

**HUMAN RIGHTS WATCH CHILDREN'S RIGHTS DIVISION**  
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**ISRAEL**

Discrimination Against Palestinian Arab Children in Israel's Schools

A Report Prepared for the Committee on the Rights of the Child by Human Rights Watch

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Nearly one in four of Israel's 1.6 million schoolchildren is educated in a public school system wholly separate from the majority. The children in this parallel school system are Palestinian Arab citizens of Israel.<sup>1</sup> Their schools are a world apart in quality from the public schools serving Israel's majority Jewish population. Often overcrowded and understaffed, poorly built, badly maintained, or simply unavailable, schools for Palestinian Arab children offer fewer facilities and educational opportunities than are offered other Israeli children.

The Ministry of Education does not allocate as much money per head for Palestinian Arab children as it does for Jewish children. Palestinian Arab students' classes are 20 percent larger on average. They get far fewer enrichment and remedial programs—even though they need them more—in part because the Ministry uses a different scale to assess need for Jewish children. Their school buildings are in worse condition, and many communities lack kindergartens for three and four-year-olds. Palestinian Arab schoolchildren do not have the same access to counseling and vocational programs. One of the largest gaps is in special education, where disabled Palestinian Arab children get less funding and fewer services, have limited access to special schools, and lack appropriate curricula.

Arabic is an official language and the language of instruction in Israel's Arab schools.<sup>2</sup> Nevertheless, the government devotes inadequate resources toward developing Arabic curricula in general, and Palestinian Arab teachers have far fewer textbooks and teaching materials at their disposal than their Jewish counterparts. Some of the content, especially the mandatory study of Jewish religious texts, alienates students and teachers alike.

Accordingly, Palestinian Arab children drop out of school at three times the rate of Jewish children and are less likely to pass the national matriculation exams for a high school diploma. Only a handful make it to university. Among Palestinian Arabs, the Bedouin from the Negev Desert fare the worst in every respect. The Israeli government has acknowledged some of these disparities, but it hasn't changed its policies.

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<sup>1</sup> Terminology regarding Israel's Arab citizens is highly politicized. Increasingly, individuals are rejecting the term "Israeli Arab," which is used by the Israeli government, in favor of "Palestinian" or "Palestinian Arab." Many, but not all, Druze and Bedouin in Israel also identify themselves as Palestinian Arab or a variation of the term. When referring to people, this report uses "Palestinian Arab citizens of Israel" or "Palestinian Arabs" because that is how most people we interviewed defined themselves. However, it should be noted that not everyone of Arab origin we interviewed identified herself or himself as Palestinian, and a few rejected the term altogether.

<sup>2</sup> Schools in this report are referred to as "Jewish" and "Arab." These terms correspond with what all government English publications and many other sources call "Hebrew schools" and "Arab schools." Human Rights Watch has used "Jewish" both because it is one translation of the Hebrew word that is used for these schools and because it is parallel with "Arab." We use "Arab schools" and "Arab education" because this is the term that everyone, both Palestinian Arab and Jewish, used when we interviewed them.

The Convention on the Rights of the Child guarantees the right to freedom from discrimination in education. Article 28 states that primary education must be “compulsory and available free to all.” Secondary education, including vocational education, must be “available and accessible to every child,” with the progressive introduction of free secondary education. In addition, states must “make educational and vocational information and guidance available and accessible to all children” and “take measures to encourage regular attendance and the reduction of drop-out rates.” Because different states have different levels of resources, international law does not mandate exactly what kind of education must be provided, beyond certain minimum standards. Accordingly, the right to education is considered a “progressive right.” But although the right to education is a right of progressive implementation, the prohibition on discrimination is not. Regardless of its resources, the state must provide education “on the basis of equal opportunity,” “without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”<sup>3</sup>

In our December 2001 report *Second Class: Discrimination Against Palestinian Arab Children in Israel’s Schools*, Human Rights Watch documents Israel’s discrimination against its Palestinian Arab children in guaranteeing the right to education. The 187-page report is based on nationwide statistics compiled by the Israeli government, Human Rights Watch’s on-site investigations at twenty-six schools in the two systems, and our interviews with students, parents, teachers, administrators, and national education authorities. In the report, Human Rights Watch concludes that discrimination against Palestinian Arab children colors every aspect of the Israeli education system.

## **Background**

Palestinian Arabs are a significant minority of Israel’s citizens. They make up 18.9 percent of the country’s population and one-quarter of school-aged children.<sup>4</sup> Of these, about 80 percent are Muslim, including the Bedouin and a small number of Circassians, about one-tenth are Christian, and slightly fewer are Druze.<sup>5</sup> The Bedouin constitute most of the Palestinian Arab population of the Negev region of southern Israel, and about 10 percent of the country’s total Palestinian Arab population.

The Israeli government operates two separate school systems, one for Jewish children and one for Palestinian Arab children. Palestinian Arab children are taught in Arabic, Jewish children in Hebrew. The two systems’ curricula are similar but not identical. For example, Hebrew is taught as a second language in Arab schools, while Jewish students are not required to study Arabic.

The law does not prohibit Palestinian Arab parents from enrolling their children in Jewish schools, but in practice, very few Palestinian Arab parents send their children to Jewish schools. Enrollment is based on residence; thus, enrollment in a Jewish school is only a real choice in mixed cities like Jaffa and Haifa; even in these, neighborhoods are mostly segregated, and there are separate schools for Palestinian Arabs and Jews. The vast majority of Palestinian Arabs live in towns and villages where the only option

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<sup>3</sup> Convention on the Rights of the Child, arts. 2(1), 28(1), *adopted* November 20, 1989, G.A. Res. 44/55, U.N. Doc. A/RES/44/25 (entered into force September 2, 1990, and ratified by Israel October 3, 1991).

<sup>4</sup> State of Israel Central Bureau of Statistics (CBS), “Table B/1.—Population, By Population Group,” *Monthly Bulletin of Statistics*, vol. 52, December 2001. In 2000, the most recent year for which data on population by age is available, 24.97 percent of children ages three to seventeen were Palestinian. State of Israel Central Bureau of Statistics (CBS), *Statistical Abstract of Israel 2001*, no. 52, table 2.18. In the 2000-2001 school year, 1,606,000 kindergarten through twelfth grade students were enrolled in the Israeli education system; 356,000 were enrolled in the Arab education system and 1,250,000 were enrolled in the Jewish education system. Ministry of Education, “Students Enrolled in Jewish Education and Arab Education 2000/01.”

<sup>5</sup> CBS, *Statistical Abstract of Israel 2000*, table 2.1. There are only about 3,000 Circassians in Israel, and their children attend both Jewish and Arab schools.

is an Arab school. Moreover, Palestinian Arab children who attend Jewish schools must be able to study in Hebrew from a curriculum designed for Jewish children. Even the few integrated kindergartens tend to teach mainly in Hebrew with an emphasis on Jewish culture. For many Palestinian Arabs, school integration is, in fact, assimilation into the majority's Jewish education at the expense of Arabic language and their own cultures and religions. Accordingly, the primary education issue for Palestinian Arabs in Israel is not access to Jewish schools but rather equalizing the Arab system with the Jewish system and gaining more autonomy over their education system.<sup>6</sup>

Although Israel's constitutional law does not explicitly recognize the right to education, its ordinary statutes effectively provide such a right.<sup>7</sup> However, these laws, which prohibit discrimination by individual schools, do not specifically prohibit discrimination by the national government. And Israel's courts have yet to use either these laws or more general principles of equality to protect Palestinian Arab children from discrimination in education.

### **Government Funding And Control Of Education**

The Israeli government heavily finances and regulates the education of almost all children in Israel. Under Israel's Compulsory Education Law, the state is responsible for providing free education and bears joint responsibility with state and local authorities for maintaining school buildings.<sup>8</sup> The Ministry of Education develops curricula and educational standards, supervises teachers, and constructs school buildings. Local authorities maintain the buildings and provide equipment and supplies, in some cases with financial support from the ministry. The ministry directly employs and pays kindergarten and primary school teachers, and provides the funds for secondary school teachers' salaries to local authorities who employ them directly.<sup>9</sup> The ministry also provides additional educational funding to local authorities.

Other government ministries fund and supervise particular educational facilities and programs. For example, the Ministry of Labor and Social Affairs operates vocational schools. The Ministry of Defense runs programs in schools to prepare students for military service. The Ministry of Immigrant Absorption provides assistance to immigrant students. The Ministry of Religious Affairs funds Jewish religious schools, and the Ministry of Health is involved in special education schools and health education.<sup>10</sup>

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<sup>6</sup> For example, university researchers who studied the underlying circumstances of the October 2000 demonstrations, in which Israeli army and police shot and killed thirteen Palestinian Arab citizens, rejected full integration on the grounds that it would injure the group identities of both Palestinian Arabs and Jews, that the different starting points of the two groups would perpetuate inequality, and that segregated residences make full integration impossible. Instead, the researchers called for a separate administration for Arab education which would operate within the Ministry of Education's framework but which would maintain absolute autonomy over management and curriculum content. Majid Al-Haj, Ismael Abu-Sa'ad, Yossi Yona, "Schooling and Further Education," in *After the Rift: New Directions for Government Policy towards the Arab Population in Israel*, eds. Dan Rabinowitz, As'ad Ghanem, Oren Yiftachel, November 2000.

