

MONITOR REPORT ON THE IMPLEMENTATION OF GOVERNMENT DECISION 3790 FOR INVESTMENT IN EAST JERUSALEM

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Government Decision 3790 for the Reduction of Socio-Economic Gaps and Economic Development in East Jerusalem provides, for the first time, measures to increase the number of daycare centers in East Jerusalem as part of the sub-chapter that deals with employment and welfare. The Decision provides an allocation of an additional 50 million NIS, spread over the years 2019-2023, to supplement costs of the expropriation of lands required for the construction of the daycare centers, and also raises the ceiling of permits for constructing daycare centers in East Jerusalem. This quarterly report focuses upon the implementation of these sections of the Decision in the context of the serious lack of frameworks for early childhood in East Jerusalem and will relate to the additional measures necessary in the area.

¹ We would like to thank the Center for Clinical Legal Education, the Legal Faculty at the Hebrew University. A special thanks to Atty. Dana Ginosaur from the Clinic for Women and Economics on her dedication to the years-long endeavor to advance day cares in East Jerusalem, and on her part in recommendations for phrasing within with report.

I. Background – The Lack of Educational Frameworks for Early Childhood Care in East Jerusalem

The existence of high-quality, supervised educational frameworks for early childhood is a necessity in order to reduce socio-economic gaps and promote communal welfare. It begins with high-quality care for children alongside the opportunity for parents - particularly mothers – to go work; continues with promoting child health and development; and culminates with a positive effect on gender equality and socio-economic equity. From an employment perspective, the lack of high-quality, subsidized frameworks for early childhood care constitutes a significant obstacle to the integration of women from East Jerusalem into the labor market, and contributes to the low rate of employment among these women.²

The awareness of the importance of frameworks for early childhood care has increased in recent years in Israel, and since the social protests of 2011 access and expansion have been promoted through legislation, budgetary allocations, and the establishment of such frameworks. However, in East Jerusalem, early childhood public education did not receive any significant systemic advancement until Government Decision 3790, which - as part of the employment section - provides initial steps in this direction.

The absence of investment in the field is evident in the data – as of May, 2018, only two percent of children in East Jerusalem, from birth to three years old, were registered in supervised frameworks, as opposed to 24% of the children in this age range throughout Israel.³ As of January 2020, about 40,000 children from birth to four years of age lived in East Jerusalem, yet only four public daycare centers with 20-24 daycare classrooms each, and only 28 recognized and private, home-based childcare facilities are in operation.⁴ Currently in West Jerusalem, 118

² According to [the Statistical Yearbook of the Jerusalem Institute for 2020](#), only 25% of female residents of East Jerusalem of employment age participated in the labor force, as opposed to 79% of men. For further discussion of this subject, see Ir Amim and WAAC-Workers Association's Monitor Report for the Implementation of Government Decision 3790 for Investment in East Jerusalem, [First](#) and [Second](#) Quarterly Reports, 2020.

³ Yad Hanadiv, *The Experience of Raising Young Children and the Attitude to Educational/Caregiving Frameworks in East Jerusalem – Presentation of Reactions from Service Research*, February, 2020.

⁴ The Jerusalem Municipality's response to freedom of information request from Ma'an-Workers Association and the Center for Clinical Legal Education of The Hebrew University, January, 2020 (hereinafter: freedom of information, Jerusalem Municipality, January, 2020).

public daycare centers and 440 private, home-based childcare facilities are in operation serving a population of approximately 72,000 children between the ages of birth to four years.⁵ **According to the Jerusalem Municipality itself, in East Jerusalem there is a shortage of 242 daycare centers or private, home-based childcare options (as of January, 2020).**⁶

Due to the severe poverty in East Jerusalem and the pressing need for solutions for working women and their children, the lack of high-quality, subsidized childcare frameworks created a large supply of private, unsupervised childcare arrangements. Some of them are very inexpensive, to the extent that the price impairs both the quality of the care and the employment conditions, ie: many small children are left with neither adequate supervision nor care at the hands of an exploited workforce; alternatively, other childcare situations require a very high fee, which does not necessarily guarantee high-quality care nor proper employment conditions.

