Sikkuy سيكوي سיכוי

העמותה לקידום שוויון אזרחי · الجمعية لدعم المساواة المدنية
The Association for the Advancement of Civic Equality

FROM BARRIERS TO OPPORTUNITIES

Mapping the barriers and policy recommendations

for achieving equality between the Arab and Jewish citizens of Israel

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Message from the Co-Executive Directors

Locating and mapping barriers – a trailblazing model in the struggle for equality between Jews and Arabs

This policy paper is being published on the 10th anniversary of the violent events of October 2000. Ten years later, it appears that relations between Jews and Arabs in the State of Israel are deteriorating and are once again approaching a boiling point. In the past year we have witnessed the decline in relations, which was reflected in the political strengthening of world views that operate systematically against the Arab citizens, as well as many legislative initiatives whose objective is to limit their rights and even to revoke their citizenship under certain circumstances. Incitement against Arab citizens and their representatives has reached a worrisome peak in the wake of the affair of the aid flotilla to Gaza in May 2010. These trends merge with the campaign of delegitimization of Arab citizens, which unfortunately enjoys support both in public opinion and among senior government ministers.

However, in the course of our work with some of the government ministries and the public, we encounter voices of decision makers and shapers of public opinion that are calling for promoting equality and reducing the gaps between Jews and Arabs. In addition, in the past year we have become aware of the emergence of various factors in the ministries, civil society and the private sector that are working industriously and creatively to advance the economic development of Arab society and to include Arab citizens in the Israeli economy. This is a trend that kindles hope, and proves the existence of many factors and groups that see equality as a foundation for a shared life for Arabs and Jews in Israel.

At this stage there is no way of knowing which of these **contradictory trends** will win out, and whether Arabs and Jews are now marching toward confrontation or toward the building of a shared society based on equality – the lifeblood of any democracy. **It is up to us**. The challenge facing those who favor equality and democracy is to work with determination and professionalism to counter the negative trends and to strengthen the hope of implementing equality.

Sikkuy, a shared organization of both Arab and Jewish citizens, is conducting a long-term and determined struggle to promote equality, among other things by changing government policy toward the Arab citizens. There is no question that in quite a number of cases this policy is a result of deliberate and systematic discrimination on the part of officials who are not interested in sharing resources equally, but in many other cases the inequality is a result of a system of barriers in central and local government that is so complex and deep-rooted that only finding and systematically removing them will enable a significant advance in equality between Jews and Arabs in Israel.

The policy paper presented here delves into this area. It is based on the assumption that simply continuing to point out the gaps and inequality will not change the reality. **The paper therefore proposes a new methodology for identifying the barriers that are preventing equality and for formulating policy recommendations for eliminating them**, by means of a model for systematic investigation. The model leads to the identification and classification of the barriers in a concrete manner so that we can understand the deep-seated causes of inequality and formulate feasible policy recommendations.

The model was developed and refined in Sikkuy as part of a process of a mapping of the barriers that prevent the state from providing equal access to government resources for Arab citizens. In 2008 the process began in four government ministries: the Ministry of Social Affairs, the Ministry of Justice, the Ministry of Housing and the Ministry of Health. This is a breakthrough, since the government itself now admits the importance of mapping the barriers and is responding to the request of a civil society organization to take part in the process of locating these barriers. In this paper we have chosen to present the model and the results of mapping in two areas that we have examined (the Legal Aid Offices in the Justice Ministry and out-of-home frameworks for children at risk). Later we will publish additional results and expand the process of mapping the barriers to additional ministries.

Sikkuy, as a Jewish-Arab organization, does not ignore the fact that the barriers preventing equality exist both in government institutions and in Arab society – although not symmetrically. We do not ignore the internal barriers within Arab society, and this paper discusses them and brings suggestions for dealing with them. Unfortunately, however, **too often government factors pin responsibility and blame for inequality on cultural and social factors that are characteristic of Arab society. Sikkuy does not accept this argument**. Equality policy must acknowledge rather than ignore the cultural or social differences, deal with them and create an allocation of resources that guarantees full equality, after taking the differences into account. The government has full responsibility for conducting a policy resulting in equality between Arabs and Jews in Israel.

A failure to deal with the barriers that prevent equality will lead to a continuation of the policy that has discriminated against Arab citizens for over 60 years, and to a widening of the gaps. That is fertile ground for a further deterioration in the relations between Jews and Arabs within the country, and a significant blow to the status and rights of the indigenous national minority group. In light of this, there are now many significant factors in government institutions (the ministries and other government bodies) and in Arab society (including the local municipalities, civil society organizations and the business sector) that are expressing a willingness to deal with these barriers in order to narrow the gaps and even to eliminate them. **This policy paper offers those factors an innovative and trailblazing tool**.

Planning Division in the PMO, Mr. Ehud Prawer. We extend them our thanks.

We also thank the content experts, who spared no effort in giving advice: Professor Shlomo Hasson, Professor Muhamad Amara, Professor Yossi Katan, Dr. Khaled Abu Asbah, Dr. Meital Pinto and Dr. Yousef Jabareen.

We hope you have an enjoyable reading experience and that the model for mapping barriers and our policy recommendations will be adopted by civil society organizations and government institutions in Israel. Sikkuy welcomes your comments and thoughts on the subject.

Sincerely yours,
Ron Gerlitz and Ali Haider, Adv.
Co-Executive Directors, Sikkuy

Executive Summary

The fact that there are gaps between Arab and Jewish citizens in almost all areas of life is known to everyone, including the shapers of policy. To date substantial efforts have been invested in an attempt to understand and reduce these gaps, both in the theoretical-academic sphere and in the practical one, and several government programs to reduce the gaps have been initiated. Civil society organizations have also participated in the effort with projects of their own, but the efforts have not brought about a significant change, and the inequality seems only to be increasing.[1]

Sikkuy has set itself a goal to close these gaps: to expose the processes and barriers existing in the government and in the Arab population that prevent the Arab citizens from enjoying equal access to government resources, and to work to change them. We have been working for several years with various government ministries. Based on our efforts this paper proposes a theoretical and practical framework to civil society organizations, which includes five stages for changing government policy and promoting egalitarian policy: raising awareness of the subject of inequality, quantifying the inequality, finding the barriers preventing equality, formulating policy recommendations and engaging in advocacy activities for the purpose of implementing them.

This policy paper proposes an innovative model for mapping barriers and demonstrates its implementation in two areas of policy, one under the responsibility of the Justice Ministry and the other of the Ministry of Social Affairs. The innovation in the model is that it is a structured model for finding and mapping the barriers that prevent egalitarian policy. These barriers can be found both in government ministries (external barriers) and in Arab society (internal barriers), and they create a deep-seated and complex system that makes them hard to identify. **The process of identifying, defining and classifying the barriers is the main innovation in this paper**. In the framework of the model, characterizing the inequality and its causes is carried out in 3 main categories: symptom, problem and barrier, and in precise secondary categories for each of the main ones, using matrices of characteristics. The model also points out the causal relationship between barriers, problems and symptoms in the context of a structured and effective examination of the deep-seated causes of inequality and a precise understanding of them, and proposes two different ways to carry out the thorough examination and classification of the barriers in a certain area: the vertical method and the box method.

The paper outlines criteria for formulating policy recommendations: these recommendations must be detailed, feasible within the present political and administrative structure, professional, replicable (in other words, feasible for additional areas and ministries as well), and oriented towards a redistribution of resources. They must also include policy alternatives.

In implementing the model we examined two areas, for which we mapped the barriers and made policy recommendations:

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1. The **2008 Sikkuy Equality Index** demonstrated that in recent years the gaps between Jews and Arabs have increased.

A. The legal aid offices

The purpose of the Legal Aid Department in the Justice Ministry is to provide economically disadvantaged citizens with legal aid in civil matters, through district legal aid offices and their branches.

In the course of mapping we examined several aspects of the accessibility of the service:

> Awareness of the existence of the service

> Accessibility in terms of language and communication

> Geographical accessibility

An examination of these aspects in accordance with the model identified several major problems and barriers preventing equal access to the service.

The problems

> No request form in Arabic and/or possibility of answering it in Arabic

> No Arab-speaking personnel in some of the aid offices that serve Arab citizens

> An unequal geographical deployment of the branches of the aid offices and of additional locations where legal aid services are offered

The barriers

1. Linguistic-communication barriers

   > An absence of policy regarding language

2. Barriers in terms of physical-geographical accessibility

   > An absence of clear and transparent criteria for establishing branches

   > The location of the branches depends on the deployment of civil society organizations

   > The location of the branches depends on present demand for service

   > Overload and lack of space in the welfare departments in the Arab communities

The problems and barriers were characterized in accordance with the matrices of characteristics in the model.

Policy recommendations

> Determining a clear policy in the Justice Ministry regarding Arabic, which will ensure a translation of the essential forms into Arabic for the purpose of receiving service, and the presence of personnel (permanent or through outsourcing) who can process Arabic forms.

> Reinforcing the professional staff in all the offices and branches with Arabic speakers.

> Determining clear and transparent criteria for the location of the branches in order to make the legal aid services equally accessible to the Arab communities.

B. Out-of-home frameworks for children at risk from birth to age 3

This chapter focuses mainly on barriers that prevent an equal allocation of government resources for children at risk and the extent of their enrollment in day-care centers and family child care frameworks in the community.

There is agreement among professionals regarding the importance of a proper infrastructure of out-of-home frameworks as an essential component in the array of services for pre-school children. In Israel these out-of-home frameworks developed to serve the needs of working mothers rather than as a solution for the needs of children at risk.

The chapter is divided into three parts:

1. **A description of the present situation:** A survey of the present situation indicated four symptoms of inequality: a) a gap between Jews and Arabs in the percentage of children at risk who are referred for out-of-home frameworks: One of every 10 Arab children at risk is in a day-care center or a family child care framework, as compared to one out of five Jewish children; b) only about 2 percent of the day-care centers in Israel are located in Arab communities; c) gap in the ratio of Arab children who are known to the social service departments to the poverty rates in the population. d) the mortality rates from accidents for Arab children from birth to age 5 is seven times the rate for Jews.

2. **Mapping the problems and the barriers** that prevent equal access to the service, in the wake of an examination of the symptoms in accordance with the model.

Problems

> Low demand for out-of-home frameworks

> Low rate of identifying / failure to identify children at risk

> Arab local municipalities do not participate in tenders published by the Ministry of Industry, Trade and Employment for government support for construction of day-care centers

> In several Arab local municipalities the buildings constructed for the purpose are not in use

> Under-implementation of the Toddlers at Risk Law

> Under-budgeting in the context of the national program for children and youth at risk

> Under-budgeting and a lack of manpower in the social services departments

Barriers

> The dependence of children at risk on out-of-home frameworks designed mainly for mothers who work full time

> The matching system of funding local Arab municipalities

> The characteristics of employment of Arab mothers

> The service is expensive relative to the parents' socioeconomic parameters

> The principle of distributing the budget of the national program for children and youth at risk: Use of a coefficient according to the size of the community and its socioeconomic rating is not enough to overcome the gap in needs that stems from the large number of children at risk.

3. **Policy recommendations**

> Make the service more accessible to children at risk and children of working mothers through discounts and specific changes in the cost of parental participation

> Full subsidies by the state for the construction of day-care centers in Arab communities

> Preparing an overall program for the deployment of out-of-home frameworks in Arab communities

> Implementing the matching system in a progressive manner

Introduction

For 10 years Sikkuy has been tracking government allocations to Arab citizens and raising awareness and recognition among the public and government institutions of the existence of inequality, which is often a product of discrimination in the distribution of government resources. The Equality Policy Department is now coordinating the effort to promote policy to reduce the gaps by providing **equal** access to services, infrastructure and other public resources for the Arab citizens.

An important tool developed by Sikkuy is the Equality Index, whose purpose is to identify gaps between Jews and Arabs in various socio-economic areas and to assess their dimensions over time. The Equality Index is important for determining a starting point for a more profound study of the barriers to equality and the means of removing them.

The Seat At The Table project – SATT, the department's flagship project, has two main goals: one is to find, characterize and map barriers on the path to equality, and the second is to delineate ways of overcoming them. The project combines the work of research and follow-up of government policy and its effect on the state of equality between Jews and Arabs, combined with advocacy work to change the policy. For this we use two principal methods: 1) joint working groups for representatives of Arab local municipalities and government ministries, and 2) position papers and policy papers in various spheres, which are presented to the government ministries and to relevant interested parties.

The joint working groups being set up by Sikkuy are a platform for direct talks between senior representatives from the Arab local municipalities and senior representatives at the headquarters and district offices of government ministries, regarding issues and barriers encountered by both sides in the course of their day-to-day work. A working group on the subject of housing in Arab communities has been meeting for about a year. The group began as a joint forum of the headquarters of the Ministry of Housing and Construction and seven Arab local municipalities, and it is gradually expanding with the entry of additional relevant government institutions and local authorities. Now we are working to establish another joint working group in the sphere of welfare.

The process of mapping is occurring on an ongoing basis together with the government ministries. The policy papers present the findings of the mapping, the barriers in areas that were examined and the policy recommendations. Our basic assumption is that the barriers are found both in Arab society and the Local Arab municipalities on the one hand (internal barriers) and among the Jewish public and government institutions on the other (external barriers). On the basis of this assumption we have developed a model for typifying and mapping the barriers according to their characteristics and their location (internal and external) as a way of identifying the sources of the barrier, the series of problems it engenders and the gaps resulting from it. All these are means of finding solutions that are likely to contribute to breaching the barriers and achieving progress toward equality. In this paper we present the model and its implementation in two services provided by government ministries: the legal aid offices in the Justice Ministry and out-of-home frameworks for children at risk, under the aegis of the Social Affairs Ministry.

Mapping and eliminating the barriers
The path to equality between Arabs and Jews in Israel

Many people in academia, in central and local government and in civil society have been involved for years, and more intensively in the past decade, in promoting equality between Jewish and Arab citizens of the State of Israel. Various strategies have been chosen in order to advance this goal, and have been implemented in various ways by many factors. Since the events of October 2000 several government programs have been instituted, both large and small scale[1], dozens of studies dealing with inequality have been conducted, and civil society organizations have instituted many projects designed to promote equality between Jews and Arabs.[2] **But in spite of all these efforts there has been no significant change in the situation and the inequality between Jews and Arabs is steadily increasing.**

The Israeli government is responsible for allocating resources to all the citizens and de facto implements this distribution. **Therefore this paper is based on the assumption** that the key to promoting equality between Jews and Arabs lies in changing government policy.

Two main groups are working to change government policy toward the Arab citizens: government institutions[3] and civil society organizations. **This paper proposes an innovative strategy to the government institutions and civil society organizations desiring to bring about a significant and sustainable change in government policy toward the Arab citizens.**

The main innovations in the proposed strategy are as follows:

> A focus on specific areas of inequality and an in-depth investigation leading to the identification of the deeply rooted causes (the barriers) of the unequal policy, in both government institutions and Arab society.

> A structured model for a process for identifying and defining the barriers that preclude an equality policy.