<sup>7</sup> Although Israel has no formal constitution, a series of Basic Laws, together with the decisions of the Israeli High Court, form a kind of unwritten constitution and are considered constitutional law. Israel's education laws include the State Education Law (1953), the Compulsory Education Law (1949), the Pupils' Rights Law (2000), and the Special Education Law (1988).

<sup>8</sup> Compulsory Education Law, part III, 7A, B (1949).

<sup>9</sup> Ministry of Foreign Affairs, "Facts About Israel: Education," <http://www.israel.org/mfa/go.asp?MFAH00110>, 1999 (accessed on May 30, 2001).

<sup>10</sup> Economics and Budgeting Administration, Ministry of Education, *Facts and Figures About Education and Culture in Israel* (Jerusalem: Ministry of Education, 1998), pp. 38-39.

Until 1987, there was a separate department for Arab education within the Education Ministry. When the department was dissolved in 1987, its employees were spread out among the ministry's various branches. While most divisions typically have a single Palestinian Arab representative, there are small departments for Arab education and Druze education within the ministry's Pedagogical Secretariat. Despite this reorganization, Palestinian Arabs continue to be significantly under-represented in the ministry. At the time of writing, none of the top positions in the Ministry of Education were held by Palestinian Arabs. Altogether only 127 (4.8 percent) of the 2,662 employees of the Ministry of Education (excluding teachers) were Palestinian Arab in the 2000-2001 school year.<sup>11</sup>

The Ministry of Education's schools are divided into state secular and state religious schools.<sup>12</sup> Arab state schools fall under the state secular framework; there are no state religious schools for Palestinian Arab children. Most children, Jewish or Palestinian Arab, attend state schools within this framework. However, private associations consisting primarily of ultra-orthodox Jewish groups and, for Palestinian Arabs, Christian churches, also run schools that are considered "recognized but unofficial schools."<sup>13</sup> The Ministry of Education regulates and provides most of the funding for these schools, which, in turn, are supposed to use the ministry's prescribed curricula. Only a very few students, mostly "ultra-ultra orthodox" Jewish students, attend completely private schools in the sense that they receive no government funding. Even these are still legally subject to the Ministry of Education's supervision.<sup>14</sup>

The Ministry of Education provides several kinds of funding to schools. The largest amount goes to teachers' salaries and related expenses such as in-service teacher training. The second type supports a great variety of supplemental programs, both enrichment and remedial, that play a critical role in the Israeli education system. Some of this funding is purportedly allocated on the basis of need, although even the least needy schools depend heavily on this funding. The ministry also finances school construction.

Despite its acknowledgement of past disparities in its *Initial Periodic Report*, the Israeli government does not officially release data on how much it spends total per Palestinian Arab child compared with how much it spends per Jewish child. There are no separate lines in the budget for Arab education,<sup>15</sup> and when Human Rights Watch requested this information, the Deputy Director General, Head, Economics and Budgeting Administration, in the Ministry of Education, on behalf of the ministry's director general, responded: "On the Ministry level (headquarters and districts), the administration, operation and

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<sup>11</sup> Ali Haider, "Arab Citizens in the Civil Service," *Sikkuy's Report on Equality and Integration of the Arab Citizens in Israel 2000-2001*, Spring 2001, table 5. This data includes "autonomous affiliates." Ibid. The Israeli government reported to the Human Rights Committee in 1998 that the Ministry of Education employed 101 non-Jewish employees, not including teachers, principals, and educational inspectors. U.N. Human Rights Committee, *Initial Report of States Parties Due in 1993: Israel*, para. 870.

<sup>12</sup> State Education Law, art. 1 (1953).

<sup>13</sup> In the 1999-2000 school year, 21.2 percent of Jewish primary students and 15.3 percent of Jewish secondary students attended an ultra-orthodox school. CBS, *Statistical Abstract of Israel 2001*, table 8.15. Private associations ran 5 percent of Arab schools. State of Israel Ministry of Justice, Ministry of Foreign Affairs, *Initial Periodic Report of the State of Israel Concerning the Implementation of the Convention on the Rights of the Child (CRC)*, February 20, 2001, p. 304. Parents, students, and teachers told us that missionary schools, which charge tuition, play an important role in cities like Haifa, where the state system for Palestinians is particularly weak.

<sup>14</sup> Schools Control Law (1969).

<sup>15</sup> See, for example, Ministry of Education, *Budget Instructions for 2000*, no. 11, January 2000; and Ministry of Education, *Proposed Budget for the Ministry of Education 2001 and Explanations as Presented to the Fifteenth Knesset*, no. 11, October 2000.

inspection are common to both Hebrew and Arab education. Similarly, there is no budgetary separation. Therefore, I regret that it is not possible for us to determine the exact amount spent on Arab education.”<sup>16</sup>

The government’s continued failure to make public such basic data indicates the weakness of its commitment to real improvements in the Arab education system. As a party to the International Covenant on Economic, Social and Cultural Rights, Israel is required to monitor educational programs and spending patterns, to disaggregate educational data “by the prohibited grounds of discrimination,” and to use this information “to identify and take measures to redress any de facto discrimination.”<sup>17</sup>

### ***Funds for Teaching***

The government allocates much, but not all, funding in terms of “teaching hours,” one teaching hour being a unit that represents a particular sum of money. According to the Ministry of Education “[t]he schools’ main resource is that of teaching positions, 72% of the total budget in 2001.”<sup>18</sup> Because not all teaching hours are worth the same amount and vary in value from year to year, it is difficult to convert the allocation of teaching hours into exact sums of money.<sup>19</sup> Nonetheless, comparison of how teaching hours are distributed between Jewish and Arab education does show how resources are apportioned.

At every grade level, Arab schools receive proportionately fewer teaching hours than Jewish schools. In 1999-2000, although 21.4 percent of children enrolled in kindergarten through secondary schools were Palestinian Arab, only 18.4 percent of total teaching hours were allocated to Arab education.<sup>20</sup> In 2000-2001, 22.2 percent of enrolled school children were Palestinian Arab, and the average number of teaching hours per student remained virtually the same.<sup>21</sup>

### ***Enrichment and Remedial Programs***

The most striking differences in funding to Arab and Jewish schools lie in funding for enrichment and remedial programs. These programs are allocated on the basis of criteria that is weighted against Arab schools and implemented in ways that discriminate against them. Legal challenges to these practices have not been successful.

Supplementary programs—both enrichment and remedial—form an integral part of everyday education in Israeli schools. Most supplementary funding comes from the Ministry of Education. However, other government ministries also fund particular programs that appear to benefit primarily Jewish education. For example, the Ministry of Housing builds kindergartens in new Jewish communities, the Ministry of Immigrant Absorption gives educational assistance to new immigrants, and the Ministry of Religious Affairs contributes to Jewish religious schools.<sup>22</sup> Local authorities and parents also fund programs in some schools.

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<sup>16</sup> Ady Hershcovitsh, Deputy Director General, Head, Economics and Budgeting Administration, Ministry of Education, letter to Human Rights Watch, August 19, 2001.

<sup>17</sup> *General Comment 13, The Right to Education*, Committee on Economic, Social and Cultural Rights, 21<sup>st</sup> sess., U.N. Doc. E/C.12/1999/10 (December 8, 1999), para. 37.

<sup>18</sup> Hershcovitsh, letter to Human Rights Watch, August 19, 2001.

<sup>19</sup> See Shlomo Swirski, et al, *Looking at the Budget of the State of Israel 2001*, Adva Center, November 2000

<sup>20</sup> CBS, *Statistical Abstract of Israel 2001*, table 8.26; Ministry of Education, *Proposed Budget for the Ministry of Education 2001*, p. 144.

<sup>21</sup> In 1999-2000, the average teaching hours per student in primary, intermediate, and secondary education were, respectively, 1.75, 1.71, and 2.17. In 2000-2001, the average teaching hours were 1.75, 1.72, and 2.16. Ministry of Education, *Proposed Budget for the Ministry of Education 2001*, pp. 157, 168, 179. Ministry of Education, “Students Enrolled in Jewish Education and Arab Education 2000/01.”

<sup>22</sup> Economics and Budgeting Administration, Ministry of Education, *Facts and Figures About Education and Culture in Israel*, pp. 38-39.