The importance of high-quality public frameworks for early childhood education has been heightened during the coronavirus crisis. This is both in light of the exacerbation of the economic and employment distress throughout Israel and, specifically, East Jerusalem, and due to the increase of economic and pedagogical challenges faced by those who operate these frameworks for early childhood care.

Unfortunately, not only does the current system not address the needs on the ground, but subsidies for the system were recently cut back⁷ at the same time that the economic situation worsened due to the coronavirus crisis. Given that compensation is lacking, the coordinators of the available early childcare frameworks found it difficult to bear the financial

⁵ The Branch for Daycare Centers and Home-Based Childcare Arrangements on [the site of the Ministry of Labor, Social Affairs and Social Services](#); The Jerusalem Institute for Policy Research, [The Statistical Yearbook for 2019](#).

⁶ In a computation according to demand of 30% of the children from birth to three. According to freedom of information, Jerusalem Municipality, January, 2020, *supra* note 3. The branch does not make a distinction between daycare center and private, home-based childcare facilities in calculating the shortage.

⁷ The pricelist for the subsidy for the current schoolyear (2020-2021) includes a cutback of seven percent in the subsidy in view of Government Decision 3409 from January, 2018, that provided for an across the board cutback in the government budgets.

burden and hundreds of frameworks have closed in recent months.⁸ This is the time for significant investment in early childhood education in East Jerusalem – both in the daycare centers and the private, home-based childcare facilities.

II. The Investment in Daycare Centers in Government Decision 3790

Government Decision 3790 for Reduction of Socio-Economic Gaps and Economic Development in East Jerusalem for the first time determines steps for increasing the number of daycare centers in East Jerusalem, as part of the sub-chapter dealing with employment and welfare:

1. The allocation of 50 million NIS in additional funds over the years 2019-2023 to supplement costs of the expropriation of lands required for the construction of daycare centers, the realization of which is subject to the expropriation of the land by the Jerusalem Municipality (clause 2(a)(6) of the Decision).
2. Encouraging the Municipality to increase the number of permits for planning and construction of daycare centers in East Jerusalem: the Jerusalem Municipality will receive double the ceiling for the maximum number of classrooms allocated to a local authority, provided that half of them will be used exclusively to build daycare centers in East Jerusalem (clause 2(5)(a) of the Decision).

Given the severe shortage of public daycare centers, this investment in frameworks for early childhood care is a necessary and significant step. However, the processes provided for in the Decision do not, in and of themselves, ensure the needed improvement. They must be accompanied by a designated budgetary investment that will adjust the proposed plans for the socio-economic reality in East Jerusalem, as detailed below. Beyond this, **implementation of the relevant clauses of the Decision will face a number of significant challenges:**

- **Difficulty in Expropriation Processes** – According to the Municipality, the land expropriation process promoted in the Decision is intended to constitute a solution to the significant shortage of land

⁸ See, e.g., the monitor meeting of the Committee for Government Oversight Matters transcript no. 77 regarding the “Shortage of Private Nursery Schools – Report of the State Ombudsman 61b – Daycare Centers and Home-Based Childcare Facilities for Early Childhood Care,” Oct. 26, 2010.

designated for public use in East Jerusalem. According to officials in the Municipality, the process has been met with substantial difficulties that prevent the full utilization of the daycare center permits that were allocated for purposes of the plan. The main issue, as reported by those charged with implementation, being budgetary shortfalls and difficulty in locating suitable land. However, slow progress in the process can still be seen. As of now, a daycare center with four classes is slated to open in Shuafat. Seventeen more classes in four neighborhoods are in various stages of planning.⁹ We note that, in our opinion, the root of the difficulty is continued discrimination in the outline plans of the Israeli authorities which allocate little land for residential purposes and public structures in East Jerusalem.

- **Difficulty in Increasing the Number of Permits** – The Decision seeks to address a long-standing problem – the non-allocation of permits for daycare centers for residents of East Jerusalem. In this context, it suffers from a number of principal weaknesses:
 - **The annual number of daycare centers that must be planned and constructed is not defined in accordance with the rising need on the ground but rather is derived from the maximum annual ceiling for construction of daycare centers in a Local Council.** Thus, despite the substantial shortage of 242 daycare center classes in East Jerusalem, an average of only 12 permits for daycare centers in East Jerusalem were allocated in 2019-2020 -- and these were only partially actualized.¹⁰
 - **Funding, construction, and planning of new daycare centers within the framework of the proposed permits are not receiving their designated allocation** derived from mapping the needs and the challenges in constructing daycare centers, rather are being deducted from the budget designated for the construction of daycare centers for the Arab population in Israel – a population that as a whole is already dealing with a budgetary shortfall and a disastrous shortage of daycare centers.

