

SHU'FAT:

A community left behind [the Wall]
Access to Education
and Sanitation



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The picture on the cover: Shu'fat Camp – the Wall and Israeli settlement of PisgatZe'ev (left), January 2017 - Anne Paq©.

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Table of Contents

GLOSSARY	5
Introduction	6
Objective	7
Methodology	7
Encircled and Compressed- Demographic and Physical Pressure on Shu'fat Refugee Camp	9
Some Facts and Figures	9
Impact of the Wall	10
Demographic change in Shu'fat Camp.....	11
Legal Status of Populations Living in Shu'fat Camp	14
Shu'fat Refugees: An Abandoned Camp.....	15
Israel: A Negligent Occupier	15
Water and Sanitation in Shu'fat camp	16
Education in the Shu'fat enclave.....	19
Who is Responsible for Shu'fat Refugee Camp?	22
Role of UNRWA.....	22
Israel's Legal Responsibility.....	23
Conclusion	24
Recommendations.....	24
Annex: Interviews with residents of Shu'fat ENCLAVE.....	26
ENDNOTES	29

Glossary

Occupied Palestinian Territory (OPT): *Composed of two discontinuous regions, the West Bank, including East Jerusalem, and the Gaza Strip, the OPT refers to the territory occupied by Israel since the 1967 Six-Day War.*

Occupying Power: *as a result of the 1967 war, Israel established its military authority and effective control over the OPT, therefore acquiring the status of an Occupying Power as defined in the Fourth Geneva Convention of 1949.*

The Wall: *Also referred to as the Separation Barrier/Barrier/Security Fence/Apartheid Wall/ Annexation Wall. The International Court of Justice in its Advisory Opinion of 2004 decided to use the term “Wall”, which is the terminology used in the report.*

Green Line: *The 1949 Armistice Line, which is internationally accepted as the boundary between Israel and the OPT. Its name derives from the green ink used to draw the line on the map during the peace talks.*

Oslo Accord II: *Officially known as the 1995 Interim Agreement on the West Bank and the Gaza Strip, it established the following division of responsibilities vis-à-vis the occupied territory.*

Area A (17 per cent): Under full Palestinian civil and security control. However, since 2002, Israel has retained responsibility for overall security in all areas of the West Bank, and does not abdicate full authority over Area A.

Area B (24 per cent): Under full Palestinian civil control and joint Israeli-Palestinian security control.

Area C (59 per cent): Under full Israeli control over security, planning and construction.

Shu’fat enclave: *area within the Israeli-established boundaries of Jerusalem Municipality located on the eastern side of the Wall comprising of Shu’fat refugee camp and the neighbourhoods of Ras Khamis, Ras Shehada and Dahiyat al-Salam.*

Popular Committees: *Also known as comp committees, these are the political administrative structure composed of representatives from various PLO factions. The Popular Committees, which are the equivalent of municipal administrations are composed of about 13 members and headed by a general secretary whose political alliance rotates between the political factions; popular committee members usually have social and cultural capital.*

OCHA: *United Nations Office for the Coordination of Humanitarian Affairs.*

UNRWA: *The United Nations Relief and Works Agency for Palestine Refugees in the Near East is a relief and human development agency, established in 1949 to provide education, health care, social services and emergency aid to Palestinian refugees living in Jordan, Lebanon and Syria, as well as in the West Bank and the Gaza Strip.*

Introduction

This briefing forms part of the research and advocacy component of the 'RES.P.I.R.E' emergency project (Resilience and Protection in a Refugee Environment) funded by the Italian Agency for Cooperation and Development (AICS). Overseas NGO and EducAid have implemented RES.P.I.R.E in Shu'fat Refugee Camp as part of a joint project. This report aims to provide an overview of the living conditions in Shu'fat camp and surrounding neighbourhoods to raise awareness amongst relevant stakeholders, including development and humanitarian agencies, policy makers and human rights organisations. It also intends to become a tool for the communities to advance their rights.

Shu'fat refugee camp is the only refugee camp located in the boundaries of Jerusalem Municipality. It was created in 1965 for Palestinians displaced from 55 different locations during the 1948 Israel-Arab war¹ into what became known as Muaska Refugee Camp in the Old City of Jerusalem. Relatively little is documented on Shu'fat refugee camp itself, compared to other areas in Palestine. Shu'fat faces a unique configuration of legal status issues, physical impediments and demographic growth that places an extraordinary strain on 24,000 people living in an area of only 0.2 kilometres squared.

No.	Sector	Strongly Needed	Needed	Not a Priority	Notes
Infrastructural Needs					
1	Opening and Pavement of Roads	*			21km*
2	Rehabilitation of Old Water Networks	*			9km
3	Extending the Water Network to Cover New Built up Areas			*	
4	Construction of New Water Networks			*	
5	Rehabilitation/ Construction of New Wells or Springs			*	
6	Construction of Water Reservoirs			*	
7	Construction of a Sewage Disposal Network		*		9km
8	Construction of a New Electricity Network	*			10km
9	Providing Containers for Solid Waste Collection			*	
10	Providing Vehicles for Collecting Solid Waste			*	
11	Providing a Sanitary Landfill	*			
Health Needs					
1	Building of New Clinics or Health Care Centres		*		one health center
2	Rehabilitation of Old Clinics or Health Care Centres	*			one health center
3	Purchasing of Medical Equipment and Tools	*			
Educational Needs					
1	Building of New Schools	*			all levels
2	Rehabilitation of Old Schools	*			primary and preparatory levels
3	Purchasing of New Equipment for Schools	*			
Agriculture Needs					
1	Rehabilitation of Agricultural Lands			*	
2	Building Rainwater Harvesting Cisterns			*	
3	Construction of Barracks for Livestock			*	
4	Veterinary Services	*			
5	Seeds and Hay for Animals			*	
6	Construction of New Greenhouses			*	
7	Rehabilitation of Greenhouses			*	
8	Field Crops Seeds			*	
9	Plants and Agricultural Supplies			*	

*7km are main roads and 14km are sub roads.
Source: Shu'fat Camp Services Committee, 2012

Figure 1: 2012 Shu'fat Camp Committee Priorities

In 2012, the Popular Committee of Shu'fat identified waste management and educational facilities as two priority areas for intervention and support (see figure 1).² Sanitation and education represent two critical areas of intervention and reflect both the immediate and long-term crises brewing for the people of Shu'fat. The failure of the Government of Israel, as the Occupying Power, to provide adequate and safe services is creating a situation where an under-serviced area faces extreme infrastructural vulnerabilities and increasing socio-economic deprivation is leading to further impoverishment.



Wastewater and garbage dump outside Shu'fat Refugee Camp, January 2017 – Anne Paq©

Without taking clear measures to improve the immediate physical environment, and the socio-economic issues such as access to education, Shu'fat refugee camp within the City of Jerusalem, faces the risk of a humanitarian emergency.

The failure of the Government of Israel, as an Occupying Power, to protect the socioeconomic rights of Shu'fat residents has resulted in a vulnerable population experiencing profound deprivation and increasing levels of poverty. Without taking steps to protect socioeconomic rights such as access to education and sanitation Shu'fat residents are facing a humanitarian situation, one that is wholly manmade and entirely preventable. Indeed Shu'fat represents a microcosm of the Palestinian experience of Israeli military occupation over the last 50 years: displacement, control, deprivation and discrimination.

Objective

This research has an advocacy based objective and focus. This aim is to strongly encourage other stakeholders to undertake further research and advocacy on the challenges in Shu'fat refugee camp and promote respect of fundamental rights, including those to education and sanitation. The information and findings of this preliminary research are intended to provide policy makers, development and humanitarian agencies with data and recommendations to improve the living conditions in the Shu'fat enclave. This research is meant to provide an evidence base to support human rights advocacy, including by representing an empowerment tool for the community to seek remedial interventions and respect for their rights.

Methodology

This report draws on desk and field based research into education and sanitation in Shu'fat Refugee Camp. In addition to a desk-based review of the available literature, key informant interviews were conducted with relevant stakeholders and Focus Group Discussions (FGDs) with representatives of Palestinian

civil society organisations. Community participatory approaches were used to identify the most pressing issues at hand for residents of Shu'fat refugee camp. This research prioritises primary data collected in situ and analysis from the local community, to support the advocacy objectives of the project. The research is not intended to be exhaustive or comprehensive but represents a snapshot of the issues that the residents of Shu'fat refugee camp face on a daily basis in order to advance the human rights of those living in the Shu'fat enclave and improving the living conditions therein.