In this chapter, the chapter on methodology, we will present a detailed description of the strategy and the model for mapping the barriers. In the following chapters we will present an analysis of the barriers as well as policy recommendations in two areas that are the responsibility of the Ministry of Social Affairs and the Ministry of Justice.

Our dual objective:

1. To present the new model that was developed by Sikkuy to identify and classify barriers, so that every factor in government institutions or civic society that is interested in promoting equality policy will have access to it.

2. To demonstrate the use of the model through the two areas chosen in this paper, to identify the barriers specifically and to make policy recommendations for promoting equality in these areas.

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1. For example: "A multi-year plan to develop the Arab communities 2001-2004" (Government Decision 2467 from October 2000, which is known as the "NIS 4 billion plan of Prime Minister Barak"), various government programs regarding fair representation of Arabs in the civil service and more. We note that most of the plans were not implemented in full.
2. Projects of dialogue encounters, education, research and analysis of the inequality, publication of position papers, media activity to raise awareness of discrimination etc.
3. For example, in recent years the Authority for the Economic Development of the Arab, Druze and Circassian Sector in the Prime Minister's Office and the Planning Division in the PMO's office were involved in promoting equality policy.

The model includes three main components for promoting equality policy between Arabs and Jews:

1. A five-stage change in policy.

2. A model for defining and analyzing the barriers that lead to inequality in policy toward the Arab citizens.

3. Criteria for formulating and publicizing policy recommendations.

A five-stage change in policy

The conceptual framework and initial action that is proposed to civil society organizations are the five stages for changing government policy:[4] Increasing awareness of inequality, quantifying the inequality, finding barriers that prevent equality, formulating policy recommendations and conducting advocacy activity for the purpose of implementing the recommendations.

1. **Increasing the awareness of inequality between Arabs and Jews among the decision makers and the public**. An essential condition for policy change is the understanding and internalization on the part of the policy makers and those who implement it that the present policy and/or its results[5] are not equal. Civil society organizations seem to have been very successful on this issue: In recent years many government groups, ministers and even prime ministers have expressed their concern about the inequality and spoken of an urgent need to change the situation.[6] Sikkuy is in contact with many government bodies, and in our daily work we see that most decision makers, on all levels, are aware of the discrimination and inequality between Arabs and Jews. At the same time, in our work with government officials we have noticed a prevalent phenomenon: The government official usually accepts the claim that government policy creates discrimination and inequality in general and agrees that this must be changed, but at the same time he/ she denies that the policy for which he is responsible (in other words, in the ministry, the branch or the department for which he/she is responsible) is not equal.

The recommendations to civil society organizations are two-fold:

> Continuing to assert the general claim about the profound inequality between Arabs and Jews will not lead to a breakthrough in advancing equality.

> It is important to make an effort to document and prove the existence of inequality and/or non-equal policy in concrete areas in which the government's professional echelon denies its existence. Clearly demonstrating inequality directly to the officials responsible for unequal policy is an essential condition for changing the policy.

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4. As explained below, a policy change must lead to egalitarian principles of distribution of government resources, but no less important – to equality in the results.
5. Later in the paper we will discuss the important distinction between inequality in policy input (unequal allocation) and inequality in policy output (a gap in the results).
6. Former Prime Minister Ehud Olmert spoke strongly regarding inequality several times, for example when he said: "For 60 years there has been intolerable discrimination against the Arabs in Israel" (NRG website, November 12, 2008). (http:www.nrg.co.il/ online/1/ART1/811/028.html).

2. **Systematically quantifying the inequality between Arabs and Jews**. The State of Israel faces many challenges, among them gaps between various groups of citizens (new immigrants versus veterans, Ashkenazim versus Mizrahim et al.). These challenges compete for public attention, and therefore a general claim about inequality is liable to be sidelined from the agenda because it is not seen as a serious problem. In order to put equality onto the public agenda and to motivate action to reduce it, it is essential to quantify it and to prove the claim that the gaps between Arabs and Jews are in fact substantial. A systematic quantification of inequality over time is the only way to keep track of the extent to which changes in policy (if there were any) succeeded (or failed) in reducing it.

Sikkuy developed the Equality Index of Jewish and Arab Citizens in Israel,[7] which uses advanced statistical methods to quantify the gaps between Jews and Arabs in various spheres in a systematic and comprehensive manner.[8] The index, which is updated annually and reflects the quantitative gaps in the input and mainly in the output of policy regarding the Arab citizens, is trusted by the decision makers and constitutes an important tool in action for policy change.

3. **Finding the barriers that cause unequal policy toward the Arab citizens**. The barriers are those factors (administrative, personal or others) found in government ministries and/or in Arab society that prevent equality and an egalitarian policy. These barriers create a deep-rooted and complex system, and are therefore not easy to identify, but only understanding them and removing them systematically will enable the adoption of an egalitarian policy. The process of identifying, defining and classifying the barriers is the main innovation in this paper, and will be described at length below.

4. **Formulating policy recommendations**. After identifying and analyzing the barriers, the next stage is a professional formulation of policy recommendations. This paper will propose five criteria for effective policy recommendations for promoting equality between Arabs and Jews.

5. **Advocacy and monitoring of the decision makers and policy implementers regarding implementation of the recommendations**. This paper will not deal with this, but we hope that in future we will be able to share our experience in this important area as well.

It is of utmost importance for the Arab citizens to be partners in the entire process. The mapping and formulation of recommendations in particular must be carried out by Arab and Jewish professionals. A failure to involve Arab citizens will in many cases lead to an unsuccessful identification of the barriers, to a decision to deal with issues that do not respond to the needs of Arab citizens and to formulating recommendations that are not necessarily acceptable by them.[9]

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7. Sikkuy equality indexes: http://www.sikkuy.org.il/english/home.html
8. The Equality Indexes in 2006, 2007 and 2008 indicate gaps of tens of percentage points in favor of Jewish citizens. The **2008 Equality Index** indicates an ongoing trend of a widening of the gaps (see p.11 in the Index).
9. Of course Arab society is not monolithic, it includes a variety of viewpoints and there are no recommendations that will be acceptable by all Arab citizens. But this fact does not justify a process without the participation of Arab citizens.

Uncovering the barriers that are causing unequal policy toward the Arab citizens – a model for identifying, characterizing and analyzing them

This chapter proposes a model for identifying, characterizing and analyzing the barriers that are preventing equality between the Jews and the Arabs in Israel. This model was developed in Sikkuy in the Department for Equality Policy in 2008-2010. Development of the model was begun as a result of the important work of Professor Shlomo Hasson, "Barriers to development and equality between Arabs and Jews in Israel – a proposal for a conceptual framework."[10] The model was developed, improved and implemented in the context of Sikkuy's ongoing work with government ministries and Arab local municipalities over several years. The model proposed here for identifying the barriers includes several innovations:

> A method of gathering information about the causes of inequality in a certain area, as well as methods for filtering the information and classifying it as barriers.

> A detailed model for classifying the barriers (the matrices of the barriers).

> The model refers mainly to barriers that prevent an equal allocation of material government resources to the Arab citizens. At the same time, the model is universal and easy to implement in other contexts of unequal policy as well, in Israel and worldwide.

> An emphasis on the need to investigate the barriers in the context of meetings with the relevant government ministry.

Even when we are dealing only with material resources, the concept of equality between Arab and Jewish citizens requires clarification.[11] **Our goal is to bring about egalitarian principles of distribution of government resources, but no less important – equality between Arabs and Jews in the bottom-line outcomes**. Of course the bottom-line outcomes are influenced not only by policy but also by factors such as cultural differences or differing community preferences. For example, infant mortality is influenced by government policy when it comes to the accessibility of health services for pregnant women and newborns, but also by cultural factors that affect women's willingness to undergo tests during pregnancy.

Unfortunately, government factors often place the responsibility and blame for inequality on cultural and social factors that characterize of Arab society. Sikkuy does not accept this argument. Equal allocation is a result of an egalitarian policy of **including rather than excluding cultural/social differences**[12], dealing with it and creating a budgetary allocation that ensures full equality, which takes the differences into account. This does not exempt Arab society or the local Arab municipalities from the need to deal with their problems and with the internal barriers in Arab society, but imposes **total responsibility on both sides**. The government in particular is 100 percent responsible for introducing a policy of equality.

In order to achieve equal outcomes (for example in achievements in matriculation exams or in life expectancy), there is sometimes a need for unequal distribution that allocates more resources to a weakened population group. It should be recalled that Arab citizens have been

10. Shlomo Hasson (2006), "Barriers to development and equality between Arabs and Jews in Israel: a proposed conceptual framework" in Shlomo Hasson and Michael Karayanni (editors) (2006), **Barriers to Equality: the Arabs in Israel**.
11. See a discussion on this issue in the **Sikkuy 2008 Equality Index**, in the chapter "Introduction and Explanation", p. 15
12. Unless this cultural difference causes serious damage to human rights or freedom of particular groups within the minority (usually weakened groups within the minority – women, children et al).

suffering from ongoing discrimination since the establishment of the state.[13] Therefore, in many cases at present, an equal distribution will not be able to guarantee equality in the outcomes. In these cases more resources should be allocated to Arab citizens (relative to their percentage in the population). But that is yet to happen; unfortunately, there are few cases of preferential allocation to Arab citizens. We demand that the government immediately change the present situation which discriminates against Arab citizens, and aim without delay to bring about an equal allocation of resources. In addition, we propose to the government to aim for a goal of equality in the outcomes in as many areas as possible, and to achieve it by mapping the barriers preventing equality in the central government, the Arab local authorities and Arab society.

What are the barriers?

The "barriers" concept developed in the search for an answer to questions of this type:

> Why are classrooms in the Arab school system more crowded? Why does an Arab student receive fewer study hours than a Jewish student?

> Why is the budget of a welfare department in the Arab communities lower?

> Why does every Jewish community, even the smallest one, have organized public transportation, while there are Arab cities with tens of thousands of residents who have no organized public transportation?

> Why is it that laws and regulations in many areas do not mandate discrimination, but the allocations are unequal?

Were there a specific law ruling that the budgeting for Arab citizens should be lower in certain areas just because they are Arabs, these questions would have a simple (if very unfortunate) answer. But that is not the case; the concept of barriers developed from the understanding that in most cases the inequality is not a result of laws that specifically mandate discrimination against Arabs because they are Arabs[14], but a result of a system of laws, regulations and decisions, their implementation and their degree of implementation, in a manner that causes discrimination. The search for barriers is a search for those same elements of the decision-making system, the system of implementing policy and within Arab society, that finally cause an unequal allocation and inequality in the outcomes.

It is important to note that **sometimes the inequality simply stems from blatant and deliberate discrimination on the part of a government official** who regularly gives priority to Jewish citizens.[15] Unfortunately this is still common, and Sikkuy has received a great deal of direct testimony of the existence of this phenomenon in 2010 as well.[16] The model proposed

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13. Yair Bauml (2007), in his book A **Blue and White Shadow**, analyzes government policy toward the Arab citizens in the first decades, and argues that the problematic situation of the Arabs in Israel today is in large part a direct result of a consistent policy towards them on the part of all the governments, whose objective was to discriminate against them and to exclude them from all stratas of the Jewish-Israel collective and to prevent their consolidating into a political or economic collective. Other studies demonstrate different and varied aspects of severe and ongoing discrimination in the allocation of resources to Arab citizens (thereby also rejecting the claim that the responsibility for inequality lies in the nature of Arab society).

14. Although it should be noted that in the State of Israel there are several laws that specifically discriminate against Arab citizens. Yousef Jabareen mapped the laws that he claims discriminate against Arabs. See Yousef Jabareen (2006), **An equal constitution for all? On a constitution and collective rights of Arab citizens in Israel - a position paper**. Haifa: Mossawa Center

15. As a result of pure racism or from a (mistaken) view that the role of the government is to serve mainly the Jewish citizens.

16. For example, during a meeting we held recently a senior official told us that there are officials in the district who whenever papers or requests reach their desk from Arab communities, do everything possible in order to find mistakes or technical problems in them and to send them back without processing them.

here can help to pinpoint such cases, but it is more effective in cases when it is clear that the government bodies (and those who head them) are interested in equal allocation, and ask themselves why the system doesn't succeed in bringing it about. Understanding the barriers will provide an answer to this disturbing question.

The barriers can be external or internal in the Arab society. External barriers can be found in the various government ministries and government systems – on the level of the head office, the district or the government official. The internal barriers stems from cultural or social characteristics of Arab society, on the level of the individual, the family, the community or the local municipality. A full analysis of the barriers must also focus our attention to the internal barriers, since ignoring them can lead to failure to reduce the inequality between Jews and Arabs.

Examples of barriers

> A certain government resource (for example, a budget for building day-care centers for children) is given to all the citizens via the local municipality to which they belong. The Arab local municipalities are much poorer, sometimes suffer from administrative problems, and in many cases are unable to transfer the resource to the citizens effectively, so that the Arab citizens suffer discrimination in terms of the accessibility of day-care centers. There are two barriers here: external to Arab society – the system of transferring resources via the local municipalities, without a way to guarantee an effective transfer of all the resources necessary for building day-care centers, independent of the situation of the local municipality; and an internal barrier in Arab society – the managerial problems in the local municipalities.

> A specific resource (for example, assistance for young girls in distress) is available only in a certain form, but a cultural trait in Arab society prevents Arabs from using it. As a result they don't benefit from it. In other words, the resource is available only in a form that is not suited to the nature of Arab society. This is an external barrier (due to the government system), since the government is supposed to provide the public with services adapted to its needs and its characteristics.

> The government provides a respirator to all the patients who need it, but many Bedouin residents live in the Negev in communities that are not connected to the electrical grid, and therefore are unable to use it. That is an external barrier, since the health-care system is supposed to provide a solution that takes into account the infrastructure in the Bedouin communities.[17]

> A certain service is provided only in Hebrew. Since some Arab citizens are not fluent in Hebrew, they use the service less and inequality results. The barrier – which is external to Arab society – is the decision to provide the service only in Hebrew.

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17. That of course is in addition to the government's responsibility to provide physical infrastructure (including connection to the electricity grid) equally for all the citizens.

> A professional committee in a government body makes a decision about the distribution of a certain resource. The committee has only Jewish members and does not consult with Arab professionals. The result is usually over-allocation to Jews. The barrier – which is external to Arab society – is the absence of fair representation for Arabs in the decision-making process and/or a failure to institute and implement criteria to guarantee equal allocation.

The existence of barriers both in the government and in Arab society raises questions as to who is responsible for removing the barriers, which ones should be removed during the first stage, and what strategy should determine the order of priorities for removing them.

