

Fourth Quarter of 2020 – Promotion of Day Care 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 a further 50 million ILS, 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 positions for constructing daycare centers in East Jerusalem. This quarterly report focuses upon the implementation of these sections of the Decision on the background of the serious lack of frameworks for early childhood in East Jerusalem and will relate to the additional measures necessary in the area.

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

The existence of high-quality, supervised educational frameworks for early childhood is extremely important for the purpose of reducing socio-economic gaps and for promoting well-being in the community. Beginning with high-quality care for children alongside proffering the possibility for parents, and particularly mothers, to go out to work; continuing with promoting child health and development; and culminating with a positive effect on gender and socio-economic equality. From the employment aspect, the lack of high-quality, subsidized frameworks for early childhood care constitutes a very significant obstacle to the integration of women residents of East Jerusalem in the labor market, contributing to the low rate of employment among these women.¹

The awareness of the importance of frameworks for early childhood has increased in recent years in Israel, and since the social protest in 2011, they have been promoted in legislation, budgetary allocations and establishment of such frameworks. However, in East Jerusalem, public education for early childhood did not receive any significant systemic promotion until Government Decision 3790, which, as part of the employment chapter, provides for 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 from birth to three years old in East Jerusalem were registered in supervised frameworks, as opposed to 24% of the children in this age range in Israel.² As of January, 2020, about 40,000 children from birth to four years of age lived in East Jerusalem, but there were only four public daycare centers operating with 20-24 daycare classrooms, and only 28 recognized family-centered, childcare arrangements.³ Currently in West Jerusalem, 118 public daycare centers and 440 family-centered childcare arrangements are in operation serving a population of approximately 72,000 children between the

¹ According to [the Statistical Yearbook of the Jerusalem Institute for 2020](#), only 25% of women 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 the Monitor for the Implementation of Government Decision 3790 for Investment in East Jerusalem of Ir Amim and WAAC- Workers Association, [First](#) and [Second](#) Quarterly Reports, 2020.

² 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.

³ 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).

ages of birth to four years.⁴ **According to the Jerusalem Municipality itself, in East Jerusalem there is a shortage of 242 daycare center or family-centered childcare classrooms** (as of January, 2020).⁵

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 frameworks created a large supply of private, unsupervised childcare arrangements. Some of them are very inexpensive, to the extent that the price paid impairs the quality of the care and the employment conditions – many small children without adequate supervision and care and an exploited workforce; others require a very high fee, which does not guarantee high-quality care or proper employment conditions.

The importance of high-quality public frameworks for early childhood education is heightened now during the coronavirus crisis. This is both in view of the exacerbation of the economic and employment distress in Israel and in East Jerusalem and in view of the increase of economic and pedagogical challenges with which those who operate the frameworks for early childhood deal in the shadow of the crisis.

Unfortunately, not only does the current system not address the needs on the ground, recently the subsidy was cut back,⁶ while at the same time there is an exacerbation in the economic situation due to the coronavirus crisis. Given that the compensation provided is lacking, the operators of the frameworks for early childhood find it difficult to bear the financial burden of this era, and hundreds of frameworks have closed in recent months.⁷ This is the time for significant investment in early childhood education in East Jerusalem – In both the daycare centers and the supervised small, family-centered arrangements.

⁴ The Branch for Daycare Centers and Family-Centered 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](#).

⁵ 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 small family-centered classes in calculating the shortage.

⁶ 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.

⁷ 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 Family-Centered Facilities for Early Childhood Care," Oct. 26, 2010.

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 ILS 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 positions for planning and construction of daycare centers in East Jerusalem – the Jerusalem Municipality will receive double the ceiling for the maximum number of classrooms for 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, the investment in frameworks for early childhood is a necessary and significant step. However, the processes provided for in the Decision do not, in and of themselves, ensure the necessary improvement. They must be accompanied by a designated budgetary investment that will accommodate the proposed plans to the socio-economic reality in East Jerusalem, as shall be 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 designated for public use in East Jerusalem. According to officials in the Municipality, the process has met with significant difficulties that prevent full utilization of the daycare center slots that were allocated for purposes of the plan, the central ones, as reported by those charged with implementation, being budgetary shortfalls and difficulty in locating suitable land. However, slow progress in the process can 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 planning

stages.⁸ We note that, in our opinion, the root of the difficulty is continued discrimination in the master plans of the Israeli authorities which allocate little land for residential purposes and public structures in East Jerusalem.