Shu'fat Camp Checkpoint – Passengers of public transport have to leave the bus and undergo security control, January 2017 - Grazia Careccia©



Encircled and Compressed- Demographic and Physical Pressure on Shu'fat Refugee Camp

Within 0.2 square kilometers, roughly approximately the same size as Grand Central Station in New York, Shu'fat refugee camp finds itself squeezed. It is impossible to understand the education and sanitation conditions without first understanding the suffocated space the population of the camp find themselves in. Firstly, constricted by settlement expansion and the Wall, the space of the camp itself has remained the same as in 1965. The demographic growth and legal status of persons inside Shu'fat also mean that the population cannot realistically be decompressed with people moving out. This means that not only is the situation facing the education and sanitation needs (and other basic infrastructure services) critical now, but it continues to deteriorate.

Key Facts and Figures

Created in 1965, Shu'fat camp is located north-east of the city of Jerusalem. The only refugee camp within Jerusalem Municipality, it is now surrounded by two Israeli settlements, illegal under international law.³ French Hill settlement is to the south of Shu'fat, and to the north is Pisgat Ze'ev. Pisgat Ze'ev is currently the second largest settlement in the occupied Palestinian territory with a total population of 40,650 residents.⁴



Figure 2: An Aerial View of Shu'fat and the Surrounding Settlements

Shu'fat camp was established to alleviate the serious overcrowding of the refugee communities living in the Old City of Jerusalem. Living in what was known as Muaska Refugee Camp -now the Jewish Quarter of the Old City, over 500 refugee families were forcibly relocated to Shu'fat by Jordanian authorities.⁵

Some Facts and Figures

	1965	2017
Area - square km	0.2	0.2
Population	3,368	24,000
Registered Refugees	3,368	12,500
Number of shelters	500	1,350
Population density per square km		est. 50,000

Figure 3: Facts and Figures Shu'fat Refugee camp, sources OCHA and UNRWA.

Shu'fat refugee camp finds itself consistently the same as the world around it changes. Despite a population that has had an increase of 20,632 people (seven times the original population), the physical space has remained the same. Shu'fat refugee camp is significantly below the minimum standards established for emergency shelter settings in the context of displacement. That is, to meet the international minimum threshold of 45 m squared per person⁶. This lack of space has a significant bearing on the provision of basic services, including the provision of decent shelter, water and sanitation and educational facilities. With barely three times as many new shelters compared to seven times the population growth, Shu'fat is under significant physical pressure. The fast growth of the camp population, coupled with the inability of the camp to expand outside its original borders, has resulted in unauthorized 'vertical' construction or 'vertical growth', with 47% of the shelters possessing more than two floors. The same space contains only one playground, no parks or other recreational spaces for families living there.⁷ With an estimated population density of 50,000 inhabitants per square kilometre, Shu'fat refugee camp is one of the most densely populated areas of the occupied Palestinian territory, second only to the Gaza Strip.

Impact of the Wall

Since the construction of the Wall in East Jerusalem in 2003, Shu'fat camp and nearby neighbourhoods have been almost severed from the rest of occupied East Jerusalem. Shu'fat enclave, including the refugee camp, despite still being within the boundaries of Israel-declared Jerusalem Municipality, is currently located on the Eastern side of the Wall.

Lawsuits have been brought before the Israeli Supreme Court to challenge the route of the Wall in the northern neighbourhoods of East Jerusalem, and were rejected in 2006. This is despite adjustments being made to extend the Wall into the West Bank in order to accommodate settlement expansion. The construction of the Wall in the area resulted in disconnecting Shu'fat from the rest of Jerusalem. This disconnect became further entrenched with the opening of the checkpoint/terminal at the entrance of the camp in 2011.

'What happened there is a big trap. The question is where can people go?'

Interview, Al-Haq Field Researcher, 01 February 2017



Figure 4: Location of Shu'fat Refugee Camp vis-à-vis the Wall

Since the completion of the Wall in the area in 2008 and the opening of the new checkpoint in 2011, the residents of Shu'fat camp and its nearby neighbourhoods have only one way to access to the rest of occupied East Jerusalem, effectively ghettoising a population who are legally entitled to free movement and access to East Jerusalem.

Residents of the Shu'fat refugee camp and the nearby neighbourhoods of Ras Khamis, Ras Shehada and Dahiyat al-Salam cross through the Shu'fat Refugee Camp Checkpoint, which is designated for use only by residents of the area who hold Israeli identity cards (i.e. not residents of the West Bank). In 2005, the High Court of Justice approved the route of the Wall through the area on the condition that the State of Israel ensured that the normal routine of residents would continue. In practice these promises have gone unfulfilled.

Checkpoint to Shu'fat Refugee Camp, April 2017 - Grazia Careccia©



For example, from Jabal al-Mukabber where I live to Shu'fat checkpoint is 15 minutes, but it takes me around an hour and a half from the checkpoint to the school. I leave house in the dark and arrive in dark in winter time

Interview, Elementary School Principal, 28 February 2017

As expected, the placement of walls and checkpoints inside a city creates various problems. For instance, throughout 2013, traders who own workshops in the Shu'fat refugee camp area who used to cross regularly through the Shu'fat Refugee Camp Checkpoint discovered a new policy preventing them from crossing through the checkpoint if they were in possession of commercial goods. The traders were required to travel via long detours and cross through other checkpoints.

The presence of such a high-security checkpoint also creates a catalyst of violence and harassment. Use of armed force and clashes in the proximity of the checkpoint and during raids in the camp are not a rare occurrence, and more often than not they result in death and severe injury of Palestinians, in particular children. The violence and threat thereof at the checkpoint arguably wilfully discourages access to the rest of the city, not least because it is time-consuming to enter and exit the camp. The de facto physical separation of Shu'fat camp and its surrounding areas from the rest of the city resulted in virtual total absence of essential services. For example, Magen David Adom ambulances that serve the Jewish Israeli population do not enter the area on the Eastern side of the Wall and ambulances that serve Palestinian communities undergo lengthy checks and controls at the checkpoint.⁸ While under the jurisdiction of the Jerusalem municipality, the refugee enclave has been from a governance perspective all but abandoned.

Demographic change in Shu'fat Camp

The demographic composition of the camp has changed dramatically since 1965. Exact data on the population in the camp is difficult to obtain, the number and composition of camp residents have significantly increased and changed. While some of this is a result of natural population growth, much is a direct result of the Israeli policies vis-à-vis the occupied population. These practices are all illegal under international law. Demographic data is even regarded by many to be a politically sensitive issue,

due to demographic changes that have taken place within the city of Jerusalem itself due to the coercive measures used by the State of Israel. This process has been described as the ‘Judaisation of Jerusalem.’¹⁹

Within the confines of Shu’fat camp, there has been an increase in the number of registered refugees living in the camp, including refugees from other camps, and a significant number (approximately 1/8) of non-refugee Palestinians who now live in the camp.¹⁰

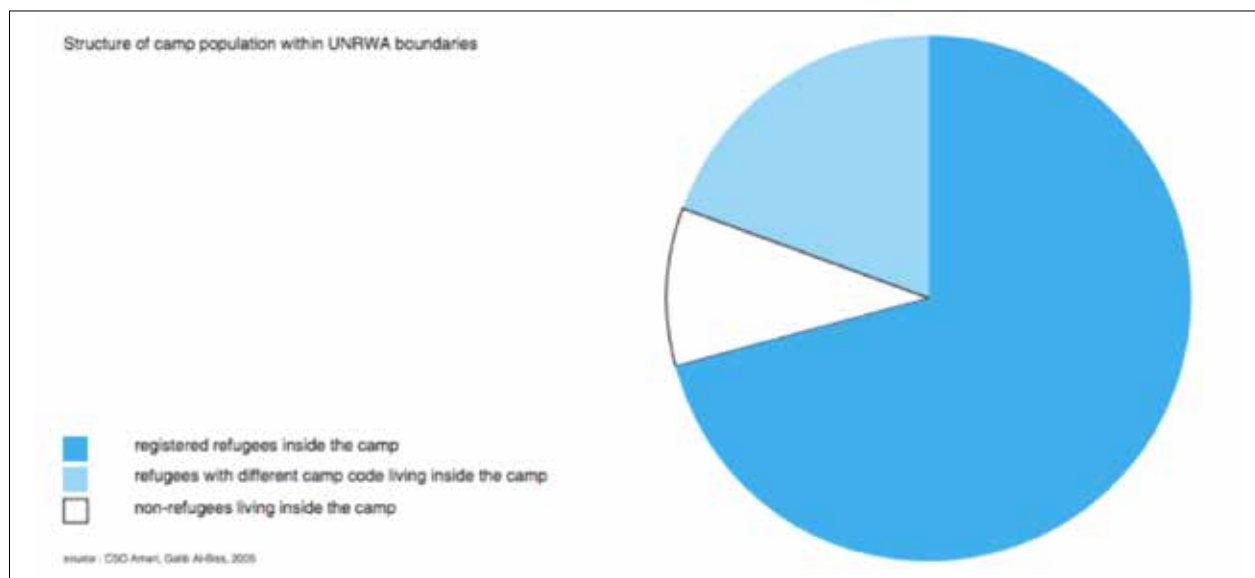


Figure 5: Refugee Population in Shu’fat Refugee Camp

The large influx of non-refugees has been driven by two Israeli policies, which condition the renewal of the status of permanent residence on the basis of the so-called ‘centre of life test’ and the **suspension of ‘family unification requests for Palestinians.**