Further to what we said about responsibility for inequality, we will emphasize that the working assumption of the model regarding these questions is a dual one:

1. The executive branch (the government) is responsible for providing resources and services in an effective (in terms of outcomes) and accessible (in terms of planning and allocation, and in geographical, economic, social and cultural terms) manner. Delays and barriers that stem from Arab society and/or from the Arab local municipalities are a given that must be taken into account in the stages of planning and implementation, and the government ministry is responsible for finding ways to overcome them and to deliver the resources to the target population in an equal manner. If the government provides a service in a manner that does not suit the nature of Arab society, it must make the service accessible in another, more suitable manner.[18]

2. The Arab local municipalities are required to provide their residents with resources, and therefore delays and barriers that stem from government ministries and/or from the target population (the Arab citizens) are a given that must be taken into account in their decision-making process, for the benefit of the residents. In addition, **the local authorities are expected to identify the internal barriers in the local government, to acknowledge them and to work to change them**.

We are therefore talking about a **reciprocal obligation**, both of the government authorities and of Arab society (and particularly the Arab local municipalities), to identify the barriers on both sides and **to take full responsibility** for providing equal services (on the part of the government) or in the best possible way (on the part of the Arab local government), to take all the barriers into account and to work to remove them.

Locating, defining and classifying the barriers

The heart of the model is locating, defining and classifying the barriers, and it is based on an examination that must include meetings with all those involved in the area under study:

> Relevant government ministries and other government bodies.

> Arab local municipalities or organizations in Arab society (that are relevant to the area under study).

> Other civil society organizations that deal with the issue.

> Policy experts in the area under study.

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18. With the reservation expressed in footnote 12 above.

The aim of the meetings is to collect data and to understand the deep-seated mechanisms of the policy and its implementation. We will emphasize that Sikkuy's experience shows that **it is impossible to learn about the barriers only by investigating off-the-shelf data; it is imperative to speak to those who implement the policy in the government ministries**. Of course in the process of mapping the barriers there is a built-in tension between civil society organizations and the government. The organization is interested in receiving information from the ministries in order to understand the barriers, and at the end of the process to publicize them and criticize government policy. But the officials in the ministries are not interested in encouraging criticism of their work.

At first glance it would seem that this is a conflict of interest, but in a democratic country the government is obliged to cooperate and to provide information to those interested in examining its policy and even in criticizing it. Whatever the case, this is a very sensitive process that must be done in a transparent and structured way, and with a desire to receive the support of the relevant government ministry. Sikkuy began the process of mapping the barriers after receiving the consent of the directors general in several such ministries. This made the work much easier. We note that the Freedom of Information Law (1998) also constitutes an important tool in data collection, and in certain cases it can be a substitute for full cooperation of the ministry.

In the course of the research, various comparative data about Jews and Arabs are collected:

1. Data about the services received by each population, for example classroom density, the average number of community centers in the community, the average distance to the emergency room, the caseload of the social workers etc..

2. Data about the budget, for example the principles of allocation, the manner of distribution, the level of utilization/implementation etc.

3. Data about the decision-making process, for example criteria for making decisions, the degree of suitable representation of the Arabs in decision making etc.

4. Data about the various characteristics of the population groups, which are sometimes a result of policy. For example: level of education, life expectancy, extent of poverty etc.

The method of investigation and basic concepts

In order to identify the barriers we analyze the data by dividing it into **symptom, problem and barrier.** The symptom is what is seen on the surface, and it is expressed as a gap between Jews and Arabs. The problem causes the symptom, and is on a deeper level, but is not the first link in the chain of causes of the symptom (the gap). In the proposed model, the first link is found only in the barrier, which usually stems from one of the following: the behavior of the central government, the behavior of the local authorities or a social norm.

We once again emphasize that the ultimate goal of the model and of the division into the categories we have named is to identify the barrier – the deep-seated mechanism that causes all the problems that finally lead to inequality.

Barrier → Problem → Symptom
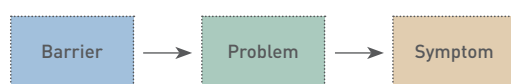
The relationship or connection between symptom, problem and barrier is a causative relationship, in other words the barriers drive or cause problems. The problems cause the symptom. A search for the barriers is carried out by digging deep, by repeatedly asking "Why?" Why does the symptom appear? What causes the problem? And so on until we reach the deep-seated reason for the barriers.

In the course of constructing the model we deliberated over the question of how many levels the model must include. We realized that in order to faithfully describe the chain of causes of inequality, often there is need for a depth of three levels. Sometimes only two levels are needed. In certain cases there is need for more than three levels, but we have decided to describe the model in its standard form as containing three levels.

The division into symptom, problem and barrier is important for the purpose of locating and classifying the barriers, but a certain datum is likely, in various contexts, to represent a symptom, a problem and a barrier as well.

The model with all its components is based on Sikkuy's experience in the process of mapping and characterizing the barriers, and we propose that it be seen as a model in the process of development, with any use of it leading to changes and improvements.

A symptom

Symptoms are data that attest to a gap between Jews and Arabs – to the detriment of the Arabs – in the allocation or availability of any public resource or a gap in the bottom-line outcomes. For example, poor sewage infrastructure in Arab communities compared to Jewish communities is a symptom (a gap in the availability of a public resource). Gaps in the percentage of entitlement to a matriculation certificate, in the unemployment rates and in life expectancy are a symptom (a gap in the bottom-line outcomes). In other words, the aim of identifying the problems and the barriers is to find out the source and the precise reasons for the existence of the symptom/gap.

A problem

A problem is one of the causes of the symptom or of several symptoms, and is caused by one or more barriers. As mentioned, the intermediate level of "problem" is necessary in order to faithfully describe the chain of causes that leads to a symptom. In our model a problem is characterized by one of the categories in Table 1 - Matrix for characterizing the problems. The main and most common characteristics of problems are:

1. External problems (in the government): under-budgeting, under-implementation of the budget, an absence of special programs and non-inclusion in the existing system.

2. Internal problems (in Arab society): under-utlization of a budget/service or under-implementation of projects (a failure in the outcomes).

We will note that in certain cases we have no numerical data about a quantitative gap in the bottom-line outcomes (if we had it we would define it as a symptom), but we diagnose problems that cause a gap in the quality of service to Arab citizens, or that we have reasonable basis to assume cause a quantitative gap in the outcomes, and in any case

warrant treatment, identification and removal of barriers[19]. In such a case, the symptom is in effect a combination of all the problems.[20]

Table 1 - Matrix for characterizing the problems

	Arab society		Government ministries/Knesset		
	Any public body	Local municipality	Official	District	Ministry headquarters/ Knesset
problems	Failure to utilize or under-utilization of a budget/service/ opportunity		Failure to budget or under-budgeting		
	Failure to implement or under-implementation of a project (failure in the bottom-line results)		Failure to implement or under-implementation of a budget		
			Failure to implement or under-implementation of a project (failure in bottom-line results)		
			Non-inclusion in the existing overall system		
			Paucity/absence of special programs		

Explanation of the characteristics of the problems:

> The problem can be found in legislation, in government ministries (on the level of the ministry official, the district or central headquarters) or in Arab society (in the Arab local municipality or another public body).

> Under-budgeting – insufficient budgeting for Arab citizens (relative to their percentage in the target population of the budget).

> Failure to budget – zero budgeting for Arab citizens in a certain area (a relatively rare situation).

> Under-implementation of the budget – partial implementation (in other words, the actual transfer of the money by the central government) of the budget designated for Arab citizens.

> Failure to implement – zero implementation of the budgeting earmarked for Arab citizens (failure to transfer the budget).

> Failure to implement or under-implementation of projects (a failure in the outcomes) – this is a situation in which an appropriate budget was allocated and the budget was fully implemented, but did not achieve its objective. For example: Money was allocated for planning transportation systems. The money was fully used, but in the end no practical plan for transportation systems was created. This problem can exist both in government institutions and in the Arab local municipalities.

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19. This means that even in an exceptional case, where it turns out after a quantitative check that there is no gap in the bottom-line outcomes, these problems constitute discrimination that should be corrected although it does not affect the outcomes (apparently because of other influential factors).

20. For example, several problems testify to gaps in the provision of service (see Matrix for characterizing the problems), but there are no numerical data about a gap in the number of those using the service, although we can reasonably assume that such a gap exists. In the absence of such data, the symptom is in effect the collection of problems that in themselves constitute inequality. Therefore we will begin the processing of mapping barriers with them, and will act to remove them.

> Non-inclusion in the existing overall system – the existing system of services does not provide a solution for Arab citizens or their communities. For example, a universal service that Arabs cannot use for various reasons (such as an absence of infrastructure or of linguistic access to the service).[21]

> A paucity/absence of special programs – Arab society has unique characteristics and needs that require special programs, and not only treatment in the framework of a universal program.[22] A special program to bring women back into the job market, for example, must be adapted to Arab society.

> Under-utilization of a budget (an internal barrier in Arab society) – partial utilization of the government budget, usually by the Arab local municipality.

A barrier

A barrier is a factor that prevents or delays equality between Jewish and Arab citizens. As mentioned, **the barrier is the deep-seated mechanism that causes problems that finally lead to inequality** (which is expressed in a gap, in other words, in a symptom). The barrier is located at a deeper level than the problem, and is our last link in the chain of the search for the reasons for inequality. The barriers that we are discussing in the framework of our model are usually a direct result of policy, a result of the conduct of a government or local municipality, or a result of a social norm.

A barrier is characterized by one of the categories in Table 2 – the Matrix for characterizing the barriers.

The main and most common characteristics of the barriers are:

1. External barriers (in the government): a barrier as a result of decision-making processes, as a result of a decision, or as a result of implementation processes.

2. Internal barriers (in Arab society): a socio-cultural barrier, lack of awareness of the existence of a service, lack of awareness of the need for the service, or a lack of geographical access to the service.

Table 2 – Matrix for characterizing the barriers

	Arab society				Government ministries/ Knesset		
	Individual	Family	Community	Local municipality	Official	District	Ministry headquarters/ Knesset
Barriers	Socio-cultural barrier				Barrier as result of decision-making process		
	Lack of awareness of existence of service				Barrier as outcome of a decision		
	Lack of awareness of need for service				Barrier as outcome of processes of implementation		
	Lack of geographical access to service				Barrier as result of inactivity		
	Economic barrier						
	Barrier of managerial capacity						

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21. For example, a government service that is provided in a geographical location that is inaccessible to Arab citizens due to the location of the Arab communities and their transportation infrastructure. As a result, the Arab citizens cannot make equal use of this service.

22. Sometimes equal access to services for Arab citizens must be implemented by including them in the existing system, and sometimes by creating special programs. The government must find the proper balance between efforts of inclusion and the particularistic approach.

Explanation of the characteristics of the barriers:

> The barrier can lie in legislation, in government ministries (on the level of the official, district or central headquarters) or in Arab society (on the level of the individual, the family, the community or the local municipality).

> A barrier resulting from the decision-making processes – for example, the absence of suitable representation for Arabs in the decision-making process or a failure to research the needs of Arab society. The barrier can be a process that was not properly implemented or a characteristic of the process itself.

> A barrier resulting from a decision – the decision itself blocks or delays equality.

> A barrier resulting from processes of implementation – the decision-making process was successful, the decision was correct, but the manner of implementation led to an unequal outcome.

> A barrier as a result of inactivity – a failure to decide on policy or on an essential act to implement equality policy. If the absence of the decision stems from the fact that there was an (egalitarian) proposal that was not accepted, the barrier is not an outcome of inactivity but will be classified as "a barrier resulting from the decision-making process" or as "a barrier resulting from a decision."

> A socio-cultural barrier – a social or cultural characteristic of Arab society, which makes it difficult to gain access to the resources or even prevents access in a manner that creates inequality.

> A barrier of managerial capacity – refers mainly to managerial problems in the local municipalities.[23]

In the context of advanced use of the model, the barriers in the government ministries receive special handling and classification. A barrier in the government system can be a result of a decision-making process, of the decision itself or of the process of implementation. Public policy is a complex thing, and therefore there is not always a direct or obvious connection between the propriety of the decision-making process and the relevance or effectiveness of the decision. We tend to believe that the more we improve the decision-making processes the better our decisions will be, but it's not simple. Sometimes it seems that the decision-making process was reasonable, but the decision itself was mistaken. Alternately, sometimes the decision is good but the process of implementation is faulty. In order to solve the problem properly its source must be located during the process of diagnosis: Is it on the political level, the professional level, in the decision-making process, in the decision itself or in the processes of implementation. Often we don't know the source of the barrier, and therefore will simply define it as a barrier as an outcome of a decision (see the Matrix for characterizing the barriers). In other cases we have additional information that enables us to classify and define the barriers more precisely. The classification characterizes the barrier according to the factor where it is found (the political or professional echelon) and additional sub-classifications (see Appendix A: Matrix of subclassification of barriers stemming from government ministries, which can also help in classifying the barriers in the Arab local authorities).

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23. For more about managerial problems in the Arab local municipalities see the publication of Injaz- Center for Professional Arab Local Governance (R.A.), **The development of the Arab local governments: suggestions for action strategies in building sustainable capacity** (Ghada Abu Jaber – Nijem - 2010). http://www.injaz.org.il/eng/index.php?todo=esdarat&id=1

## The process of locating and mapping the barriers

There are two basic principles for mapping the barriers:

1. **Describing and characterizing:** Every problem or barrier receives a double label: a description of the barrier or the problem, and its characterization according to the above matrixes (of course a barrier or a problem is liable to have two characteristics). For example, a certain barrier will be described as "allocating a certain resource only to communities with over 100,000 residents" (an allocation that excludes Arabs who don't live in such communities), and we will add to it the characterization from Table 2 (Matrix for characterizing the barriers) "a barrier of the government system, at the headquarters level and as outcome of a decision."

   The purpose of characterizing the barriers and the problems is to increase the understanding of their exact location and source in order to deal with them successfully. **After the characterization the matrixes can serve as an important tool to enhance the research and illustrate the information:** Every problem or barrier that is characterized will be marked as a point on the matrix, in accordance with its characterization and location. After marking all the points we will see where most of them are concentrated. In that way we will be able to see, for example, whether most of the problems in the area being researched are external or internal, whether most of the barriers are the result of a decision or of processes of implementation, on the district or the headquarters level, and so on. A consistent and ongoing use of this method together with statistical tools **can help formulate important insights about the main locations or characteristics of the barriers that prevent equality between Jews and Arabs in Israel.**

2. **A graphic presentation:** The symptoms, problems and barriers are presented on a graph that illustrates the causal relationship among them. Basically the graph is composed of vertical triads of symptom, problem and barrier, with the causal connections among them represented by arrows. The bottom line in the graph includes all the barriers, the middle line all the problems, and the top line all the symptoms. Diagram A is an example of a simple graph. Because a built-in part of the model is barriers that cause several problems, and problems that cause several symptoms, we will get a more complex graph, like Diagram B.

