition or reservations from States that have ratified the relevant international instruments and conventions. The United Nations General Assembly approved the UDHR of 1948, which is considered one of the most important

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<sup>3</sup> 17 Goals to Transform Our World, UN.Org, Available on: <https://cutt.us/G4vWX>



international human rights documents. Article 26 of the Declaration stipulates that “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory, technical and professional education shall be made generally available, and higher education shall be equally accessible to all based on merit.”

The third paragraph of the same article also added that “Parents have a prior right to choose the kind of education that shall be given to their children,” which is a clear indication that freedom of education is a right for every human being subject to basic freedoms in the state in which the individual lives, to protect and promote human rights and achieve the public interest<sup>4</sup>. It seems that this article was a reference for the drafters of the International Covenant on Economic, Social and Cultural Rights of 1966, which stipulated in Article 13 that “The States Parties to this Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms<sup>5</sup>.

International humanitarian law also seeks to limit the effects of armed conflicts by regulating the actions of member states. The continuous attack on teachers, students, and schools, exposing them to danger, and racial discrimination practiced by parties to the conflict - such as the Israeli occupation and its attack on schools in Gaza - or armed groups - such as the Yemeni Houthi group and its systematic destruction of the structure and institutions of education – both of them have a devastating impact on the course of the educational process in countries of conflicts and wars, especially in Most countries in the Middle East region. In this regard, international humanitarian law in the Geneva Conventions of 1949 and their Additional Protocols guarantees the right to education. Article 24 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War stipulates that “the parties to the conflict must take the necessary measures to ensure that children under fifteen years of age who are orphaned or separated from their families due to war are not neglected, and to facilitate their support, the practice of their religion, and their education. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.” Article 50 also stipulates that

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<sup>4</sup> Universal Declaration of Human Rights, UN.Org, Available on: <https://cutt.us/7kzqS>

<sup>5</sup> International Covenant on Economic, Social and Cultural Rights, OHCHR, Available on: <https://cutt.us/MPBAX>

“the occupying state shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children. It shall take all necessary measures to facilitate the verification of the identity of children and the registration of their lineage; it may not, in any way, change their personal status or attach them to affiliated formations or organizations. If local institutions are incapable, the occupying state must take measures to secure the support and education of children who have been orphaned or separated from their parents due to War in the absence of a relative or friend who can take care of them. This should be done, whenever possible by persons of their own nationality, language, and religion<sup>6</sup>.”

On 15 December 1960, the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted the Convention against Discrimination in the Field of Education, which stipulated in its first article the necessity of not disrupting equality in education, and specifically not to deprive any person or group of persons of access to education of any type or at any level. The Convention was also imposed on States parties under Article 3, to prevent any legislative provisions, instructions, or administrative procedures that involve discrimination in education. In addition, international refugee law stipulates the right to education in the Convention relating to the Status of Refugees. Article 22 of the Convention stipulates that “Contracting States shall grant refugees the same treatment granted to their citizens with regard to primary education<sup>7</sup>.”

In a related context, Article 17 of the African Charter on Human and Peoples’ Rights stipulates that “the right to education is guaranteed to everyone. Every person has the right to participate freely in the cultural life of society. Promoting public morals and traditional values recognized by society and protecting them is the duty of the state in the scope of preserving human rights<sup>8</sup>.” Article 41 of the Arab Charter on Human Rights also guaranteed the right to education and imposed on states the obligation to eradicate the illiteracy of their citizens. Despite the guarantee of the right to education in this large number of agreements, it still faces serious challenges in various countries, especially countries experiencing armed conflicts.

<sup>6</sup> The Geneva Conventions of 1949 and their Additional Protocols, ICRC, Available on: <https://cutt.us/kD1ec>

<sup>7</sup> Convention relating to the Status of Refugees, OHCHR, Available on: <https://cutt.us/ZQrFN>

<sup>8</sup> الميثاق الأفريقي لحقوق الإنسان والشعوب، مكتبة حقوق الإنسان- جامعة منيسوتا، متاح من خلال الرابط التالي: <https://cutt.us/Rxs4J>