Family Unification: denied ¹¹	Centre of life and residency rights ¹²
<p>The Citizenship and Entry into Israel Law, adopted in 2003 and amended in 2007, severely restricts Palestinian Arab citizens of Israel from living together in Israel with their Palestinian spouses from the Occupied Palestinian Territory (OPT) or from “enemy states” defined by the law as “Syria, Lebanon, Iran and Iraq”. Thousands of Palestinian families are affected by this law, forced to move abroad, live apart or to live together illegally in Israel.</p>	<p>In December 1995, without prior notice, the Ministry of the Interior changed its policy, demanding that people provide evidence that Jerusalem is their “centre of life”. To this end, a high standard of proof was required, namely the submission of many documents, including home ownership documents, tenancy contracts, utility bills such as water, electricity and municipal taxes, salary pay slips, proof of medical services, school registration certificates. Palestinians failing to prove that they had lived in Jerusalem over the past seven consecutive years were forced to leave their homes, their families and their jobs. They were denied the right to live and work in Jerusalem as well as in the rest of Israel. Additionally, they and their families were deprived of social benefits. Their children’s status was also revoked, unless the second parent had valid residency status in Jerusalem.</p>

The implementation of restrictive residency policies, coupled with movement restrictions created by the Wall, the introduction of checkpoints and the ‘securitisation’ of the area have confined the existing population within the boundaries of Shu’fat camp. The deteriorating economic situation of most Palestinian Jerusalem-ID-holders, have resulted in the exponential growth not only of the camp population but also of the nearby neighbourhoods of Ras Khamis, Ras Shihadeh and Dahyat al-Salam.

These neighbourhoods whilst still formally within the boundaries of Israel-declared Jerusalem Municipality offer more opportunity to find housing¹³ and cheaper housing as they are poorly serviced and represent an ideal location for those who need to maintain their “centre of life” in Jerusalem but cannot afford to live in other, more expensive, areas of the city.

Families of spouses with different residency status – e.g. an East Jerusalem ID holder married to a West Bank ID holder, move to areas like Shu’fat, and its surrounding areas, where they can live together while minimising the risk related to crossing checkpoints¹⁴ while the East Jerusalem ID card holder can maintain the necessary proof of the “center of life” test, such as proof of payment of the Municipal property tax (arnona) and utilities to Jerusalem service providers.¹⁵

A.K. is a Palestinian West Bank ID holder. In 1991, he married a Palestinian woman with Jerusalem residency. They had six children, all of whom hold Jerusalem residency status. Years ago, A.K. applied for family unification, but was refused.

The family has resided in several rental properties within the borders of the municipality in order to maintain the wife and children’s Jerusalem residency status. Due to the family’s financial situation, they lived in a small and miserable flat, measuring 35 square metres, located in Qalandiya refugee camp. The rent was 1,000 NIS per month.

The family was unable to bear living in that small and rundown flat. In 2009, they decided to buy a new house in much better condition located near the refugee camp in an area called Ras Khamis. There was intensive construction activity in this area, and most buildings were built without the required construction licences. These buildings were located in an area considered to be within the borders of the Jerusalem municipality, which ensured that A.K.’s family would maintain their residency status. As construction works were going on in the area, A.K. was not afraid that his flat would be demolished. The Israeli authorities had not demolished any houses in that area except for those located near the Wall or the settlement of Pisgat Ze’ev. The Jerusalem municipality did not pay attention to buildings in the area, as it is located outside the Wall and beyond the checkpoint controlling movement to Jerusalem.

A.K. had seized a rare opportunity. Someone in his position would rarely have the chance to purchase and own his own home. Land in Jerusalem is very expensive, and even those who own land are prevented from building because of the difficulties of obtaining a construction licence from the authorities. Licences are issued on very scarce occasions and A.K. would not have been able to afford paying the fees. Furthermore, the minimum cost of a licensed flat in Jerusalem is USD 200,000, a price A.K. could never afford to pay. For that reason, A.K. felt that his only option to secure a decent standard of living for his children was the area of Ras Khamis.

Information obtained from Al-Haq Affidavit No. 5020/2009¹⁶

This large influx of new residents not only has significantly strained the already weak service infrastructure but also has gravely impacted the fabric of local communities. These policies have been determined by the UN Committee on the Eradication of Racial Discrimination to be violations of international law.¹⁷

In light of its previous concluding observations (CERD/C/ISR/CO/13, para. 35) and considering that the current Israeli planning and zoning policy in the West Bank, including East Jerusalem, seriously breaches a range of fundamental rights under the Convention, the Committee urges the State party to reconsider the entire policy in order to guarantee Palestinian and Bedouin rights to property, access to land, access to housing and access to natural resources (especially water resources). The Committee also recommends that any planning and zoning policy be implemented in consultation with the populations directly affected by those measures. It calls on the State party to eliminate any policy of “demographic balance” from its Jerusalem Master Plan as well as from its planning and zoning policy in the rest of the West Bank.

Paragraph 25, Concluding Observations of the Committee on the Elimination of Racial Discrimination (2012)

Legal Status of Populations Living in Shu’fat Camp

Palestinians face a complex system of identification. Rather than one single identity system, there are different categories of identification based on residency: East Jerusalem, Gaza Strip, West Bank as well as Palestinians who have Israeli citizenships. While there are undoubtedly advantages of an East Jerusalem ID card¹⁸, the legal status is perilous.

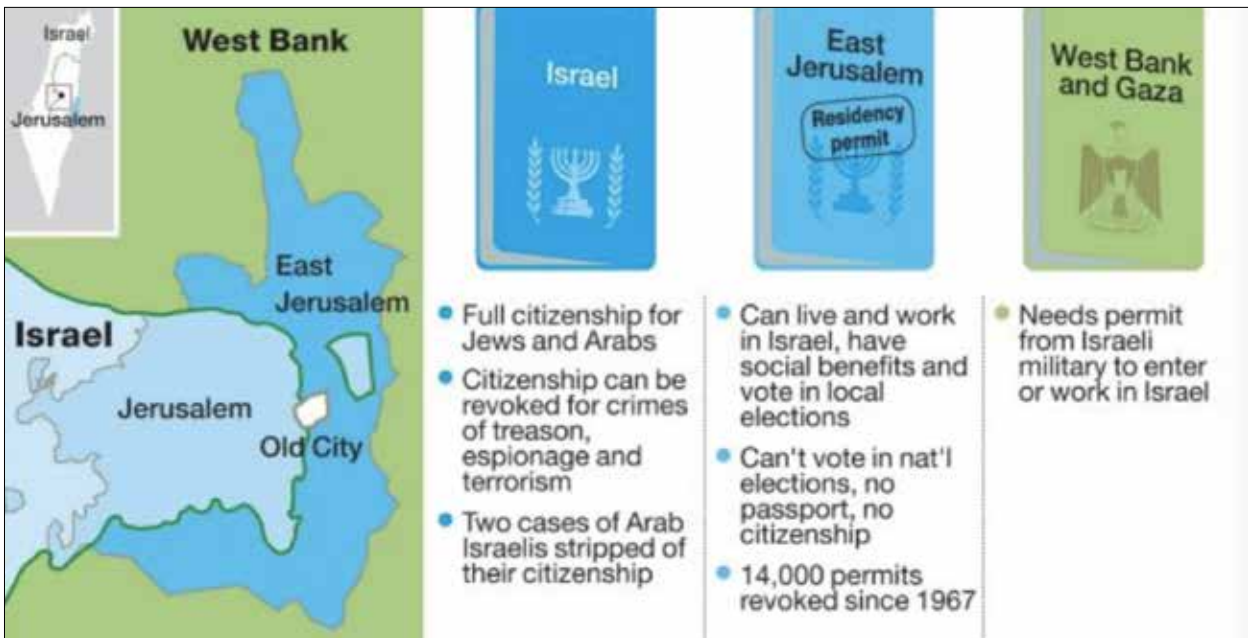


Figure 6: Citizen or Resident? (Haaretz, 2014)

The residents of Shu’fat possess a unique legal status. As the only refugee camp located within the boundaries of the Municipality of Jerusalem, as a result of Israel’s illegal annexation of 1967¹⁹, its original refugee residents hold both the status of registered refugees with UNRWA²⁰ and that of permanent residents of East Jerusalem (blue ID)²¹. Permanent residency does not guarantee a legal right to stay. According to B’Tselem, as of May 2015, over 14,400 Palestinians had their permanent residency in Jerusalem revoked since 1967.²² Once permanent residence status is revoked, so are the corresponding social benefits such as health insurance and national insurance. One of the factors motivating more people to move into Shu’fat Refugee Camp is to meet the criteria of the ‘centre of life test’ and avoid having residency rights revoked. East Jerusalem residents who find themselves on the eastern side of the Wall, like the communities in Shu’fat Camp and surrounding neighbourhoods, live in constant uncertainty and under the looming prospect of losing their permanent residency in Jerusalem should Israel, as many commentators assert, decide to declare the Wall the new boundary of the Municipality.²³ A 15 March 2017 ruling of the Israeli Supreme Court,²⁴ found that the status of East Jerusalem residents is unique by virtue of being “indigenous inhabitants.” It is hoped that this will render more difficult any future revocations of residence of East Jerusalemites.