The government concedes that Arab schools generally receive less government funding than Jewish schools do and reported to this Committee: “The gaps in government allocation are mainly a result of more limited allocation to enrichment and extracurricular activities such as libraries, programs for weaker students, cultural activities, and counseling and support services.”<sup>23</sup> For example, while enrichment for gifted Jewish children includes both supplements to the regular curricula and special boarding schools, there are no boarding schools for gifted Palestinian Arab students. Moreover, according to the government’s *Initial Periodic Report*, “associations and programs for gifted children” were only recently approved for Arab education.<sup>24</sup>

The principal of a primary school in the Triangle region explained to Human Rights Watch how difficult it was for him to get enrichment for talented students:

There is a boy in the school who is a genius in computers, and I asked the ministry to send him to a special school for Arabs in Israel. I waited for the reply. Every time I asked about it I was told that there wasn’t any money and that he would have to wait. It was always the same.<sup>25</sup>

Regarding remedial programs, a study by professors at Hebrew University found that Arab primary schools received 18 percent of the ministry’s remedial education budget and that Arab intermediate schools received 19 percent, but that per student, Jewish students received five times the amount that Palestinian Arab students received.<sup>26</sup>

One reason that Jewish schools, on average, receive many more supplementary programs than do Arab schools is that the various indices the Israeli government uses to assess need favor Jewish schools and communities. This is true not only for education funding but also for many other government benefits such as transfers to local governments for development and infrastructure, which benefit schools indirectly by freeing up additional municipal monies for education. Thus, despite their greatest need, Palestinian Arabs are not receiving a share of these programs that is even proportionate to their representation in the population.

The best available measurement of general need appears to be the Central Bureau of Statistics’s socio-economic scale. Sociological studies have found that a locality’s socio-economic ranking on this scale affects its residents’ access to educational credentials in Israel,<sup>27</sup> and Palestinian Arab communities rank as the poorest in Israel. Jewish communal localities—kibbutzim and moshavim—and unrecognized (Palestinian Arab) villages are not ranked.<sup>28</sup> Thus, even the best scale is not comprehensive and, indeed, excludes the poorest communities in Israel—the unrecognized villages.

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<sup>23</sup> Ministry of Justice, *Initial Periodic Report*, p. 303.

<sup>24</sup> *Ibid.*, p. 280.

<sup>25</sup> Human Rights Watch interview, village in the Triangle region, December 6, 2000.

<sup>26</sup> According to the study, the average Jewish student in need of remedial education received 0.2 hours per week of additional class time, while Palestinian Arab students received 0.04 hours per week. Sorrell Kahen and Yakov Yeleneck, Hebrew University, “Discrimination Against the Non-Jewish Sector in the Allocation of Resources for Educational Development (Hebrew),” 2000.

<sup>27</sup> Andre Elias Mazawi, “Region, Locality Characteristics, High School Tracking and Equality in Access to Educational Credentials: the Case of Palestinian Arab Communities in Israel,” *Educational Studies*, vol. 24, no. 2, 1998, p. 236. See Andre Elias Mazawi, “Concentrated Disadvantage and Access to Educational Credentials in Arab and Jewish Localities in Israel,” *British Educational Research Journal*, vol. 25, no. 3, 1999.

<sup>28</sup> CBS, “Introduction (English),” *Characterization and Ranking of Local Authorities, According to the Population’s Socio-Economic Level in 1999, Based on the 1995 Census of Population and Housing*, no. S.P. 1118, 1999. See

In any event, the government generally uses a different criteria to allocate education-related subsidies and tax benefits. For example, in areas the government classifies as “national priority areas,” teachers receive an extra stipend for travel and living expenses, four-year tenure, and exemption from workers’ compensation contributions. The Ministry of Education subsidizes kindergarten tuition, and residents may be eligible for loans or grants for higher education.<sup>29</sup> Priority areas with the highest level of classification are targets for implementation of the Long School Day Law, which, although never fully implemented, funds additional informal teaching and extra-curricular activities to compensate for what wealthier parents and municipalities provide.<sup>30</sup>

Historically, only Jewish localities were designated as priority areas. Although a few Palestinian Arab localities have since been added to the list, most are at a level that does not qualify them to receive education benefits.

In addition to criteria used throughout the government, such as national priority areas, the Ministry of Education has developed its own “index of educational disadvantage” in order to allocate resources to primary and intermediate schools to improve performance and decrease dropping out.<sup>31</sup> The ministry applies two different standards to Arab and Jewish schools and ranks them separately. The Central Bureau of Statistics, in a 1994-1995 survey of primary and intermediate schools, explained:

The **index of educational disadvantage** was prepared by the Ministry of Education, Culture and Sport for the purpose of differential allotment of resources to the schools, to advance weak populations. The index is determined by criteria which measure the degree of educational deprivation of each school **relative** to the other schools. Since the schools in different sectors [Jewish and Arab] differ from one another in regard to the significant causes of such deprivation, separate indices of educational disadvantage were determined for the different groups.<sup>32</sup>

In other words, rather than comparing all schools against a common standard, the ministry compares Arab schools with other Arab schools and Jewish schools with other Jewish schools, but does not compare Arab schools with Jewish schools.

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also Eetta Prince-Gibson “An Abundance of Despair,” *Jerusalem Post*, February 16, 2001. Kibbutzim and moshavim are Jewish collective communities.

<sup>29</sup> See Mossawa and the Adva Center, *Status of National Priority in the Area of Education: Arab Settlements, Development Towns, and Jewish Settlements, Analysis of the Priority Area Map of the Office of the Prime Minister from 1998 and the Data of the Ministry of Education from 1997*, February 1999; David Kretzmer, *The Legal Status of the Arabs in Israel* (Boulder: Westview Press, 1990), pp. 112-113.

<sup>30</sup> In 1990, the first year of the Long School Day Law’s implementation, only six of the 564 schools chosen for the program were Arab. Suit was brought against the Ministry of Education on the grounds that this policy was discriminatory. The High Court of Justice held that educational support to development towns meets national needs; therefore the government’s policy of providing benefits only to these towns was a legitimate distinction and not discriminatory. *Agbaria v. The Minister of Education*, 45 P.D. 222 (1990). The government then renewed the program and the petitioners refiled. The Court again dismissed the case. *Agbaria v. The Minister of Education*, 45(5) P.D. 742 (1991). Ministry of Justice, *Initial Periodic Report*, p. 259; Economics and Budgeting Administration, Ministry of Education, *Facts and Figures About Education and Culture in Israel*, pp. 15-16.

<sup>31</sup> Ministry of Justice, *Initial Periodic Report*, p. 272.

<sup>32</sup> CBS, *Survey of Education and Welfare Services 1994/1995: Primary and Intermediate Schools, Hebrew and Arab Education* (Jerusalem: CBS, October 1997), p. XIX (emphasis in original). Although the Central Bureau of Statistics justifies comparing Jewish and Arab schools separately on the grounds that certain criterion are unique to each sector, most criteria are the same, and a different set of criteria could be developed using common measurements of need.

Given that the Arab schools by every measurement are more disadvantaged than Jewish schools, comparing the two sectors separately is a highly misleading indicator of the resources of Arab schools. Arab schools that rank at the top of the index may well fall at the middle or bottom when compared with Jewish schools. Therefore, an Arab school that would qualify for resources if compared with Jewish schools may receive less or nothing because other Arab schools are even worse off.<sup>33</sup>

Moreover, Arab schools get fewer resources even than equally ranked Jewish schools. In the 1994-1995 school year, the Central Bureau of Statistics surveyed the recognized and official Arab and Jewish state primary and intermediate schools (with the exception of kibbutz schools) on the provision of education and welfare services, and found that at every economic level, Jewish schools had more counseling, libraries, and educational and welfare programs than did Arab schools. For example, of schools categorized as most disadvantaged, almost all (93.6 percent) of Jewish schools offered psychological counseling to their students, while less than one-third (31.1 percent) of the Arab schools had these services.<sup>34</sup> The Israeli government, in its *Initial Periodic Report*, concedes that despite the index of disadvantage for Palestinian Arabs, which is intended to make it “easier to aptly allocate resources to schools in the Arab sector, so as to cultivate weak populations . . . the distribution of hours and budgets per schools is not equal in the two sectors, and does not take into consideration the existing gaps between the two sectors.”<sup>35</sup>

In addition to resources allocated by the index of educational disadvantage, some funding by definition goes only to Jewish students. For example, new immigrants, who are almost entirely Jewish, receive extra educational programs. And until 1994, children the ministry categorized as “in need of special care” (*talmid taun tipauch*) were, by definition, Jewish, and eligible for extra educational resources. In 1994, the definition was changed so that Palestinian Arabs would be eligible. However, the budget was cut at the same time, and Palestinian Arab children consequently saw little benefit.

Even those programs for which Palestinian Arab students are eligible often never reach Arab schools because the teachers who administer the programs have considerable discretion on where to offer them. Few of these teachers are Palestinian Arab.<sup>36</sup>

### ***Funding from Parents and Local Authorities***

Parental funding, as well as extra resources local authorities give schools, contribute to the gap between schools in high and middle income areas and schools in low income areas. Households financed 6 percent of total national expenditures on primary education in 1997, and 19 percent of expenditures on post-primary education.<sup>37</sup> These figures include donations within Israel and abroad but exclude general administrative costs—of which local authorities financed 29 percent and the central government financed 71 percent—and “investments and capital transfers.”<sup>38</sup> Jewish households on average spend more on

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<sup>33</sup> For more information about how the index is applied, see Human Rights Watch, *Second Class: Discrimination Against Palestinian Arab Children in Israel's Schools* (New York: Human Rights Watch, 2001), pp. 60-64.