Diagram A
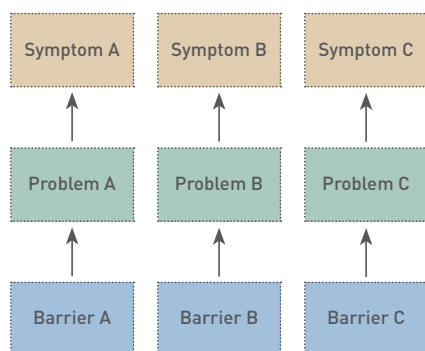
Diagram B
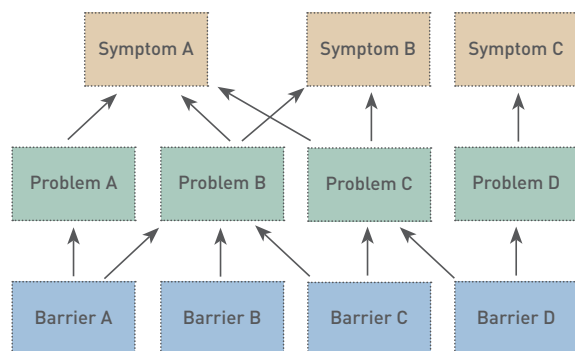
We suggest two different methods for the mapping process: the vertical method and the box method.

The vertical method is a "top to bottom" method, which begins the investigation when it encounters a symptom – a gap between Jews and Arabs. The symptom may arise from "hard" data (like numerical data) or from a gut feeling that leads to an investigation. The second stage is to find the causes of the gap. In our model the problems are the cause of the gap. Of course this requires thorough investigation, whose outcome is a collection of problems characterized according to the matrix for characterizing the problems. The third stage is to find the barriers that cause the problems and to catalogue them according to the matrix. At the end of the process we have a symptom (or a collection of symptoms), with a causal relationship to the problems that drive it. Every problem is also presented with its causal relationship to the barriers that cause it (see Diagram C).

Diagram C – The vertical method – Stages of construction of the graph from left to right
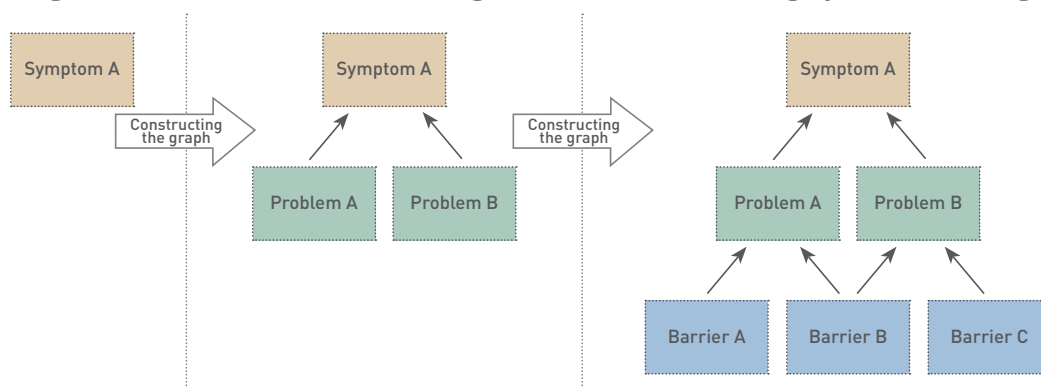
This is a simple method, which is its advantage. For many people it is convenient to think about things vertically, to begin identifying the gap (symptom) and to investigate downwards in order to understand its causes (the problems and the barriers).

The box method is more complicated. In it we examine a specific area (let's say special education) and collect data about it. In the first stage we write a report describing the present situation: the relevant bodies and the people active in the field, the structure of the system, and of course data about gaps, budgeting, regulations and decision-making processes etc. The report is a virtual box into which all the data are tossed.

In the second stage the data are pulled out from the report one at a time, classified into symptoms, problems and barriers, and characterized according to the matrices. Anything attesting to a gap is a potential symptom: whatever is not a symptom is a problem or a barrier. The difference between them is the causal relationship. If the finding directly causes the symptom it is defined as a problem; if it is found on the deeper level it is defined as a barrier. Characterization of the problems and barriers in Tables 1 and 2 can also help in the process of classification.[24]

In the third stage we arrange all the barriers in the bottom row, all the problems in the second row and all the symptoms on the top.

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24. For example, if one of the findings is characterized as under-budgeting, it is a potential problem. If one of the findings attests to a mistaken decision-making process, then it is a potential barrier.

In the fourth stage we identify the causal relations and present them by means of arrows between the barriers on the one hand and the problems and symptoms on the other (see Diagram D).

Diagram D – The box method

Stage 1: Writing a report of the presnt situation (=the virtual box)

Stage 2: Pulling out the data from the box/report and sorting into symptom, problem and barrier
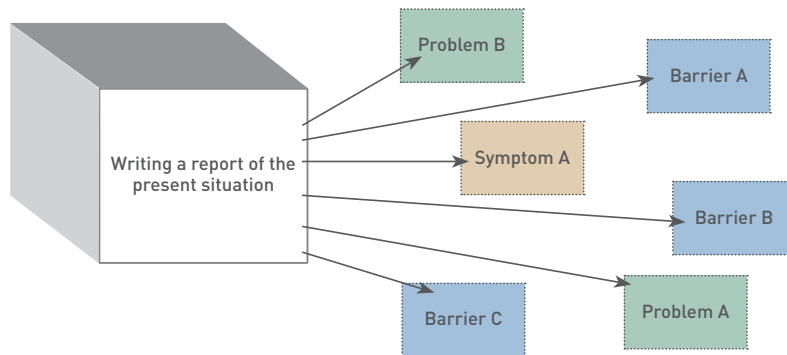
Stage 3: Arrange in a row

Stage 4: Creating causal connections
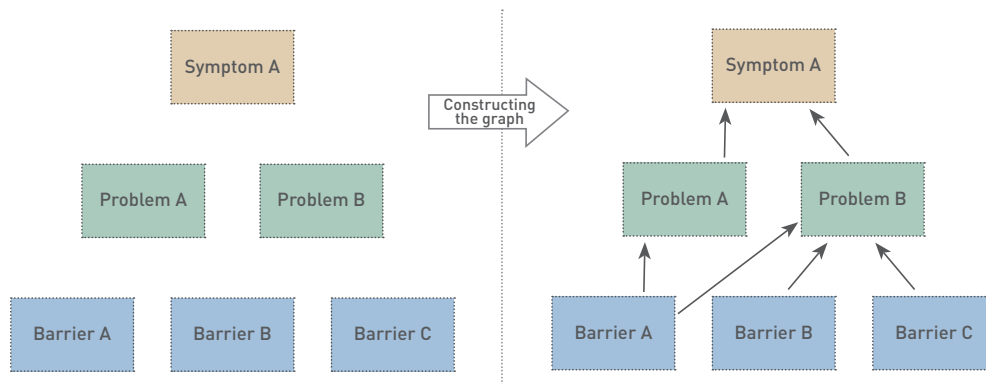
The box method enables us to sketch a more complete picture of the system of symptoms, problems and barriers that are revealed. It leads to an investigation of a wide range of date in varied locations, which may not have been examined in the vertical method. But this is a more complicated method, and is recommended for use after a certain amount of experience in the vertical method has been accumulated.

Sometimes the two methods **are used together** in investigating a certain area: There are barriers that are easy to identify and characterize in the vertical method, and there are barriers for which the box method is required.

An example of using the vertical method

The number of Arab citizens who need various welfare service and don't receive them (for example, assistance from a social worker or a day-care center for children at risk) is higher than the number of Jewish citizens who suffer from this problem. That is the gap that is revealed by various examinations and is a **symptom**. In the second stage we study the problems and examine various possibilities, for example whether the budget of the welfare department in an Arab community is lower relative to that in a Jewish community. And in fact it turns out that in Jewish communities the public expenditure per person on welfare is 50 percent higher than for Arab communities (!). [25] This problem is characterized by the "matrix for characterizing the problems" as one originating in government ministries, on the central level, and of the under-budgeting type. Therefore we will establish the clear causal relations between the symptom and the problem.[26] In the third stage we will look for the barriers that are causing the problem and ask why the expenditure is lower in the Arab community. The investigation will reveal that the cause is the matching system, a budgetary mechanism that does not take into account differences in the ability of the local municipality to participate[27] (**the mechanism is described in detail in the chapter about welfare** see pg. 70). The matching system is a barrier, and will be characterized according to the matrix as a barrier located in the government ministries, on the central government level and as outcome of a decision. Later on we will look for additional problems that drive the symptom and additional barriers that cause the problems, and the causal relations among them.

An example of using the box method

We examine, for example, the area of education. We generate a report about the present situation, which aggregates all the information and the data that have been collected and processed. For example, the average number of teaching hours per student in an Arab school is lower, the educational achievements of the Arabs are lower, and the collection of fees from parents in Arab society is inefficient. We will also examine criteria of the mechanism for budgeting teaching hours etc. The objective is to classify the data we have collected into symptoms, problems and barriers. As mentioned, whatever attests to a gap is a potential symptom. In this case one of the symptoms is "the educational achievements of the Arabs are lower." Whatever is not a symptom is a problem or a barrier.[28] In our example, characterizing the data (which were not classified as barriers) raises several problems. One is that the average number of teaching hours per student in an Arab school is lower (characteristic: under-budgeting). Other data will be catalogued as barriers, for example 1) the criteria for determining the budget for teaching hours include parameters that do not include the Arab population, such as an additional budget for schools with immigrant

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25. This expenditure includes the government expenditure and that of the local municipality. See the **Sikkuy 2008 Equality Index, p. 59**.

26. Because it is very reasonable to assume that if the public expenditure per person for Jews is 50 percent higher, the number of Jews receiving welfare services is greater. It can of course be argued that there is no absolute certainty of this causal connection, because theoretically it is possible that the number of citizens receiving the service is identical, but the service received by the Jews is better and/or more expensive. In an analysis of policy in general and with this model in particular, we are creating the most logical causal connections based on the information at our disposal.

27. The system conditions the transfer of government funds to welfare services on the budgetary participation of the local municipalities. The Arab local municipalities are very poor and therefore are unable to participate fully and therefore do not receive the entire government allocation. The mechanism constitutes an example of an allocation that is ostensibly egalitarian (the allocation does not distinguish between Arabs and Jews), but in effect created unequal policy with broad consequences for inequality in Israel.

28. See the above explanation about the box method which explains how to distinguish between a problem and a barrier during the use of this method.

children (an external barrier that is a result of a decision) 2) collecting parents' fees in Arab society is inefficient (an internal socioeconomic barrier on the level of the community in Arab society). In the third and fourth stage we will arrange the symptoms, the problems and the barriers into a diagram, and will insert the arrows representing the causal relation between them.

Ranking the barriers

At the end of the process we will have a collection of barriers that cause problems that cause symptoms – gaps between Jews and Arabs, to the detriment of the Arabs. The next questions we face are: What are the dominant barriers; which barriers have a greater impact on the system of inequality; and the removal of which barriers should be a top priority.

We can describe a complex model for choosing the barriers that should be dealt with, which is based on strategic and tactical considerations and uses quantitative methods. To simplify, we will now describe only qualitative criteria. The model proposes taking into account three main considerations in choosing the barriers:

> **The number or intensity of the problems caused by the barrier**. The more problems the barrier causes and the more serious these problems are, the more we should try to eliminate it.

> **The speed of removing the barrier**. Barriers that can be handled relatively quickly will lead to fast changes, and are preferable to barriers for which a great deal of time and effort are required in order to remove them.

> **The feasibility of removing the barrier**. This is a very important criterion. The smaller the anticipated opposition to removing the barrier, the more worthwhile to deal with it. We note that the opposition can come from the political or the administrative/bureaucratic echelon. The barriers that are most difficult to challenge are those where the attempt at removing them will encounter the opposition of the both the political and administrative echelons (low feasibility). A barrier in which the attempt at removal will encounter the opposition of one of the echelons is of medium feasibility, while the greatest feasibility is reserved for removing barriers where no opposition is anticipated from either of the echelons.

These three considerations can of course be mutually contradictory. For example, a certain barrier can cause many problems that lead to inequality, but removing it will encounter strong opposition on the part of the political and administrative echelons.

Formulating and publicizing policy recommendations

After we have analyzed the barriers preventing equality, policy recommendations that will help to remove them and promote equality are of supreme importance. In the area of public policy there are various approaches to writing policy recommendations. This paper suggests criteria for writing policy recommendations for promoting equality between Jews and Arabs in a manner that will increase the chances that the government will adopt them. The criteria are based on an analysis of the present situation in Israel regarding the location and depth of the barriers, as well as an analysis of the trends and the people working to reduce, or

regrettably to increase, the inequality (in the political and administrative system).

The recommendations must be **detailed, feasible in the present political and administrative structure, professional and include several alternative policies, replicable, and with an orientation towards a redistribution of resources**.

1. **Detailed**. To date, civil society organizations, in their various areas of activity, have been very good at pointing out gaps, engaging in intensive public activity to raise awareness of them, and sometimes even quantifying them. But their recommendations to the government were usually based on a recommendation such as "the Israeli government must close the gaps between Arab and Jewish citizens in the area of education." **These recommendations are too broad and general, and do not provide the decision maker/policy implementer with even a clue as to how to change policy**. As we have mentioned, the barriers preventing equality in government policy towards the Arabs are deep-rooted, and part of a system which is so complicated that only a systematic understanding and removal of them will enable the institution of equality policy. Therefore the recommendations must be detailed and specific. Below is an example of detailed recommendations:

   > Regulation X in the Ministry of Social Affairs, which states Y, should be changed and replaced by Z.

   > In the criteria for distributing money to the local municipalities, the weight of criterion X should be changed from 20 percent to 5 percent.

   > At least two Arab members should be appointed to Committee X in the Y Ministry, in the context of a round of appointments to take place on (date) Z.

2. **Feasible in the present political and administrative structure**. This criterion is apparently the most important one, but often it is the most difficult to implement, since it clashes with accepted and significant viewpoints of civil society. "Feasible" means that it is reasonable for the official who receives the recommendations to want and be able to implement them. In other words, it is essential that the recommendations not encounter internal opposition on the part of the person being targeted (let's say the director general of a government ministry to which the recommendations are directed) and/or widespread opposition on the part of the government bureaucracy, the elected political leadership and/or the public. A government system tends to oppose changes, and the fate of many government plans (even those that the government promotes and that deal with an area in the consensus) is that they are shelved as a result of opposition;[29] all the more so when it comes to promoting equality between Jews and Arabs in Israel, an issue that is still unfortunately a subject of public controversy. In order to create feasible recommendations, it is necessary to:

   > To be familiar with the government system that deals with the area in which the recommendations are being made both in terms of structure and on the personal level.

   > To assess the chances that the political or professional leadership will oppose the recommendations in a manner that will prevent their implementation.

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29. See Yaron Toren (2006), **Frogs and Princess at the Polireaucracy Swamp- The Fate of Attractive Policy Plans that don't Raise Public Disagreement**. http://public-policy.huji.ac.il/upload/yaron%281%29.pdf

> To assess the degree to which the recommendations are liable to encounter public opposition that will interfere with their implementation.

It is important to mention that formulating feasible policy recommendations **contradicts another objective of civil society organizations** – specifying the best and fairest way of promoting a certain policy and repairing injustices. **This is a built-in tension** between the desire to advance what would be best in terms of ethics and of the pace of repairing the injustices ("the ideal alternative") and the desire to outline steps that have a good chance of being implemented, but whose success in narrowing the gaps will probably be slower and less effective ("the practical alternative").

