



UN CESCR INFORMATION SHEET # 2

MAY 2003

Education Rights - Palestinian Citizens of Israel

This document includes information relevant to question #25 from the UN CESCR List of Issues.

Question 25

Education and Free Society

Systematic, institutionalized discrimination impedes the ability of Arab students at Israel's state-run schools to participate in a free society. The state education system ignores the rights, the needs, and the priorities of Arab students, and thus, denies them the opportunity to develop a positive cultural and national identity. The system recognizes and fosters

the development of academic excellence of only one national group in the state - the Jewish majority. The two primary sources of inequality are the denial of the right to determine educational goals and objectives, and the discriminatory allocation of state resources to Arab schools and students.

Denial of the Right to Determine Educational Goals and Objectives

No Autonomous Control. The State Education Law (1953), as amended in February 2000, sets educational objectives for state schools that emphasize only Jewish history and culture and ignore Palestinian history and culture. While Arab schools have their own curriculum, it is designed and supervised by the Ministry of Education (MOE), where almost no Arab educators or administrators have decision-making powers. By contrast, state religious schools established only for religious

Jewish students maintain autonomous control over their curricula. Students in Arab state-run schools receive little instruction in Palestinian and Arab history, geography, literature, culture, and traditions and spend more time learning the Old Testament and other Jewish texts than they do on studying the Koran, Islamic texts, and the New Testament. Arab students are required to read Zionist literature and poetry but not Arab Palestinian classics studied throughout the Arab world.

GSS Intervention in Arab Schools. State control of Arab schools includes control of the faculty. For the MOE, undisclosed "state security reasons" are decisive in the process of hiring of Arab teachers and principals. Regardless of their professional qualifications, Arab teachers are often denied the right to work based on their political views. These denials continue despite Israel's 1997 report that it had ceased security examinations of schoolteachers, which it had previously conducted on all Arab teachers.¹ The MOE prefers to hire teachers who have never been politically active, even if they are

less qualified, resulting in another form of control over the education of Palestinian students in Israel.

The MOE deputy director for Arab education is a GSS official.² Through this post, the GSS has the power to bar any Arab candidate from being hired without its approval. This practice of secret accusation - appointing teachers in accordance with their affinity to the government, their support for the party in power, or on the basis of ideas they express is unacceptable. Former Deputy Minister of Internal Security Gideon Ezra has stated that: "We have not yet reached a point where we can appoint Arab

educators exclusively on the basis of a pedagogical consideration.”³ Three former Education Ministers from the left-of-center Meretz political party - Shulamit Aloni, Amnon Rubinstein, and Yossi Sarid - and a former senior official in the MOE - have all confirmed the practice of GSS intervention in the appointment of Arab educators.⁴

In addition to the basic control over Arab education, GSS intervention in Arab schools is a breach of authority. The GSS works within the office of the Prime Minister. This agency has no authority over the affairs of the MOE, and thus, may not make appointments within the MOE. Further, GSS intervention in Arab schools constitutes discrimination against Palestinian citizens of Israel,

Banning Commemoration of al-Nakba in Arab Schools. A day of utmost national significance for the Palestinian people is al-Nakba (15 May). For the Palestinian people, al-Nakba marks the “catastrophe” of 1948 - the losses of life, property, and the national home. Al-Nakba is part of Palestinian history, culture, and identity, and, for Palestinians, maintaining a memory of al-Nakba is essential to upholding one’s dignity. The commemoration of this day, however, is often met with official hostility.

In May 2001, al-Nakba was commemorated in Arab schools throughout the country. In response to the commemorations in Haifa, the head of the northern district of the MOE, Aharon Zbeda,

Banning Arab Schools from Cooperating with Representative Arab Bodies. In October 2001, Mr. Aharon Zbeda informed principals in Haifa that he had decided to ban Arab schools from cooperating with “external bodies” such as the High Follow-up Committee for Arab Citizens in Israel and the Follow-up Committee for Arab Education.