Shu'fat Refugees: An Abandoned Camp

The external pressure created by the camp perimeters, the Wall and security apparatus creates a **constricted environment** for the camp and its population. In addition, the population growth within the camp itself has created an untenable pressure on the infrastructure and services within the camp.

Israel: A Negligent Occupier

The service provision within the camp is characterised by neglect from the Israeli authorities, including the Jerusalem Municipality. It is important to note, the residents of Shu'fat, refugee and non-refugee, and full included in national tax schemes. Additionally non-refugee residents pay the municipal property tax (arnona). These are financial contributions towards the provision of services that they are denied.

Elad Malka, a Likud activist from Jerusalem, who served as a city Councillor on behalf of the Hitorerut movement, says that the gap in infrastructure in the Arab neighbourhoods amounts to some NIS 2.5 billion (roughly \$650 million). *"The State of Israel is not fulfilling its responsibility in the eastern part of the city," he says, "neither in education nor in health, sewage and water infrastructure or police enforcement [...]. More has to be done to narrow the gaps, to allocate more resources to the Arab neighborhoods, precisely because the property tax collection rates in those neighborhoods are not bad."*²⁵

The lack of urban planning for the area itself is indicative of the type of neglect that the camp and its surrounding areas face. The failure to appropriately plan and allocate money to the area, despite jurisdictional responsibility, is illustrative of the neglect that the Palestinian community living in East Jerusalem faces. The neighbourhoods around Shu'fat camp boomed as a result of: wildcat construction, which was effectively encouraged by the lack of urban planning;²⁶ the isolation of the area from the rest of occupied East Jerusalem; and the failure of the Occupying Power to ensure proper law enforcement in the area.

I had quite a few meetings with east Jerusalem residents. In one of them, an At-Tur resident told me about the time he saw his son being beaten and called the police, and they didn't show up. The next time, he saw drugs being sold near his house, called the police, and again they didn't show up. Several weeks later, the police were the ones who called him after his son was arrested for stone throwing.

Interview to Yedioth Ahronoth, 19 January 2017

In an interview for this report, one participant stated that the lack of law enforcement in the area has resulted in an increase in crimes, such as assaults, drug dealing and harassment; and generated a pervasive sense of insecurity, intimidation and fear, which disproportionately affect children and women.²⁷ While there are security interventions, the Israeli security forces arrest operations in the area target perceived security threats and do not address ordinary crimes, which thrive due to the climate of impunity.²⁸

Additional interventions have been punitive.

Since October 2016, police operations have increased in the camp to enforce traffic laws and regulations for businesses and shops.²⁹ These operations often result in death and serious injury of Palestinians, in particular children. Amongst the most recent incidents, in only two days in February 2017, three children, one 9-year-old girl and two boys aged 14 were gravely injured by with rubber-coated steel bullets shot by Israeli forces that stormed the camp and ransacked stores³⁰.

These operations result in increased provocation of local youth while failing to protect residents from priority threats such as drug dealers and criminal gangs, which are also one of the major obstacle for the smooth running of UNRWA schools. It is a regular occurrence that UNRWA schools are broken into and classrooms are used for drug dealing and illegal activities, which render the premises unsafe and discourage families from sending their children to UNRWA schools³¹. The recent opening of a Police station in the premises of Shu'fat Checkpoint is unlikely to improve safety in the area, unless proper investigation and prosecution of criminal activities are undertaken and law enforcement conducted with strict adherence to human rights law requirements.



Israeli police ostensibly enforcing traffic laws in Shu'fat Refugee Camp, January 2017 – Anne Paq©

This is relevant to this report because it demonstrates the way in which the progressive isolation of Shu'fat camp and its surrounding neighbourhoods has resulted in the virtual absence of municipal services in the area. Despite the pledges made to respond to the appeals against the construction of the Wall in Jerusalem, the Municipality has further abdicated responsibility. In 2005, as part of the Government's plan for the 'Jerusalem Envelope', the Municipality of Jerusalem established the Jerusalem Envelope Community Authority in order to ensure services for the population.³² Various Ministries were tasked with ensuring provision of services, including transportation for schoolchildren. Budget allocations were also identified in order to implement the measures pledged. The residents of the camp are already struggling and economic constraints stand in the way of exercising fundamental rights such as education. Families in the camp have to prioritise any form of income, therefore children are rather sent for a low income and unqualified job than to school. Young girls are rather pressured into early marriages than being encouraged to pursue their education.

Water and Sanitation in Shu'fat camp

Water and sanitation services are central to the provision of adequate supplies of water, waste management (sewage and solid waste) and water management. The impact of the demographic increase described above can be seen in the way water is provided: it is governed by a policy that privileges water use for residents of West Jerusalem and Israeli settlements, which are illegal under international law. These services deplete an already overstretched supply.

In April 2014, the situation of water in Shu'fat drew the attention of the international press. The Guardian reported that for an entire month, that residents had been living without any running water and been forced to buy water from a private tanking firm or purchase bottled water.³³ Residents raised concerns about the hydraulic pressure and compared this to the volume of water being used by nearby illegal Israeli settlements.

In March 2014, the Association of Civil Rights in Israel (ACRI) petitioned the Israeli High Court, with representatives of Shu'fat neighbourhood, to demand that measures were taken to improve the water situation. The provision (or lack) of water was stated by ACRI to be '**an egregious manifestation of neglect** of the neighbourhoods on the other side of the wall. In almost every sphere, from education, welfare and transportation services to garbage collection and police presence, the state authorities have abandoned this section of the city'³⁴.

East Jerusalem residents make up 37% of the city's population. However, within the Jerusalem municipality, 90% of the sewage pipes, roads and sidewalks are located in West Jerusalem.³⁵ According to the Israeli Central Bureau of Statistics, of the 815,300 residents in the city – 301,100 are Palestinian (37%)³⁶. The investment in infrastructure for West Jerusalemites has come in contrast to, and the expense

of, the almost total neglect of populations living in East Jerusalem. Despite the fact that Israel is both the Occupying Power, meaning that it has legal administrative responsibilities to the population, and that the residents of East Jerusalem are taxpayers into the Israeli system, UNRWA is the largest service provider in the camp. Therefore services are vulnerable to the precarious funding status of UNRWA (see below).

UNRWA reports that all shelters have indoor water and electricity connection, with two different Israeli companies providing water to the camp residents. Despite this, there are significant issues in accessing water, not least because the infrastructure is not in place to deal with the volume of residents living in the camp and that not all residents are connected to the system 'legally.' While the original water network was properly planned and numerous connections regularly approved, most recent connections, in particular for buildings located outside the camp, took place without prior approval. In a 2014 case, Hagihon Corporation (the Israeli company supplying water to the area) stated that they had been contracted to supply water to 12,000 residents in the area. UNRWA figures place the population of Shu'fat refugee camp alone to be 24,000 people. Hagihon Corporation estimated there could be as many as 80,000 residents of the camp and the surrounding area.³⁷

With the significant increase in the camp population, and the 'vertical growth,' the sanitary system was overwhelmed. Residents adapted by building their own sewage lines. These were sometimes connected to storm-water channels, creating sewage waste overflows into the streets whenever there are floods.³⁸

Combined with a poor water supply and weak sanitation infrastructure the lack of appropriate refuse collection compounds sanitation issues. In Shu'fat Camp there are 18 sanitation workers, including the foreman and the driver of the garbage truck. In addition to the ACRI case, a further case is being taken by an organisation, Adem Teva, on behalf of the local community, due to the failure of the Municipal authorities to dispose of garbage in the densely populated area.³⁹ All garbage is dumped at Shu'fat Transfer Station where it is collected by UNRWA sanitation labourers, loaded onto trucks and taken to and disposed at Ramallah landfill Minaret and to Al 'Eizariya Transfer Station, which is managed by an Israeli contractor. Then the garbage is then transported to Al-Minha Sanitary Landfill in Hebron. On Saturday, as Al 'Eizariya Transfer Station is closed because of the Israeli day off, therefore the waste collected on Saturday needs to travel about 90 Km to the Sanitary Landfill in Zahrat al Finjan near Jenin. This transfer adds to the waste management bill and it is not always viable, to the detriment of the living conditions in the camp. Dumped by an UNRWA compactor truck. . Garbage collection is a significant issue identified by residents, particularly in summer months. Although participants also point out that community members themselves should take more responsibility for responsibly dumping waste. One participant noted that the rubbish attracted dogs and rats, which scared the children. This has the consequence of further discouraging children from attending school. There is a clear need to improve provision of safe refuse and waste collection, but also the need for communities to engage in recycling and seeking to reduce the impact of waste on the local communities.