⁹ Based on a conversation with Carmit Fredman, the department for early childhood education, Jerusalem Municipality, Jan. 3, 2021.

¹⁰ Budgetary Allocations of Local Authorities for the Construction of Daycare Centers for 2019 – Director General Instruction no. 9.8, the Ministry of Labor, Social Affairs and Social Services; Budgetary Procedure for Local Authorities for Planning Construction/Expansion/Altered Use of Daycare Centers for 2020 – Director General Instruction 9.82, the Ministry of Labor, Social Affairs and Social Services.

III. Proper Subsidy of Daycare Center Fees – Essential for Providing a Solution

For the past decade, close to 80% of the population in East Jerusalem suffers from serious poverty, living below the poverty line. There are also very low levels of employment among women.¹¹ The situation has become dramatically more serious in the wake of the coronavirus crisis, which has brought about a loss of jobs for approximately one-third of the residents of East Jerusalem, as of June, 2020.¹² If the economic challenges in East Jerusalem are not addressed through adequate subsidy of parents' payments for daycare centers, the investments and the processes set forth in the Government Decision are liable to go to waste.

a) Unsuitability of the Subsidy's Scope: Currently, the minimum monthly fee that parents eligible for the highest subsidy amount must pay out-of-pocket for a non-profit daycare center is 866 NIS per child or 1,071 NIS for an infant,¹³ a monthly fee that most of the families in East Jerusalem cannot afford. In an exploitative employment market that is characterized by low wages, the current scope of the subsidy - even if there are some families who can afford the expenditure - make going out to work financially unprofitable.

b) Unsuitability of the Support Test: The Ministry of Labor, Social Affairs and Social Services' test for State participation in the subsidy of fees for a daycare center or family-centered childcare has the objective of integrating mothers in the employment market. Yet, it sets forth two criteria that constitute an insurmountable barrier for a significant part of the target group in the advancement of daycare centers in East Jerusalem:

¹¹ See the data NIS set forth *supra* note 1.

¹² See Monitor of Implementation of Government Decision 3790 for Investment in East Jerusalem of Ir Amim and WAAC – Workers Association, [second quarterly report](#), 2020.

¹³ The table of daycare center fees for the 2020-2021 schoolyear for non-profit daycare centers, the Ministry of Labor, Social Affairs and Social Services. The maximum level is level 3 – subsidy for a family whose income per person is up to 2100 NIS per month. The existing and planned daycare centers in East Jerusalem are non-profit.

1. In order for the family to be entitled to a subsidy for a daycare or private, home-based childcare facilities, the mother must work or study more than 24 hours a week.¹⁴

Regarding **the work requirement**, in the reality of the East Jerusalem labor market, women rarely work that many hours. The rate of participation in the workforce for female residents of East Jerusalem in the 25-34 year age range - the central target population of the subsidy policy - was 25% for the years 2015-2018.¹⁵ Over the course of the coronavirus crisis, this number decreased dramatically. In addition, according to women who are currently working or seeking work, there is increased difficulty in finding a position that is more than two or three hours per day. Most women who work in after-school programs are employed 15 hours per week; practical nurses are employed for about 20 hours a week.

The study requirement that is an alternative to working also prevents many residents of East Jerusalem from qualifying for the subsidy. Nearly 41% of East Jerusalem women between the ages of 25 and 34 do not have an Israeli or a Palestinian matriculation certificate and 37% of them have not completed 12 years of schooling.¹⁶ In an effort to integrate into the employment market, many of these women try to complete their basic education. Indeed, the data shows that completing education improves their chances in the employment market – among women who have not completed 12 years of schooling, only 9.9% have found work, whereas 29% of those who have completed 12 years of schooling are employed. Of the few who have gone on to acquire higher education and have completed a master's degree, 63% are employed.¹⁷ In the face of these statistics, it stands out that studies to complete a matriculation certification are not recognized for the purposes of qualifying for the subsidy.