This tension is difficult for us, in civil society, because many of us want to be trailblazers and to envision an ideal society and the ways to achieve it. With this outlook, a practical but "lukewarm" policy recommendation is likely to seem to contradict the values that the organization is supposed to promote, but in fact this is not a contradiction but a built-in tension between pointing out the desired social change and promoting interim steps that will serve it. In order to moderate the tension one can suggest several policy alternatives, which include both the ideal alternative and the practical one.

3. **Professionalism and suggesting several policy alternatives**. In order to increase the chances that policy recommendations will be accepted by the government, they must be highly professional and meet the accepted standards of policy recommendations. Two rules that are worthy of mention are:

    > For the most part, the recommendations must include solutions that meet the various administrative, budgetary and even ideological constraints. **We must aspire to provide several alternatives, all of which, if implemented, will reduce inequality, even if in other ways and at a different pace**. In this context it is important to remember that part of officialdom still opposes a change in policy toward Arab citizens, and therefore recommending only one alternative could remain a dead letter that will not be implemented. On the other hand, a collection of recommendations can lead to the choice of an alternative for the purpose of promoting equality.

    > A basic principle in the professionalism of a policy paper is **designating the drawbacks of each proposed alternative**. This is even more important when an organization identified with a clear ideology submits recommendations to the government, and it is essential in order to allay the suspicions of the decision makers.

4. **Feasibility of replication**. As indicated by the model suggested above and Sikkuy's cumulative experience, finding and classifying barriers and formulating recommendations are a task that requires expertise, time and considerable human resources. A civil society organization that deals in studying the barriers that prevent equality between Jews and Arabs can examine only a limited number of areas out of a variety of unequal areas of government activity. Therefore it is recommended to deal with analyzing barriers and formulating recommendations that can be replicated, in other words, those that are relevant to areas of activity of other government ministries. For example, in the paper we have chosen to deal with inequality that stems from the fact that the services of legal aid offices are offered in Hebrew only. The recommendations that have been formulated (see p. 49) for the Legal Aid Department are relevant to many other divisions that provide services to the weaker elements in Arab society, and therefore they are replicable recommendations.

5. **An orientation toward redistribution**, as opposed to recommendations that propose only an additional budget for Arab citizens. In most cases, the Israeli government's policy of inequality towards Arab citizens is reflected in an unequal allocation of budgets, in other words, the Arabs receive less than their percentage in the population as a whole or in the target population of the service. The easier recommendation in each area would seem to be additional funds for the Arab citizens, but that is a recommendation with low feasibility, since the government does not have available money waiting to be distributed. Good recommendations are those that deal with a redistribution of the budget and indicate exactly how to distribute it in a way that the policy will be equal.

Of course not every policy recommendation can meet all the above criteria. It is possible that during the term of a specific government there is no feasible solution for removing a certain barrier, but there is great public value to making this recommendation in order to point out the desirable direction. It is possible that in certain cases there is only one effective way to remove a barrier, in which case there won't be various alternatives. In any case, these criteria can serve as a guide and a direction for formulating policy recommendations that have a good chance of being accepted and implemented.

Summary

The attempts to promote equality in government policy towards Arab citizens have to date been only partially successful, and the gaps between Jews and Arabs are still deep and disturbing. A continuation of the present situation bodes ill for Israeli society and the citizens of the country, both Jews and Arabs. We believe that a profound understanding of the barriers preventing equality is an essential condition for promoting an egalitarian policy. The complexity and variety of the barriers require a complete model of a process to locate, characterize and classify the barriers, and therein lays the uniqueness and importance of the model we have presented here. We hope that both government factors and civil society organizations that are interested in promoting equality policy will adopt the proposed model and use it.

In the following chapters we will present an analysis of the barriers and policy recommendations in the two areas in which we have decided to implement the model and to carry out an in-depth examination: the legal aid offices of the Justice Ministry and out-of-home frameworks for children at risk in Arab communities.

Sikkuy continues to investigate the barriers in additional areas that are the responsibility of the various government ministries, and will publish its findings and policy recommendations annually.

Appendix A – Matrix for sub-classification of barriers stemming from government ministries[30]

		Barrier resulting from decision-making processes	Barrier resulting from a decision	Barrier resulting from processes of implementation	Barrier resulting from inactivity[31]
Political level: MKs, gov't, ministerial committee or minister	**Location of barrier**	• Legislative process • Process of gov't/ ministry decision making • Budgeting process • Delay in making decisions	• A law • A government's decision • A minister's decision • The state budget	• Failure to implement or partial implementation of a law or government decision	• Absence of a law • Absence of a gov't's decision • Absence of a minister's decision • No reference in state budget
	Type of barrier	• Conflict of interest • Improper conduct or violation of procedure • Question of representation of Arabs in the decision-making process	• Unequal distribution – discrimination • Cultural/social/ economic unsuitability • Exclusion • Cutbacks/failure to budget	• Absence of means of enforcement of laws and supervision of implementation of decisions • Irrelevance/ ineffectiveness of law enforcement and supervision of implementation of decision • Cultural/social/ economic unsuitability	
Professional level: from junior to senior, on the district or central level	**Location of barrier**	• Process of decision-making within inter ministry or intra ministries professional committees	• Director-general's decisions • Amendment or regulation • Decision of professional committee	• Failure to implement or partial implementation of a law • Failure to implement or partial implementation of a government's decision • Failure to implement or partial implementation of an amendment/decision of a director general/ senior official	• Absence of director-general's decision • Absence of decision by senior official
	Type of barrier	• Representation of Arabs in the decision-making process • Level of cooperation and connection to the field: local municipalities and Arab communities • Absence of clear criteria	• Unequal distribution – discrimination • Cultural/social/ economic unsuitability • Exclusion • Cutbacks/failure to budget	• Internal shifting of budgets • Absence of honest willingness to change the situation • Lack of knowledge about the population and the proper way to implement the budget/program/law/ regulation	

....
30. The matrix can also help to classify the barriers in the Arab local municipalities.
31. If the absence of a decision stemmed from the fact that there was an (egalitarian) draft proposal that did not pass, the barrier is not a result of inactivity but will be classified as "a barrier resulting from decision-making processes" or as "a barrier resulting from a decision."

Legal aid offices -
Mapping the barriers and policy recommendations

This chapter examines the accessibility of government-sponsored legal aid services for the Arab population. The decision to focus on legal aid was made jointly by representatives of the Justice Ministry and Sikkuy, in the understanding that the Justice Ministry is obligated to provide services to all the citizens of the country in an equal, effective and efficient manner. The opening of the Northern District legal aid office in the Arab city of Nazareth in 2008 is an example of a welcome effort on the road to equal access to legal aid services.

Sikkuy considers it important to examine this service, since it is example of the many spheres in which the government provides a service to the Arab citizens. The purpose of the chapter is to examine the existing situation in the legal aid offices, to shed light on the inequality in availability of the services to the Arab population as compared to the Jewish population, to map barriers that cause inequality (both in the government system and among the Arab public) and to propose ways of dealing with them.

The barriers were mapped in accordance with the methodology for identifying them (as explained in Chapter 1), using the vertical method (see p. 26), in which during the first stage we identify the symptom and/or the problems, and in the second stage locate the barriers and characterize them. Finally there are concrete and practical policy recommendations.

Background

The nature of the service

The National Legal Aid Administration in the Justice Ministry is required by law to offer assistance to low-income populations on civil matters through the district legal aid offices. Legal aid includes advice, and for those who request it, representation in legal procedures by department-appointed lawyers as well. It is given free of charge, except for a token participation fee (NIS 125 is equivalent to $35). Assistance in criminal matters is provided by the public defender, but this report will not deal with the criminal arena.

Deployment of the service

There are presently five district legal aid offices operating under the aegis of the National Legal Aid Administration: Jerusalem, Tel Aviv, Haifa, Be'er Sheva and Nazareth. The department also offers its services to 41 communities and 18 prisons all over the country.

The legal aid staff

There are about 200 employees on the legal aid staff: lawyers, interns and administrators, as well as women volunteers who are doing National Service. The department also works with about 900 free-lance lawyers who represent clients in various legal actions, and whose fees are paid by the state.

Types of legal aid

The National Legal Aid Administration services more than 50,000 clients every year and provides representation on a wide variety of issues, primarily **family matters, protection of housing-related rights, protection against creditors in the sheriff's offices, lawsuits and appeals against the National Insurance Institute and legal representation before psychiatric committees for those who are forcibly hospitalized.**

All the legal aid offices are required to provide **urgent and immediate legal aid** on the following issues:

family violence, including providing protection or issuing restraining orders if necessary; orders to prevent leaving the country; release from debt-related arrests, etc.

The above description means that legal aid is supposed to provide legal support in important and sometimes crucial areas of life for citizens who lack means. Below we will describe the manner of providing the service, examine whether it is provided equally to Arab citizens, and analyze the barriers that prevent equal access.

The procedure for receiving the service

1. **The client applies to one of the legal aid offices**. The person requesting legal aid must turn to one of the legal aid offices and fill out a handwritten official request form in Hebrew. The form can be downloaded from the Internet or is available free of charge in the legal aid offices, the welfare departments of the local municipalities, and the aid centers of several voluntary organizations[1]. The receptionists, lawyers or social workers help in many cases to fill out the forms, and advise the client about the important details appearing in them, since in many instances this is a disadvantaged population with a poor knowledge of Hebrew, who have difficulty understanding the legal language in the form. The form must be submitted in person to the district office or sent by fax or mail.

   After receipt of the form in the district office an initial assessment is made of eligibility for legal aid, in accordance with the criteria delineated in the Legal Aid Law. Entitlement to legal aid is contingent on three cumulative conditions:

   a. Meeting the criteria for receiving service. The legal aid is being requested in one or more areas for which legal aid is provided.

   b. Financial eligibility – the person requesting assistance meets two financial tests: the test of income and the test of assets[2], except on National Insurance issues and representation of those forcibly hospitalized, for which there is no financial test.

   c. The chances of success – an estimation of the chances of winning the lawsuit, except in cases of representation before psychiatric committees.

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1. Many NGOs, such as Yedid, Community Advocacy, Israel Association for Ethiopian Jews, the Association for Civil Rights in Israel, Halev, as well as legal clinics in Tel Aviv University and the Hebrew University in Jerusalem, as well as the "Sachar Mitzva" pro bono program of the Israel Bar Association, provide legal aid to a variety of disadvantaged populations in various areas.
2. An income test defines an individual or a family of up to three people whose income is up to 67 percent of the average salary in the country (NIS 5,440 per month equivalent to $1500), and 6 percent more for each additional person. The test refers to gross income. On matters of personal status the income of the partner is not examined. The means test refers to the amount of property belonging to the petitioners that can be realized (savings, a vehicle, etc) or property that entitles one to a loan.

2. **Meeting with a lawyer**. After an official request is submitted in writing and a file is opened in the district office, the client is invited to a meeting with a lawyer in the office. In certain places, and in order to make things easier for those who live far from the district office to which they belong, the lawyers will meet the clients in the welfare departments of the local municipalities near the client's place of residence or in the aid centers of non-profit organizations active in those communities.[3] The fact that some of the service is given in the aid centers of the NGOs is significant for the issue of accessibility to Arab citizens, and we will discuss it in detail below.

3. **A decision of whether to take on the case**. After the meeting with the lawyer, and after the requested documents are submitted, the office decides whether or not legal aid will be provided, and for which proceedings.

The ongoing legal work is done by the lawyers of the legal aid offices and by private lawyers from a pool of lawyers appointed by the state.

The Arab population – characteristics

The percentage of the Arab population in each district

The Arab population constitutes 53 percent of the population of the Northern District, about 31 percent of the Jerusalem District and about 25 percent of the Haifa District. In the Central District the Arab population constitutes only 8 percent, in the Southern District over 16 percent and in the Tel Aviv District 1.5 percent (see Diagram 1). The significance of these figures is that the Arab population lives mainly in the periphery, while the majority of the Jewish population lives in the center.

Diagram 1: Percentage of the Arab population of the total population of the district, 2008
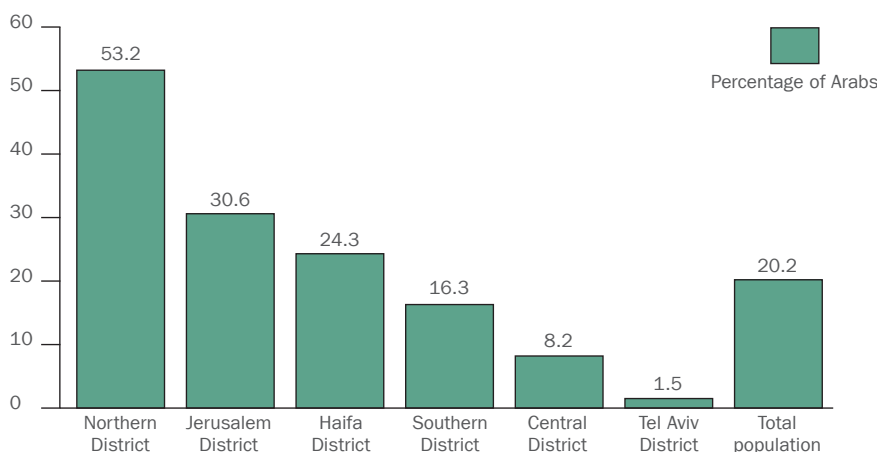
Source: Central Bureau of Statistics, Israel Statistical Annual 2009

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3. Some of the lawyers sent from the district aid offices to outlying communities conduct the interviews in the branches of the NGOs designated in those communities.

Incidence of poverty

According to National Insurance Institute data, the average available income of an Arab family was 63 percent that of an average Jewish family. According to the data for 2008, the incidence of poverty among Arab families was 49.4 percent, 3.2 times that among Jews. The Arab population constitutes 33.8 percent of all poor people in Israel.[4]

Accessibility of transportation

The paucity of public transportation to and from the Arab communities adversely affects the mobility of the disadvantaged population. It should also be noted that in over one third of Arab household there is no vehicle.[5] Arab women are even more disadvantaged, since only 34.5 percent of them have a driver's license, as compared to 57.4 percent of Jewish women.[6]

These characteristics clearly demonstrate that the Arab population is weaker than the Jewish population in Israel, due to concentration on the periphery, poverty and limited access to private and public transportation. To that we should add discriminatory policies, which have been mentioned in several Supreme Court rulings, in the Or Commission report and in reports by the State Comptroller.[7]

The following chapter will discuss various aspects of making legal aid services accessible to the Arab population, taking into account its characteristics and problems involved in access to the service.