- **Difficulty in Increasing the Number of Slots** – The Decision seeks to address a long-standing problem – the non-allocation of slots 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, in spite of the exceptional shortage of 242 daycare center classes in East Jerusalem, an average of only 12 slots for daycare centers in East Jerusalem were allocated in 2019-2020, and these were only partially realized.⁹
 - **Funding, construction and planning of new daycare centers in the framework of the proposed slots are not receiving designated allocation** derived from mapping the needs and the challenges in constructing daycare centers, but rather are deducted from the budget designated for the construction of daycare centers for the Arab population in Israel – a population that itself is dealing with a budgetary shortfall and a terrible shortage of daycare centers.

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

The East Jerusalem population suffers from serious poverty affecting close to 80% of the population over the past decade, and from very low levels of employment among women.¹⁰ The situation has become dramatically more

⁸ Based on a conversation with Carmit Fredman, the department for early childhood education, Jerusalem Municipality, Jan. 3, 2021.

⁹ 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.

¹⁰ See the details set forth *supra* note 1.

serious in the wake of the coronavirus crisis, which has brought about a loss of jobs for about one-third of the residents of East Jerusalem, as of June, 2020.¹¹ If the economic challenges in East Jerusalem are not addressed through appropriate 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 amount of the subsidy: Currently, the minimum monthly amount that parents eligible for the highest level of subsidy for a non-profit daycare center must pay is 866 ILS per child and 1,071 ILS for an infant,¹² 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 levels of subsidy, even if there are some families who can manage with them, make going out to work financially unfeasible.

b) Unsuitability of the support test: The Ministry of Labor, Social Affairs and Social Services' test for State participation in the cost of fees for a daycare center or family-centered childcare, the objective of which is the integration of mothers in the employment market, sets forth two criteria that constitute an insurmountable barrier for a significant part of the target group for promoting daycare centers in East Jerusalem:

1. In order for the family to be entitled to subsidy for the daycare or home-centered childcare the mother must work or study more than 24 hours a week.¹³

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 of women residents of East Jerusalem in the 25-34 year age range, the central target population of the subsidy policy, was 25% for the years 2015-2018,¹⁴ and in the course of the coronavirus crisis it decreased dramatically. In addition, according to women who are currently working or looking for work,

¹¹ See Monitor of Implementation of Government Decision 3790 for Investment in East Jerusalem of Ir Amim and WAAC – Workers Association, [second quarterly report](#), 2020.

¹² 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 ILS per month. The existing and planned daycare centers in East Jerusalem are non-profit.

¹³ 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.

¹⁴ 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.

there is increased difficulty to find a position for more than two or three hours per day. Most of the women who have integrated into 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 alternative to the work requirement 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.¹⁵ 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.¹⁶ In the face of these statistics, the refusal to recognize studies to complete a matriculation certification for the purposes of qualifying for the subsidy stands out.

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 encourage employment of mothers, it is doubtful if this condition has any value, as 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 temporariness and a broad trend of not issuing proper salary slips or at times not issuing them at all, while these 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 women 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 defects of the subsidization system through the situation of the supervised family-centered childcare frameworks, 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 supervised family-centered frameworks have been referred by the Municipality's social welfare office and, according to the early childhood administration of the Jerusalem Municipality, their fees for the

¹⁵ *Id.*

¹⁶ *Id.*

childcare are completely covered. It seems that a significant factor for this is that families that are not classified as clients of the welfare office do not meet the tests for subsidy, or they are unable to pay the fees even after the subsidy. These data strengthen the concern that unless the criteria for the subsidy are accommodated to the economic and employment situation in East Jerusalem, the new daycare centers that are built will become white elephants, that will stand unused, and thus will not be able to address the needs of working mothers.

