

האגודה לזכויות האזרח בישראל  
جمعية حقوق المواطن في إسرائيل  
The Association for Civil Rights in Israel



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# Failed Grade

The Education System  
in East Jerusalem 2010

August 2010

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We wish to express our gratitude and appreciation for the parent committees and the community representatives who are promoting the education and welfare of the children in East Jerusalem

## Introduction

Despite the duty of the state to provide free education, in the upcoming school year thousands of children in East Jerusalem will once again be left outside of the education system. The continuing neglect of the Arab education system in Jerusalem has caused a severe shortage of classrooms, and this year, as in previous years, the Ministry of Education and the Municipality of Jerusalem have avoided addressing that shortage in any meaningful way. The result is that in the 2010-2011 school year the families of thousands of Palestinian children will pay large sums of money to receive the education they should have been getting for free.

During the previous school year (2009-2010) only half of the children in East Jerusalem attended schools run by the Jerusalem Education Administration (Manhi, a joint body of the Ministry of Education and the Municipality of Jerusalem).<sup>1</sup> The others went to unofficial schools owned and administered by churches, Islamic organizations, UNRWA (United Nations Relief and Works Agency), organizations connected to the Palestinian Authority and commercial bodies whose main motive is profit-making.

It should be stressed that the Palestinian residents of East Jerusalem are entitled to receive public education, as well as enjoy all of the social benefits afforded by the state, by virtue of the residency bestowed upon them after Israel annexed East Jerusalem in 1967. A decade ago, the High Court noted this and obligated the Ministry of Education and the Municipality of Jerusalem to provide education to every Palestinian child who is a resident of the city.<sup>2</sup> But Israel's educational policy in East Jerusalem does not allow the residents to fully exercise that right.

The parents of tens of thousands of children who are entitled to receive free education by law are thus forced to pay thousands of shekels a year for private education because there are no municipal schools to absorb them. The Sakhnin College, for example, is a commercial enterprise which operates 11

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<sup>1</sup> According to Manhi figures published on the municipality website, only 42,271 Palestinian students attended Manhi schools, out of a total of 83,237 students in East Jerusalem. From the 2009-2010 Education Almanac, breakdown of classrooms and students in East Jerusalem according to the educational framework type, Manhi, Jerusalem Municipality website.

<sup>2</sup> HCJ 5185/01 Community Administration for the Development of Beit Hanina v. Municipality of Jerusalem and the Ministry of Education. Partial judgment given on August 29, 2001.

"recognized but unofficial" schools. Registration to these schools has been constantly growing in recent years. There are those who interpret the encouragement of this college as an attempt by Manhi to privatize the Arab education system and operate parts of it through "concessionaires". It should be noted that some parents prefer to send their children to schools that are not part of the Israeli education system for ideological, religious or nationalist reasons.

In addition to the thousands of children whose parents are forced to pay for their schooling, thousands of children growing up in East Jerusalem do not attend school at all. The Israeli authorities are neither taking a real interest in them nor taking the necessary steps in order to bring them back into the education system. It is doubtful anyone even knows their exact number. According to figures based on data from the Interior Ministry and the Central Bureau of Statistics, there are 87,624 Palestinian children in Jerusalem from the age of 6-17 (i.e., 1st to 12th grade).<sup>3</sup> According to new Manhi director, Danny Bar-Giora, the Knesset Education Committee noted that 83,295 students are in the Arab education system in Jerusalem (in all its parts).<sup>4</sup> Simple subtraction shows that 4,329 East Jerusalem boys and girls do not attend school at all. According to the official figures of the Jerusalem Municipality, the overall number of students is lower while the number of children who do not attend school is higher and reaches 5,300 children, or 6% of the total number of children (see table below). The fact that several thousands of boys and girls do not attend school and that this situation has persisted for years should have motivated both the Jerusalem Municipality and the education system to take urgent action. Unfortunately, none was taken.

Furthermore, the children who do have a place in school suffer from unsuitable conditions, since the vast majority of schools in East Jerusalem, in all educational streams, are characterized by poor conditions and defects: Dilapidated and unsafe buildings, crowded classrooms, a low academic level, dropout rates of 50%<sup>5</sup> and low achievements in matriculation exams. The large number of organizations which operate schools creates an education system devoid of homogeneity,

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<sup>3</sup> Jerusalem Municipality Demographic Almanac, breakdown by age and gender in Jerusalem, figures as of December 31, 2009.