Case Study

The Right for Representation and Seeking the Dismissal of the Racist Head of the Bedouin Education Authority (BEA)

A petition was filed to the Supreme Court of Israel by Adalah in September 2001 on behalf of 49 petitioners, including members of parents’ committees, students, and NGOs, against the Minister of Education, Limor Livnat and the Head of the Bedouin Education Authority (BEA), Moshe

as there is no equivalent GSS position for the appointment of teachers and principals for Jewish schools.

By selectively targeting Arab educators based on their political affiliation, the state diminishes, for both students and teachers, the possibility of participating in a free society. Arab students and teachers are forced to work under an atmosphere of suspicion and are not exposed to a wider range of views and perspectives that would enable them to cultivate the Israeli educational system’s declared values of “understanding, tolerance, and friendship.” Teachers are not at liberty to fulfill their duties without discrimination for fear of repression by the state.

appeared on local TV condemning the event. On 19 May 2001, he issued a legally binding directive banning the commemoration of al-Nakba in Arab schools. In response to a letter sent by Adalah inquiring as to why Arab students, unlike Jewish Israeli students, do not have the right to mark a day of national memory at school and urging the cancellation of this directive, Mr. Zbeda stated that all schools are subject to the Monitoring Schools Law (1969) and the MOE’s guidelines promulgated pursuant to that law.⁵ This law provides that schools under the MOE’s jurisdiction can only do what is permitted by the MOE.

According to this directive, these Arab representative organizations would be prohibited from distributing materials in schools. Such a ban is discriminatory because it is directed only at Arab schools, and it is unreasonable, as it is not a pedagogical decision, thus exceeding the scope of the MOE’s authority.⁶

Shohat.⁷ The petitioners’ sought to compel the dismissal of Mr. Shohat from his post because of racist statements he made against the Palestinian Bedouin in Israel and other failures to uphold his responsibilities as head of the BEA. The petitioners also demanded that the Minister of Education

advertise for a replacement for Mr. Shohat among Palestinians in the Naqab.

Founded in 1981, the BEA is the agency appointed by the MOE to manage the education system in the unrecognized villages in the Naqab. Mr. Shohat has served as the head of the BEA since 1984, where he also sits on committees to appoint teachers. In an interview with the New York-based newspaper *The Jewish Week* published on 20 July 2001, Mr. Shohat spoke of the “bloodthirsty Bedouins who commit polygamy, have thirty children, and continue to expand their illegal settlements, taking over state land.” Mr. Shohat added that, “In their culture, they take care of their needs outdoors. They don’t even know how to flush a toilet.”

In response to a public outcry immediately after the publication of Mr. Shohat’s statements, the

MOE appointed an examiner to investigate. Adalah later learned that the examiner had recommended, among other things, that Mr. Shohat be immediately put on leave, that an open bid be published to hire for the position, and that a comprehensive check be made of the BEA. However, after filing the petition, the initial response of the MOE before the Court was that it supported Mr. Shohat, that it appreciated his work with the community, and that it had no authority to dismiss him. The MOE later reversed its position, and informed the Court in March 2002 that it intended to dismiss Mr. Shohat as a result of financial irregularities in his management of the BEA. One year later, after numerous legal wrangling over whether the MOE in fact had the authority to fire the BEA head, the Director General of the MOE finally ordered the dismissal of Mr. Shohat. Case pending on issue of job bids.

Discriminatory State Policies

Early Childhood Education

The Compulsory Education Law (1949), as amended in 1984, lowered the age of compulsory education from five to three years old. It also required that implementation of the new amendment be fully achieved by the end of 2000. However, no serious steps were taken to implement the law, and until today, state funding for kindergarten education for three and four-year-old Arab children is minimal.