Making legal aid services accessible to the Arab population

> *"The Department ensures that the right of access to the legal process and the right to a legal aid will be transformed from an important theoretical principle into a de facto practicality […] in order to perform the important role of being the guardian of the rights of people who can not afford legal services."[8]*

Aspects of access to the service

In order to make government services accessible, the following aspects of access to a service should be considered:

> Awareness of the existence of the service and information about it

> An understanding of what must be done in order to receive the service

> Linguistic-communication access

> Physical and geographical access

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4. National Insurance Institute, Annual Survey 2008
5. Central Bureau of Statistics, social survey data (2008)
6. Ibid.
7. "The Arab citizens of the country live in a situation in which they are discriminated against as Arabs. The lack of equality has been documented in a large number of surveys and professional studies, confirmed in judicial rulings and government decisions, and was also reflected in State Comptroller reports and in other official documents" (Or Commission report, 2003, p. 33).
8. From a statement by Eyal Globus, director of the National Legal Aid Administration, from the web site of the National Legal Aid Administration in the Justice Ministry.

If all these exist, we can claim that the service is accessible.

In this chapter we will examine the degree to which the service meets these criteria in terms of the Arab population (compared to the Jewish population), and will discuss the nature of this population and the barriers that prevent it from having access to the service.

Findings

Awareness of the existence of the service

A request for legal aid is usually made through the welfare departments in the local municipalities and through civil society organizations. The legal aid services of the Justice Ministry are provided in a district framework, and are designed for a disadvantaged population which often is unaware of its rights. This means that there is a need for representatives within the communities to serve as "information agents" regarding the existence of the service and how it can be utilized.

In the welfare departments the social workers inform the clients regarding government legal aid, determine whether it is necessary, refer them to the nearest legal aid office, and if they are able and free, help to fill out the request form for the service. Here we must point out the inequality: A social worker in an Arab community has a caseload of over 500 clients on average per year[9] (about 50 percent more than a social worker in a Jewish community, who handles an average of 335 cases). Therefore the ability of the welfare departments in the Arab communities to refer or to help a client who is in need of legal aid is very limited, and is lower than in Jewish communities. Everyone is aware that the situation of the welfare departments is not the responsibility of the National Legal Aid Administration, but we must consider the way in which the situation affects the accessibility of the service to Arab citizens. Recently a meeting was held between senior officials of the legal aid service and the directors of the welfare departments in the Bedouin communities in the south, and representatives of the Islamic Sharia courts, for the purpose of explaining the legal aid services to the Bedouin community. This active attempt to provide access to information about the service led to an increase in the number of people requesting assistance, according to the director of the National Legal Aid Administration.

The legal aid and rights centers of the civil society organizations were established in communities with a concentration of disadvantaged populations, mainly new immigrants. Their purpose is to help with information regarding civil rights, requests for government services, and in many cases to complement the service provided by the government.[10] In most of the NGO aid centers there are lawyers who provide legal aid on behalf of the NGOs, and if necessary also help to fill in the request form and refer the client to the district legal aid office. In general it can be said that most of the activity of the civil society organizations takes place in Jewish communities, whereas in the Arab communities there is little such activity.[11] The Justice Ministry cooperates with these organizations, budgets legal aid activity

9. **The Sikkuy Equality Index** of Jewish and Arab Citizens in Israel.
10. Among the leading organizations in the area of legal aid are Yedid, Community Advocacy, Halev, Israel Association for Ethiopian Jews and others. From: Yifat Yishai (2004), **Background paper in advance of a discussion of groups that provide legal aid free of charge**. The Knesset, Research and Information Center, as well as meetings and conversations with NGOs representatives.
11. A. Ghanem and A. Zidan,(2000) **Contributing and social volunteerism in the Palestinian Arab society in Israel**. Be'er Sheva. The Israeli Center for Third Sector Research, Ben Gurion University of the Negev.

and through the organizations makes services available. This is done by lawyers working for the district office, who come to some of the NGOs' aid centers. In these cases the aid and rights centers are defined as branches of government-sponsored legal aid.

The activity of the NGOs' aid centers therefore complements government legal aid, but de facto it often serves as a substitute for it, to the point where many of the clients are not even aware of the existence of government legal aid: "I see from the clients who come to us that many people, at least in Rahat, are not familiar with such a body, a legal aid office, but I have no idea how many people visit the legal aid office in Be'er Sheva."[12] These and other statements indicate that the disadvantaged Arab public is not always aware of the existence of government legal aid.

All these facts indicate that there is a need to expand the activities to provide access to information about the very existence of government legal aid, and guidance as to how to obtain it.

Information in Arabic about legal aid on the Justice Ministry web site

State Comptroller's Report 53b for 2002 examined the government web sites. The authors of the report chose to begin by discussing the issue of Arabic and the existence of Arabic content on the government sites:

> "Arabic is the language of the large minority in the country and it has a special status. The review revealed that most government web sites, including the government's home page, lacked information or services in Arabic. The subject of presenting information in Arabic on the Internet was raised at a meeting of the government Internet Committee, in which the government home page was presented, but it was not found that the committee or any other government body had proposed or determined procedures on this issue."[13]

In 2006 the Accessible Administration unit in the Finance Ministry published the standards guide for characterizing, shaping and writing content on the government web sites. The guide mentions the rules regarding language, which were determined in accordance with the recommendations of the report of the interministerial staff for languages on government web sites. Under the heading "Translation into Arabic" the standards were written as follows: "Arabic is an official language." Later the guide presents rules regarding translation in Arabic.[14] An examination of the guide reveals that most of the instructions for translation of government web sites into Arabic relate in effect to the structure of the site, so that speakers of Arabic will be able to "get an idea" about the ministry and the services it offers, but there is no defined obligation that the services themselves, the forms and most of the information be accessible to Arabic speakers. Many of the recommendations use the expression "insofar as possible," and contain no obligatory requirement. This means that

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12. From conversations with representatives of an NGO's who provide legal aid for needy populations, and specifically here a conversation with the coordinator of a NGO's legal aid center in Rahat.

13. **State Comptroller's Report 2002**.

14. For example: The home page of every government web site should be translated and marked with a prominent link; insofar as possible, links should be recommended from the home page in Arabic to information pages in Arabic and Hebrew; topics and names of services provided on the web site will be translated into Arabic and whenever possible their content will also be translated; the names of the forms will be translated into Arabic; the essence of the information about the ministry and an abstract of the organization structure, including names of coordinators and means of access will be translated into Arabic." The **Standards Guide for characterizing, shaping, developing and writing content for government sites**, Accessible Adminstration, Finance Ministry, December 2006.

their implementation is in effect dependent on the independent decision of representatives of the government ministries.[15]

An investigation conducted by the Abraham Fund Initiatives reveals that compared to other government sites, the Justice Ministry site is in relatively good shape in terms of the volume of translation into Arabic. Nine of 24 government sites are not translated into Arabic at all, 10 are very partially translated (usually only one page), and four sites are fully translated. On the Justice Ministry site a substantial portion is translated, including information about legal aid services as well as the guide to filling out the request form. However, the form itself is available only in Hebrew. In addition, many information pages have yet to be translated into Arabic, although there is a link to them in Arabic.[16]

However, it should be noted that publication on the Internet is important but not sufficient: In contrast to the situation among the Jewish population, the Internet is inaccessible to a large part of the Arab population, especially those who are disadvantaged.

Linguistic-communicative accessibility

The absence of forms in Arabic in the legal aid offices

The absence of forms and official documents in Arabic is a recurring problem, and typifies the conduct of various government ministries. Due to the importance of the issue we will examine it in depth. The subject of language has two aspects: one is symbolic and related to the status of Arabic in the State of Israel, and the second is instrumental, and concerns the language as an essential means of communication for using the service and taking advantage of rights.[17]

a. The legal aspect of the status of Arabic in Israel

The status of Arabic as one of the official languages in the State of Israel is anchored in a definition from the British Mandate period. Article 82 of the King's remarks to his council in 1922, under the subheading "official languages," states that:

> *"All Ordinances, official notices and **official forms** of the Government and all official notices of the local authorities and the municipalities in the areas to be prescribed by order of the High Commissioner shall be published in English, Hebrew and Arabic. The three languages may be used in debates and discussions in the Legislative Council and, subject to any regulations to be made from time to time, in the Government offices and the Law Courts."[18]*

The status of the English language was overturned in paragraph 15 (b) of the order of the arrangements for government and law, 1948, but the status of Hebrew and Arabic remained in place, and they are accepted as the official languages in the State of Israel, due both to the King's remarks in his council and to a long series of legal rulings on the subject. However, many researchers note the absence of an official policy positioning Arabic as an

15. **Translation of government web sites into Arabic**, The Knesset, Research and Information Center, 2008.
16. **Translation of government ministry web sites into Arabic**, Abraham Fund Initiatives, February 2010.
17. Y. Suleman (2003), **The Arabic Language & National Identity**. Washington D.C.: Georgetown University Press; Meital Pinto (2009), "Who is afraid of language rights in Israel?", In Ohad Nachtomy & Avi Sagi (eds.), **Multiculturalism in Israel**. Boston: Academic Studies Press.
18. The King's remarks, Article 82, "Official languages," 1922 (our emphasis).

official language de facto, alongside Hebrew.[19] The Supreme Court discussed the official status of Arabic, and claimed that compared to other bilingual countries, such as Canada, Israel has no clear and detailed operative policy on the issue.[20]

In a petition by Adalah and ACRI to the High Court of Justice against the Tel Aviv-Jaffa municipality on the issue of posting signs in Hebrew and Arabic, the High Court ruled that the Tel Aviv-Jaffa municipality must be required to provide all signs in Hebrew and Arabic:

> "*What sets Arabic apart and why is it treated differently from other languages* – *in addition to Hebrew – which are spoken by Israelis? … Arabic is the language of the largest minority in Israel, which has been living in Israel for a very long time. This is a language that is connected to cultural, historical and religious characteristics of the Arab minority in Israel. It is the language of citizens, who despite the Arab-Israeli conflict, want to live in Israel as loyal citizens with equal rights, with respect for their language and culture. The desire to ensure respectable coexistence for the descendants of the patriarch Abraham, with mutual tolerance and equality, justified recognition of Arabic on municipal signs…"[21]*

Saban even adds to and reinforces the argument regarding the unique quality of Arabic, distinguishing between Arabic as the language of the Arab indigenous minority and other languages used by "immigration groups," such as Russian and Amharic.[22]

In the State of Israel there are currently a very small number of laws and regulations that specifically mention the obligation to publicize in Arabic. Among them: the Television Broadcasting Law (captions and sign language, 2005) states that emergency notices broadcast on television must have captions in Hebrew and Arabic, and the Pharmacists' Regulations state that every medication must have an information sheet in Hebrew and Arabic

Regarding our issue, the question arises as to what constitutes an official form and whether a request form for assistance is actually an official form that must therefore be published in Hebrew and Arabic. Paragraph 3 (a) of the Legal Aid Law mentions that "The request for assistance must be submitted in writing," but the matter of the form is not mentioned at all. Paragraph 1 of the Legal Aid regulations specifies that the person making the request will submit it to the legal aid office "arranged on a form." The term "official form" is not specifically mentioned, and it is not clear whether such a statutory term exists. On the web site of the Justice Ministry, in the guide to those requesting assistance, it says that the request must be submitted in writing on "an **official** request form."

It follows that there is a lack of clarity regarding the obligation and commitment of the Justice Ministry to publish written material in Arabic: According to the law, official forms

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19. Saban & M. Amara (2002), "The status of Arabic in Israel: Reflections on the power of law to produce social change". **Israel Law Review** (36) pp. 25-39, and Meital Pinto, (2006) L242- 257 Language rights, immigration and minorities in Israel, **Law and Government** 1 (10), pp. 242-257.

20. In the words of Justice Cheshin: "In fact, when he so desires the legislator knows how to explain and spell out what he means when he says that a certain language is an "official" one. In bilingual Canada, for example, the legislator did not make do with the festive statement that English and French are 'official' languages in the country, but made an effort to spell out and explain in the law itself operative conclusions derived from the 'official' status of those two languages…" From Supreme Court case 4112/99, Adalah and the Association for Civil Rights in Israel vs. the Tel Aviv-Jaffa municipality, 393 (5), p. 18, decision 10.

21. From Supreme Court case 4112/99, Adalah and the Association for Civil Rights in Israel vs. the Tel Aviv-Jaffa municipality, 393 (5), p. 18, decision 10 (the emphasis is ours).

22. A. Saban (2003) "A single (bilingual) voice in the darkness?" **Iyunei Mishpat** (the Tel Aviv University Law Review) 27 (1), pp. 109-138.

must be published in Hebrew and Arabic, but the term "official form" is not clear. The lack of clarity regarding the official status of the legal aid request form causes a lack of clarity regarding the legality of the present situation, but whatever the case, it clearly leads to unequal access to legal aid services for the Arab population.

In the past decade the legal system has been required to respond to the matter of the existence of the forms in Hebrew only. In 2001 the International Association for the Rights of the Child petitioned the High Court against the National Insurance Institute (NII) and the Social Affairs Ministry. The petitioner demanded that at the NII branch in East Jerusalem: a) the forms must be translated into Arabic, b) permission must be granted to fill out the forms in Arabic, and c) notices and letters from the NII will be sent in Arabic to all the residents of East Jerusalem. At a meeting on January 7, 2009, the High Court leveled harsh criticism against the NII, which failed to fulfill its obligations on schedule, and ruled that **all the forms would be bilingual (Hebrew and Arabic), that filling them out in Arabic would be allowed**, and regarding answers in Arabic – it ruled that there was no obligation to provide answers in Arabic, and that interpreters would be made available for petitioners (High Court of Justice 2203/01).[23]

b. The administrative and ethical responsibility of the ministry by dint of its description as the "guardian of equal rights for those who cannot hire the services of a lawyer."

According to the legal aid regulations, filling out the request form for legal aid is an essential condition for receiving aid, and therefore a person who does not understand Hebrew or has difficulty with it will be unable to fill out the form by himself and will depend on assistance in doing so, in order to receive the service. This fact, in addition to the inconvenience it causes, directly threatens his ability to realize his right to utilize legal procedures as necessary.

From all the above it is clear that it is the responsibility of the Justice Ministry to ensure equal linguistic access to legal aid services, in terms of symbolism and in instrumental-practical and legal terms.

The inadequate number of Arabic-speaking personnel in some of the legal aid offices

The presence of Arabic-speaking personnel is vital both for translation tasks and for the purpose of providing a clearly understood explanation of the essence of the service and the ways of benefiting from it. Many of the Arabs who turn to legal aid come from a low socioeconomic class and are not fluent in Hebrew. In order to realize their right to legal aid, it is essential for them to receive guidance and assistance from someone who is familiar with the process and who has the appropriate abilities to transmit the information clearly and in a manner accessible to everyone.

An examination we conducted indicated that there are two stages in the legal aid process in which it is essential that there be Arabic-speaking employees: the submission of the request and the interview with a lawyer.[24]

The request submission stage: Filling out a form can be a complex task, even more so for disadvantaged populations. Therefore the presence of someone who will explain to the client which forms he must bring and will guide him and in many cases fill out the forms for him too, is essential in order to ensure his access to the service.