The overcrowded and the on going increasing of the population caused the destruction and the damage of the infrastructure. For example, my house was flooded because of the bad design of the sewage [system]. The sewage problems (the smell) in summer are unbearable. Children of the camp are playing with the sewage dirt; it is where they can play.

Interview, Male Resident Shu'fat Camp, 28 February 2017



Garbage piles up Shu'fat Refugee Camp, April 2017 - Grazia Careccia©

Also, for some time the garbage was filling the streets of the camp, we used to walk on garbage when moving from one place to another, in addition to the smell of burning this garbage inside the camp.

Interview, Male Resident Shu'fat Camp, 28 February 2017

Garbage burning near UNRWA boys' school Shu'fat Refugee Camp, January 2017 -Grazia Careccia©

The planning regulations in Israel create practical impediments to the safe provision of water and sanitation. EWASH reports that in East Jerusalem, over one third of Palestinian houses rely on septic tanks, despite them being impermissible under the regulations of the Israeli Ministry of Environment and Ministry of Health.⁴⁰ Palestinians are caught in a system where they cannot get permits to build legally in many areas but at the same time risk demolition of systems that they put in place to improve the poor infrastructure they were not allowed to legally repair in the first place.



Education in the Shu'fat enclave



UNRWA Boys School Shu'fat Refugee Camp, April 2017 - Grazia Careccia©

In East Jerusalem, only 53% of Palestinian students attend official public schools. There is a shortage of over 2,000 classrooms in the local school system, and many students are forced to crowd into housing apartments that are converted into schools. The lack of public schools in East Jerusalem has led to a situation whereby approximately 40,000 students who are entitled to free public education are forced to pay for private tuition at the cost of thousands of dollars per child each year. In Shu'fat area over half the schools are privately run, with three UNRWA schools - all of them primary level. – and one Government facility, which is a secondary school for girls. The educational facilities in Shu'fat are compounded by the lack of Government provided (i.e. free) facilities and a reluctance of families to allow their children to leave Shu'fat camp to attend school, due to a combination of safety concerns, despite UNRWA's attention to the matter 41, and quality of teaching. One of the major reasons that students give for dropping out of UNRWA schools is the inadequate quality of education. For example, around 70 per cent of students fail their final exam (*tawjiki*), which is compulsory for university enrolment 41. In addition, the growing sense of insecurity determined by the risk of separation of the area on the eastern side of Wall from the rest of Jerusalem and the resulting revocation of the legal status of residents of East Jerusalem is often the reason behind the decision of parents to send their children to schools located outside the Shu'fat enclave. This is done with the hope of having stronger evidence for the 'centre of life' test applied to maintain their Jerusalem ID. 42

Figure 7: Applied Research Institute - Jerusalem (ARIJ): Shu'fat Schools (2012)

Table 1: The Schools in Shu'fat camp by name, stage, sex, and supervising authority

School Name	Supervising Authority	Sex
Banat al Masirah High School	Government	Female
Ruwwad al Mustaqbal School	Private	Mixed
Al Faqih Model School	Private	Mixed
Ash Shurooq Elementary School	Private	Mixed
Ad Dalal School	Private	Mixed
Noor al Huda al Maqdisiya School	Private	Mixed
Ashbal al Aqsa School	Private	Mixed
Ahbab ar Rahman School	Private	Mixed
Shu'fat Girls First Elementary School	UNRWA	Female
Shu'fat Girls Second Elementary School		Female
Shu'fat Boys First Elementary School		Male
Shu'fat Boys Primary School		Male

Source: Directorate of Education in Jericho, 2011

Additionally, there is a lack of pre-school facilities. According to a government decision, all Israeli children over the age of three are entitled to free education. Yet, due to a shortage of approximately 400 kindergarten classrooms only 6% of East Jerusalem children between the ages of three and four attend public kindergartens. The Applied Research Institute - Jerusalem (ARIJ) notes that there are four kindergartens⁴³ and all of these are privately run.

While inadequate in supply, there are schools in Shu'fat. However, communities expressed a number of concerns with the school system. The level of education within Palestinian schools is limited to primary and therefore does not bridge the gap to higher-level education. With the lack of sufficient schooling in Shu'fat children are forced to either leave the camp to seek further education or their families choose not to send them, as they can either not afford it or they are concerned about the risks that their children face in crossing the checkpoint on a daily basis.

Children living in the Shu'fat enclave not only have to attend school elsewhere but they are also forced to pass through a high security checkpoint and therefore experience, on a daily basis, long delays, harassment and exposure to violence. One student traveling from Ras Khamis observed that she has to walk back and forward from school in the dark because she has to leave her home so early, to others who have experienced security incidents at the checkpoints, including tear gas and other acts of violence by the Israeli army.

Much of daily life in Shu'fat requires people to cross back and forward through the checkpoints and education is no different. It was reported that the majority of the teachers for the schools in Shu'fat are from Jerusalem and Ramallah and so teachers and students traveling to the school in the morning may both face significant delays. The accumulation of each of these incidents causes significant stress for children participating in the education system, which has a knock-on effect for educational achievement and development.

Particularly serious is the situation of children with disabilities. UNRWA schools are not equipped with the necessary facilities to accommodate students with disabilities, who are forced to attend schooling outside the area. Israel's response to the problem has been the provision of municipal buses to shuttle students to special schools that cater for children with special needs located on the Western side of the Wall. This solution not only forces children to be exposed to risks, harassment, stress and abuse inherently related to crossing a high security military checkpoint daily but is also at odds with the necessity of providing inclusive education for children with disabilities. By providing no alternative but to attend special schools outside Shu'fat area, children with disabilities are not only isolated from their community but also from their peers to the detriment of ensuring their sense of belonging, participation and their development.

Given the education situation, in 2011, the High Court of Justice ruled in favour ACRI, that the state had violated the rights of East Jerusalem students by failing to provide sufficient free public education. A period of five years was given to the Ministry of Education and Jerusalem Municipality to resolve the shortage of classrooms. If this was not done in 5 years then claimants would be able to seek redress from the Government of Israel. At the time of writing, the authorities have neither delivered on this responsibility nor have children been able to charge their private school fees to the state, as ruled by the Court. In 2016, money was made available for Jerusalem schools to switch from the Palestinian curriculum to the

After grade 10, the students go either to private schools, or other Jerusalem schools, in this age we see a lot of school drop, the families are uncomfortable with letting their daughters pass the checkpoints and suffer daily from the Israeli soldiers harassment, or other transportation obstacles.
Interview, Former Girls' School Principal, 28 February 2017

If any obstacle arises in the morning on the checkpoints, we delay the whole program, and we cancel the five minutes between the class periods.
Interview, Teacher, 28 February 2017

The school is unprepared to take any student with disability, it is not build to facilitate their life, we have elevator, but it is not working. We solve the problem by moving the whole class to the first floor, whenever we have a problem with any students, either with disability or have broken leg or something of such issue, also the bathroom is not built for students with disabilities.
Interview, Teacher, 28 February 2017

Israeli one by offering extra funding to those that agree, as reported in Ha'aretz newspaper.⁴⁴ As a result, private schools, including those established in the neighbourhoods around Shu'fat camp, are incentivised to opt for the Israeli curriculum to the disadvantage of maintaining Palestinian identity, history and culture in an area that is already gravely affected by discriminatory Israeli policies.

Who is Responsible for Shu'fat Refugee Camp?

Having illegally annexed Shu'fat in 1967 when Israel unilaterally established new municipal boundaries for Jerusalem⁴⁵, the Government of Israel and the Jerusalem Municipal Authorities have legal responsibility for the population. Notwithstanding, they have consistently neglected Shu'fat refugee camp.

In the 1980s, UNWRA constructed a sewage and storm-water system in Shu'fat refugee camp, and has prepared a sewage network investment plan for Shu'fat camp to be implemented as soon as funds are in place.⁴⁶ This is illustrative of the lack of confidence in the Government of Israel providing equitable services in Palestinian areas in Jerusalem. The revealing feature of the 2014 case was the illustration of the permanent lack of clarity on who exactly is responsible for services and infrastructure in Shu'fat camp. The case exposed a tension between the Municipality of Jerusalem and central Israeli authorities.⁴⁷ The former claimed that the responsibility for the management of the areas on the Eastern side of the Wall rests with the Ministry of Defence in light of its decision not to erect the Wall on the Green Line despite cases brought by local residents to this end.⁴⁸ According to media reports, in July 2012 Jerusalem Mayor Nir Barkat intended to request that the Israeli Defence Forces (IDF) take responsibility for supplying services to the areas, via the military's Civil Administration. Yet, the Palestinian Authority (PA), due to the provisions of the Oslo Accords is not able to provide services for the camp and its surrounding areas due to their location on the West side of the Green Line.