<sup>34</sup> CBS, *Survey of Education and Welfare Services 1994/1995: Primary and Intermediate Schools, Hebrew and Arab Education*.

<sup>35</sup> Ministry of Justice, *Initial Periodic Report*, p. 308.

<sup>36</sup> See Human Rights Watch, *Second Class*, pp. 64-66.

<sup>37</sup> CBS, *Statistical Abstract of Israel 2001*, table 8.4. These figures include good and services but not “textbooks and stationary bought by households.” Ibid.

<sup>38</sup> Ibid. Of financing of investments and capital transfers, which includes financing post-secondary and higher education institutions, households financed 18 percent, non-governmental nonprofit organizations financed 1 percent, government non-profit organizations financed 13 percent, local authorities financed 29 percent, and the central government financed 39 percent. Ibid.



education than Palestinian Arab households,<sup>39</sup> and Arab schools, on the whole, collect less money from parents than do Jewish schools. As indicated by the Central Bureau of Statistics's socio-economic scale, Palestinian Arab communities tend to be the poorest in Israel. Compared with Jewish localities, they lack an industrial tax base and depend more heavily on residential property taxes. They also receive less money generally from the central government.<sup>40</sup>

Parents are, of course, free to finance additional education for their children. However, the Ministry of Education contributes to the gaps between Arab and Jewish schools that funds from parents and local authorities create. First, the ministry indirectly subsidizes parent-funded education through its infrastructure, since supplementary education takes place on school grounds and often during school hours. It also subsidizes supplementary education directly through matching funds. Second, the ministry funds parents' organizations which organize and implement supplementary and after-school programs but funds almost no Palestinian Arab parents' organizations.<sup>41</sup> While acknowledging the gaps that locally-funded education creates, the government argues that its supplementary programs, including the Long School Day Law, educational disadvantage index, truant officers, and support services such as counseling and other programs, counteract the gaps created by outside sources of funding. However, it also admits that these are not provided equally to Palestinian Arabs.<sup>42</sup>

### Conditions in Arab Schools

Arab schools, on average, have larger classes and fewer teachers per pupil than do Jewish schools, and many are short of classrooms—the Follow-Up Committee for Arab Education estimated that the Arab education system needed 2,500 additional classrooms in 2001.<sup>43</sup> Those they have are often in poor condition, especially in the Negev. As a result of the classroom shortage, many classes in Arab schools are held in rented spaces, in some cases only a room in a private home, or in prefabricated buildings.

Although the Israeli government built new classrooms for the Arab system in the 1990s, the overall proportion of Arab school classrooms out of the total number of classrooms increased less than 1 percent from 1990 to 1998.<sup>44</sup> As of 1998, the proportion of Arab school classrooms—19.5 percent—still failed to reflect the proportion of students in the Arab system. Since 1998, the Ministry of Education has promised to build additional Arab school classrooms. In 2000, excluding kindergartens, it designated 31 percent of

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<sup>39</sup> CBS, *Education and Educational Resources 1990-1996*, no. 99/164, July 26, 1999, cited in *Measure for Measure: An Accounting of Equality in Israel* (Hebrew), ed. Naama Yeshuvi, Association for Civil Rights in Israel (ACRI), January 2000, p. 62.

<sup>40</sup> As'ad Ghanem, Thabet Abu-Ras, Ze'ev Rosenhek, "Local Authorities, Welfare and Community," in *After the Rift*, p. 27-28. See also Arab Association for Human Rights (HRA), *The Palestinian Arab Minority in Israel: Economic, Social and Cultural Rights*, p. 32-33 (stating that ordinary budgets of Arab communities are 60 percent of those of comparable Jewish communities).

<sup>41</sup> Human Rights Watch interview with Daphna Golan, Chair, Committee for Closing the Gap, Pedagogical Secretariat, Ministry of Education, Jerusalem, December 20, 2000 (stating that about 1.5 percent of the NIS 1.3 billion (\$325 million) that the Ministry of Education gives to nongovernmental organizations goes to Palestinian Arab parents' organizations).

<sup>42</sup> Ministry of Justice, *Initial Periodic Report*, pp. 277-78.

<sup>43</sup> Atef Moaddi, Follow-Up Committee on Arab Education, e-mail to Human Rights Watch, July 30, 2001. The Follow-Up Committee calculated the number of classrooms needed based on the number of classes being held in rented rooms, the number of classrooms held in buildings the Education Ministry has determined are dangerous and ordered torn down (including classrooms built with asbestos), the number of classrooms needed for the natural annual increase in the student population, and the number of classrooms needed for kindergarten for three and four-year-old children. *Ibid.*; and Human Rights Watch telephone interview with Atef Moaddi, Follow-Up Committee on Arab Education, Nazareth, July 12, 2001.

<sup>44</sup> Ministry of Justice, *Initial Periodic Report*, p. 307.

the budget for new classrooms and continued building for Arab education.<sup>45</sup> In 2001, the ministry planned to build 2,000 classrooms, 585 of which (29.3 percent) were to be for Arab education.<sup>46</sup> The Development Administration of the Ministry of Education, which is responsible for building classrooms, did not respond to Human Rights Watch's inquiry as to how many classrooms were actually built in 2000 and 2001.

Compared with Jewish schools, Arab schools have fewer libraries, sports facilities, laboratories, and other auxiliary facilities.<sup>47</sup> In no Arab school did we see the specialized facilities, such as film editing studios or theater and art rooms that we saw as a sign of excellence in some of the Jewish schools we visited. The problem is compounded by the fact that many Palestinian Arab communities lack services such as local libraries and recreational facilities that might compensate for shortages in schools. This is especially true in Negev Bedouin localities, both recognized and unrecognized.

Many unrecognized villages lack a school of any kind, and according to some reports, more than 6,000 Bedouin children must travel dozens of kilometers to school every day.<sup>48</sup> Human Rights Watch visited a school near an unrecognized village in the Negev where the children came from as far as fifty kilometers away.<sup>49</sup> A first grade teacher told us that some of her students travel more than an hour to reach the school.<sup>50</sup> A municipal official in the recognized Bedouin town of Kseife, told Human Rights Watch that 42 percent of children attending school there come from outside the town.<sup>51</sup> Students also travel as far as fifty kilometers to reach elementary schools in Al-Azazmeh, another unrecognized village.<sup>52</sup>

Long travel distances tend to disparately impact girls' ability to go to school. For example, Human Rights Watch visited a primary school in an unrecognized Bedouin village that continued through the ninth grade. The head of the local parents' committee told us that for many of the girls, this would be their last year of school because they would not travel the longer distance to the nearest high school.<sup>53</sup> Similarly, a Bedouin teacher told us that his eighteen-year-old sister had dropped out of school after the eighth grade. "The long distance between home and school makes it difficult for a girl to walk alone in the desert," he explained.<sup>54</sup>

School buildings are the joint responsibility of the Ministry of Education and the local governments, with the ministry funding most construction, the local governments purchasing furniture, and both sharing maintenance costs.<sup>55</sup> Other central government bodies, such as the Ministry of Housing, which constructs

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<sup>45</sup> Ministry of Education, *Budget Instructions for 2000*, p. 50. Data on kindergartens were not available.

<sup>46</sup> Ministry of Education, "Classroom Construction for the Education System, 2001," [www.education.gov.il/minhal\\_calcala/download/19.pdf](http://www.education.gov.il/minhal_calcala/download/19.pdf) (accessed June 8, 2001) (citing the Ministry of Education's Development Administration). The other classrooms planned were for Jewish education, special education, kindergartens, and Holocaust education museums. Ibid.

<sup>47</sup> For more information, see Table 1 in the appendix, and Human Rights Watch, *Second Class*, pp. 89-94.

<sup>48</sup> Aliza Arbeli, "Distance Learning: Thousands of Bedouin Children Travel Dozens of Kilometers Daily to Reach Their Schools," *Ha'aretz Daily Newspaper (English Edition)* (Israel), October 20, 1999.

<sup>49</sup> Human Rights Watch interviews with school principal and head of the parents' committee, unrecognized village near Be'er Sheva, December 17, 2000.

<sup>50</sup> Human Rights Watch interview, unrecognized village near Be'er Sheva, December 17, 2000.

<sup>51</sup> Human Rights Watch interview, Kseife, December 14, 2000.

<sup>52</sup> Joseph Algazy, "What About the Bedouin?" *Ha'aretz Daily Newspaper (English Edition)* (Israel), May 9, 2000.

<sup>53</sup> Human Rights Watch interview, unrecognized village outside Be'er Sheva, December 17, 2000.

<sup>54</sup> Human Rights Watch interview, Be'er Sheva, December 16, 2000.

<sup>55</sup> At the secondary level, the Education Ministry channels the funds through local governments, which are considered to "own" the secondary schools.

kindergartens in new Jewish communities, and the National Lottery, which finances auxiliary facilities, also contribute, as do parents in some instances.

### **Counseling and Other In-School Support Services**

Despite higher average drop-out rates and lower academic performance among Palestinian Arabs, far fewer Arab schools than Jewish schools have counselors or truant officers, and those schools that do offer some counseling provide fewer services. The shortage is an issue for both regular and special education Arab schools. Bedouin schools, in particular, lack social services.

