



Failed Grade

Palestinian Education System in East Jerusalem 2010

August 2010

Introduction

Despite the duty of the state to provide free education, in the coming school year thousands of children in East Jerusalem will again remain 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 again 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 have to pay large sums of money to get the education they should have been getting for free.

In the last school year (2009-2010) only half of the children of East Jerusalem attended schools run by the Jerusalem Education Administration (Manhi, a joint body of the Ministry of Education and the Municipality of Jerusalem).¹ 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

¹ According to Manhi figures published on the municipality website, only 42,271 Palestinian students attended Manhi schools, out of a total of 82,324 students in East Jerusalem. From the 2009-2010 Education Almanac, breakdown of classrooms and students in East Jerusalem by kind of educational framework, Manhi, Jerusalem Municipality website.

every Palestinian child who is a resident of the city.² But Israel's educational policy in East Jerusalem does not allow the residents to exercise that right in full.

The parents of tens of thousands of children who are entitled to receive free education by law thus are forced to pay thousands of shekels a year for private education because there are no municipal schools to absorb them. For example, the Sakhnin College, which is a commercial enterprise in every sense, operates 11 "recognized but unofficial" schools, and the number of students in them has been constantly growing over the last years. Some interpret the encouragement of this college as an attempt by Manhi to privatize the education system and operate parts of it through "concessionaires." However, some parents also prefer that their children be educated outside 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 go to school at all. The Israeli government system is not taking an interest in them nor doing anything in order to return them to the education system, and 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 ages 6-17 (corresponding to 1st to 12th grade).³ According to the incoming head of Manhi, Danny Bar-Giora, the Knesset education committee noted that 83,295 students are in the Arab education system in Jerusalem (in all its parts).⁴ 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 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 some thousands of boys and girls do not attend school and that this situation has persisted for years should have motivated both Jerusalem's leadership and the education system to take urgent action, but that did not happen.

Furthermore, the children who do have a place in school are subjected to unsuitable conditions, because the vast majority of schools in East Jerusalem, in all educational streams, suffer from poor conditions and defects: dilapidated and unsafe buildings, crowded classrooms, a low academic level, dropout rates of 50% of the students⁵ and low achievements in matriculation exams. The large number of organizations that operate the schools creates an education system devoid of homogeneity, both in terms of curricula and in terms of teaching methods, and therefore also devoid of a backbone and center of gravity. Such an education system produces very few graduates sufficiently educated to achieve meaningful personal development as adults and creates a civil society of very low resilience.

² 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

³ Jerusalem Municipality Demographic Almanac, breakdown by age and sex in Jerusalem, figures as of December 31, 2009

⁴ Knesset education committee session of May 11, 2010, p. 5 of the minutes.

⁵ The Education in East Jerusalem report, Knesset Research and Information Center, October 16, 2006, page 13

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 he has to go 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 just to prepare our two children for their long trips."

School-age Palestinian children in East Jerusalem in the 2009-10 school year, by type of school⁶

Kind of school	Number of students	Percentage of registered students
Municipal schools (without kindergartens)	42,271	50.78%
unofficial schools Recognized but	20,603	24.75%
Waqf schools	6,408	7.7%
Private schools (including UNWRA schools)	13,955	16.77%
Total registered students	82,324	100%
Total school-age population	87,624	
School-age population not registered in any educational institution	5,300	6%

The social consequences are already evident

The ongoing neglect of the education system in East Jerusalem has a very severe impact on 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 developments, and they are becoming poorer, less educated and subject to ever-rising levels of violence and delinquency. The catastrophic condition of the education system has a very significant impact on those negative processes, especially among youth.

Today the levels of poverty in East Jerusalem have reached alarming dimensions: 65.1% of all Palestinian families in East Jerusalem are beneath the poverty line (the

⁶ 2009-10 Education Almanac, breakdown of classrooms and students in East Jerusalem by kind of educational framework, Manhi, Jerusalem Municipality website

equivalent rates for the city's Jewish population are 30.5% and 45.1%). In absolute numbers this means no less than 95,000 Palestinian children in Jerusalem live in conditions of ongoing poverty.⁷ The 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 warehouses of the stores and supermarkets in the industrial areas to the dozens of grade school-age children scrambling between the cars at 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 municipal welfare services⁸) and the high dropout rates from the education system gives rise to other grave social ills such as the rise in the level of juvenile delinquency and a constant rise 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 people are afraid to walk after dark. 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 22,000.⁹

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 condition of the education of Palestinian citizens 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 (a refugee camp in Lebanon), worse than in al-Wihdat (a refugee camp in Jordan), worse than in Yarmuk (a refugee camp in Syria)."¹⁰

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 the purpose of a school 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. Any move by any student makes the whole class move... education in Jerusalem has become a commercial enterprise. Any person that has money 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 supposed to oversee the schools, are not interested in this."