<sup>4</sup> Knesset Education Committee session of May 11, 2010, p. 5 of the minutes.

<sup>5</sup> The Education in East Jerusalem report, Knesset Research and Information Center, October 16, 2006, page 13.

both in terms of curricula and in regards to teaching methods, and therefore also devoid of a backbone and center of gravity. Such an education system produces few graduates who are sufficiently educated to reach their full potential in the future, and it creates a civil society of weak resilience.

## The Social Consequences

The ongoing neglect of the education system in East Jerusalem severely impacts the Palestinian population of the city. The Palestinian community of East Jerusalem, which until the 1980s was considered one of the most educated and affluent Palestinian communities, has been undergoing negative processes for the last two decades. Some of them stem from Israeli policies, and others are related to internal Palestinian affairs. The result is that East Jerusalemites are becoming poorer, less educated and subject to ever-rising levels of violence and delinquency. The catastrophic condition of the education system has a significant impact on those negative processes, especially among the youth.

### Testimony no. 1: Jamal Khalil, resident of the Shuafat refugee camp

*"After much effort I managed to enroll two of my children, but in two different schools that are both very far from our home. Omar, 15, is enrolled at a school in Sur Baher, 10 km from home. Because of traffic and the checkpoint, the trip to school takes an hour and a half and Omar has to wake up at 5 a.m. every day and take two buses - from the camp to the Old City and from there to Sur Baher. 'Amru, who is 10, is in an even more difficult situation. He goes to a Palestinian Authority school and travels 15 km each way every day. He too takes two buses but has to pass through two checkpoints and the journey from home to school takes him two hours. We spend 500 shekels a month just for his transportation. My wife and I have to get up at 4 a.m. every day to prepare our two children for their long trips".*

Today the levels of poverty in East Jerusalem have reached alarming dimensions: 65.1% of all Palestinians in East Jerusalem, and 74.4% of Palestinian children, are beneath the poverty line (the equivalent rates for the city's Jewish population are 30.5% and 45.1%). In absolute numbers this means that no less than 95,000 Palestinian children in Jerusalem live in conditions of ongoing poverty.<sup>6</sup> The

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<sup>6</sup> ACRI, Human Rights in East Jerusalem: Facts and Figures, May 2010.

external manifestation of that reality can be seen in Jerusalem today at every turn: From the dozens of high school-age Palestinian boys working in the markets and the industrial areas' warehouses, to the grade school-age children who can be seen in some of the city's main intersections selling various goods to drivers.

The combination of deep and mostly untreated poverty (only 10% of the population is treated by the welfare services<sup>7</sup>) and the high dropout rates gives rise to other grave social ills, such as the rise in the level of juvenile delinquency and a constant increase in juvenile drug abuse. The Israel Police and Anti-Drug Authority declined to answer queries by ACRI and Ir Amim requesting figures on this phenomenon, but for the Palestinian residents of the city the subject has become part of daily social discourse. Large sections of the Old City have become areas where many are afraid to walk at nights. According to figures collected by the Palestinian organization Al-Maqdisi, the number of drug addicts in the Jerusalem district of the Palestinian Authority is 6,000 and the number of casual drug users is 22,000.<sup>8</sup>

In a Knesset plenary discussion on the condition of the education system in East Jerusalem, Knesset member Jamal Zahalka claimed that the achievements of Palestinian students in East Jerusalem had deteriorated beneath the level of achievement of Palestinian children in any other place of their Diaspora. "The state of education of Palestinians in East Jerusalem - and I tell you this with authority - is the worst, and their situation is the worst," he said. "In terms of student achievement it is worse than in Gaza, worse than in Nablus, worse than in 'Ein al-Hilwa, worse than in al-Wihdat, worse than in Yarmuk [refugee camps in Lebanon, Jordan and Syria]".<sup>9</sup>

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<sup>7</sup> Ibid.

<sup>8</sup> The data was provided to Ir Amim on August 12, 2010.

<sup>9</sup> Knesset Records, May 3, 2010.