### **Vocational and Technical Education**

Vocational education is less available to Palestinian Arab students than to Jewish students, and a smaller proportion follow vocational tracks.<sup>56</sup> One reason for this difference is that there are simply fewer Arab vocational schools. By age seventeen, most Jewish students who have left the academic track have gone to vocational or agricultural schools. In contrast, most Palestinian Arab students who have left the academic track have dropped out. Thus, for many Palestinian Arab students, vocational education is not the buffer against dropping out that it is for Jewish students.<sup>57</sup>

Palestinian Arab students who do follow vocational tracks have fewer subjects of a lower quality to choose from, and perform less well on the matriculation examinations.<sup>58</sup>

### **Teacher Training**

The educational system has given a low priority to teacher training for the Arab school system and provides less “in-service” training to Palestinian Arab teachers already within the system than is routine within the majority system. Palestinian Arab teachers on average have lower qualifications and receive lower salaries than non-Palestinian Arab teachers. Financial incentives for teachers assigned in particularly deprived areas like parts of the Negev are lower than those made available to teachers in Jewish schools identified as hardship postings.<sup>59</sup> Training in special education for teachers in the Arab school system has been largely insufficient.

### **Kindergarten for Three And Four-Year-Olds**

The unavailability of schools for three and four-year-old children in many communities, despite legislation making such schools—and attendance—obligatory, is matched by inadequate kindergarten construction for Palestinian Arab children throughout much of the country, particularly in the Negev. In the 1999-2000 school year, only 11.5 percent of teaching hours for government-run (“official”)

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<sup>56</sup> Israel’s vocational schools were originally designed to absorb low-achieving Jewish students, primarily *Mizrahim*. Nongovernmental organizations, which run most vocational schools through contacts with the government, did not begin running vocational schools in Palestinian Arab villages until the 1980s.

<sup>57</sup> See Human Rights Watch, *Second Class*, pp. 101-103.

<sup>58</sup> *Ibid.*, pp. 103-106.

<sup>59</sup> Algazy, “What About the Bedouin?” According to news reports, the study found that:

The Jewish teachers have their seniority status accelerated by three or four years (meaning that their wages are higher), and the worker's share of payments in "retraining and further study" funds (*keren hishtalmut*) are subsidized for these teachers. Nothing like that is provided to teachers who head south to teach Bedouin pupils in Negev schools. Teachers who work in Jewish schools in priority development areas receive rent subsidies worth NIS 12,000 (\$3,000) a year; and they can receive an additional NIS 8,000 (\$2,000) for travel expenses, and higher education tuition fees. Teachers who go south to work in the Negev Bedouin schools are eligible for annual rent and travel expense incentives worth just NIS 10,000 (\$2,500) total.

*Ibid.*

kindergartens went to Arab kindergartens.<sup>60</sup> Attendance rates in 1999-2000 among three and four year-old Palestinian Arabs were less than half that of Jewish children,<sup>61</sup> and many of the most impoverished Palestinian Arab communities had no kindergartens at all for three and four-year-olds.

Kindergarten attendance from age three has been compulsory by law since 1984, when the age was lowered from five to three years old. However, no serious steps were taken to implement the law until 1999, when the Knesset passed a bill calling on the state to subsidize education fees for three and four-year-olds.<sup>62</sup> The law is to be gradually implemented over a ten-year period, during which the Education Minister has the authority to decide which towns will receive funding. After ten years, all three and four-year-olds are to be exempted from kindergarten fees. At the time of writing, most of the communities benefiting from the law were Jewish.<sup>63</sup>

Some have argued that attendance rates are lower among Palestinian Arab children because of parental choice—that Palestinian Arab parents do not recognize the value of kindergarten education. However, among Jewish parents, the government has campaigned to raise awareness among Jewish parents about the values of kindergarten.<sup>64</sup> Nabila Espanioly, director of the Al-Tufula Pedagogical Center, commented:

They say Arab parents won't send their kids to kindergarten, but when we open kindergartens, children do come. . . . They don't ask whether Jewish immigrants want to send their kids to kindergarten. They know it is important so they don't ask—they build kindergartens and the need is created. When it exists and is easy to access, then people use it. If I don't know about it, it doesn't mean that I don't want it.<sup>65</sup>

A father of three and four-year-old children from a village outside of Haifa told Human Rights Watch:

I pay for private preschool because the law doesn't extend to my village. I can because I work and my wife works. But most in my village cannot. If the law extended to [was being implemented in] my village, preschool would be free. Parents know about the law and ask. There are two Arab villages near the sea that got preschools, and they are sending their kids.<sup>66</sup>

In contrast, the government has long subsidized kindergarten for many three and four-year-old Jewish children, especially children considered disadvantaged, even before it was required by law. Palestinian Arab children have not enjoyed the same support from national and local governments. Despite a greater deficit among Palestinian Arab children, to date, the 1999 law to subsidize kindergarten education has primarily benefited Jewish communities.

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<sup>60</sup> Ministry of Education, *Proposed Budget for the Ministry of Education 2001*, p. 144.

<sup>61</sup> In 1999-2000, 33.6 percent of Palestinian Arab three-year olds and 43.0 percent of Palestinian four-year-olds, compared with 81.9 percent of Jewish three-year-olds and 95.5 percent of Jewish four-year-olds, attended kindergarten. CBS, *Statistical Abstract of Israel 2001*, table 8.10.

<sup>62</sup> "Free, Compulsory Nursery School," *Ha'aretz Daily Newspaper (English Edition)* (Israel), January 12, 1999; and Relly Sa'ar, "Free Education Law Won't Cover More Preschoolers Next Year," *Ha'aretz Daily Newspaper (English Edition)* (Israel), February 16, 2000.

<sup>63</sup> Human Rights Watch, *Second Class*, pp. 118-119.

<sup>64</sup> See Ministry of Justice, *Initial Periodic Report*, p. 262.

<sup>65</sup> Human Rights Watch interview with Nabila Espanioly, Director, Al-Tufula Pedagogical Centre, Nazareth, December 8, 2000.

<sup>66</sup> Human Rights Watch interview with Basem Kanane, Haifa, December 3, 2000.

Existing Arab kindergartens suffer from the same problems as the rest of the Arab school system: poor physical plants, less-developed curricula, larger classes, and fewer university-trained teachers.

### Special Education

One of the largest gaps is in the area of special education, where, compared with Jewish children, Palestinian Arab children with mental, sensory, and physical disabilities receive less funding and fewer in-school services, have fewer special schools, and lack appropriate curricula. This is true despite higher rates of disability among Palestinian Arab children.<sup>67</sup> According to official data from the Education Ministry, it allocated only 10.8 percent of the total special education hours (the unit of funding) to Palestinian Arabs in 1996.<sup>68</sup> By 1999-2000 it had increased their share, but only to 14.1 percent, with 2 percent of the total to Bedouin.<sup>69</sup>

Palestinian Arab children are discriminated against in each of the three educational options for disabled students: integration in a regular classroom (“mainstreaming”), placement in a special education classroom in a regular school, or placement in a separate special education school. It is less likely that a Palestinian Arab child will be accommodated in a local school because the Ministry of Education allocates fewer resources per Palestinian Arab child for integration—only 8.5 percent of all integration hours went to Arab schools in 1998-1999<sup>70</sup>—and fewer special education services to help Palestinian Arab children stay in regular schools. The special education classes are also larger in Arab schools than in Jewish schools.

Palestinian Arab children who cannot attend a regular school have only a tiny handful of schools to choose from, and there is often only one Arab school in the country for children with a particular disability. Proportionately, there are fewer special education schools for Palestinian Arab children than for Jewish children. In 1998-1999, only 8.5 percent of special education kindergartens and only 16.5 percent of other special education schools were Arab schools. Palestinian Arab teachers and administrators confirmed to Human Rights Watch that children are being turned away from special education for lack of space. For example, at one Arab school for mentally disabled children, the principal told us that although enrollment was officially restricted to eighty students, one hundred students were enrolled, and she had another forty-five to fifty students on her waiting list. “Every day I get phone calls from parents, especially parents in the villages, wanting to get their children in,” she said. “I have to turn them away.”<sup>71</sup> In addition, Arab special education schools suffer from a scarcity of trained professionals, such as psychologists and speech therapists.

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<sup>67</sup> D. Naon, et. al., *Children with Special Needs Stage I and Stage II: An Assessment of Needs and Coverage by Services* (Hebrew), (Jerusalem: JDC-Brookdale Institute, 2000) cited in JDC-Brookdale Institute Disabilities Research Unit, *People With Disabilities in Israel: Facts and Figures*, September 2000, downloaded from the institute’s website, <http://www.jdc.org.il/brookdale/disability/index.htm> (accessed on March 15, 2001).

<sup>68</sup> Ministry of Education, *Proposed Budget for the Ministry of Education 2001*, p. 158.

<sup>69</sup> Ibid.