IV. Further Difficulties in the Current Daycare Center System

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

a) The system of financial compensation to operators of the daycare centers

The livelihood of the operators of the daycare centers and the family-centered childcare is based on the transfer of a payment from the State in accordance with the mothers' entitlement and the families making up the difference. Since the status of the families' entitlement, as well as their actual financial abilities, change from time to time, the operators of the daycare frameworks are left exposed to financial risks in the interim until the government support is accommodated to changes in the family's situation, if indeed such accommodation is carried out. Therefore, according to the early childhood administration of the Jerusalem Municipality, the operators of the family-centered childcare frameworks also prefer to take children whose families are clients of the social welfare office since their fees are guaranteed by the State, as opposed to children of working families which 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 to these childcare frameworks in a difficult and chaotic economic and employment reality. This is particularly necessary in 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 operators against financial risk and to enable the stability and inclusivity of the frameworks.

b) The lack of information in Arabic and the difficulty in terms of bureaucratic accessibility

As is the case in many other areas, the bureaucratic system is not sufficiently accessible in Arabic for purposes of early childhood care. This makes it difficult for parents to determine their entitlement to a subsidy or even to know that such a possibility exists, and constitutes a significant obstacle for navigating the application and registration processes as well. This is in addition to the obstacle

of digital orientation and accessibility. In view of the fact that the use of frameworks for early childhood in East Jerusalem is not solidly established, in order to encourage and to expand the use of these frameworks, the awareness of their existence and their value must be raised, in an accessible and convenient manner. Comprehensive headquarters work must be invested in this.

V. Investment in Supervised Family-Centered Frameworks as Well – Until the Establishment of Daycare Centers and with them

While Government Decision 3790 provides partial solutions regarding the daycare centers, it lacks any mention of the supervised family-centered childcare frameworks, apparently as part of the policy of the branch for daycare centers and family-centered frameworks of the Ministry of Labor, Social Affairs and Social Services to invest in the construction of daycare centers and not in expansion of places in family-centered childcare frameworks.¹⁷

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 – when, for example, in neighborhoods beyond the separation barrier the crowding, the lack of planning and the extreme shortage of infrastructure do not leave potential spaces for expropriation and construction of daycare centers. **For these reasons, the interim solution of promoting the family-centered frameworks must not be abandoned.** These frameworks enable greater flexibility and are more suitable to the current situation in East Jerusalem – particularly in view of the possibility to operate family-centered frameworks in existing buildings, including residential buildings that meet defined criteria. Beyond the infrastructure aspects, there is also a further pedagogical value, because it increases the variety available to parents and adds the more family-centered option with a smaller number of children. In our coming publications we will expand on the obstacles and focused proposals for solutions in this area.

¹⁷ Freedom of information, Jerusalem Municipality, Jan. 2020, *supra* note 3.

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

1. **Accommodation of the subsidy levels to the financial characteristics of East Jerusalem** – Instead of the income test and the current subsidy levels, an overall subsidy level should be defined so that the parents' payment does not exceed 250 ILS per infant or child. This is similar to the category of "single mothers with increased involvement in work or studies".¹⁸
2. **Simplification of tests for eligibility for support** – The conditions for entitlement at present are complicated and require the parents to make major efforts to deal with the bureaucracy. In order to provide real accessibility, a simpler test should be devised, based upon broader entitlement categories with less reference to individual characteristics.
3. **Softening the requirement of employment in the support test** –
 - a. **Accommodating the support test for mothers seeking to work** –

The work test must be made more flexible so that mothers declaring their desire and efforts to integrate into the employment market will receive support. These women should receive entitlement to a subsidy during a significant initial period of time, as shall be defined.
 - b. **Accommodating the required scope of hours of work:** In relation to the group of working mothers, the "work test" should be accommodated to the reality of employment in East Jerusalem so that mothers working less than 24 hours per week should be entitled to 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 study criterion in the support test** – so that the mothers who are completing their basic educations (12 years of schooling or their 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

¹⁸ See, Assistance Program "Increasing Work" for Single Parents, the Ministry of Labor, Social Affairs and Social Services.

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

5. **Repeal of the requirement of work or studies of the spouse.**
6. **Government coverage of the costs of operating the daycare center** – in order to encourage the operators of the daycare centers to accept children who do not receive a full subsidy of fees, and to insure them against financial risk in the case that the parents do not pay.
7. **Work by the headquarters 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 supervised family-centered frameworks**, a solution that expands the range of educational/care options and enables the necessary flexibility for planning and establishment.