Few state-funded preschools operate in Arab

towns or villages in Israel, as compared with Jewish communities, due to the discriminatory policies of the MOE in allocating budgets for buildings and the establishment of kindergartens. As a result, about 50% of Arab three and four-year-olds are not enrolled in kindergartens, whereas almost 90% of their Jewish counterparts are registered in schools. Thus, Arab children are at a disadvantage from the earliest stages of the educational process.

Table 1: Rates of Enrollment in Kindergartens, by Educational Sector and Age for 2000/01⁸

Age	Jewish	Arab
3	89.5%	54.1%
4	89.3%	59.2%
5	99.4%	93.2%

Naqab. The situation of pre-school aged Palestinian Bedouin children in the Naqab is particularly alarming, especially for those living in the unrecognized villages. Only 27% of the needed kindergartens for three and four-year-old children have been established by the state in the government-

planned recognized towns and in the unrecognized villages in the Naqab. Today, 73% of the Arab children in the Naqab, aged three and four, do not have preschools. The MOE claims that it will take 8-10 years to fully implement the Compulsory Education Law for this age group in the Naqab.⁹

Table 2: Arab Children Aged 3 and 4, No. of Kindergartens Established, and No. of Kindergartens Still Needed to be Established, in the Naqab¹⁰

	No. Children Aged 3-4	No. of Kindergartens	% of Children Served	No. of Kindergartens Needed
Recognized Towns	5,600	67	38%	110
Unrecognized Villages	5,776	24	17%	135

Case Study: Demanding Preschool Education for Arab Bedouin Children in the Unrecognized Villages in the Naqab. Petition filed to the Supreme Court of Israel in April 2003 by Adalah on behalf of 43 children living in two unrecognized villages in the Naqab, the Regional Council for the Unrecognized Villages in the Naqab, and several parents associations and educational organizations against the Minister of Education, the Minister of Interior and others.¹¹ The petitioners demanded that the state provide free preschool education for three and four-year-old Arab Bedouin children, citizens of Israel, living in Al Zaa'rura (population 2,756) and Bir al

Mashash (population 882). Over 300 children in this age group live in these two unrecognized villages without any access to preschools. The petitioners demanded that the state provide free preschool education for the children, in accordance with the Compulsory Education Law (1949), as amended in 1984, and the principle of equality. By not providing preschools, the state is violating the children's right to education. Neither budget constraints nor the failure of the Ministry of Interior to issue permits for the construction of schools can be used as a justification for the state's failure to implement the law. Case pending.

Dropping Out of School

One of the major problems facing the Arab education system in Israel is dropping out of school. The drop-out rate of Arab youth is twice that of Jewish youth.

Table 3: Drop out rates between grades IX and XI¹²

	School year 1999/00 and 00/01	School year 00/01 and 01/02
Jewish	5.8%	6.0%
Arab	11.9%	12.0%

The main cause of the high drop-out rate for Arab youth is the state's failure to allocate sufficient budgets to the Arab education system. Arab schools are characterized by poor facilities and equipment; crowded classrooms; few support professionals, such as truant officers, psychologists, and educational

counselors; few professionals in the management of education system; and poor Arabic text books, among other deficiencies. This environment creates a negative experience for students, academically, emotionally and socially.

Table 4: No. of Truant Officers in Arab and Jewish Localities, in 2000¹³

	Jobs of Truant Officers Allocated	Jobs that should be added according to the Education Ministry Standard
Jewish	189 (43%)	246 (57%)
Arab	53 (15%)	293 (85%)

The State Comptroller has criticized the Ministry of Education several times in his annual reports for not allocating enough job positions for truant officers in Arab municipalities (Report No. 45, 46, 48 and 51(B)). In his 2002 report, the State Comptroller stated that, “There is an obvious gap between the truant officers that the Ministry of Education

allocated and the number of jobs it was supposed to allocate according to the right standard ... This gap exists in both the Jewish and the Arab sector, but the gap in the Arab sector is bigger because according to the CBS information, the rate of dropping out at the high school level in the Arab sector is higher than the one in the Jewish sector.”¹⁴