Despite the administrative claims made, and attempts to abdicate responsibility for the provision of decent services for the residents, the responsibility to provide services for the population living in this portion of the occupied territory, lies squarely with Israel as the Occupying Power.

Role of UNRWA

UNRWA was created to provide assistance to the then 700,000 Palestine refugees displaced in the 1948 war. A Palestine refugee is defined as "persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict."

This protected group is distinct from Palestinians who are living under Occupation in the Palestinian territory while not being legally considered refugees. UNRWA provides services to those who meet the definition, are registered with UNRWA and require assistance.⁴⁹

While UNRWA provides services in Shu'fat camp, including the collection of waste, the provision of basic health care and development of infrastructure, it is not responsible for the management of the camp. UNRWA is under an obligation to coordinate with the host country, for Shu'fat with Israel, as the Occupying Power, for large infrastructural interventions, in particular those requiring planning and connection to wider networks, such as those in the sanitation sector.

For example, UNRWA asphalted approximately 70% of the camp's roads, and concreted the remaining pathways with the assistance of the local Camp Committee. UNRWA largely carries out the maintenance of this infrastructure also.

Despite this, UNRWA does not provide services for all the population (only the refugee population) and it does not administer or police the camps. These are the roles of the Government of Israel as the Occupying Power.

UNRWA Health Clinic Shu'fat Refugee Camp, April 2017 – Grazia Careccia©



While mandated to provide basic services for the refugee population, UNRWA is also dependent upon the funding it receives in order to deliver. Unfortunately, the level of funding received is frequently not sufficient to cover large infrastructural maintenance costs. Political statements of support do not necessarily materialise as funds. For example, in 2016, donors pledged about 1.2 billion USD⁵⁰ to support UNRWA yet this does not mean that this was the actual contribution effectively received by the agency.

Israel's Legal Responsibility

Despite the illegality of Israel's annexation of East Jerusalem the status of Shu'fat area remains that of an occupied territory, therefore both international humanitarian (IHL) and human rights law (IHRL) apply⁵¹. Under IHL, and in particular the law of occupation, Israel as the Occupying Power has legal obligations vis-à-vis protected persons, namely the Palestinian residents of the occupied territory. Under Article 43 of The Hague Regulations, reflective of customary international law, the Occupying Power is responsible for public order and safety while respecting the laws in force in the occupied territory. This provision must be read in conjunction with Article 27 of the Fourth Geneva Convention of 1949⁵², which establishes the entitlement of basic rights of protected persons. Stemming from these provisions, the Occupying Power is also required to provide adequate law enforcement with strict adherence to the legal standards established under international human rights law to ensure respect for the right to life⁵³. More specifically, Articles 50 and 56 of the Fourth Geneva Convention establish the obligations of the Occupying Power vis-à-vis sanitation and education of the occupied population. These provisions are complemented by the responsibilities stemming from human rights instruments ratified by Israel, such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of Racial Discrimination (CERD)⁵⁴. By virtue of Israel's illegal annexation of East Jerusalem and the resulting full control of governmental functions for this portion of the occupied territory, Israel's human rights obligations vis-à-vis Palestinian Jerusalemites are even more stringent than in the rest of occupied territory⁵⁵. In relation to sanitation, Articles 11 and 12 of the ICESCR establish, respectively, the rights to: freedom of movement; an adequate standard of living; and to the highest attainable standard of health. A prerequisite for the enjoyment of such rights is the positive obligation of States⁵⁶ to ensure adequate sanitation according to Draft Guidelines for the Realization of the Right to Drinking Water and Sanitation⁵⁷. Similarly, Israel has positive obligations in relation to the right of protected persons in the Shu'fat enclave to education. These are enshrined in particular in Article 13 of the ICESCR and further articulated in Article 28 of the Convention on the Rights of the Child (CRC), under which States are required to provide compulsory and free primary education, develop secondary and vocational education and encourage regular attendance. Additionally, under both CRC and CERD, access to education must be ensured without any form of discrimination.

Conclusion

The people of Shu'fat find themselves today in a perilous and deteriorating position. Hemmed in by an aggressive Wall and checkpoints, the situation of education and sanitation is just an example of the pressure being placed on physical space and services. With a growing population, the uncertainty of individual legal status is resulting in people coming in, as opposed to leaving; this places even greater pressure on services. This is combined with the threat that the people of Shu'fat could find themselves one day on the 'wrong' side of the new municipal boundaries, cutting people off from their jobs, family, friends and support system inside Jerusalem. The limited ability to access qualities of education also deprives the children of Shu'fat the space to safely and happily develop as children to expand their opportunities and experiences. Trapped, deprived and at risk; without urgent action the enclave of Shu'fat will find itself untethered and abandoned. To prevent another man-made humanitarian crisis urgent action is needed that supports infrastructure development for both education and sanitation, to increase freedom of movement and to foster educational opportunities for the children of Shu'fat. Without this urgent action Israel will continue wilfully ignoring the needs of Shu'fat residents that resulted from wildcat construction in the neighbourhoods around the refugee camp and those deriving from population growth in the whole area. The international community should therefore play a more active role in challenging the Occupying Power to fulfil its obligations through diplomatic action in order to pressure Israel into abiding by its legal obligations vis-à-vis the occupied population.

Recommendations

To the Government of Israel, the Occupying Power:

- Adhere to its legal obligations under international humanitarian and human rights law including by ensuring public life and safety in Shu'fat area, and immediately halt policies resulting in severe infringement of protected persons' rights such as freedom of movement, to an adequate standard of living, to education and to non-discrimination.
- Ensure that law enforcement operations in the area tackle ordinary crimes and promote a safer environment, which is crucial for the enjoyment of rights and for the smooth running and maintenance of essential services, such as sanitation and education. All means possible must be used to minimise the impact of security operations in such highly populated areas and to avoid any form of provocation.
- Reverse the existing dire situation of the sanitation sector by adopting and implementing significant infrastructural projects, including by increasing the capacity of existing sanitation networks and services and establish new and more effective infrastructure and service for both wastewater and waste management. A positive outcome in this regard would be to retroactively approve the development of estates in the areas surrounding the camp.
- Fully implement the 2011 decision of the Israeli High Court of Justice, which required the State to provide access to education in the face of inaction of the Jerusalem Municipality. This would include subsidizing education for Shu'fat students and providing support to UNRWA education services, such as facilitating implementation of projects and ensuring safety of the areas in which they operate.

To UNRWA:

- Address the sanitation in Shu'fat refugee camp by Developing a comprehensive plan and resource mobilisation strategy to address the sanitation in Shu'fat refugee camp, which should be set as high-priority area by virtue of its unique status as the only refugee camp within Jerusalem Municipality borders.
- Promote a safer environment for education by ensuring effective monitoring of its education premises and services, including by heightened supervision of staff employed in schools located in the camp.
- Improve the quality of basic education for all children as stated by UNESCO Education For All Policy and UNRWA Inclusive Education Policy (2013), including through resource mobilization to invest in improving the skills of teachers and by enhancing good governance of schools, in particular in relation to recruitment and monitoring of teaching staff.
- Preventing school drop out and facilitating access to education by establishing stronger relations and more transparent communication between schools, the community and families.
- Call upon the Occupying Power to respect its obligations vis-à-vis the refugee population living in illegally annexed East Jerusalem.
- Helping local community seeking respect for their rights by supporting legal claims before Israeli courts.

To the international community:

- As High Contracting Parties to the Geneva Conventions, States have an obligation under Common Article 1 of the Conventions to ensure respect for their provisions; therefore, following the recently developed indications of the ICRC²⁴⁵⁸, they are under a legal obligation to adopt measures to discourage Israel's illegal policies vis-à-vis protected persons, in particular those stemming from the illegal annexation of portions of the occupied territory.
- States and UN agencies, as donors, should ensure that Shu'fat camp is considered a high-priority area for development and humanitarian cooperation projects, in particular in the sectors of education and sanitation. These interventions should encourage participatory schemes in which the local communities are fully involved in all the phases of the project and in awareness raising activities.

To the communities in Shu'fat camp and neighbouring areas

- Establish stronger community mechanisms including education and monitoring to discourage individual connections to the sanitation networks that are technically inadequate.
- Adopt education and monitoring activities to promote improved solid waste and wastewater practices, including recycling, upcycling and refraining from littering.
- Reach out and engage with local human rights organisations to develop and implement awareness raising and education activities on children's rights and right to education.

