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RE: ADALAH’S RESPONSE TO OECD REPORTS ON EDUCATION IN ISRAEL, 2015 & 2016

Dear Mr. Schleicher and Colleagues,

Adalah – The Legal Center for Arab Minority Rights in Israel has prepared this short paper as a response to the OECD’s 2015 Country Note on Israel, Education at a Glance: OECD Indicators, and to the OECD’s 2016, Education Policy Outlook: Israel. The paper provides additional information on the education of members of the Palestinian Arab minority in Israel, who comprise approximately 20% of the population of the state, and makes recommendations to improve the accuracy of future analysis papers on education in Israel by the OECD. While it was not possible to gather data in the precise same format as the OECD, we have attempted where possible to provide parallel statistics that are relevant to the main areas of education covered in the OECD’s reports. Adalah has been working on legal issues concerning the education rights of Palestinian citizens of Israel for the last 20 years, primarily before Israeli courts, and has gained deep knowledge and experience in these matters. It is therefore well placed to provide remarks on the OECD’s reports.

The two OECD documents recognize several achievements of the Israeli education system, notably in the fields of public expenditure on education as a percentage of GDP, tertiary education, hours of compulsory instruction time for primary school students, and teachers’ pay. In these areas, Israel performs relatively well within the OECD context. However, in Adalah’s view, the OECD’s reports are fundamentally flawed by the lack of specific data and analysis of the separate education system that educates members of the Arab Palestinian minority in Israel. The parallel figures provided here by Adalah lay bare large and persistent gaps between Arab and Jewish students, citizens of Israel.

The importance of education as a precursor for individual and community development makes the inclusion of specific analysis of Palestinian Arab citizens of Israel vital, especially given the persistently high rates of poverty among this group: the average poverty rate was 52.6% among Arab families in Israel was 52.6% in 2014 compared to just 13.6% among Jewish families in Israel.

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3 Between 2013 and 2014, the poverty rate among Arab families in Israel actually rose by 5%. In fact, these figures underestimate the true rate of poverty among the Arab minority of Israel since they are based on data that excluded the Arab Bedouin population of the Naqab (Negev), the most impoverished group in Israel. The Central Bureau of
Lack of data disaggregated by national group disguises the true state of education in Israel

The data included in the Country Note and Education Policy Outlook paper is disaggregated by sex, age, level of educational attainment, educational system (public/private), and other criteria; however, there are no separate figures for Palestinian citizens of Israel. The omission of indicators specific to Arab citizens of the state or the Arabic-language education system in both the Country Note and the Education Policy Outlook paper is a shortcoming or oversight that masks fundamental inequalities and serious shortcomings of the education system, and results in artificially inflated results for Israel when compared to its counterparts in the OECD.

While the Education Policy Outlook paper acknowledges the large gaps in educational attainment that persist between population groups in Israel, including Arab students, it does not go on to provide comparative data on the Arab education system, either on educational benchmarks or on levels of state investment in the separate education systems. This OECD report contains a list of 40 “key indicators”, which compare Israel to the average, minimum and maximum scores of OECD countries. None of these indicators is disaggregated by population group, a major flaw in the case of Israel.

This omission is problematic for several reasons. Firstly, according to official data, Arab citizens of Israel make up 20% of the population of Israel, and over 25% of school-aged pupils. The vast majority of Arab school students study apart from Jewish school students in the separately administered Arab education system, of which the language of instruction is Arabic rather than Hebrew. Levels of educational achievement are consistently lower in the Arab education system, which is afflicted by specific problems, including lower state funding, larger class sizes and fewer teaching hours. Indeed, Israel has the largest gaps in student achievement among all OECD countries, with Arab students scoring an average of 133 fewer points than Israeli Jewish student in the 2012 PISA tests. A disaggregation of the PISA test results for 2012 yields the following results: Jewish Israeli examinees were ranked in 17th, 32nd and 35th places (of 66) in reading, mathematics and science respectively, while Arab citizens of Israel were ranked far lower, in 58th, 61st and 63rd places in the same subjects.

Arab Palestinian citizens of Israel are a national minority that is also a homeland, non-immigrant minority, and is entitled as such to special protection under international law. In addition, Israel is not a ‘regular democratic’ state but a state that is engaged in a protracted conflict with the Palestinians in the Occupied Palestinian Territory (OPT). It also has a proven history of historical, institutional discrimination against Arab students who are citizens of Israel. Because Arab citizens of the state are under-represented in decision-making positions in the Ministry of Education, which exercises extensive centralized control over the Arab education system, the Arab community is far from the centers of power and unable to sway policy effectively.