## Testimony no. 2: Samih Mohammed Zakih, member of parents' committee of al-Sawahrah al-Gharbiya school in Jabel Mukaber

*"To maintain their reputation, most private schools have entry exams and do not accept students with low grades. They seem to have forgotten that a school's purpose is to educate and not to maintain its good name by teaching only able students. In most schools in East Jerusalem, whether municipal or private, the number of students per class is between 30 and 40. If a student tries to get up from his seat and move, the whole class needs to move around. Education in Jerusalem has become a commercial enterprise. Anyone with enough money in their pockets can open a school or kindergarten today. All they need is four walls and a few tables. The Ministry of Education and Municipality of Jerusalem, who are responsible for overseeing the schools, are not taking an interest".*

### School-age Palestinian children in East Jerusalem in the 2009-10 school year according to type of school<sup>10</sup>

Type of school	Number of students	Percentage of registered students
Municipal schools (not including kindergartens)	42,271	50.78%
Recognized but unofficial schools	20,603	24.75%
Waqf schools	6,408	7.7%
Private schools (including UNRWA schools)	13,955	16.77%
Total registered students	83,237	100%
Total school-age population	87,624	
Children not registered in any educational institution	4,387	5.27%

<sup>10</sup> 2009-10 Education Almanac, breakdown of classrooms and students in East Jerusalem according to educational framework type, Manhi, Jerusalem Municipality website.

## A Constant Shortage of Classrooms

The Ministry of Education and Municipality of Jerusalem do not update and publish the exact number of missing classrooms in the East Jerusalem education system, but agree that the number is higher than 1000 classrooms. State Comptroller Micha Lindenstrauss, who examined the matter during the 2007-8 school year, found that the shortage at the time was of 1000 classrooms.<sup>11</sup> "The audit found," wrote the comptroller, "that the Ministry of Education and the Municipality of Jerusalem did not fulfill their obligations... and did not act with the needed determination to allow students from East Jerusalem to exercise their right as permanent residents of the State of Israel".<sup>12</sup>

The heads of the Ministry of Education and the Municipality of Jerusalem have been aware for many years of the ongoing shortage of classrooms. Yet, despite promises given in court proceedings to build 644 classrooms by 2011 (see following chapter), the construction of classrooms has proceeded very slowly. An analysis by Ir Amim and ACRI of the construction figures from August 2010 shows that the shortage is not going to be reduced in the coming years. Since 2001, 257 classrooms have been built in East Jerusalem. By the end of 2010 the construction of a comprehensive girls' school in Ras al-'Amud is scheduled to be completed with 39 classrooms. In 2011 another 42 classrooms are planned, but completion of their construction on time is not guaranteed.

Even if all of the planned classrooms were to be built, a total of only 338 classrooms will have been built by the end of 2011, which are at most 52% of the classrooms the authorities had promised to build. It should also be noted that the classrooms under construction do not meet all of the needs of the system, and this was also stressed by the authorities, who claimed they were unable to build enough classrooms to address the prolonged classroom shortage.

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<sup>11</sup> State Comptroller, Annual Report 59b, published in May 2009.

<sup>12</sup> State Comptroller, *ibid*, p. 620.

It should also be noted that the Ministry of Education and the Municipality of Jerusalem are currently planning to build additional classrooms in the years to come. As of August 2010, the number of planned classrooms is another 365, but the timetables for their construction are not guaranteed since their construction depends on additional land expropriations, planning, approval and budgeting procedures. Even if all of the planned classrooms were built one day, there would still be a shortage of another 1000 classrooms, because the expected construction will address only the rate of the population's natural growth.

Most of the Palestinian children who do manage to be enrolled in the municipal education system study in rooms that are not suitable to serve as classrooms. In the absence of sufficient construction of new schools that include standard sized classrooms, the Municipality of Jerusalem houses many classes in rented buildings (built for completely different purposes), whose rooms are small and crowded and often unventilated. These rented buildings do not have integrated classrooms, teachers' rooms, libraries or laboratories, nor do they offer playgrounds for recreation.

According to official Manhi figures,<sup>13</sup> more than half of the classrooms in municipal schools (647 of 1,398) are below the standard. Of the 751 standard classrooms, only 573 are in buildings that meet the standard. The rest are suitable in size but located in unsuitable environments: 155 classrooms operate in rented buildings and another 23 classrooms in mobile structures that the municipality placed next to existing schools. The elaborate Manhi figures concerning substandard classrooms reveal another aspect of this grim situation: Over a quarter of all of the substandard classrooms (188 of 647) are defined as classrooms in an "unsuitable condition"<sup>14</sup>, about one fifth (157) are defined as being in a "fair condition" and only 155 are in a "suitable condition"; another 147 substandard classrooms operate in rooms intended to be "spare rooms".