Annex: Interviews with residents of Shu'fat enclave

Interview no. 1

Name: Jihad Ahmad Mustafa
Age: 48 years – Gender: Female
Occupation: Elementary Girls' School Principal
Address: Jabal al-Mukabber / Jerusalem
Date: 28 February 2017

I started working in this girls' school as a teacher in 1993. Between 2005 and 2011, I was Deputy Principal, and in 2012 I became the Principal. There are 515 students, 14 sections, 21 teachers and one social worker. This is the only UNRWA school that extends to grade 10 [age 15], as all the others offer only until grade 9 [age 14]. After grade 10, the students go either to private schools, or to other schools located elsewhere in Jerusalem. This is the age in which we witness the highest drop-out rates. Families are not comfortable with the idea of having their daughters cross the checkpoints and endure daily harassment by Israeli soldiers, or that they have to put up with the hurdles related to commuting and transportation. This school faces many different problems. One is the continually changing student population. As the school sits in an area within the boundaries of Jerusalem, a lot of families come to live here for the sake of keeping and protecting their Jerusalem ID [residency rights]. So, they change their address, and therefore their daughters have to change schools. The number of students at the school changes a lot.

Another problem is overcrowding in classrooms. There is a large number of students in each section, there are between 36 and 42, and the policy of UNRWA is that they open a new section only when the number exceeds 45 students per classroom.

Another problem is that the refugee population comes from different social and cultural backgrounds. Some of them are concerned about their daughters' education, while some are not. That is why we see some cases of early marriage. It is not a big number, and the teachers concentrate on this issue, holding awareness-raising sessions for the students. We can say the number is reducing. The other big problem in the school is the weakness of academic achievements. This comes from the UNRWA policy of accepting any student who is a refugee and who has a refugee card, no matter what level of academic achievement she has. We have an inclusive education program. Each student has her own file, which analyses her problems. Teachers are capable of dealing with these problems, and have remedy plans.

Another big problem is transportation obstacles, such as checkpoints, including for the teachers coming from the West Bank. Only 5 teachers are from Shu'fat Refugee camp, and the other 16 are from Jerusalem, its neighbourhood and Ramallah. If there is any obstacle that arises in the morning at the checkpoints, we delay the whole program, and we cancel the five minutes between the class periods. For example, from Jabal al-Mukabber where I live to Shu'fat checkpoint is 15 minutes, but it takes me around an hour and a half from the checkpoint to the school. I leave my house in the dark and arrive in dark in wintertime. It is a daily suffering, but the education process goes on despite all of these obstacles. We also live in fear all the time that the Israeli soldiers will raid the school. None of the teachers from the West Bank have permits to enter Jerusalem, but still they come on daily basis.

As for the students with disabilities, we do not have a serious case. All disabled students go outside the camp to special schools in Jerusalem. A special bus collects them from the camp in the morning and brings them back in the afternoon. Anyway, the school is unprepared to take students with disabilities; it is not built to facilitate their life. We have an elevator, but it is not working. We solve the problem by moving the whole class to the first floor, whenever we have a problem with any students, either with disability or a broken leg or something of this nature. Also the bathroom is not built for students with disabilities.

Interview no. 2

Name: H. T.

Age: 15 years old - Gender: Female

Occupation: Student in Elementary Girls School

Address: Ras Khamis – a neighbourhood near Shu'fat Refugee Camp

Date: 28 February 2017

I am a student in Shu'fat Elementary Girls School, grade 10, and a member the school parliament. We don't have big problems in the school. We have few cases of school drop outs when girls got engaged, but we as the parliament and school social workers, do some awareness-raising among the girls about the importance of education and the problems of early marriage. Sometimes, the student comes back to school, but in other cases, the parents force them to leave school. I have a colleague who broke her engagement because she insisted on finishing her schooling. Her ex fiancée did not agree to that.

As for the checkpoint problem, or the road obstacles, I have to come from a neighbourhood called Ras Khamis, close to Shu'fat Refugee camp. I walk to school, and in the morning, especially in wintertime, I come to school while it is dark, and because of the garbage problem, there are a lot of street dogs, which frighten me, especially in the morning. Also, I have two classmates who live in Ramallah. They sometimes come late to school in the morning. In my classroom, we are 39, and I think this is too much for a small classroom as it is really crowded. We do not have students with disabilities, but we have small problems sometimes, like eyesight problems or a broken leg, but the teachers and the school Principal always find a solution to this problem, for example, by moving the whole class to the first floor.

Interview no. 3

Name: S. A.R.

Age: 15 years old - Gender: Male

Occupation: Unemployed

Address: Shu'fat Refugee Camp

Date: 28 February 2017

I left a school few months ago. I was in Grade 10 in Shu'fat Boys Elementary School in the refugee camp. I left school for two main reasons. First, I study but I don't get a good marks. I always fail, despite the hours I put into studying. Secondly, I was always late in the morning, just by a few minutes, but the teachers tell my father and he doesn't understand me, and reproves me. I am fed up with this. I decided to leave school.

My brothers did not finish school and they work, and they are living in a good condition.

My father also works; he has a coffee booth. I want to work like them. When I told my father that I wanted to leave school, he tried to convince me, but then he agreed when I insisted. I want to learn any skill and work. I don't like school. I joined the Palestinian Child Centre. I am happy here and I am learning rap music. I like it and want to be a rap singer. I work as a clown also and participate in shows or go to birthdays. I am a volunteer here in the camp. I am happier here, doing all these things, which I like more than studying.

Interview no. 4

Name: Khaled Al-Sheikh 'Ali
Age: 47 years old - Gender: Male
Occupation: Executive Director at the Palestinian Child Club
Address: Shu'fat Refugee Camp
Date: 28 February 2017

I am the Executive Director of the Palestinian Child Club in Shu'fat Refugee camp, and a father of two girls with osteoporosis. As Jerusalemites, as part of the service of Israeli Social Insurance, a bus is sent to the camp, it collects all the students with special needs, takes them to special schools that meet their needs, and brings them back home in the afternoon. So, we do not have a problem with students with disabilities.

My main problem is taking my daughters out because of the bad pavement on the roads. This usually prevents my daughters from going out, and I am always aware and cautious that they don't end up with broken bones. UNRWA should be the responsible party for the safety and maintenance of the infrastructure of the camp. It was built in the 80s, and left since then. The negligence for so many years by UNRWA has caused so many problems. During just the last couple of years, they have started working to remedy some of these problems.

The overcrowding and the ongoing increase of the population has caused destruction and damage to the infrastructure. For example, my house was flooded because of the badly designed sewage system. The sewage problems (the smell) in summer are unbearable. Children of the camp are playing with the sewage dirt. That is where they can play. Also, for some time, the garbage was filling the streets of the camp. We used to walk on garbage when moving from one place to another, in addition to the smell of burning this garbage inside the camp. I am sure that a lot of people suffer from health problems, especially lung problems. I myself had to take my daughter several times to the hospital because of lung problems. I also suffer from a lung infection. You feel that death will visit you soon.

I admit that part of this problem is the culture of the residents. This is really an obstacle in improving the environment problems in the camp. People throw their garbage in the street – a problem of not feeling committed to the place where they live. Young people do not care about the camp streets, because they spend most of their time outside the camp.

One of the main obstacles is the neglect in taking the opinions of residents into account. I, as one of the refugee residents need to be asked about my problems and needs. Nobody listens to us, and we face a big problem with local institutions and UNRWA at the same time. During the last couple of years, coordination took place between the local institutions and UNRWA, and a five-year strategic plan was formed and agreed upon. We see some improvement in the last couple of years, because of these joint projects, but still a lot should be done.

The percentage of boys dropping out of school is high. Children prefer to leave school and work. Working in Israel is tempting and money makes them feel good, that they will have good clothes, can buy a car, and new mobile, can be ready to get married. When one sees his neighbour or friend living in this financially good situation, he thinks, why not me. For this reason we can say that the economic situation in the refugee camp is good, but on the other side, we rarely see a youth with a university degree.

In this club, the Palestinian Child Club, we work a lot on this issue. I had an experience last year. I had an entertainment project for young people in the camp, and my main aim of this project was to raise the percentage of the educated young people in the camp. I did a lot of activities, inside and outside the camp, and I can tell that I succeeded in making around twenty young boys enrol in university. I do my best here in the camp to build the self-confidence of the young people, open opportunities up for them to do what they love to do, any hobby, and encourage them to be more educated, and more committed to their camp.