As a result, any countrywide assessment of the status of education in Israel is incomplete and distorted without separate data on the Arab education sector. The non-disaggregation of data on the Arab minority in Israel is liable to mask the often large gaps between the separate Arabic education system and country averages, hide structural inequalities, and result in inaccurate and misleading analysis of basic educational benchmarks. Further, as noted above in the context of poverty statistics, the state does not consistently


4 Central Bureau of Statistics (CBS), “Population, by population group, religion, sex and age,” Table 2.3, 10 September 2015.


collect data on the Arab Bedouin in the Naqab. This group has the lowest levels of educational access and attainment in the country, and thus their omission artificially skews Israel’s scores even further upwards.

**Educational access**

*Enrolment in early childhood education*

In the section on educational access, the *Country Note* states that 100% of three-year-olds in Israel are enrolled in early-childhood programs, a figure that is far above the OECD average of 74%. The *Education Policy Outlook* report similarly notes that, “Enrolment in early childhood education was universal among 3-4 year-olds in 2012.” This figure is inaccurate, and indeed contradicts official data provided by the state: According to the Israeli Central Bureau of Statistics (CBS), 84.3% of Arab three-year-olds attend preschools (the figure for kindergartens under the supervision of the Ministry of Education is 80.1%).

Given that Arab children constitute 25% of the total number of children in Israel, the figure of 100% cited in the Country Report cannot be correct. A disaggregation of the data according to national belonging (Arabs/Jews) would have immediately flagged up this error.

Even the CBS figure of 84.3% of Arab three-year-olds is misleading because the state, by its own admission, gathers either no or partial data on the Arab Bedouin population of the Naqab desert in southern Israel. For example, the data collected by the CBS regarding expenditure surveys has not included the Bedouin population since 2012. The Bedouin in the Naqab have the lowest levels in educational attainment in the country. Because they are invisible in many official data surveys, statistics on both the Arab education sector and the education system overall tends to underestimate areas of underachievement and gaps within the education system, such as the under-provision of preschool education and alarmingly high drop-out rates.

Although the Compulsory Education Law – 1949 (as amended) provides that children aged three and above are “entitled to free elementary education at an official educational institution,” educational provision in the Bedouin towns and villages is patchy, poor-quality and in many cases non-existent. As a direct result, only 25% of Bedouin three- and four-year-old children have access to preschools. According to data published by the Ministry of Education, just 41% of Bedouin children aged five were enrolled in an educational institution in the 2013-2014 school year.

The situation is even starker in the 35 “unrecognized” Bedouin villages, where it is state policy to try to demolish and depopulate. Here, the Bedouin population (c. 200,000 in total) fall victim to the state’s policy of refusing to provide any or adequate educational facilities for the children and youth based on the unrecognized status of their place of residence. While accurate overall data for these villages is difficult to obtain, the percentage of children in the unrecognized villages with access to preschools is even lower than 25%. In the unrecognized village of Alsira, for instance, Israel has rejected demands to provide a preschool due to the unrecognized status of the village or to provide state-funded transportation for the children to attend preschools in the neighboring town of Kseiffe. As a result, 0% of the approximately 20 children aged three and four in Alsira attend preschools.

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7 CBS, “Children in pre-primary education and in day care centers, by ownership, child’s age and population group,” Table 8.5, 10 September 2015. The figure given by the CBS for Jewish children in this table is impossible (106%).


10 Adalah is representing families from Alsira before the Administrative Court in Beer Sheva to compel the Education Ministry and the al-Qasoum Regional Council to provide preschools for the children of Alsira. Administrative Petition 4749-05-16 (Be’er Sheva Administrative Court), *Ibrahim Alamour v. The Ministry of*
This state discrimination at the earliest stages of their education contributes to low levels of educational attainment throughout the lives of Bedouin children and entrenches existing inequality. Moreover, the lack of disaggregation in a situation of severe and structural inequality of this kind masks the state’s failings to provide them with education on the basis of equality.