Table 5: Schools that Receive Psychologists and Educational Counselors, By Education Sector and School Level (1995)¹⁵

	Psychologists		Educational Counselors	
	Junior High	High School	Junior High	High School
Jewish Schools	81.0%	65.8%	95.7%	94.0%
Arab Schools	27.4%	34.8%	64.4%	74.4%

Recommendations of the Special Knesset Committee on Dropping Out¹⁶

1. Equal budgets should be allocated for Arab and Jewish education; minimize the number of students in classes; develop the physical infrastructure in schools; add more social workers, psychologists, and truant officers.
2. Widen and enrich technological and professional education, both in the regular schools under the supervision of the Ministry of Education and in the technology schools under the supervision of the Ministry Labor and Social Affairs.

3. Widen the alternative frameworks for students who dropped out (e.g., education centers).
4. Encourage more students to train for support professional careers in education (e.g., psychologists, counselors, etc.)
5. Give special attention to Arab education – establish a department for planning, policy, and the development of educational programs in the Arab education system and integrate more Arab professionals into the system.
6. Prepare more educational material in Arabic.

Matriculation

Discrimination at every level of the education system progressively bars more and more Palestinian students in Israel from obtaining higher education degrees. High school students seeking to attend university must first obtain a bagrut or a matriculation certificate.

Table 6: Proportion of high school graduates with matriculation certificates¹⁷

Nationality	Year	17 year olds in the last year of high school	Those that took the exam	17 year olds that obtained the Bagrut
Jewish	1999/2000	83.0%	72.4%	45.6%
	2000/2001	80.6%	70.7%	48.2%
Arab	1999/2000	71.2%	63.8%	29.0%
	2000/2001	66.1%	58.2%	33.1%
Negev Bedouin	1999/2000	62.8%	48.7%	16.8%
	2000/2001	63.0%	49.5%	27.7%
Druze	1999/2000	79.8%	77.4%	28.6%
	2000/2001	79.6%	74.9%	39.3%

Observations:

- In 2000/2001, while 48% of Israeli Jewish students obtained a bagrut, only 33% of Arab students obtained a matriculation certificate. Palestinian Bedouin students in the Naqab had the lowest pass rates, with less than 28% who obtained a bagrut in 2000/2001.
- Research on this data for 1999 revealed that in all but two Arab towns in Israel (Kufr Qara and ‘Ar’ara), the percentage of students passing the exams was lower than the national average.¹⁸

Table 7: Pupils in Grade XII, with Matriculation Certificates that Met University Entrance Requirement¹⁹

	Year	Met University Entrance Requirement
Jewish	1996	42.4%
	2000	44.1%
Arab	1996	23.7%
	2000	25.4%

Observations:

- Not all holders of matriculation certificates are eligible to attend university.
- In 2000, while 44.1% of Jewish 12th grade holders of a bagrut met university entrance requirements, only 25.4% of Arab students met these qualifications.
- The gap between the percentage of Jewish and Arab students who met the university entrance requirements is especially big taking into consideration the gap that already exists between Jewish and Arab students, who obtained the bagrut (see Table 6).

Universities

Table 8: Students in Universities by Degree and Religion²⁰

		1999/2000	2000/2001
First Degree	Jewish	91.0%	90.4%
	Other Religion	9.0%	9.6%
Second Degree	Jewish	96.1%	95.4%
	Other Religion	3.9%	4.6%
Third Degree	Jewish	96.8%	96.6%
	Other Religion	3.2%	3.4%

Observations:

- “Other Religion” includes Arab students as well as other students enrolled in Israeli universities. Thus, the percentage of Arab students registered in the universities may be even lower than those figured in Table 8.
- The percentage of Arab students enrolled in first degree programs in Israeli universities is less than one-half of their percentage in the general population age group. The gaps between Jewish and “other religion” grow wider in second and third degree programs.