## **Second: Violation of the Right to Education in Armed Conflicts and Wars**

Even though the right to education is safeguarded by international law and various global and regional charters, the current state of education worldwide is not optimistic. According to UNESCO statistics, about 50% of children of primary school age who are not enrolled in school across the world live in areas witnessing wars and armed conflicts, and 617 million young people around the world do not have minimum standards of reading competence and numeracy skills and are exposed to dangers like ignorance. In Arab countries, we find that the government education sector faces ongoing challenges of differing levels of severity. These countries can be categorized into three groups based on their ability to guarantee the right to education and allocate the required resources for its fair and efficient implementation: the first group includes: the six Gulf countries that provide the necessary budgets for the education sector, which contributes to ensuring quality and equitable education for children and youth; As for the second group: it includes relatively stable countries, such as Morocco, Algeria, Egypt, Mauritania, and Jordan, where the education sector suffers from neglect and structural problems due to the lack of financial resources; and then the third group; it includes countries torn by wars, civil conflicts, military coups, corruption, internal conflicts, and the presence of armed groups within their borders. Such as what is happening in Yemen, Syrian, Lebanon, Iraq, Libya, Somalia, and Sudan, in addition to the Israeli occupation forces deliberately attacking schools in the Gaza Strip, and paralyzing the ability of educational institutions to play their part in advancing the educational process, which has suffered mainly from chronic weakness, owing to the lack of resources allocated to education.

## **Third: Houthi Group's Violations of the Right to Education**

The education sector in Yemen is constantly suffering and deteriorating due to various challenges. Yemeni law recognizes free education at all levels, but according to the latest statistics of the United Nations International Organization for Migration, there are 2.7 million children in Yemen who are deprived of education, and about 2,700 schools and educational facilities have been destroyed or damaged since the start of the Yemeni war. The war that has been ongoing for eight years in Yemen has left one of the worst humanitarian and economic crises and negatively affected the education sector. According to UNICEF, in 2022, Yemen is facing a severe educational

crisis, and the number of children who will face interruption in education may rise to 6 million because of the continuation of the war that has been raging for eight years<sup>9</sup>.

In a related context, the behavior of the Houthi group led to poor social, economic, and cultural conditions in Yemen. According to Yemeni educational sources in Sanaa, the Houthi terrorist group committed serious violations in the education sector in Sanaa, Ibb, and Al-Jawf governorates, including changing the names of schools and imposing severe restrictions. In February 2023, the Houthi group recruited more than 45 children, most of whom were children enrolled in schools. Houthi supervisors also attacked teachers in schools. For example, but not limited to, a Houthi supervisor assaulted a teacher called "M.A." at the Qutaiba Bin Muslim School in the Bani Malik area of one of the districts located west of Ibb, the group's cancellation of the graduation ceremony for female students of Aisha School in the city of Al-Hazm preceded the incident, the center of Al-Jawf Governorate, northeast of the capital, Sana'a, and several Yemeni governorates under Houthi control in previous times also witnessed the cancellation of a large number of graduation ceremonies and honoring events for outstanding male and female students, with the arrest of dozens of civilians, including students and teachers. According to serious warnings issued by UNICEF in 2023, the Yemeni conflict has hindered 8.1 million children in Yemen from obtaining education<sup>10</sup>.

According to the Yemeni Teachers Syndicate, from October 2014 to December 2021, the Houthi group killed 1,582 educators, including 81 school principals, and more than 2,642 teachers who suffered various injuries; 1,173 teachers were also subjected to arrest and kidnapping, including about 170 cases of forced disappearance. Houthi court issued death sentences against ten kidnapped educators in its prisons in Sanaa, including a school principal, about 621 cases of physical and psychological torture against kidnapped teachers in its prisons were documented, and 22 teachers killed under torture in Houthi prisons. The group also blew up 25 homes of educators, and the violations included the seizure and confiscation of approximately 681 homes of other educators; in addition, 60% of all workers in the educational sector have not received their wages regularly for four years; 924 educators were also dismissed from their jobs and replaced by Houthi

<sup>9</sup> التعليم في اليمن: "6 ملايين طفل يواجهون الحرمان من الدراسة"، مونت كارلو الدولية، 4 أكتوبر 2022. <https://cutt.us/Uaasj>