<sup>70</sup> Daphna Golan, Chair, Committee for Closing the Gap, Pedagogical Secretariat, Ministry of Education, *Closing the Gaps in Arab Education in Israel: Data About Hebrew-Arab Education; Recommendations of the Committee for Closing the Gap; Protocol of the Meeting of the Directorship, December 13, 2000*, December 2000, p. 3. The Ministry of Education’s integration services in regular schools include special education teaching; paramedical and therapeutic services; special aids and services for blind, visually impaired, deaf, and hearing impaired students; remedial education; and creative and expressive therapies. See Special Education Department, Ministry of Education, *Points Emphasized in the Introduction to the Director General’s Circular 59(c) 1999*, <http://www.education.gov.il/special/english6.htm> (accessed on April 6, 2001); and Ministry of Justice, *Initial Periodic Report*, p. 205.

<sup>71</sup> Human Rights Watch interview, Israel, December 11, 2000.

Disabled children who live in mixed cities or near a Jewish community may attend a Jewish school if one happens to be available. But Jewish special education schools are designed for Jewish children, from the curricula and holiday schedule to the language of instruction, Hebrew. For example, speech therapists in some schools with both Jewish and Palestinian Arab hearing impaired students do not speak Arabic. Orna Cohen, an attorney for Adalah (The Legal Center for Arab Minority Rights in Israel), explained to a journalist: “The problem is especially serious for children whose ability to acquire language is limited. This situation, where children are not taught in Arabic, prevents them from deriving full benefit from the education given to them and undermines their ability to acquire language and integrate into their own society.”<sup>72</sup>

For some families, the only option is keep their disabled children at home. The government writes in its *Initial Periodic Report* that, “the lack of special education institutions in the Arab sector often means that placement committees’ decisions cannot be implemented. Children who have been diagnosed as needing special education do not necessarily receive it.”<sup>73</sup> For example, a speech therapist and the principal of an Arab school for physically disabled children told us that there are no high schools for Palestinian Arab deaf students who are unable to integrate into regular classrooms.<sup>74</sup> Tel Aviv University senior lecturer Andre Elias Mazawi, who was a member of the Margalit Committee appointed by the Education Ministry in 1998 to review the Special Education Law’s implementation, told Human Rights Watch that during its investigations the committee found a placement committee that had stopped screening children for special education because there was no place to send them. The children were being stigmatized by the placement committee’s label of “disabled,” but they were getting no benefit.<sup>75</sup>

The Israeli government blames the gap in services in part on a lack of awareness among Palestinian Arabs “of the importance of education for the disabled child.”<sup>76</sup> However, parents, teachers, and principals reported to Human Rights Watch that their requests to the ministry for special education services were often unheeded.

## Curriculum

Palestinian Arab students study from a government-prescribed Arabic curriculum that is adapted second hand from the Hebrew curriculum: common subjects are developed with little or no Palestinian Arab participation and translated years after the Hebrew language material is published. The government devotes inadequate resources to developing the subjects unique to Arab education. No curriculum in Arabic for special education existed until 2000, and it was not available in any of the Arab special education schools that Human Rights Watch visited. “We adapt curriculum from regular schools and try to make it easier,” a school speech therapist explained.<sup>77</sup> Palestinian Arab teachers also have considerably less choice in textbooks and teaching material than do Jewish teachers.

The curricula’s content in some cases alienates students and teachers alike. For example, in Hebrew language class, Palestinian Arab students are required to study Jewish religious texts including Tanach (Jewish bible) and Jewish Talmudic scholars. This material is included in the mandatory subjects in the matriculation exams taken at the end of high school. A Hebrew language teacher in an Arab high school described her pupils’ reaction: “Some children see it as imposed on them. It makes it hard for the teacher

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<sup>72</sup> Quoted in Tamar Rotem, “Special Education for Arab Children is Only Available in Hebrew,” *Ha’aretz Daily Newspaper (English Edition)* (Israel), July 16, 2000.

<sup>73</sup> Ministry of Justice, *Initial Periodic Report*, p. 311.

<sup>74</sup> Human Rights Watch interviews, Israel, December 11, 2000.

<sup>75</sup> Human Rights Watch interview with Andre Elias Mazawi, senior lecturer and head of the Sociology of Education Program, School of Education, Tel Aviv University, Tel Aviv, November 30, 2000.

<sup>76</sup> Ministry of Justice, *Initial Periodic Report*, p. 310.

<sup>77</sup> Human Rights Watch interview, Israel, December 11, 2000.

to motivate students to study. It doesn't relate to Arab children as a whole. . . but because of the *bagrut* [matriculation exam] we have to cover the material."<sup>78</sup> Palestinian Arab students and teachers also expressed a desire to study more works of Palestinian writers and more about Palestinian history. The Ministry of Education has recently made some positive reforms in Arabic curricula, including in history, geography, and civics. However, many of these changes have not been fully implemented because textbooks and other teaching materials are lacking.

### Consequences Of Discrimination

Discrimination at every level of the education system winnows out a progressively larger proportion of Palestinian Arab children as they progress through the school system—or channels those who persevere away from the opportunities of higher education. The hurdles Palestinian Arab students face from kindergarten to university function like a series of sieves with sequentially finer holes. At each stage, the education system filters out a higher proportion of Palestinian Arab students than Jewish students. Children denied access to kindergarten do less well in primary school. Children in dilapidated, distant, under-resourced schools have a far higher drop-out rate. Palestinian Arab children who opt for vocational programs are often limited to preparation for work as “carpenters, machinists, or mechanics in a garage,” as one school director told Human Rights Watch.<sup>79</sup> By age seventeen, Palestinian Arab students have dropped out at three times the rate and at a younger average age than their Jewish counterparts.<sup>80</sup>

Many Palestinian Arab students who might otherwise have academic or professional aspirations are barred from higher education by an examination system established firstly for the Jewish majority's school system—the point at which the two unequal systems converge. Palestinian Arab students who stay in school perform less well on national examinations, especially the matriculation examinations (*bagrut*)—the prerequisite for a high school diploma and university application.<sup>81</sup> Others are weeded out by a required “psychometric” examination—an aptitude test—which Palestinian Arab educators describe as culturally weighted, a translation of the test given students in the Jewish school system. A consequence is that Palestinian Arabs seeking admission to university are rejected at a far higher rate than are Jewish applicants.<sup>82</sup> All but 5.7 percent of the students receiving their first university degree in the 1998-1999 school year were Jewish.

The Israeli government has offered various other explanations for the gaps between Jewish and Palestinian Arab students' performance. These include poverty and cultural attitudes, especially regarding girls. Human Rights Watch found that in light of clear examples of state discrimination, neither poverty nor cultural attitudes adequately explained the existing gap.<sup>83</sup> Indeed, in many instances, the data run directly contrary to the claim that these factors, and not discrimination, are at the root of the problem. Moreover, discrimination in education is cyclical and cumulative. When one generation has fewer educational opportunities of poorer quality, their children grow up in families with lower incomes and learn from less well-educated teachers.

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<sup>78</sup> Human Rights Watch interview, Nazareth, December 8, 2000.

<sup>79</sup> Human Rights Watch interview, Israel, December 9, 2000.

<sup>80</sup> In the 1999-2000 school year, 29.3 percent of Palestinian Arab seventeen-year-olds, compared with 11.8 percent of Jewish seventeen-year-olds, had dropped out. CBS, *Statistical Abstract of Israel 2001*, table 8.11.

<sup>81</sup> In 2000, 45.6 percent of Jewish seventeen-year-olds (and 63.3 percent of those who took the exams) compared with 27.5 percent of Palestinian Arab seventeen-year-olds (and 43.4 percent of those who took the exams) passed the matriculation exams. Ministry of Education, “Statistics of the Matriculation Examination (*Bagrut*) 2000 Report,” <http://www.netvision.net.il/bagrut/netunim2000.htm> (accessed on May 10, 2001), pp. 5, 7, 45.

<sup>82</sup> In 1998-1999, 44.7 percent of Palestinian Arab applications to university were rejected, compared with 16.7 percent of Jewish applications. CBS, *Statistical Abstract of Israel 2001*, table 8.36.

<sup>83</sup> See Human Rights Watch, *Second Class*, pp. 39-41 (girls) and 43-45 (social class).

Although low income Jewish students—especially new immigrant, Sephardic, or Mizrahi students<sup>84</sup>—face some of the same challenges related to poverty that Palestinian Arab students do, the government provides disadvantaged Jewish students with a battery of resources designed to improve academic performance and to keep them from dropping out. The remedial and enrichment resources made available for Jewish schools include extra school hours and remedial and enrichment programs, offered both during school hours and after school, as well as truant officers, counseling, and the opportunity for vocational education. As explained above, these are not provided equally to Palestinian Arab students.

### **The Government's Response**

The Israeli government has, to a certain extent, acknowledged that its Arab education system is inferior to its Jewish education system. For example, in its *Initial Periodic Report* it states that in 1991, government investment per Palestinian Arab pupil was about 60 percent of its investment per Jewish pupil.<sup>85</sup> In the last decade the government has appointed various committees to look at problematic aspects of education, such as education for Bedouin in the Negev and special education. These committees have found striking gaps in the way the government treats Jewish and Palestinian Arab students and made recommendations for fixing the problem. The Ministry of Education's Committee for Closing the Gap also pointed out the stark differences to the ministry's leadership in December 2000, although the committee's principal mandate concerned the gaps among Jewish students.