2. The spouse of the mother is required to work or study as a condition for the subsidy. Being that the objective of the subsidy is to

¹⁴ In the case of single-parent families/three siblings or more in a framework for early childhood education – the test requires that the mother work or study for 20 instead of 24 hours a week.

¹⁵ The Jerusalem Institute for Policy Research, [The Statistical Yearbook for 2018](#), table 10/g, the Jerusalem population from age 25 to 64 according to workforce characteristics.

¹⁶ *Id.*

¹⁷ *Id.*

encourage employment of mothers, it is doubtful if this condition has any value; rather it constitutes an additional obstacle to receiving the support. This is particularly the case in view of the characteristics of the exploitative employment conditions of men in East Jerusalem, which include transient positions and a tendency of not issuing proper salary slips – if at all. These pay slips are necessary in order to prove that the spouse is employed, thereby satisfying this requirement for qualifying for the subsidy. These terms of employment are even more common in the employment market in the West Bank, where many of the spouses of female residents of East Jerusalem are employed.

In view of the negligible number of daycare centers in East Jerusalem, it is difficult to reach clear data-based conclusions regarding those registered in them. However, it is possible to learn about the cracks in the subsidy system through the situation of the private, home-based childcare facilities, which have a similar system of subsidization and economic model of operation to that of the daycare centers. Indeed, in the current situation, the vast majority of children in the private, home-based childcare facilities have been referred by the Municipality's social welfare office and, according to the early childhood administration of the Jerusalem Municipality, their fees for childcare are completely covered. It seems that a significant factor for this is that families who are not classified as clients of the welfare office either do not pass the tests to receive a subsidy, or are unable to pay the fees even after the subsidy. This strengthens the concern that unless the criteria for the subsidy are adapted to the economic and employment situation in East Jerusalem, the planned new daycare centers will be unable to be used, and thus inadequate for addressing the needs of working mothers.

IV. Further Difficulties in the Current Daycare Center System

The existing system of operating and marketing daycare centers is faced with two additional obstacles that impair its effectiveness and stability, alongside with the fundamental problem of the unsuitability of the subsidy mechanism.

a) Financial compensation for coordinators of the daycare centers

The livelihood of the coordinators of the daycare centers and the private, home-based childcare facilities is based on the transfer of a payment from the State in accordance with the mothers' compensation and the families providing the difference. Since the status of the families' compensation, as well as their actual financial abilities, change periodically, the coordinators

of the daycare frameworks are left exposed to financial risks in the interim until government support adapts to changes in the family's situation - if such an adjustment is carried out. Therefore, according to the early childhood administration of the Jerusalem Municipality, the coordinators of the private, home-based childcare facilities also prefer to take children whose families are clients of the social welfare office since their fees are guaranteed by the State. This is in negation to children of working families who must pay a significant portion of the fees themselves. Even if the criteria for subsidies are broadened as suggested above, the current model will make it difficult to provide financial stability in a difficult and chaotic economic and employment reality to these childcare frameworks. This security is particularly necessary during the first years of the establishment of a new public education system. Therefore, there must be designated government budgetary allocations to cover the operations of the daycare centers, in order to insure the coordinators against financial risk and to enable the stability and inclusivity of the frameworks.

b) Lack of Information in Arabic and the Difficulty of Bureaucratic Accessibility

As is the case in many other areas, the bureaucratic system of early childhood care is not sufficiently accessible in the Arabic language. This makes it difficult for parents to determine their eligibility for a subsidy, or even to know that such a possibility exists. It also constitutes a significant obstacle for navigating the application and registration processes. This is in addition to the obstacle of digital orientation and accessibility. In light of the fact that the use of early childhood educational frameworks in East Jerusalem is not solidly established, awareness of their existence and their value must be raised in an accessible and convenient manner. This is imperative in order to encourage and to expand the use of these frameworks, and great effort must be invested in this.