<sup>10</sup> انتهاكات حوثية تستهدف قطاع التعليم في 3 مدن يمنية، الشرق الأوسط، 11 مارس 2023. <https://cutt.us/ydEZM>

elements, in addition to recruiting thousands of Yemeni children, executing minors, changing educational curricula, and stoking sectarian tendencies in school textbooks in the Republic of Yemen<sup>11</sup>, the attack on schools also exacerbated the exclusion of some children from the educational process, the number of attacks on schools from 2018 until the end of 2022 reached about 142 schools that were in operation<sup>12</sup>. The Houthi terrorist group also destroyed 58 schools for children with disabilities<sup>13</sup>, and cutting teachers' salaries also represents the worst damage to the Yemeni education sector; the salaries of 170,000 teachers and educators in Houthi-controlled areas have been cut since 2016<sup>14</sup>.

In the same previous context, local reports confirmed that 2,233 children were subjected to forced recruitment by the Houthi terrorist group over a year and a half, from July 2021 until December 2022; in addition, the parties to the conflict committed more than 35,000 cases of violations against children, most of whom are of school age. They also committed 70% of these violations; they killed more than 5,700 Yemeni children, the majority of whom were 1,100 children in the city of Taiz, and most of the victims were children due to the continuous bombing by the Houthi group; about 8,310 children were injured, including 4,250 children, most of whom were killed as a result of Houthi indiscriminate bombing, in addition, the armed conflict in Yemen led to more than 12,000 children suffering from malnutrition, depriving more than two million children of education, and forcibly displacing about one million children<sup>15</sup>. In a related context, Maat noted that since 2023, the Houthi group has paved the way for a phase of violations against the education sector and its members. It continued to change the names of schools, distort educational curricula, punish educators who were not loyal to it, and arbitrarily dismiss them to impose a sectarian identity on the Yemeni educational process. The Houthi group allocated an amount of two hundred million riyals to distort and change secondary school curricula in line with its terrorist beliefs. Naturally, the Houthi group's behavior against the education sector and its members led to a complete disruption

<sup>11</sup> "الجريمة المغيبة" تقرير يوثق الانتهاكات ضد معلمي اليمن، اندبنت عربية، 28 مايو 2022. <https://cutt.us/hj4Ez>

<sup>12</sup> دماء على الزناد، مؤسسة ماعت للسلام والتنمية وحقوق الإنسان، 3 أبريل 2023. <https://cutt.us/RPazZ>

<sup>13</sup> عصابة الحوثي الارهابية دمرت 58 مدرسة لأطفال ذوي الإعاقة في اليمن، المنتصف، 23 مارس 2023. <https://cutt.us/pZ9jP>

<sup>14</sup> كيف أصبحت اليمن بعد 9 سنوات من نكبة 21 سبتمبر؟! (تقرير خاص)، المهريّة، 20 سبتمبر 2023. <https://cutt.us/oFjKR>

<sup>15</sup> حقوقي يماني: جرائم الحوثي تسببت في حرمان نحو مليوني طفل من التعليم، العرب، 29 سبتمبر 2023. <https://cutt.us/uNnoP>



of the educational process, with the group refraining, since late 2016, from paying teachers' salaries and turning schools into arenas for recruiting children<sup>16</sup>.

#### **Fourth: Israel's Violation of the Right to Education**

Although the UDHR recognizes the right to education as a fundamental human right for all, meaning that it is indispensable for the exercise of other human rights, Palestinian children living in Area C and East Jerusalem in the occupied Palestinian territory are denied that right. Israel, as the occupying power, is obligated to protect and guarantee the human rights of Palestinians under its control. It routinely prevents the construction of Palestinian schools and destroys them in Area C. Palestinian schools are constantly at risk of demolition. According to the United Nations Office for the Coordination of Humanitarian Affairs, the Israeli authorities have demolished or confiscated 18 schools in Area C over the past 12 years, the most recent of which is a school in Ain Samiya (east of Ramallah), It was also demolished a few days before the start of the new school year, affecting 78 students. It is estimated that at least 59 schools in the West Bank (51 in Area C and 8 in East Jerusalem) have pending demolition or stop-construction orders, serving approximately 6,800 students in the most vulnerable areas of the West Bank. Also, at least seven schools out of 59 are not legally protected, as their lawyers have exhausted all legal measures to protect the schools<sup>17</sup>.