Despite this compelling evidence, the government has failed to change the discriminatory way in which its education system operates. Instead, in the last decade, the government has promised lump sums of money, insufficient to equalize the two systems, and then largely failed to keep these promises. Funding for Arab education in most areas still does not even reflect Palestinian Arabs' representation in the population, much less begin to correct for years of past discrimination.

This neglect reflects the very low priority given Palestinian Arab students by the Israeli government—even by those responsible for the Arab education system. The system itself appears almost as an afterthought in the public statements of top education officials. Worse, other Israeli education officials have been criticized in the news media for frankly racist statements. The head of the Educational Authority for Bedouins, Moshe Shohat, said in an interview with *Jewish Week* that Bedouin who complain about poor living conditions are “blood-thirsty Bedouins who commit polygamy, have 30 children and continue to expand their illegal settlements, taking over state land.” When questioned about providing indoor plumbing in Bedouin schools, he responded: “In their culture they take care of their needs outdoors. They don't even know how to flush a toilet.”<sup>86</sup> Although the Ministry of Education appointed an individual to investigate the issue who then recommended that Shohat be removed, at the time of writing, Shohat remained in his position.

Some Israeli government officials pointed out to Human Rights Watch the improvements in Arab education in the fifty-three year period since Israel's statehood.<sup>87</sup> Yair Levin, the deputy director-general,

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<sup>84</sup> Ashkenazi Jews are of Eastern European origin; Sephardic Jews are descendants of Jews expelled from Spain and Portugal in the fifteenth and sixteenth centuries who resettled in the Mediterranean region, the Balkans, and elsewhere; Mizrahi Jews are, literally, Eastern Jews, or Jews from the Middle East.

<sup>85</sup> Ministry of Justice, *Initial Periodic Report*, pp. 303, 307.

<sup>86</sup> Robby Berman, “Israeli Official Slurs Bedouins” *Jewish Week*, July 20, 2001. Shohat later apologized and stated that he used “blood-thirsty” to refer to only a small group of Bedouin. Relly Sa'ar, “Bedouin Schools Chief Apologizes for Racial Slur,” *Ha'aretz Daily Newspaper (English Edition)* (Israel), August 17, 2001.

<sup>87</sup> See, for example, U.N. Human Rights Committee, *Initial Report of States Parties Due in 1993: Israel*, paras. 788-791, 843, U.N. Doc. CCPR/C/81/Add.13 (April 9, 1998). As a party to the International Covenant on Civil and



head of international relations of the Ministry of Education, told Human Rights Watch: “For me there is no doubt that both gaps—Ashkenazi and Sephardic, and Jewish and Arab—will be closed in thirty to forty years. Thirty to forty years for history is nothing.”<sup>88</sup> The children who will pass through Israel’s school system in the next thirty years require more than this, as does international human rights law. At the present rate, Israel will not close the gap between Jewish and Arab education, even if it were to allocate equally annual allowances to schools. “If everyone gets more or less the same share in society and the gap is ignored, we will never close it when it comes to physical conditions of schools, the number of kids in class, and teachers’ skills and training,” Dr. Daphna Golan, the chair of the Committee for Closing the Gap in the Education Ministry’s Pedagogical Secretariat, told Human Rights Watch.<sup>89</sup>

Addressing the cumulative effect of generations of educational disadvantage upon Israel’s Palestinian Arab citizens requires major new initiatives by the government of Israel. One-time influxes of funds are only a band-aid measure, not a cure. Parity in funding levels alone, even should this be provided, would not itself be enough to overcome the legacy of past failure to provide facilities conducive to learning. Closing the gap requires funding—and also political will. Israel should commit to equalizing every aspect of education, make the structural changes necessary to implement this commitment, and monitor the educational system to ensure that it is done. In short, it should institutionalize equality.

As long as the gap exists, Palestinian Arabs are not likely to feel like full citizens of Israel. An eleventh-grade high school student told Human Rights Watch, “There is no balance between what is given to [Jewish students] and what is given to us. I wrote one sentence in a letter to my friend in Gaza: ‘In order to dream and to work, we have to pay. It’s difficult to fulfill our dreams in this country. It’s not considered our country. We’re like guests. And we’re not welcomed guests.’”<sup>90</sup>

### **Questions For The Government Of Israel**

1. What steps is the government taking to make discrimination in education by the national government illegal, to enforce such a prohibition, and to ensure that all children have equal access to education? How is the government monitoring the distribution of educational resources to the Jewish and Arab systems?
2. What are the government’s plans to increase Palestinian Arabs’ participation at high levels of the Ministry of Education and in curricula development of common subjects, as well as Arabic language curricula?
3. What is the government doing to close the gaps between Arab and Jewish schools and what have been the results of its efforts? For example, if the government allocated additional resources for constructing classrooms, how many classrooms were actually constructed and to what extent do these meet the Arab schools system’s need for new classrooms?

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Political Rights, Israel was obligated to submit this report to the U.N. Human Rights Committee, which is responsible for receiving and commenting on state party reports and for interpreting the covenant.

<sup>88</sup> Human Rights Watch interview with Yair Levin, Deputy Director-General, Head of International Relations of the Ministry of Education, Jerusalem, December 19, 2000.

<sup>89</sup> Human Rights Watch interview with Daphna Golan, Chair, Committee for Closing the Gap, Pedagogical Secretariat, Ministry of Education, Jerusalem, December 20, 2000. The Ministry of Education created the Committee for Closing the Gap in late 1999 to look primarily at gaps within the Jewish population. Dr. Golan left the ministry in the spring of 2001, and the committee was not functioning at the time of writing.

<sup>90</sup> Human Rights Watch interview, Nazareth, December 6, 2000.

4. What procedures and mechanisms exist to accurately measure Palestinian Arab students' need compared with all Israeli students for the distribution of needs-based educational resources?
5. How is the government improving Palestinian Arab students' access to vocational/technological education, especially advanced technological subjects? How does the government ensure that the organizations with which it contracts to provide vocational/technological education do not discriminate against Palestinian Arab students?
6. What steps is the government taking to improve the qualifications of Palestinian Arab teachers, including special education and kindergarten teachers, and to train additional Palestinian Arab counselors and paramedical professionals? Does the government have plans to increase Palestinian Arab teachers', counselors', and paramedical professionals' access to higher education and in-service training? How is it implementing those plans?
7. What is the government doing to provide kindergartens for three and four-year-old children in communities that lack them, especially Bedouin communities in the Negev? When does the government expect that all children will have access to these kindergartens, and how will it ensure that this timetable is met?
8. What steps is the government taking to provide special education for all children who need it, including those who currently lack access to the special education to which they are legally entitled?
9. What was the total per capita spending on education for Jewish children and for Palestinian Arab children in the 2001-2002 school year? These amounts should include not only the base allocation for teaching (known as "full-time teaching equivalents" or "FTEs") but rather all forms of funding such as spending on enrichment and remedial programs, including that allocated for low income or low performing schools.
10. What steps has the government taken to ensure that cuts in education in the most recent budget do not adversely affect already disadvantaged Palestinian Arab students?

## **Recommendations**

### **Human Rights Watch recommends that the Committee on the Rights of the Child:**

- Investigate discrimination in access to education against Palestinian Arab citizen children. The investigation should focus on distribution of all education resources and, especially, total per capita spending, funds for students in low income or low performing areas, special education, and kindergartens; class size and classroom shortages; access to libraries, recreation space, counseling, and other social services provided in school; vocational and technical education; teacher training; and curricula development. The Committee should pay special attention to Bedouin schoolchildren in the Negev and other children living in unrecognized villages.

### **The Committee on the Rights of the Child should urge the Israeli government to:**

- Recognize that discrimination against Palestinian Arab citizens has been, and continues to be, a major social and political problem in the Israeli education system. Adopt and immediately implement a written policy of equality that explicitly prohibits discrimination on the basis of religion, race, ethnicity, or gender. The policy should require all Ministry of Education programs and funds to be allocated to all schools, Jewish and Arab, on the basis of criteria that do not discriminate and, where appropriate, seek to correct past discrimination. Amend Part II,

3B(a) of the Compulsory Education Law and article 5(a) of the Pupils' Rights Law to prohibit discrimination by the national government, as well as by local education authorities and institutions.

- Promptly improve Palestinian Arab participation in all aspects of decision-making about education policies and resources, particularly at the highest levels.
- Fully fund in the annual Budget Law current plans to address inadequacies in Arab education. Allocate additional funding to close the gaps between Jewish and Arab education in all areas, including the physical condition of school buildings; the existence of libraries, laboratories, and recreation facilities; and the availability of kindergartens, vocational education, special education, and teacher training.
- Restructure the Ministry of Education's current resource allocation (including funds for teaching, and enrichment and remedial programs) so that Jewish and Arab schools are funded on a non-discriminatory basis. Where funds are allocated for all children, Palestinian children should, at minimum, receive funds proportionate to their representation in the population.
- Collect and publish data on total spending for Jewish and for Arab education by sector, as well as spending on individual aspects of education by sector, so that equality in resource distribution may be accurately assessed and monitored.