Special Education

The Special Education Law (1998) guarantees free and individualized special education to all children with special needs, but resources allocated by the state for Arab students lag far behind those of Jewish students. Deficiencies include an insufficient number of classrooms and specialists, under-qualified staff, unsuitable curricula, unsafe buildings, and lack of transportation.

The Commission to Examine the Implementation of the Special Education Law (‘the Margalit Commission’) published its findings in July 2000. After hearing testimony from experts, lawyers, NGOs, and parents, the Commission found that “the most conspicuous and significant” inequality in the allocation of special education resources was between Arab and Jewish schools.²¹ The Commission recommended the adoption of affirmative action policies in allocating resources and services for Arab special education in general, and in Arab Bedouin communities in particular.²² The report noted other inequalities, including disparities in diagnostic testing that prevent Arab students with special needs from being properly identified and treated. The Commission also found that even students who are placed in an Arab special education framework find themselves in overcrowded and poor physical conditions, which lack the proper

infrastructure to enable them to realize their objectives. Despite the Commission’s submission of detailed recommendations, there has been as yet no implementation.

In his 2002 report, the State Comptroller critiqued the lack of a proper system of diagnosis for Arab children with special needs:²³

The percentage of children with special needs is higher in the minorities’ sector than in the Jewish sector. A lot of children with special needs, especially in the area of learning and behavioral disabilities, are not identified. This is as a result of the lack of suitable identification and diagnostic systems in the minorities’ sector. In the minorities sector, the percentage of children who received services, as compared with those who were recommended to get particular services, is much lower than their percentage in the Jewish sector (generally half and even a third of it). Children are not succeeding in getting the required treatment in the earlier stages of their life, and as a result of the lack of treatment, their functioning, medical, psychological and social problems, become more severe.

Table 9: Arab and Jewish Children with Special Needs that Do Not Get Services, by Service Type²⁴

	Medical Services	Paramedical Services	Psycho-Social Services
Jewish Children who did not get the services needed	39%	40%	72%
Arab Children who did not get the services needed	71%	76%	88%

Lack of Arab Professionals in Area Needed for Treatment

Many children with the special needs require treatment in development, language and communication. This kind of treatment should be given by professionals who come from the same community as the child with special needs. Due to the lack of Arab professionals in treatment areas

needed, many Arab children with special needs do not get these services. A few of these children receive treatment from Israeli Jewish professionals, who in most cases do not know the language of the child.

Table 10²⁵

Profession	Total	No. and % Professionals from the Minorities Sector
Physiotherapists	2,472	198 (8%)
Speech Therapists	1,376	56 (4%)
Treatment Therapists	1,995	64 (3%)

The State Comptroller found that the lack of Arab professionals in these specialized fields, “damages the quality of treatment. Many children do not get the essential treatment that they need, or they get only partial service, or the service they get is not

professional enough and given by someone who does not have a professional license in the area of communications disabilities.”²⁶

Proposed Questions for Israel

1. What, if any, are Israel’s plans to increase the decision-making power of Palestinian citizens of the state over educational goals, objectives and curriculum? What measures is the state taking to ensure that Arab students have an opportunity to develop a positive cultural and national identity?
2. How is GSS intervention in the appointment of Arab educators consistent with the principles of non-discrimination on the basis of race, religion and national origin?
3. What measures is Israel taking to fully implement the Compulsory Education Law for three and four-year-old Arab children, especially for those living in the Naqab?

4. What specific measures is Israel taking to minimize the high drop-out rate of Arab students ?
5. What measures is Israel taking to increase the number of Arab students who obtain matriculation certificates (bagrut), especially in the Naqab? Does the State have any plan in order to increase the percentage of Arab students in the universities? Is there any affirmative action plan in place?
6. What measures is Israel taking to close the gap between the services allocated to Arab and Jewish children with special needs? What steps is the state taking to improve the treatment afforded to Arab children with special needs, as well as to increase the number of Arab paramedical professionals?