**Educational output**

*School leaving certificate, or Baghrout*

As the OECD’s *Education Policy Outlook* paper notes, there are large differences in the percentages of Jewish, Arab and Arab Bedouin students in the Naqab who obtain a secondary school leaving certificate (matriculation or *Baghrout* certificate), gaps which continued to persist in the 2014-15 academic year. According to MOE data: 75.6% of Jewish students of the 17-18 age group passed the examination, compared to 50.3% of Arab students, i.e. a gap of around 25 percentage points, and only 32.4% among the Bedouin in the Naqab, i.e. a gap of around 43 percentage points. In other words, while one-quarter of Israeli Jewish students did not pass the exams, 50 percent of the Arab students and two-thirds (or 66%) of the Arab Bedouin in the Naqab did not pass. Furthermore, according to Adalah’s analyses of the data published by the MOE, it will take at least 55 years to close the gap between Arab and Israeli Jewish students, at this pace. For the Arab Bedouin, this gap will never close because in the last six years, the gap between Israeli Jewish and Bedouin students – those who passed the exam and those who did not - increased from 32% in 2009 to 43% in 2015.

The gap between Israeli Jewish and Arab students is also larger when it comes to the percentage of students who meet the criterion set for entry to university. The OECD in either report does not report on this measure, which is different from that of the *Baghrout*. Among Israeli Jewish students who obtained a *Baghrout* certificate, 66.9% met the further requirements for entry to university, whereas only 32.8% of Arab students who obtained the certificate did, i.e. less than half the rate of their Jewish peers. Therefore, even those Arab students who successfully graduate from secondary school are at a huge disadvantage when they attempt to access higher education in Israel.

**Higher education**

According to the OECD’s *Country Note*, in 2014 Israel performed well relative to the OECD average in the field of highest educational attainment level, among 25-64 year olds, with 49% of Israelis in this group reaching the tertiary level compared to 34% among all OECD countries. 22% of Israelis had achieved a Bachelor’s degree or equivalent, outstripping the OECD average of 16%.

However, the overall statistics again obscure serious inequalities between Jewish and Palestinian Arab citizens of Israel that result from state discrimination. In the 2013-2014 academic year, Arab citizens of Israel made up 9.8% of recipients of bachelor’s degrees from Israeli universities, well below their proportion of the total population, at around 20%. As the academic level increases, so the representation of Arab citizens dwindles further, as they account for 7.2% of master’s degrees-holders and 3.2% of

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*Education and Al-Qasoum Regional Council*, petition filed 2 May 2016, case pending. Over the years Adalah has brought several cases before the Israeli Supreme Court to demand the establishment of pre-schools and/or transport to pre-schools for the children of residents of the unrecognized villages. Adalah did not succeed in these cases due to the “unrecognized status” of these villages.


12 CBS, “External matriculation examinees and those entitled to a certificate, by population group and selected characteristics,” Table 8.32, 10 September 2015.

13 CBS, “Recipients of degrees from universities, academic colleges and colleges of education, by degree, sex, age and population group,” Table 8.63, 10 September 2015.
doctoral degree-holders.\textsuperscript{14} While 28.9\% of Jewish citizens of Israel aged 15 and over had received 16+ years of education in 2013/2014, the parallel figure among Arab citizens was \textit{less than half that rate}, at just 13.5\%.

**Financial investment in education**

\textit{Investment in school children, per capita}

At all levels, Israel invests less per student in education than the OECD average, as noted in the \textit{Country Note}: 84\% of the OECD average in primary education, 59.7\% in secondary education, and 82\% in tertiary education. Exacerbating the situation for Arab students in Israel, however, is systemic discrimination against them in funding in their separate educational institutions that leaves them particularly disadvantaged. Despite lower levels of educational achievement among Arab students at all stages of education, investment in their schooling is consistently lower than for their higher-achieving Israeli Jewish counterparts.

State data reveals that the gaps in investment between Arab and Jewish students increases over the course of their school lives, at 23.6\% in favor of Israeli Jewish students among low-achieving elementary school children, a figure which rises to 48.5\% at junior high school level, and climbing to \textbf{67.6\%} at high school level.\textsuperscript{16}

The OECD ascribes the lower funding provided to schools and students in the Arab education system to the fact that Arab towns and villages in Israel are, on average, less affluent than Jewish towns and villages. However, without central government funding to close the funding gap, lower levels of funding to Arab schools will be further entrenched and over time, they will deepen existing inequalities in education and socioeconomic status.

**Education policy**

\textit{School autonomy}

The OECD notes in its \textit{Education Policy Outlook} paper that schools in Israel take fewer decisions than in other OECD countries, and that central government plays a greater role, reducing school autonomy. The lack of autonomy is even more pronounced within the Arab state education system, which is under the MOE’s direct management. By contrast, the Jewish state-religious and ultra-orthodox- independent education systems are administered by separate bodies within the MOE, a structure which gives them a greater level of control of the curriculum and other, pedagogical and administrative, matters.