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<sup>13</sup> The data was detailed in the report: The Education System in East Jerusalem: Classrooms and Curricula, Knesset Research and Information Center, May 10, 2010, page 4.

<sup>14</sup> The presentation given by the heads of Manhi to members of the Knesset Education Committee did not include the specific attributes of a below standard classroom in an unsuitable condition.

### Testimony no. 3: Jerusalem City Council member Yosef Pepe Alalo, former deputy mayor and holder of the East Jerusalem education portfolio until June 2010

*"I visited many schools and their condition is bad, including the newest ones. In one of the new schools I visited I saw empty rooms and asked why they were empty. I was told they had not received tables, shelves or books and therefore the rooms have no use. The budget shortage of the schools in East Jerusalem is huge; unlike in West Jerusalem, where schools receive budgets for self-administration, schools in East Jerusalem don't have money. The consequences are far-reaching: I always got complaints from schools that could not pay for their electricity because they did not have money and they got cut off, could not heat the classrooms, or reached a point where their phones were disconnected".*

## A Decade of Broken Promises

Next May will mark ten years since the start of the legal proceedings concerning education in East Jerusalem, during which the authorities promised time and again to build hundreds of new classrooms. The proceedings began with an appeal by the parents of 26 children from East Jerusalem who did not have places in the official Manhi-run schools. The parents demanded the High Court of Justice to uphold their children's right to free public education.<sup>15</sup> Two months later, a second petition was submitted, this time on behalf of more than 900 children for whom no place was found in the municipal schools in East Jerusalem.<sup>16</sup>

In the decade since, other similar petitions were filed and dozens of hearings were held. As the legal proceedings on the petition demanding places in schools for individual students progressed, the municipality was quick to find schools for the petitioning children.<sup>17</sup> However, it did not take the necessary steps to solve the fundamental problems of the system. In the case of two of the petitions, the hearings in the High Court focused on setting a policy for all of East Jerusalem, and the court issued a ruling that gave binding force to the state's promise to build hundreds of new classrooms.<sup>18</sup>

In February 2010, Attorney Yehudit Karp, former Deputy Attorney-General, sent a memo to Attorney-General Yehuda Weinstein titled "Noncompliance of the State with Court Rulings". There she summarized the end result of these long legal proceedings, in the context of the failure to enforce the High Court ruling: "The consequences for the education system in East Jerusalem are disastrous. In the present school year, thousands of Arab students in East Jerusalem of compulsory education age are denied access to free public education... The destructive effects of the said neglect on the population of Jerusalem can not be overstated, and it is doubtful that the damage can be undone"<sup>19</sup>.

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<sup>15</sup> HCJ 3834/01 Hamdan and 27 others v. Municipality of Jerusalem et al.

<sup>16</sup> See footnote 2.

<sup>17</sup> Administrative Petition 1144/06 Kimri v. Municipality of Jerusalem, Administrative Petition 855/07 Kanibi v. Municipality of Jerusalem, Administrative Petition 8764/08 Salimi v. Municipality of Jerusalem, Administrative Petition 1703/09 Abidin v. Municipality of Jerusalem. In these petitions ACRI represented hundreds of children rejected by the municipal schools and the Jerusalem Municipality, but after the petitions were filed solutions were found for these students.

<sup>18</sup> See footnote 2.

<sup>19</sup> Yehudit Karp to Attorney General Yehuda Weinstein, February 8, 2010.

Three months after the first petition was filed, on August 29, 2001, the High Court issued a ruling that accepted most of the petitioners' requests and arguments.<sup>20</sup> The judges upheld the children's right to free education and noted the state's commitment to build classrooms. The judges concluded: "The respondents declared they are adopting a four-year plan, during which 245 new classrooms will be built".

In September 2005, four years after the judgment was given and after the deadline to build 245 classrooms had passed, the petitioners returned to the High Court and demanded that the commitment be met. Represented by the Community Association for the Development of Beit Hanina and Ir Amim, the petitioners asked the court to rule that the Ministry of Education and Municipality of Jerusalem had thereby shown contempt for the High Court decision. Two months later the court ruled: "We are under the impression that to this day the respondents have not met their full commitments. The problem of the shortage of classrooms has only gotten worse, despite the fact that a certain addition of classrooms was provided".