It is worth noting that Area C constitutes 60% of the West Bank and is home to about 370,000 Palestinians, a number that exceeds the number of settlers living in illegal settlements and outposts in the same area. Settlers living in Area C are subject to Israeli (local) civil law, while Palestinians live under military law, and these two groups do not enjoy equal human rights. Israeli settlers have many rights provided by Israeli domestic law, including access to education. Area C is under Israeli civil and administrative control, while the Palestinian Authority is responsible for the medical and educational needs of Palestinians in Area C; Israel still controls building permits, and only 1% of building permits are approved for Palestinian. So, Palestinians cannot build the schools they need to account for population growth, nor can they build roads for local communities to use to reach nearby schools safely. School demolitions also raise feelings of instability and insecurity among Palestinian children, as well as

<sup>16</sup> اليمن / تصعيد جديد من قبل الحوثيين ضد التعليم ومنتسبيه، دفاق نيوز، 9 يناير 2023. <https://cutt.us/zXP55>

<sup>17</sup> PROTECTING THE RIGHT TO EDUCATION FOR CHILDREN IN AREA C OF THE WEST BANK, Save the Children, Sep 2023.

<https://cutt.us/GICB4>

increased feelings of anxiety, tension, insomnia, and sleep problems in children. In addition, some children express aggressive behavior with other children and suffer from psychosomatic symptoms of stress, including vomiting, physical pain, and headaches. Teachers also document the impact of school demolitions on their mental health due to the trauma of the demolition and frustration at their inability to protect students from violence<sup>18</sup>.

In a related context, from October 7, 2023, until the adoption of the truce, the Israeli occupation forces committed violations of the right to education, and it destroyed schools in violation of the provisions of international humanitarian law. According to the latest statistics, on November 23, 2023, the Israeli bombing damaged about 266 schools in the Gaza Strip, including more than 45 schools that were completely damaged. The occupation forces destroyed 85 government headquarters and dozens of public and service facilities, causing damage to them. In addition, more than 200,000 housing units were damaged, which threatens the educational sector with complete paralysis in Palestine, especially in the Gaza Strip. In addition, the Israeli army threatened to bomb an Orthodox cultural center and a school, with more than 1,500 displaced people inside. The Israeli bombing also killed more than 8,000 children as of November 23, 2023, and according to an international organization, 120 children are killed every day due to Israeli raids against civilian objects in Gaza, which is an unprecedented rate in the history of wars<sup>19</sup>.

### Recommendations:

- The necessity of reviewing local legislation related to guaranteeing the right to education and ensuring its compatibility with human rights principles and standards stipulated in international agreements to which Arab countries have joined.
- Taking all necessary steps immediately to protect children's right to education, including rebuilding schools, ensuring that military forces do not use educational institutions, and protecting schools and students from attacks and bombing during the war.
- Ensuring and providing all educational structures - institutions and programs - for all, and equipping all of these structures with the necessary materials and

<sup>18</sup> Ibid.

<sup>19</sup> ننشر قائمة أسماء شهداء أطفال غزة في العدوان الإسرائيلي.. 2913 طفلا، اليوم السابع، 26 أكتوبر 2023. <https://cutt.us/2QPdY>

facilities for their proper functioning in normal situations and specific contexts such as wars, climate and health crises, and others, such as moderate teaching equipment and curricula, protection from natural elements, provision of sanitary facilities for both sexes and potable water, as well as trained teachers who receive fair wages.

- Implementing the principle of non-discrimination at all educational levels, especially basic education and pre-university education, in the need for access to educational institutions to be accessible to all, especially vulnerable groups.
- Providing acceptable curricula and teaching methods and training workers and teachers in educational institutions. Especially in the pre-university education stage on the foundations of modern education.
- Constructive participation in programs to build and raise the capacities of those responsible for education to integrate human rights concepts and values into curricula, policies, and practices related to the educational process, monitor and prepare national and international reports, publish them, and interact with treaty bodies; By following up on the implementation of its recommendations and related recommendations made by various stakeholders.
- Uniting and exerting all possible pressure on armed groups, such as the Yemeni Houthi group, to stop targeting and destroying the educational process and disbursing teachers' arrears. In addition to putting immediate and urgent pressure on the Israeli occupation forces to immediately stop targeting schools, facilities, and educational infrastructure.