Moreover, Arab citizens of Israel are poorly represented in the MOE. They make up just 7.6\% of all ministry staff\textsuperscript{17} and work mainly as educators and administrators; they are rarely found in senior decision-making positions at the ministry.\textsuperscript{18} As a result, Arab citizens of Israel are being educated within a separate education system over which Arab citizens of Israel exercise little significant control.

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\textsuperscript{14} Id.
\textsuperscript{15} CBS, “Population aged 15 and over, by population group, years of schooling, age and sex,” Table 8.72, 10 September 2015.
\textsuperscript{16} The Knesset Research and Information Center, “Data on the allocation of the Ministry of Education’s budget to schools by sector,” 17 December 2015 (in Hebrew). The data excludes Jewish religious schools.
\end{flushleft}
The fact that the Arab political parties have never been included in governmental coalitions within the Knesset also leaves them with insufficient political influence within the government and the parliament to make positive changes on behalf of their constituents. Their situation contrasts starkly with that of the Jewish ultra-Orthodox political parties, which recently used their political clout to cancel a legal requirement on schools within the ultra-Orthodox system to teach students core subjects such as mathematics, science and English. These schools receive 100% of their funding from the state.

Arab state schools, by contrast, follow a core, compulsory curriculum that is written and imposed by the MOE and provides, for example, limited and politically censored instruction in Arabic literature and history. Their underfunding is a further indication of the lack of political influence in the hands of Arab citizens of Israel that is needed to reverse discrimination in state investment in education. For example recent new civic book didn’t include any Arab scholar in its drafting committee.

The lack of autonomy over schools in the Arab state school system in particular extends beyond the lack of control over bureaucratic and educational decisions to include also political control over appointments to the school staff. In September 2004, Adalah submitted a petition to the Israeli Supreme Court demanding that the General Security Service (GSS or Shin Bet/Shabak) be prohibited from intervening in the appointment of teachers, principals and inspectors to the Arab Education Division of the Ministry of Education (MOE). Adalah relied upon affidavits from former Ministers of Education and senior employees in the ministry who all confirmed the practice of GSS intervention in the appointment of Arab educators. This petition led to the cancellation of the GSS position in the MOE, however, Adalah still receives some information that GSS control is still being exercised unofficially and indirectly.

The combination of these factors leaves the Arab education system subject to excessive control from central government, the senior levels of which Arab citizens are also excluded from. The issue of the large and deliberate lack of autonomy for schools within the Arabic education system is not discussed by the OECD in its reports, but warrants special attention.

**Economic and labour market outcomes**

*Unemployment rates*

The OECD registers better-than-average unemployment rates for Israel (among 25-34 year-olds). In Israel it was lower in 2015 than the OECD average at all levels of education surveyed (9.7% for below upper secondary in Israel versus OECD average of 19.1%; 7.8% for upper secondary and post-secondary non-tertiary in Israel versus OECD average of 10.2%; 5.2% for tertiary in Israel versus 7.5% OECD average (data from Education Policy Outlook paper).

The picture looks very different, however, when gaps between population groups are factored in. When Israel joined the OECD in 2010, it committed to reducing the economic disparity between Jewish and Palestinian Arab citizens of Israel. However, the rate at which Arab women citizens of Israel in particular are engaged in the labour market remains extremely low relative to other groups and major obstacles prevent Arab women from reaping the benefits that are supposed to derive from education in terms of future employment and earning prospects.

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20 In the past, the post of the Deputy Director of the Arab Education Division in the MOE was held by a GSS officer, who had the power to bar any candidate from being hired in the Arab Education System without GSS approval. See HCJ 8193/04, Union of Parents of Arab Students in Israel et al. v. The Ministry of Education et al. In June 2005, the Attorney General informed the Supreme Court of the cancellation of this post. See also: http://www.adalah.org/en/content/view/6400
While the percentage of employed Arab women in Israel has increased slowly over time, it remains extremely low, at just 24.8% (of Arab women aged 15+) in 2015 (figure includes all levels of education). The comparable figure for Israeli Jewish women is 62.4%. 60.1% of Arab men (aged 15+) were employed in 2015, as were 66.8% of Jewish men; notably, it was only among Arab women that the employment rate fell from the previous year (24.9% in 2014). In 2014, Arab women also recorded the highest unemployment rates among labor force participants – 9.6% – compared to 5.7% of Jewish women, 7.0% of Arab men, and 5.6% of Jewish men.