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13. The housing shortage for Palestinians in East Jerusalem is the result of the discriminatory policy that since 1967 has made planning in the Palestinian neighborhoods of East Jerusalem a tool for achieving the Israeli goal of preserving a Jewish majority in Jerusalem. See, Bimkom, "Trapped by Planning", 2014, p. 83, <http://bimkom.org/eng/trapped-by-planning/>
14. West Bank ID (green ID) holders are prohibited from crossing checkpoints and enter occupied East Jerusalem or Israel unless they are in possession of a difficult-to-obtain permit issued by the Israeli District Coordination Office, a department of the Israeli military forces in the occupied territory.
15. Payment of arnona provides residents with one of the strongest pieces of evidence to fulfill the centre of life test.
16. Al-Haq, "The Jerusalem Trap", 2010, p. 27-28, <http://www.alhaq.org/publications/publications-index/item/the-jerusalem-trap>
17. See UN Committee on the Eradication of Racial Discrimination, Concluding Observations – Israel, 2 April 2012, CERD/C/ISR/CO/14-16, para. 18; also UN Human Rights Committee, Concluding

Observations on the Fourth Periodic Report of Israel, 21 November 2014, CCPR/C/ISR/CO/4, para. 21.

18. Haaretz, 'Who are East Jerusalem's Permanent Residents,' 9 December 2014.
19. In 1967, Israel occupied the West Bank, including East Jerusalem, and the Gaza Strip. Following the end of the war, Israel illegally annexed East Jerusalem along with lands belonging to 28 surrounding villages. The de facto annexation was completed on 28 June 1967, through the Israeli Parliament's amendment to the Laws of the State of Israel, which was used to extend Israeli jurisdiction over the newly declared municipal borders. In 1980, Israel further reaffirmed its annexation of East Jerusalem with the adoption of the "Basic Law" on Jerusalem, which stated "Jerusalem, complete and united, is the capital of Israel". See also, UN Security Council, Resolution 242(1967) S/RES/242 of 22 November 1967 and Article 42 The Hague Regulations, 1907.
20. "The United Nations Relief and Works Agency for Palestine Refugees, UNRWA, was established by United Nations General Assembly Resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programmes for Palestine refugees. The Agency began operations on 1 May 1950". <https://www.unrwa.org/who-we-are>
21. In 1967, following its illegal annexation, Israel conducted a census of East Jerusalem and granted permanent residency status to approximately 66,000 Palestinian residents who were present within the newly drawn municipal borders. These residents were granted Jerusalem permanent residency ID cards (Blue ID cards), while Palestinians in other areas of the occupied territory were granted West Bank ID cards (Green ID cards).
22. Btselem, Statistics on Revocation of Residency in East Jerusalem, updated 12 May 2015, http://www.btselem.org/jerusalem/revocation_statistics
23. Such intention has been repeatedly presented and most recently supported by former Israeli Minister and member of the Israeli Parliament, Haim Ramon. See Oded Shalom, Elior Levy, "How Jabel Mukaber became a terror incubator", Yedioth Ahronoth, 19 January 2017, <http://www.ynetnews.com/articles/0,7340,L-4909890,00.html>; Israel says Separation Wall will be border, Al Jazeera, 6 November 2013, <http://www.aljazeera.com/news/middleeast/2013/11/israel-says-separation-wall-will-be-border-201311514132609960.html>; Aluf Benn and Yossi Verter, "Ehud Olmert: Permanent borders within four years", Ha'aretz, 9 March 2006; Yoav Galai, You may not see it, but Jerusalem is being torn apart, October 30, 2015, <https://972mag.com/you-may-not-see-it-but-jerusalem-is-being-torn-apart/113403/>
24. Hamoked, Updates, 15 March 2017, <http://www.hamoked.org/Document.aspx?dID=Updates1850>
25. See supra at xxiii.
26. Bimkom, "Trapped by Planning", p. 62, <http://bimkom.org/eng/trapped-by-planning/>
27. Interview with Al-Haq, 01 February 2017. See also,
28. Dov Benovadia, Hundreds of Police Seize Weapons, Make Arrests in Shuafat, 17 January 2017, Hamodia, <http://hamodia.com/2017/01/17/hundreds-of-police-seize-weapons-make-arrests-in-shuafat/>
29. Interview with UNRWA Camp Support Office, 08 April 2017.
30. Mondoweiss, "Israeli soldiers shoot 72-year-old Palestinian man at a checkpoint", 2 March 2017, <http://mondoweiss.net/2017/03/soldiers-palestinian-checkpoint/#sthash.n0MGp68l.dpuf>
31. Information collected during CBOs FGD of 26 January 2017.

32. See, Cabinet Communiqué, 10 July 2005, <http://www.mfa.gov.il/mfa/pressroom/2005/pages/cabinet%20communique%2010-jul-2005.aspx>
33. <https://www.theguardian.com/world/2014/apr/14/welcome-shuafat-jerusalem-camp-water-palestinians-israel>
34. The Association for Civil Rights in Israel vs. Government of Israel, Water & Sewage Authority;
35. Minister for National Infrastructure, Energy and Water Resources; Hagihon Corporation Inc. and Jerusalem Municipality, March 2014, unofficial translation, <http://www.acri.org.il/en/wp-content/uploads/2014/04/East-Jerusalem-Water-Petition-English.pdf>.
36. EWASH, Fact Sheet 9: Water and Sanitation in East Jerusalem, February 2011.
37. Central Bureau of Statistics, Selected Data for Jerusalem Day May 2014, based on CBS figures for 2012-2013.
38. See supra at xxxiii.
39. https://www.unrwa.org/sites/default/files/shufat_refugee_camp.pdf
40. <http://www.adamteva.org.il/?CategoryID=1244&ArticleID=2075>
41. EWASH, Fact Sheet 9: Water and Sanitation in East Jerusalem, February 2011
42. The height of UNRWA's schools fences and walls has been continuously increased and not stands at 6 meters.
43. Information collected during CBOs FGD of 26 January 2017.
44. <http://www.acri.org.il/en/2014/05/24/ej-numbers-14/#f7>
45. <http://www.haaretz.com/israel-news/.premium-1.700219>
46. ACRI, "ACRI Petitions High Court: Restore Water to East Jerusalem", 25 March 2014, http://www.acri.org.il/en/2014/03/25/ej-water-petition/https://www.unrwa.org/sites/default/files/shufat_refugee_camp.pdf
47. This kind of practices are understood by Jerusalem municipal workers that they bear no responsibility for the needs of the residents of these areas, whose legal status as residents of East Jerusalem becomes unclear. The paradoxical situation of the residents of these areas is that, on the one hand, the Israeli authorities are not providing their neighbourhoods with the bare necessities and, on the other hand, the Palestinian Authority is prevented from operating in the area by virtue of the Oslo Accords, which prevents them from exercising their functions within the boundaries of Jerusalem. Chaim Levinson and Nir Hasson, "Jerusalem municipality asks IDF to take responsibility for residents who live east of the separation fence", Haaretz, 24 July 2012, <http://www.haaretz.com/news/diplomacy/defense-jerusalem-municipality-ask-idf-to-take-responsibility-for-residents-who-live-east-of-the-separation-fence-1.453149>
48. Interview with ACRI, 29 January 2017. See also, HCJ 6193/05, Residents' Council of Ras Khamis v. The Competent Authority under the Emergency Land Requisition (Regulation) Law, (decision rendered on 25 November 2008) [Hebrew].
49. UNRWA, 'The United Nations and Palestinian Refugees', <https://www.unrwa.org/userfiles/2010011791015.pdf>
50. <https://www.unrwa.org/how-you-can-help/government-partners/funding-trends/donor-charts>

51. Relevant jurisprudence of the International Court of Justice, Legality of the Threat or Use of Nuclear Weapons, ICJ Reports 1996, paragraph 25; Case Concerning Armed Activities on the Territory of the Congo, ICJ Reports 2005, paragraph 175; Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, ICJ Reports 2004, paragraphs 102-113.
52. “Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity”.
53. Code of Conduct for Law Enforcement Officials adopted by the UN General Assembly resolution 34/169 of 17 December 1979; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.
54. Israel has ratified the ICCPR, the ICESCR, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of Persons with Disabilities. By virtue of the effective control it exercises over the Palestinian territory, Israel, the Occupying Power, is also bound to ensure implementation of its human rights obligations vis-à-vis the occupied population. See for example, UN Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights – Israel, Forty-seventh session, E/C.12/ISR/CO/3, 16 December 2011.
55. Louise Doswald Beck, ‘The Right to Life in Armed Conflict: Does International Humanitarian Law Provide All the Answers? (2006) 864, International Review of the Red Cross 881, 892.
56. Human Rights Council, Resolution A/HRC/RES/15/9, September 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/166/33/PDF/G1016633.pdf?OpenElement>
57. UN Draft Guidelines for the Realization of the Right to Drinking Water and Sanitation, July 2005, E/CN.4/Sub.2/2005/25, www2.ohchr.org/english/issues/water/docs/SUB_Com_Guisse_guidelines.pdf
58. ICRC, Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949, Commentary of 2016, Article 1: Respect for the Convention, <https://ihl-databases.icrc.org/ihl/full/GCI-commentaryArt1>