The High Court gave Manhi an extension to present "a working plan for adding classrooms" and required it to conduct a "needs survey" as to the number of children of compulsory education age in East Jerusalem. After no progress was made on neither fronts, the judges decided to summon the Director-General of the Ministry of Education, the head of the budget department at the Finance Ministry, the Director-General of the municipality and the head of Manhi. "We are working on the assumption," they wrote with a tone of impatience, "that this forum can present us with figures and concrete plans to solve the problem raised by the petitioners. This court, as part of the proceeding held before it, has been trying to contend with the problem for more than six years".

When the senior officials appeared in court in March 2007 they presented a new plan, according to which the construction of the 245 classrooms would be extended until 2011, by which time "another 400 classrooms would be built with an investment of NIS 400 million over a period of five years, at the rate of 80 classes per year". The High Court judges made note of the promise to build 645 classrooms and announced their intention to hold periodical meetings in order to monitor the progress of the plan.

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<sup>20</sup> See footnote 2.

Unfortunately, the fulfillment of this commitment has been very partial. In May 2009, two years after the state undertook to build 80 new classrooms a year, the State Comptroller wrote: "For more than four years - from January 2004 to April 2008 - Manhi has not issued planning orders [to build classrooms]. We can assume that after the completion of projects that were included in older planning orders - January 2004 or earlier - hardly any new classrooms will be built for a few years"<sup>21</sup>.

#### **Testimony no. 4: Mohammad Sayaj, member of parents' committee at the Ahmad Sameh al-Khalidi school in Abu Tor**

*"The education system in the Abu Tor neighborhood is in acute distress. It has four primary schools, two of which are situated in rented buildings, and no high schools. Children of high school age are required to travel to schools in distant neighborhoods, which is very detrimental to the education of girls, as some of the families object to their daughters leaving the neighborhood.*

*"In two schools which are operating in rented buildings the classrooms are unbearably crowded. On the second floor of one of these schools there is only one lavatory and it serves 203 students. That whole school has four lavatories serving more than 500 students. The yard is small and does not have room for everyone, forcing some of the students to stay in the classrooms during recess".*

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<sup>21</sup> State Comptroller, footnote 11, p. 616

## Conclusion

The compulsory education law requires Israel to provide education services to all Palestinian children in East Jerusalem from kindergarten to 12th grade. The Ministry of Education and the Municipality of Jerusalem recognize this duty and have even clearly stated it themselves during various legal proceedings over the past decade. Statements to the same effect have also been made in recent months by Minister of Education Gideon Sa'ar<sup>22</sup> and Jerusalem Mayor Nir Barkat.<sup>23</sup>

However, an overview of the policy of the Ministry of Education and the Municipality of Jerusalem on this issue shows that their recognition of this commitment is not translated into actual policy. The Palestinian children from East Jerusalem whose parents petitioned the High Court to compel Manhi to find places for their children were indeed enrolled in schools. Thus Manhi preferred to address specific, short-term cases that went to court while refraining from developing a comprehensive policy, which would enable it to fulfill its obligation to the entire population and would meet its long-term needs. Even the very limited promises Manhi had made to the High Court, and which did not constitute a comprehensive solution, were only partially kept.

In May 2009, State Comptroller Micha Lindenstrauss wrote: "The audit found that the ministry and the municipality did not carry out their obligations and did not provide the residents of East Jerusalem with sufficient classrooms in the official education system. The heads of the Ministry of Education and the municipality did not act with the determination they should have shown to allow the people of East Jerusalem to exercise their right as permanent residents of the State of Israel"<sup>24</sup>.

A year and a half has gone by since the State Comptroller wrote these words, but the Ministry of Education and the Municipality of Jerusalem have yet to change their policies. As described in this report, the results are disastrous: Thousands of children do not attend school, and even those who attend school, do so

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<sup>22</sup> Discussion in the Knesset plenary on May 3, 2010.

<sup>23</sup> Discussion of the Knesset education committee on May 11, 2010.

<sup>24</sup> State Comptroller, footnote 11, p. 620.

in crowded and substandard classrooms, where the academic level is poor. The school dropout rate is 50% and only few graduates go on to attain higher education. Only a true policy change accompanied by appropriate budgeting can bring about the necessary change and offer the children of Jerusalem a better future.