V. Investment in Private, Home-Based Childcare Facilities – Until and Alongside the Establishment of Daycare Centers

While Government Decision 3790 provides partial solutions regarding the daycare centers, it lacks any mention of the private, home-based childcare facilities. This is apparently part of the policy of the Branch for Daycare Centers and Private, Home-Based Childcare Facilities of the Ministry of Labor, Social Affairs and Social Services to invest in the construction of

daycare centers and not in the expansion of permits for private, home-based childcare facilities.¹⁸

In view of the complexity of planning and construction of daycare centers and the difficulty of expropriating land for them, this is a process that is liable to take a great deal of time. Additionally, there is concern that it will only be suitable for some of the East Jerusalem neighborhoods. For example, in neighborhoods beyond the Separation Barrier, the crowding, lack of planning, and dearth of infrastructure do not leave potential plots open for expropriation and construction of daycare centers. **For these reasons, the interim solution of promoting the private, home-based facilities must not be abandoned.** These facilities enable greater flexibility and are more suitable to the current situation in East Jerusalem – particularly in view of the possibility to operate private, home-based childcare facilities in existing buildings - including residential buildings that meet the defined criteria. Beyond the infrastructure aspects, there is also a further pedagogical value for the children, because it increases the assortment of facilities available to parents, therefore allowing for more home-based childcare with smaller numbers of children. In our coming publications we will expand on the obstacles and focused proposals for solutions in this area.

¹⁸ Freedom of information, Jerusalem Municipality, Jan. 2020, *supra* note 3.

VI. Summary of Recommendations for Accommodating the Daycare Center System to the Needs of East Jerusalem Residents

1. **Adaptation of the subsidy's standards to the financial characteristics of East Jerusalem** – Instead of the income test and the current subsidy standards, an overall subsidy standard should be defined so that the parents' payment does not exceed 250 NIS per infant or child. This is similar to the category of "single mothers with increased involvement in work or studies".¹⁹

2. **Easing eligibility for support** – The conditions for eligibility at present are complicated and require the parents to make major efforts to deal with bureaucracy. In order to provide real accessibility, a simpler test should be devised, based upon broader eligibility categories with fewer references to individual characteristics of families.

3. **Reducing the employment requirement in the eligibility test** –

a. **Adapting the eligibility test for mothers seeking to work:** The work criteria must be made more flexible so that mothers declaring their desire and efforts to integrate into the employment market will still receive support. These women should be entitled to a subsidy during a substantial initial time period, yet to be defined.

b. **Adapting the required working hours:** with regards to working mothers, the work criteria should accommodate the reality of employment in East Jerusalem so that mothers working less than 24 hours per week are still eligible for a subsidy. According to statements that have been gathered, the relevant threshold for part-time positions is 15 hours per week.

4. **Expansion of the education criterion in the eligibility test** – Mothers who are completing their basic education (12 years of schooling or equivalent) or participate for a reasonable number of hours in the recognized employment counseling programs (e.g., the Employment Circles program and the programs run by the Rian Center) will be considered

¹⁹ See, Assistance Program "Increasing Work" for Single Parents, the Ministry of Labor, Social Affairs and Social Services.

as “studying” for purposes of the eligibility test and will therefore be entitled to a subsidy as dependent on income eligibility.

5. **Repeal of the eligibility requirement that the spouse works or studies.**
6. **Government coverage of the costs of operating the daycare center** in order to encourage the coordinators of the daycare centers to accept children who do not receive a full subsidy for their fees, and to insure them against financial risk in the case that the parents do not pay.
7. **Administrative work and designated budgetary investment for promoting bureaucratic and language accessibility and increase of the awareness of frameworks for early childhood care** – Although efforts are invested in this work, in the absence of a budget and a designated staff to deal with this subject, it will not be possible to sufficiently deal with the complex challenges.
8. **While investing in daycare centers, there must also be investment in promoting private, home-based childcare facilities**, a solution that expands the range of educational/care options and enables the necessary flexibility for planning and establishment.



Ir Amim is an Israeli nonpartisan organization that deals with the complexity of life in Jerusalem in the context of the Israeli-Palestinian conflict. The organization acts to promote stability, equality and a consensual political future in Jerusalem.

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The workers' organization WAAC-Maan is a general workers organization which unites workers in Israel. In addition, the organization unites Palestinian workers who work for Israeli employers in industrial areas in the areas of the settlements. For twenty years the organization has operated a branch in East Jerusalem which assists the residents there to realize their social rights and acts to promote fair employment for women.



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