The interview stage: After submitting the request, the client is interviewed by a lawyer,

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23. http://elyon1.court.gov.il/files/01/030/022/n25/01022030.n25.htm (Hebrew. emphases are ours)
24. Meetings and conversations with representatives of Halev, Yedid, Public Advocacy et al.

who examines the documents he has brought and makes recommendations for the next steps. At this stage too, direct and culturally comprehensible communication is of supreme importance. The absence of Arabic-speaking lawyers at this stage of the request for aid makes it very difficult for many of the clients to receive the service to which they are entitled.

In an examination we conducted in the legal aid offices we found that in some of the district offices there is a shortage of Arabic-speaking clerks and lawyers. In the Central District, for example, which is located in Tel Aviv, there is one Arab lawyer out of a staff of 25 employees. This office serves the entire central district, including Arab and mixed cities.

Favorable mention should be made of the fact that the National Legal Aid Administration has taken significant steps in recent years to enlist Arab manpower for work in the department. A successful example is the Northern District legal aid office, which serves a mainly Arab population: Over half the employees of the office, including the clerks and the lawyers, are Arabs. At the same time, even now not all the legal aid offices have an Arabic speaker who is present on a regular basis.

This problem is directly related to the issues of fair representation of Arabs in the Justice Ministry in general. In a 2004 government decision[25], a clear goal was set that by the end of 2008, 10 percent of civil servants would be Arabs. This goal has not been met, and it was therefore updated and postponed to 2012.[26] In 2009 only 6 percent of Justice Ministry employees were Arabs.[27]

In order to prevent a linguistic-communications barrier, with all its implications, we cite the Irish example where the National Consultative Committee on Racism and Interculturalism in Ireland (NCCRI)[28] recommends a series of steps:

> A defined policy regarding the language barrier

> Availability of interpreters with the necessary professional abilities in legal work

> Training a staff for work with interpreters

> Proper budgeting for interpretation

These steps are in accordance with the findings that have been presented, and with Sikkuy's position regarding the obligation of the Justice Ministry to make services accessible in an appropriate and equal manner to the entire public it serves.

Aspects of physical accessibility

Deployment of the service on the district level

As of now, there are five district legal aid offices in Jerusalem, Tel Aviv, Haifa, Be'er Sheva and Nazareth. These offices operate under the Legal Aid Offices Law, which authorizes the minister to open or close offices at his discretion. The four offices operating in the major cities serve the absolute majority of the Jewish population in Israel. In 2008 for the first time

25. Decision no. 1402 from January 1, 2004.
26. Decision no. 2579 from November 11, 2007.
27. Report of the Civil Service Commissioner 2009 regarding proper representation for Arabs.
28. National Consultative Committee on Racism and Interculturalism (NCCRI), Key Considerations for Service Providers Improving Governmaent Services to Minority Ethnic Groups. http://www.nccri.ie/pdf/KeyConsiderations.pdf

a district legal aid office (Northern District) opened in the Arab city of Nazareth. The opening of the office in its present location is of great importance, both in terms of awareness and on the practical level, since over half the residents of the Northern District are Arabs. However, it is important to note that the Arab population in the district is distributed among a large number of communities that are distant from one another, with poor access by public transportation, less than is available to similar Jewish communities. This means that the location of the district office in Nazareth does not constitute a solution for the entire Arab population in the north.

Deployment of legal aid services in distant communities

The National Legal Aid makes its services accessible to outlying communities through branches of the district offices in the welfare departments and the community centers in the local municipalities, as well as by sending lawyers from the office to branches of NGOs such as Yedid and Public Advocacy, which operate in Arab communities.

In our examination a gap was found between the accessibility of the legal aid services to Jewish as compared to Arab communities. **The district offices in the north (Nazareth and Haifa) send lawyers to 14 Jewish communities: among them small ones such as Shlomi (5,700 residents) and Hatzor Haglilit (8,700) and to eight large Arab communities. The deployment of the branches covers all the large Jewish communities, but fails to include many large Arab (or mixed) communities such as Acre (46,000 residents), the bloc of communities including Majdal-Krum, Baneh and Deir al-Asad (30,500 residents) and Arabeh (21,000). In the Southern District, the office in Be'er Sheva makes its services available to large Jewish communities such as Ashkelon and Kiryat Gat, as well as to a small community such as Netivot (26,000 residents), but not to the large Bedouin communities such as Rahat, with about 45,000 residents**. As mentioned, it is problematic for Arabs to avail themselves of the branches in adjacent Jewish cities, since the personnel working there speak only Hebrew and cannot offer any assistance in Arabic.

From a conversation with the director of the National Legal Aid service it transpires that opening a legal aid branch depends on current local demand for this service, since a lawyer is sent to a distant community only when there are a minimum number of requests that makes this service economically justified. This means that in the Arab communities with low awareness of the availability of services in general and legal aid in particular, there is insufficient demand for the service at present, even when they are communities with a low socioeconomic ranking and a particularly large disadvantaged population.

Another government body that helps to make legal aid accessible is the Citizen Information Service (Shil), a unit that was set up in the Social Affairs Ministry and operates in cooperation with the local municipalities. Shil helps to provide advice and guidance to those seeking help regarding the citizen's rights and obligations and services available to him. The advisers are volunteers with experience in the field. The service has offices in about 50 communities all over the country, only two of them in Arab communities: Taibe and Segev Shalom.[29]

Among the organizations and NGOs active in the field of legal aid there are several with a broad geographical deployment. Yedid, for example, has over 20 rights centers and branches, but only three of them in Arab communities – Sakhnin, Rahat and Nazareth.[30]

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29. Deployment of Citizen Information Service stations, www.shil.info/
30. www.yedid.org.il and rights centers information.

This means that there is a large gap between Jewish and Arab communities in the deployment of legal aid services. On the one hand there is insufficient access to government aid for outlying Arab communities, and on the other, NGOs are deployed mainly in Jewish communities. **Therefore, the fact that the government uses NGOs' aid and rights centers in its present deployment, in order to make legal aid accessible, perpetuates the inequality**.

A summary of the findings and mapping of the barriers

In accordance with the model for mapping barriers presented in Chapter 1, in this section we will present the symptom, the problems and the barriers, and will characterize them according to the matrix of characteristics (see Tables 1 and 2 on pp. 22 and 23, respectively).

The symptom and the problems

Our findings revealed **the following problems**:

1. **The absence of a request form in Arabic** and/or the possibility of filling it out in Arabic.

    Characteristic of the problem: non-inclusion in the current system (since the Arab citizen who comes to receive service and cannot fill in the form is not included, de facto, in the system as a whole).

    Location of the problem: In the government ministries at the headquarters level (since the headquarters of the ministry can decide in which languages the form will be offered and can be completed).

2. **A shortage of Arabic-speaking personnel** in some of the offices serving Arab citizens.

    Characteristic of the problem: This problem has two characteristics: 1. non-inclusion in the existing overall system; 2. under-budgeting. Since the needs of the Arab citizen cannot be properly met in the legal aid offices, due to the language limitations of their employees, it turns out that Arabs do not benefit equally from the budget earmarked for the service, in other words, under-budgeting.

    Location of the problem: In the government ministries at the headquarters level or the district/office level

3. **Unequal geographical deployment** of the branches of the aid offices and of additional places in which legal aid is provided (welfare departments, aid centers of other organizations etc).

    Characteristic of the problem: Here again there are two possible characteristics: 1. non-inclusion in the current system, and 2. under-budgeting. The budget of the branches (including the salary of lawyers sent to them) is supposed to be divided equally among all the citizens in the area being served. Because the branches are located mainly in Jewish communities, this in effect constitutes under-budgeting of the Arab citizens and communities.

    Location of the problem: In the government ministries at headquarters level or at district/office level

4. **The ability of the social services departments to help in referring to the district legal aid offices and to serve as quarters for the legal aid services is lower** in the Arab communities.

Characteristic of the problem: under-utilization of the service.

Location of the problem: In Arab society, on the level of the local municipalities because of the meager ability of the welfare departments to assist in referring to the district aid offices and bringing this service to them.

Defining the symptom: The symptom in this case is the aggregate of problems. An Arab citizen's chances of being referred (by the welfare department) to a legal aid office is low relative to that of a Jew. He comes to the office and is forced to fill out a form and to receive assistance in a language that is not his mother tongue, in an office or a branch that is further from his place of residence than in the case of a Jewish citizen.[31]

Analysis of the barriers

We will now present the main barriers to the accessibility of legal aid services to the Arab population, their location and causes. In an in-depth examination of the problems we found several main barriers that prevent equal access.

A linguistic- communicative barrier

1. **The absence of a clear and binding policy regarding Arabic**. Both the Legal Aid Law and the legal aid regulations lack a policy requiring the publication of forms in Arabic, and alternatively there is no policy requiring the provision of immediate and appropriate translation services that will make the service accessible to anyone who is not fluent in Hebrew.

   Characteristic of the barrier: A result of inactivity

   Location of the barrier: In the Knesset and the government ministries, at the headquarters level. The barrier is reflected in four different places:

   > **Primary legislation**: Article 82 of the King's remarks in his council – a lack of clarity regarding the practical significance of the status of Arabic as an official language, relative to Hebrew.

   > **Primary legislation**: The Legal Aid Law includes no reference to language, either in regard to forms in Arabic or in regard to Arabic-speaking personnel.

   > **Secondary legislation**: In the legal aid regulations there is no reference to language, in terms of forms and personnel (this legislation is under the authority of the justice minister and requires the approval of the Knesset Constitution, Law and Justice Committee).

   > **The National Legal Aid Administration** has no budget earmarked for translation.

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31. See p. 22 for a definition of a symptom regarding the gap in the quality of service in the absence of a quantitative gap of users of the service.

The absence of a clear and binding policy regarding Arabic is one of the reasons for the absence of forms in Arabic and for the fact that they cannot be filled out in Arabic (problems 1 and 2).

Barriers to geographical access

2. **The absence of clear and transparent criteria for establishing branches**. No clear and transparent criteria were found for establishing branches in the legal aid system, either in the legislation or in the regulations.

   Characteristic of the barrier: A result of the decision-making process.

   > **Location of the barrier**. In the government ministries, on legal aid district office or headquarters level.

   > **Secondary legislation**: In the legal aid regulations there are no clear and transparent criteria for establishing branches of the district aid offices.

   > **Orders of the director general**: The orders of the director general also fail to include clear and transparent criteria for establishing branches of the legal aid offices.

   In the absence of clear criteria, decisions about the location of the branches seem to be made ad hoc, based on the demand for the service and the location of the NGOs aid centers (see barriers 3 + 4 below). This barrier causes an unequal geographical distribution (problem 3).

3. **The location of the branches based on the deployment of civil society organizations in the Arab communities.**

   Characteristic of the barrier: A result of the decision-making processes (see explanation above).

   Location of the barrier: In the government ministries, on the headquarters or legal aid district office level.

   In spite of the development and expansion of the activity of Arab civil society organizations in recent years, there is still a huge gap between their deployment in Arab communities and that of Jewish NGOs in Jewish communities. A minority of the organizations active in Arab communities provide legal aid or alternatively refer to the aid offices and invite a lawyer from the aid office to provide service in their branches. **Cooperation between the Justice Ministry and the civil society organizations, which is reflected in the location of the branches based on the existing deployment of the civil society organizations, is basically positive, but constitutes a barrier** that causes an unequal geographical distribution of the legal aid services to the Arab population (problem 3). The barrier is a result of decision-making processes, which rely on the opportunity for cooperation with aid organizations without taking into account the unequal outcome.

4. **The location of the branches based on the current demand for the service**

   Characteristic of the barrier: A result of decision-making processes

   Location of the barrier: In the government ministries, on the level of the National Legal Aid Administration.

As we were told by the administration of the department, the location of the branches is decided mainly on the basis of current demand for the service. Therefore, it is specifically in Arab communities with a large disadvantaged population that is unaware of the service, and where the local municipality is weak, that there is ostensibly no demand for legal aid services, and as a result, no branch will be opened in them. That is an additional barrier that leads to an unequal geographical distribution of the legal aid services (problem 3).

We will emphasize that we consider the absence of criteria, the reliance on current demand for the service, and the reliance on the deployment of the civil society organizations - three separate barriers.

5. **Overburdening and shortages in the welfare departments in the Arab local municipalities**

Discriminatory criteria in the allocation of manpower, combined with the demand for matching funds (see p. 70 below) lead to under-budgeting of manpower for the Arab local municipalities and to overburdening the social workers who work in them. Economic and administrative barriers contribute to the fact that in most of the Arab local municipalities the physical structure of the welfare department offices does not suit current needs.

Characteristic of the barrier: A barrier resulting from a decision (in the Social Affairs Ministry) combined with an economic and administrative barrier in the local municipalities.

Location of the barrier: In the Social Affairs Ministry on headquarters level and in Arab society, in the local municipalities.[32]

Although it is clear that this barrier is not the responsibility of the National Legal Aid Administration, it is important to present it, since as we have mentioned, overburdening and a manpower shortage reduce the ability of the welfare departments in the Arab communities to refer citizens to the legal aid offices (problem 4 above) and the possibility of inviting a lawyer from the legal aid office to the community and providing a place for him to work (a barrier that causes problem 3).

The barriers presented above cause a problem of geographic access to the legal aid services. The weakened Arab population cannot fully implement its basic right to legal aid, since the regional offices are far from its place of residence; lawyers from these offices rarely come to outlying communities; there is sparse deployment of the branches in outlying Arab communities; and there is insufficient access to transportation that would enable the Arab population to reach the service it needs.

Policy recommendations

The policy recommendations deal with all the areas enumerated above:

1. **Deciding on a defined practical policy of the Justice Ministry regarding Arabic, and binding regulations regarding the use of forms in Arabic and the employment of Arabic-speaking personnel**. This step does not contradict the existing Legal Aid Law, but will only clarify and complement it so that it will be equally accessible and effective for the Arab population as well. There is also profound significance in the recognition of equal

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32. The welfare departments in Arab communities have meager facilities; therefore the barrier is characterized as an economic one. The barrier regarding the problem defined is in the Arab society, but is a direct result of government policy in budgeting the welfare departments.

status for Arabic. A change in the regulations is a feasible step that does not require a change in legislation, and is carried out as part of the professional work of the Justice Ministry staff.

Below are two alternatives for providing equal access to legal aid services by means of forms and manpower.

a. **Forms translated into clear and simple Arabic, with attention paid to legal terms, to the process and to the required documents. These forms can be filled out in Arabic**: We recommend that in every office, branch, rights center and aid center, as well as in the welfare departments and on the web site, there be a legal aid request form in Arabic, which can be filled out in Arabic, as well as an explanation in Arabic. In that way most of the clients who can read and write Arabic will be able to handle the initial stage of the request independently. It should be noted that the cost of translating the forms into Arabic is low, but doing so requires an Arabic-speaking professional staff to receive and process the forms and if necessary to translate them into Hebrew, and in certain cases there may still be a need for an explanation by a clerk or a lawyer. This means that in spite of its importance and its ability to provide equal access, the feasibility of this recommendation in the immediate future is low.

b. **Forms explained in Arabic, but filled out in Hebrew by specially trained translators:** In every office, branch and aid or rights center there will be a translator trained to carry out the specific task of assistance in explaining and filling out the form. This alternative enables reasonable access to the service, and it can be implemented within a short time by hiring translation services through outsourcing, which can be included in the budget of the legal aid offices.[33] Part of the budget can immediately be channeled to hiring translation services.