Notes

¹ The State of Israel, “Combined Seventh, Eight and Ninth Periodic Report of Israel Concerning the Implementation of the International Convention on the Elimination of all Forms of Racial Discrimination, Submitted to the UN Committee on the Elimination of Racial Discrimination,” July 1997 at para. 105.

² Relly Sa’ar, “A Yitzhak Cohen by any other name,” *Ha’aretz English Edition*, 6 December 2001.

³ Editorial, “Suspects in education,” *Ha’aretz English Edition*, 12 December 2001.

⁴ Correspondence with Adalah. These letters were dated 26 December 2001, 20 January 2003, 9 February 2003, and 18 February 2003, respectively. (Letters on file with Adalah, Hebrew).

⁵ Letter sent by Adalah Attorney Marwan Dalal to Aharon Zbeda on 20 May 2001. Response of Mr. Zbeda to Adalah’s inquires, dated 8 July 2001. (Letters on file with Adalah, Hebrew).

⁶ Letter sent by Adalah Attorney Marwan Dalal to Aharon Zbeda on 12 November 2001. Response of Mr. Zbeda to Adalah’s inquires, dated 12 November 2001, in which he stated that he had nothing to add to letter that was sent to the principals. (Letters on file with Adalah, Hebrew).

⁷ H.C. 7383/01, *Megel el-Hawashleh, et. al. v. Minister of Education, et. al.*

⁸ Central Bureau of Statistics (CBS), Statistical Abstract of Israel 2002, Table 8.10.

⁹ Letter by Amira Hayem, Ministry of Education - Director of the Southern District to Adalah, dated 4 February 2002 (Letter on file with Adalah, Hebrew).

¹⁰ Knesset Center for Research and Information, “Background Paper for Discussion: Bedouin Education for Preschoolers in the Negev,” 4 March 2001 (Hebrew).

¹¹ H.C. 3757/03, *Ismael Mohammad Abu Guda, et. al. v. Minister of Education, et. al.*

¹² CBS, Statistical Abstract of Israel 2002, Table 8.18.

¹³ The State Comptroller Report 2002, No. 51(B) at 9 (Hebrew).

¹⁴ *Id.* at 21.

¹⁵ “The Obvious and Hidden Drop Out Between the Youth,” Report of the Knesset Research and Information Center and the JDC-Brookdale Institute, June 2001. (Hebrew)

¹⁶ Special Knesset Committee Regarding the Issue of Dropping Out, “Conclusions and Recommendations,” July 2002 (Chaired by MK Tamar Gojansky) (Hebrew). Recommendations are not binding on the Ministry of Education. No available information as to implementation.

¹⁷ Ministry of Education, “Statistics of the Matriculation Examination (Bagrut) 2000/2001 Report,” available at: www.netvision.net.il/bagrut/netunim5.htm.

¹⁸ Shlomo Swirsky, “Students Passing Matriculation Exams in 1999,” (ADVA, May 2000) at 2 available at: www.adva.org/bagrut1999e.html.

¹⁹ CBS, Statistical Abstract of Israel 2002, Table 8.20.

²⁰ CBS, Statistical Abstract of Israel 2002, Table 8.35.

²¹ Ministry of Education, “Report of the Commission to Examine Implementation of the Special Education Law,” 20 July 2000 at 4 (Hebrew). Adalah submitted a paper, dated 22 March 2000, and gave a presentation before the Commission, raising concerns about resource disparities between facilities and programs for Jewish and Arab students in the special education system, and the failure of the special education system to meet the language and cultural needs of the Arab students.

²² *Id.* at 5.

²³ The State Controller Report 2002 52 (B) at 541 (Hebrew).

²⁴ *Id.*

²⁵ *Id.* at 558.

²⁶ *Id.*