Those Arab women who do work earn less per hour (21% less) than Israeli Jewish women and are more likely to retire earlier. They are disproportionately represented in the unskilled labor force, and professional workers are heavily concentrated in education and healthcare services, which together employ 36% of the total number of working Arab women. They are almost completely absent from the high-tech industry (in which Israel is a world leader), for example, accounting for less than 0.5% of all high-tech workers; Arab workers, men and women, make up just 1.3% of all high-tech workers combined. The lack of disaggregation in the report covers up these enormous gaps.

**Gaps in earnings**

As the OECD’s *Country Note* confirms, for all levels of education, women in Israel earn less than men with the same level of education, at 72% of earnings compared with an OECD-wide average of 80%. The report does not provide a separate breakdown of earnings for Arab and Jewish citizens of Israel, but based on state data the gaps are large. For all levels of education:

- Arab citizens earn less than Jewish citizens, at 63.5% of earnings;
- Arab men earn less than Jewish men, at 55% of earnings;
- Arab women earn less than Jewish women, at 69% of earnings.

For Arab citizens of the state, both men and women, but more markedly for Arab women, gaining higher education does not shrink the gaps between them and their similarly-educated Jewish counterparts. On average, individuals with 16+ years of schooling earned a monthly salary of 13,595 New Israeli Shekels (NIS) in 2013. A closer breakdown reveals that among this educated group Jewish men (17,868 NIS) and women (10,953 NIS) earned significantly more Arab men (9,291 NIS) and Arab women, who were the lowest paid by a significant margin (7,318 NIS). Arab women with 16+ years of school therefore earned only 41% of the wages of similarly-educated Jewish men. These figures provide further evidence that education is not as effective a ladder to prosperity and socio-economic development for Arab citizens of Israel as it is for Jewish citizens and are clear indicators of entrenched structural discrimination.

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22 Id. pp. 9-10.
27 CBS, “Employees aged 15 and over, by gross money income from wages and employee salaries and by population group, sex, age and years of schooling,” Table 8.74, 10 September 2015.
28 CBS, “Employees aged 15 and over, by gross money income from wages and employee salaries and by population group, sex, age and years of schooling,” Table 8.74, 10 September 2015.
29 Id.
People not in employment, education or training (NEETS)

A familiar pattern emerges in the category of NEET, where the OECD gives Israel a higher-than-average score. Its data here is broken down into men and women: 11.6% of Israeli men and 16% of Israeli women are recorded as falling into this category, which are both slightly lower than the OECD average scores. According to state data, however, enormous gaps cut through social groups that are left hidden by this aggregated figure. These gaps are large between men, with just 8.9% of Jewish men falling within the category of NEET compared to 18.7% of Arab men. However, the percentage of Arab women who are NEETs is more than half of the total, at 55.5%, compared to 14.2% of Jewish women. An additional breakdown of the data into Arab and Jewish citizens would have revealed these huge disparities, which are clear markers of inequality and discrimination and diminish any strides made by Israel in lowering the general percentage of NEETs in the overall population.

Recommendations

This report has covered some of the starkest inequalities and gaps in education between Palestinian Arab and Jewish citizens of Israel, which, given the size and status of the former and the long-standing discrimination against its members, demonstrate the importance of including disaggregated data on Arab citizens as a routine in any basic education survey of Israel. This is of particular significance given Israel’s obligations and commitments to the OECD to reduce the economic disparities between Jewish and Arab citizens of Israel. Israel itself regularly publishes such disaggregated data.

The omission of separate analysis of Arab citizens in data on education, and in many other fields, results in inaccuracies and distortions, and helps the state to continue to evade responsibility for ending its longstanding institutional discrimination against 20% of its citizenry. Rigorous external monitoring, international comparisons, and increased transparency have a critical role to play in exposing this discrimination and bringing about change. Here the OECD has the ability and the opportunity to be instrumental in exerting effective pressure on Israel, as a member state, to provide equal opportunities in education to its Arab citizens in order to play a full role in society.

We therefore recommend that the OECD routinely incorporate data on the Palestinian Arab minority in Israel in its data surveys on the country, and to raise questions about measures taken by Israel to reduce inequality and eliminate discrimination against them.30

Sincerely,

Sawsan Zaher, Advocate  Muna Haddad, Advocate  Katie Hesketh
Director, ESR Unit, Adalah  Attorney, ESR Unit, Adalah  Researcher, Adalah

30 This information should include data about the allocation of funding to the Arab education system as part of the educational reform and investment programs that are listed by the OECD in its report *Education Policy Outlook*. These include the *New Horizon* and *Courage to Change* programs, as well as other initiatives designed to raise educational standard in Israel, reduce inequality between population groups, reform national curricula, and expand school autonomy.