Classrooms: a shortage that never ends

⁷ ACRI, Human Rights in East Jerusalem: Facts and Figures, May 2010

⁸ Ibid.

⁹ The data was provided to Ir Amim on August 12, 2010

¹⁰ Knesset Records, May 3, 2010

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. The office of 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.¹¹ "The audit found," wrote the comptroller, "that the Ministry of Education and the Municipality of Jerusalem did not do their jobs... and did not act with the determination they should have shown to allow the citizens of East Jerusalem to exercise their right as permanent residents of the State of Israel."¹²

The heads of the Ministry of Education and the Municipality of Jerusalem have been aware for many years of the shortage of classrooms that never ends. Yet, despite promises given in legal proceedings from 2001 to build 644 classrooms by 2011 (see following chapter), the construction of classrooms has proceeded very slowly. An analysis of the construction figures by Ir Amim together with the Association for Civil Rights in Israel 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 supposed to be built but completion of their construction by that time is not guaranteed.

Even if all of the planned classrooms are 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 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 historic classroom shortage.

It should also be noted that the Ministry of Education and the Municipality of Jerusalem currently are planning to build additional classrooms in the years after 2011. As of August 2010, the number of planned classrooms is another 365, but the time of their construction is not guaranteed because their construction depends on additional land expropriations, planning, approval and budgeting procedures. Even if all of the planned classrooms are built one day, there will 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 admitted into the municipal education system are schooled in rooms that are not suitable 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 have playgrounds.

Testimony no. 3: Mohamed Sayaj, member of parents' committee at the Ahmad Sameh al-Khalidi school in Abu Tor

¹¹ State Comptroller, Annual Report 59b, published in May 2009

¹² State Comptroller, *ibid*, p. 620

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

"In the two schools operating in rented buildings the crowding in the classrooms is unbearable. On the second floor of one of them there are 203 students with only one bathroom. That whole school has four bathrooms serving more than 500 students. The yard is small and does not have room for everyone, which forces some of the students to stay in the classrooms even during recess."

According to official Manhi figures,¹³ more than half of the classrooms in the municipal educational institutions (647 out of 1,398) are not standard. Of the 751 standard classrooms, only 573 are in standard buildings. The rest are suitable in size but located in unsuitable environments: 155 classrooms operate in rented buildings and another 23 classrooms in mobile buildings that the municipality placed next to existing schools. The Manhi figures, that further divide the condition of the nonstandard classrooms, reveal another aspect of this grim situation. More than a quarter of all of the nonstandard classrooms (188 of 647) are defined as classrooms in an "unsuitable condition,"¹⁴ about one fifth (157) are defined as being in a "fair condition" and only 155 are in a "suitable condition;" another 147 nonstandard classrooms operate in rooms intended to be "appendix rooms."

Testimony no. 4: Jerusalem City Council member Yosef Pepe Alalo, deputy mayor and holder of the education portfolio for East Jerusalem until June 2010

"I visited many schools and their condition is bad, including the very newest ones. In one of the new schools I visited I saw entire empty rooms and I asked why they were empty. I was told they did not receive tables, shelves or books and therefore they have no use. The budget shortage of the schools in East Jerusalem is huge; they do not have money like in West Jerusalem where schools have budgets for self-administration. The consequences are far-reaching: I was always getting 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 it will be ten years since the beginning of the legal proceedings during which the authorities promised again and again to build hundreds of new classrooms in East Jerusalem. The proceedings began with the parents of 26 children from East Jerusalem who did not have places in the official Manhi-run schools, who decided to appeal to the High Court of Justice and ask its help in exercising their children's right to free public education.¹⁵ Two months later, a second petition was submitted, this