#### ***Needs-Based Spending***

- Assess Jewish and Palestinian Arab children's needs, as well as Jewish and Arab schools' needs, on the same scale, and end the use of measurements that are weighted against Palestinian Arab communities, such as the national priority list, to distribute education resources.
- Minimize discretion in the allocation of supplementary programs and increase oversight to ensure that all programs are distributed equally, with full participation by Palestinian Arab educators. In particular, provide enrichment and remedial programs—such as preparation for the matriculation and psychometric exams and programs to prevent dropping out—on an equal basis to Jewish and Arab schools.

#### ***Physical Facilities***

- Construct all needed classrooms, including the 2,500 classrooms that the Follow-Up Committee on Arab Education estimates are needed in Arab education. Devise and implement a plan to assess and construct each year the classrooms needed in Arab schools, both regular and special education, according to standards used for Jewish schools. Move classes out of rented rooms and buildings. Replace or repair buildings that are dangerous to students.
- Construct new schools in areas where children currently travel long distances to reach the nearest school, regardless of the government's position on the legal status of the parents' residences.
- Construct auxiliary facilities, including libraries, science and computer labs, and sports facilities, in Arab schools so that they reach the same level as Jewish schools. Mandate and ensure that these facilities' quality, including library books, and science and sports equipment, be adequate and equivalent.

#### ***In-School Social Services***

- Provide social services, including counseling, special education services, medical care, and truant officers in Arab schools on an equal basis with Jewish schools. Where there are shortages of trained Arabic-speaking professionals, such as psychologists and speech therapists, make available and publicize opportunities for additional training and education.

### ***Vocational/Technological Education***

- Adapt all existing schools, both Jewish and Arab, to offer advanced technological education in addition to traditional vocational classes.
- Require private organizations with which the ministry contracts to provide Palestinian Arab and Jewish students with equal access vocational and technological education. Collect and publish data on their compliance.

### ***Teacher Training***

- Allocate additional resources for in-service training for Palestinian Arab teachers. Hold more teacher training courses in or near Arab schools in consultation with teachers' associations and with Palestinian Arab participation.
- Provide incentives equally to Jewish and Palestinian Arab teachers who teach in areas where the ministry wishes to attract more teachers, such as national priority areas and Negev Bedouin communities.

### ***Kindergartens***

- Build kindergartens for three and four-year-olds in all Palestinian Arab communities that lack them, including in unrecognized villages. Specifically, change the order of implementation of free and compulsory kindergarten for three and four-year-olds to include Palestinian Arab localities equally, taking into consideration the lower attendance rates among Palestinian Arab children and that proportionately fewer Palestinian Arab communities than Jewish communities have kindergartens. All seven recognized Bedouin towns in the Negev should immediately be added to the list.

### ***Special Education***

- Provide resources and funding for integration (“mainstreaming”) to Arab and Jewish education proportionate to the rate of disability in the sectors. Ensure that all children who need special education services receive them.
- Establish additional Arab special education classes or schools where they are needed.
- Adapt Jewish special education schools for the Palestinian Arab children who attend them, with the full participation of Palestinian Arab educators, parents, and students to make this happen.

### ***Curricula***

- Ensure that both the curricula and the materials needed to teach them are available in Arabic for all subjects and at every level, including for special education.
- Equalize resources for curriculum development for Arab and Jewish schools.
- Actively seek increased Palestinian Arab participation in the development of curricula for all subjects, including common curricula.
- Develop new curricula contemporaneously in Hebrew and in Arabic and implement the curricula at the same pace, so that Palestinian Arab students are not left behind.
- Eliminate stereotypes and negative representation of Palestinian Arabs from all curricula. Include in all curricula more material on the history and cultural identity of the Palestinian Arab people.

## APPENDIX

**Table 1: Overview of Jewish and Arab Education in Israel**

	Jewish education	Arab education
Enrolled students (kindergarten-secondary) (2000-2001) (total number)	77.8% (1,250,000)	22.2% (356,000)
Allocation of teaching hours (1999-2000) (average weekly teaching hours/student)	82.4% (1.91)	17.6% (1.52)
<b>Schools</b>		
Average pupils/class (2000-2001)	25	30
Average children/teacher (1999-2000)	14.3	18.1
Distribution of classrooms (1998) (total number)	80.5% (34,747)	19.5% (8,423)
Schools with libraries (1994-1996)	80.7%	64.4%
Schools with educational counseling (1994-1996)	78.7%	36.2%
Schools with psychological counseling (1994-1996)	83.2%	40.0%
Schools with counseling by a social worker (1994-1996)	64.4%	53.7%
Schools with truant officers (1994-1996)	65.1%	53.7%
<b>Teachers</b>		
Teachers with an academic degree (1997-1998)	59.5%	39.7%
Teachers rated "not qualified"	4.1%	7.9%
Primary schools with voluntary in-service training (1994-1995)	87.9%	60.1%
Primary schools with no programs to improve teaching (1994-1995)	6.4%	21.5%
<b>Kindergarten (ages 3-5)</b>		
Kindergarten attendance (private, municipal, and state) (1999-2000)		
age 3	81.9%	33.6%
age 4	95.5%	43.0%
age 5	90.1%	78.9%
Pupils/teaching staff: government kindergartens (1999-2000)	19.8	39.3
<b>Special Education</b>		
Distribution of teaching hours (total) (1999-2000)	85.9%	14.1%
Teaching hours for integration (mainstreaming) (1998-1999)	91.6%	8.4%
Special education kindergartens (1998-1999)	484 (91.5%)	45 (8.5%)
Integrated kindergartens (1998-1999)	61 (100%)	0 (0%)
Special education schools (excluding kindergartens) (1998-1999)	222 (83.5%)	44 (16.5%)
Students in primary schools for "handicapped children" (1999-2000)	13,165 (85.4%)	2,253 (14.6%)
<b>Performance</b>		
Drop-out rates by age seventeen (1999-2000)	11.8%	29.3%
<i>Bagrut</i> pass rate among all seventeen-year-olds (2000)	45.6%	27.5%
<i>Bagrut</i> pass rate among examinees	63.0%	43.4%

Qualification rate for university admission among all seventeen-year-olds (2000)	40.4%	18.4%
University applicants who were rejected (1998-1999)	16.7%	44.7%
University students studying for first (undergraduate) degree (1998-1999)	91.3%	8.7%
University first degree recipients (1998-1999)	94.3%	5.7%

*Sources:* CBS, *Statistical Abstract of Israel 2001*, tables 8.8-8.11, 8.26; Ministry of Education, "Number of Students in Jewish Education and Arab Education" (Hebrew), [http://207.232.9.131/minhal\\_calcala/download/2.pdf](http://207.232.9.131/minhal_calcala/download/2.pdf) (accessed November 9, 2001); Ministry of Education, "Statistics of the Matriculation Examination (*Bagrut*) 2000 Report," <http://www.netvision.net.il/bagrut/netunim2000.htm> (accessed on May 10, 2001), pp. 5, 7, 45; State of Israel Ministry of Justice, Ministry of Foreign Affairs, *Initial Periodic Report of the State of Israel Concerning the Implementation of the Convention on the Rights of the Child (CRC)*, February 20, 2001, p. 307; Daphna Golan, Chair, Committee for Closing the Gap, Pedagogical Secretariat, Ministry of Education, *Closing the Gaps in Arab Education in Israel: Data About Hebrew-Arab Education; Recommendations of the Committee for Closing the Gap; Protocol of the Meeting of the Directorship, December 13, 2000*, December 2000, p. 3; Ministry of Education, *Proposed Budget for the Ministry of Education 2001 and Explanations as Presented to the Fifteenth Knesset*, no. 11, October 2000, pp. 144, 158; CBS, *Statistical Abstract of Israel 2000*, no. 51; CBS, *Survey of Education and Welfare Services 1995/1996: Secondary Schools, Hebrew and Arab Education*, (Jerusalem: CBS, May 1999); CBS, *Survey of Education and Welfare Services 1994/1995: Primary and Intermediate Schools, Hebrew and Arab Education*, (Jerusalem: CBS, October 1997).

**Table 2: Educational Performance of Negev Bedouin 2000**

	Jewish students	All Palestinian Arab students	Negev Bedouin students
Seventeen-year-olds enrolled in 12 <sup>th</sup> grade	83.0%	71.2%	62.8%
Seventeen-year-olds who passed the matriculation exams ( <i>bagrut</i> )	45.6%	27.5%	16.8%
Passing students who also qualified for university admission	88.6%	66.9%	38.4%
Seventeen-year-olds who qualified for university admission	40.4%	18.4%	6.4%

*Source:* Ministry of Education, "Statistics of the Matriculation Examination (*Bagrut*) 2000 Report," <http://www.netvision.net.il/bagrut/netunim2000.htm> (accessed on May 10, 2001), pp. 5, 7, 45.