¹³ 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

¹⁴ The presentation the heads of Manhi gave the members of the Knesset education committee did not specify the attributes of a non-standard classroom in an unsuitable condition

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

time on behalf of more than 900 children for whom no place was found in the municipal schools in East Jerusalem.¹⁶

In the decade since, other similar petitions were filed and dozens of hearings were held. In the petitions demanding places in school for specific children, the municipality was quick to find schools for the petitioning children,¹⁷ but it did not seriously confront the fundamental problems of the system. With two of the petitions the High Court held a discussion for the purpose of setting a policy and even issued a ruling that gave binding force to the state's promise to build hundreds of new classrooms.¹⁸

The bottom line of the long legal proceedings was summarized by lawyer Yehudit Karp, then deputy attorney general, in a memo she sent in February 2010 to Atty. Gen. Yehuda Weinstein under the title "Noncompliance of the state with court rulings." "The consequences for the education system in East Jerusalem are disastrous," wrote Karp to Weinstein in the context of the failure to enforce the ruling. "For the present school year thousands of Arab students in East Jerusalem of compulsory education age are denied access to free public education... the destructive significance of the said neglect for the population of Jerusalem can not be overstated and it is doubtful the damage can be undone."¹⁹

Three months after the first petition was filed, on August 29, 2001, the HCJ issued a ruling that accepted most of the petitioners' requests and arguments.²⁰ The judges upheld the children's right to free education and noted the state's commitment to build classrooms. As the judgment said: "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 of the commitment to build 245 classrooms had passed, the petitioners returned to the High Court and claimed that the commitment was not met. The petitioners, represented by the Community Association for the Development of Beit Hanina and Ir Amim, 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 that "there is an 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 to add 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 either level, the judges decided to summon to a hearing the director general of the Ministry

¹⁶ See footnote 2

¹⁷ 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 schools were found for them

¹⁸ See footnote 2

¹⁹ Yehudit Karp to Attorney General Yehuda Weinstein, February 8, 2010

²⁰ See footnote 2

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 and that this court, as part of the proceeding before it, has been trying to contend with 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 a note of the promise to build 645 classrooms and announced they would continue to hold periodic meetings to check the progress of the plan.

But the fulfillment of this commitment was very partial. In May 2009, two years after the state undertook to build 80 new classrooms a year, the state comptroller wrote the following: "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 had already been planned by old planning orders -- from January 2004 or earlier -- hardly any new classrooms will be built for a few years."²¹

Conclusion

The compulsory education law requires Israel to provide education services to all of the Palestinian children in East Jerusalem, from kindergarten to 12th grade. The Ministry of Education and the Municipality of Jerusalem, responsible by law for fulfilling this requirement, recognize this duty and have even repeated it in various legal proceedings over the last decade. Statements to the same effect have also been made in recent months both by Minister of Education Gideon Saar²² and Jerusalem Mayor Nir Barkat.²³

An overview of the policy of the Ministry of Education and the Municipality of Jerusalem on this issue shows, however, that their theoretical 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 in its schools successfully were able to enroll, as Manhi preferred to address specific, short-term cases that went to court; however, it refrained from developing a comprehensive policy that would fulfill its commitment towards the entire population and would meet their needs over the long run. Even the very limited promises Manhi made the High Court, which did not constitute a comprehensive solution of the problem, were only partially kept.

In May 2009, State Comptroller Micha Lindenstrauss, wrote: "The audit found that the ministry and the municipality did not do their jobs and did not manage to provide the residents of East Jerusalem with enough classrooms in the official education system. The heads of the Ministry of Education and the municipality did not act with

²¹ State Comptroller, footnote 11, p. 616

²² Discussion of the Knesset plenary on May 3, 2010

²³ Discussion of the Knesset education committee on May 11, 2010

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."²⁴

A year and a half has gone by since the state comptroller wrote those words, but the policy of the Ministry of Education and the Municipality of Jerusalem has not changed yet. As described in this report, the results on the ground are disastrous: thousands of children do not attend school, and even those who do, do so in crowded and non-standard classrooms, where the academic level is poor. The school dropout level is about half of the students and few graduates attend institutions of 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.

²⁴ State Comptroller, footnote 11, p. 620