Sikkuy believes that full equality of access to legal aid services requires the implementation of alternative 1a, but in the short term, alternative 1b can be implemented as a stage in the process.

2. **Reinforcing the professional staff in all the offices and all the branches with Arabic-speaking trained clerks and lawyers**. The goal is that in every office and branch that serves an Arab population, service will be provided in Arabic. In the offices and branches that serve a large Arab population there should be Arabic-speaking personnel available on a daily basis, while in the offices and branches that serve a relatively small Arabic population the service in Arabic will be provided on a specific day determined in advance.

That will enable a transmission of information and a suitable explanation, which are crucial for understanding the process, especially at the initial stage through a clerk, and at the interview stage through a lawyer. For that purpose there is a need to hire or transfer Arabic-speaking personnel to all the offices and branches, and to train them for the task. Clearly this recommendation requires a change in the manpower situation and it is difficult to implement fully and immediately, but it can be adopted gradually while exploiting the opportunity for fair representation of Arabs in every possible way – retirement, re-assigning job slots, hiring new workers, relocation of workers, adding slots and more.

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33. In a conversation with the director of the National Legal Aid Administration, attorney Eyal Globus, it was claimed that the budget of the department does not allow for hiring translation services through outsourcing. We recommend working to change the budget instructions, in order to enable this use. This is essential as long as there are no Arab workers available at all times in all the legal aid offices.

3. **Outreach – Making legal aid services accessible to outlying Arab communities.** Making legal aid accessible to outlying Arab communities must be done through branches of government legal aid.

   a. **Determining clear and transparent criteria for the deployment of branches in outlying communities**. As part of equal, clear and binding policy, we attribute great importance to determining and implementing criteria, in order to refrain from ad hoc activities that lead to unequal access to legal aid services. We recommend that the criteria relate to the size of the disadvantaged population in the community, the distance from the district office and existing public transportation. Once the criteria are determined, it must be ensured that there really is equal deployment based on these criteria

   b. **Opening branches based on potential demand rather than current demand for legal aid services**. In some of the Arab communities there is low demand for these services due to the barriers we have enumerated, and primarily due to a lack of awareness on the part of the population of the possibility of receiving such aid. As of now, a branch is not opened in a community where there is little demand, because it is economically insufficient. We believe that equal access to legal aid services requires opening branches in large Arab communities with concentrations of a disadvantaged population, even if there is little demand in them. Barring that, considerations of economic efficiency will perpetuate a situation of inequality. We recommend considering the opening of branches in Acre, Jadaida-Maker, Majdal Krum, Maghar and Rahat.

   c. **Cooperation with civil society organizations** can complement the Justice Ministry legal aid services but cannot replace it, since the deployment of the NGOs' branches in Arab communities is insufficient. This means that the Justice Ministry must make sure to achieve a balance and to provide legal aid services to communities meeting the abovementioned criteria, in which the organizations are not active.

   d. **Solving the problem of bringing lawyers to the welfare departments in Arab communities**, due both to the work load of the social workers and the shortage of work space. It is recommended that any suggested solution be implemented in coordination with the local municipality.

We note that the combined activity of determining a clear and binding policy regarding the use of Arabic – the presence of Arabic-speaking personnel in all the offices and branches - and an expansion of the system of branches to outlying Arab communities will make it possible to deal with linguistic-communicative barriers and barriers of geographical access that prevent equal and suitable access to legal aid services for the Arab citizens of the country.

Opening a legal aid office in Nazareth and the steps to increase the number of Arab personnel in the National Legal Aid Administration have proven the desire of the Justice Ministry administration to make the services accessible to Arab citizens. By implementing the above mentioned recommendations, the National legal aid service could serve as a model for equal government service and be the pioneer, with many other government services following suit.

Out-of-home frameworks for children at risk from birth to age 3 -
Mapping the barriers and policy recommendations

Introduction

In many Arab communities, community welfare services began to develop only during the 1990s. Prior to that these services were provided to Arab communities in a regional rather than a community framework. Since their inception the social services departments in the Arab communities have suffered from insufficient budgeting, a lack of manpower, and a shortage of programs to provide solutions for the many needs of this population.

The present paper focuses on out-of-home frameworks[1] in Arab communities. We have chosen to focus on this issue for several reasons. The Arab population is a young one – about half is under the age of 19. We discovered that Arab children are far more at risk than are Jewish children. The most prominent at-risk conditions:

> **Poverty and economic distress**: The incidence of poverty among Arab children is 2.7 times higher than among Jews (62 percent compared to 23 percent, respectively).[2]

> **Large families**: 51.2 percent of Arab children live in large families with four or more children (as compared to 28.7 percent of Jewish children).[3]

> **Learning and skills**: According to the findings of the Israel Statistical Annual, at preschool age the percentage of two-year olds in out-of-home frameworks is 13.7 percent among Arabs compared to 59.6 percent among Jews and others, and at age three, 74.9 percent among Arabs compared to 86.1 percent among Jews.

> **Health**: The mortality rate of Arab children aged 0-4 from accidents (road accidents and home accidents) is seven times as high as that of Jews.[4]

In 2003 the Israeli government appointed a public committee to examine the situation and to formulate recommendations for children at risk in Israel (The Schmid Committee). In 2006 the committee submitted its recommendations to the government, which adopted the recommendations in the context of the National Program for Children and Youth at Risk. The committee decided that there should be an emphasis on welfare services for children from infancy to six years old both as a solution for the distress of the defenseless and as

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1. **Daycare center**: An educational-caregiving framework for toddlers ages 6 months to 3 years. The center takes in children of working mothers, and children of non-working mothers in families that have difficulty raising the toddler and providing for his needs, to the point where his proper development is in danger. The centers are operated by various organizations, under the supervision of the Ministry of Industry, Trade and Labor and according to the regulations of the Social Affairs Ministry. A daycare center is located in a designated structure with a number of classrooms according to the age of the children. A daycare center that is full to capacity includes up to 75 toddlers.

    Family child care group: A place for no more than five toddlers aged 6 months to 3 years, which is maintained and run by a caregiver who was trained for the job by the Industry, Trade & Labor Ministry (ITL Ministry). The family center operates in the home of the caregiver under the supervision of the ministry. Like a daycare center, the family center also takes in children of working mothers and those of non-working mothers whose proper development is in danger

2. Endblad et al. (2009), **The dimensions of poverty and social gaps**, Annual Report 2008. Jerusalem, the National Insurance Institute: Research and Planning Administration.

3. The Central Bureau of Statistics, Israel Statistical Annual 2009.

4. Beterem (2009), **The Vulnerability of children in Arab society in Israel 2009 – A situation assessment and a call to action.**

a means of preventing emotional, social, developmental and behavioral problems in the future. A proper infrastructure of out-of-home frameworks is a central component in the array of services for toddlers at risk. On the physical level they provide a place where the children can stay and receive proper care, and they also serve as an educational-developmental framework, and if necessary as a rehabilitation framework for children and their parents.

The issue of out-of-home frameworks was discussed in the past year in the Knesset and in various public forums, mainly from the perspective of working mothers. With the increase in the percentage of working mothers, the demand for accessible and high-quality out-of-home frameworks has increased. There is also an awareness of the potential contribution of an infrastructure of daycare centers to an increase in the rate of women's participation in the work force and of the future benefits of this increase in terms of growth percentages in the economy. There was less discussion of out-of-home frameworks as solutions for disadvantaged children.

This chapter includes three parts: a description of the present situation, an identification of the barriers, and policy recommendations for dealing with them.

The first part includes a survey of the number of toddlers (Jewish and Arab), known to the welfare authorities and the number defined as children at risk. Later we will describe the scope of the infrastructure of out-of-home frameworks in Jewish and Arab communities in Israel and the patterns of utilization. We will also discuss the factors affecting the level of demand for the service among the two population groups, and finally we will bring preliminary statistics regarding the distribution of the budget between Jewish and Arab communities in the context of the National Program for Children and Youth at Risk.

In the second part we will enumerate symptoms, problems and barriers we discovered from an analysis of the situation, we will map them using the model presented in Chapter 1 and analyze the array of connections and mutual interactions among them as a tool for understanding the magnitude of the barriers and their areas of influence. We will deal with five barriers that we found to have a decisive influence on the availability and accessibility of service in Arab communities.

We will devote the third part to policy recommendations designed to mitigate and even remove the barriers to equality between Arabs and Jews by making out-of-home frameworks available to toddlers at risk.

I. Out-of-home frameworks for Jewish and Arab children at risk – the current situation

The following survey tries to examine the extent to which there is an equal distribution of resources for out-of-home frameworks for Jewish and Arab children at risk (disadvantaged children), and to discuss the main barriers to equality. For that purpose we will attempt to assess the need for the service, in other words the number of children from birth to age 3 in each of the population groups who are defined as being at risk. Regarding the extent of the needs, we will examine the supply of out-of-home frameworks in Jewish and Arab communities and the factors affecting it. We will examine the number of quotas that were actually allocated in the State Budget to finance the placement of disadvantaged children

and their division between the two population groups, and finally we will discuss the cost of the service to the parents of children at risk.

Toddlers: The total number of children from infancy to age six, the number known to the social services departments and the number at risk

Infancy to age six

In Israel there are 1,029,000 children from birth to the age of 6, of them 279,000 Arab children, who constitute 27 percent of this age group. This group is divided into two: Infants and toddlers up to age 3, who number 597,000 children, 155,000 of whom are Arabs, and children aged 4-6, who number 432,000 children, 124,000 of whom are Arabs.

Children who are known to the social services departments

Not all the children known to the social services departments of the local municipalities are necessarily children at risk. Children who are familiar to the departments but are not at risk are registered due to family problems that are not necessarily related to the functioning of the parents or the children, generally financial problems.[5] According to the statistics of the Statistical Annual for Children in Israel, 20 percent of the children in the Arab communities and 16 percent of the children in Jewish and mixed communities are known to the social service departments. The percentage of Arab children of all the children known to these departments is about 32 percent. At pre-school age about 8 percent of Arab children and 7 percent of Jewish children are known to the social service departments. **In all, Arab children from birth to age 3 constitute 28.7 percent of all the known children in this age group**.

If we assume that poverty is one of the factors liable to increase exposure to situations of distress and even risk, we can expect a certain correlation between the percentage of poor children and the percentage of children known to the social services departments. **But the ratio between the percentage of poor children and the percentage of children known to the social services departments is twice as high among Arabs, at 1:3, compared to a ratio of 1:1.4 among Jews (the percentage of poor children is 62 percent and 23 percent respectively). This statistic may attest to the fact that the percentage of children known to the social services departments in the Arab local municipalities is low compared to all those in need in those communities.**

Children at risk

In accordance with the recommendations of the Schmid Committee, the following definition of children at risk was adopted in the context of the Program for Children and Youth at Risk:

Children and youth at risk are children and youth who live in endangering conditions in their family and their surroundings, and as a result their ability to realize their rights as delineated in the UNICEF Convention on the Rights of the Child is undermined in the following areas:

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5. Asher Ben Aryeh, Yaffa Zionit and Tzipi Berman (2009) (eds), **Children in Israel 2009 – Statistical Annual**. The National Council for the Child, with the assistance of the Haruv Institute.

physical survival, health and development, belonging to a family, learning and acquisition of skills, emotional health and welfare, social affiliation and participation, and protection from others and from their own self-endangering behaviors.[6]

The National Program for Children and Youth at Risk is being implemented gradually in the local municipalities. In the first stage communities with a low socioeconomic rating joined the program. In accordance with the definition that was adopted, in the course of 2009 a mapping of the children at risk was conducted in the communities in the program. It was found that Arab children constitute 33 percent of the children in the communities participating in the program and 45 percent of all the children at risk identified in the participating communities.

The percentage of Arab children defined as being at risk is 21 percent of all the Arab children in the communities in the program, and is 1.6 times the percentage of Jewish children at risk, which is 13.2 percent.

According to the findings of the mapping we can estimate the number of children at risk from birth to age 3 in Israel at about 74,000: about 46,000 Jewish children and about 28,000 Arab children. Arab children from birth to age 3 constitute about 38 percent of all the children at risk in this age group in Israel.[7]

In Table 1 we can see that while Arab children aged 0-3 constitute 26 percent of the total population, the percentage of children known to the social services departments is about 28.4 percent, and they constitute about 38 percent of all the children at risk. The fact that the percentage of children at risk identified in the mapping process is higher than the percentage known to the welfare services among both Jews and Arabs indicates the improvement that the national program has introduced in the ability to identify the children at risk on the community level. **The gap between the number of children who are known and the number of children identified in the context of the mapping is particularly large among Arabs.**

Table 1: An estimate of the total number of children known to the social services and the number of children at risk aged 0-3 in Israel, by population group

Children aged 0-3	Total	Arabs	Jews	% Arabs
Total no. of children*	596,600	155,100	441,600	26.0
Total no. of children known to the social services depts. 2008**	43,762	12,408	31,354	28.4
Total no. of children at risk according to the findings of mapping of national program***	73,689	27,763	45,926	37.7

*   The Central Bureau of Statistics, Israel Statistical Annual 2009

** Estimate according to the statistics of children in Israel 2009 regarding the percentage of children known to the social services and statistics of the CBS 2009 relating to the number of children.

*** Estimate according to the findings of the mapping of the National Program for Children and Youth at Risk.

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6. **The National Program for Children and youth at Risk and in Distress – Project Book**, November 2007.
7. Possible differences in the percentage of children at risk in various age groups from birth to age 5 were not taken into account.

According to the findings of the mapping conducted as part of the National Program for Children and Youth at Risk, the percentage of Arab children at risk, from birth to age 3, is 1.6 times higher than among Jews. Arab children are also more exposed to risky situations: They are poorer, more of them belong to large families, fewer of them are in educational frameworks, and they are injured more often in traffic and home accidents.

Children at risk (disadvantaged children) in out-of-home frameworks

Placement frameworks for toddlers aged 6 months to 3 years

Three placement frameworks operate today for children from birth to age 3. Two of them are universal: daycare centers and family child care groups that are designed for children of working mothers, and which children at risk can attend. These frameworks operate from 7:00 AM to 4:00 PM. The third framework is a daycare center that has been changed into a multipurpose center due to the large number of children at risk staying there, but children of working mothers can also attend. This framework operates from 7:00 AM to 7:00 PM.

The Toddlers at Risk Law (the right to day care) 2000

In order to define entitlement to a daycare center, the Toddlers at Risk Law (the right to day care) 2000 supplies the following definition:

A toddler who is in a situation where there is a real fear for his proper development, regarding whom the committee has determined that he is at risk and therefore must stay in a daycare center, in order to prevent him from being removed from his home.[8]

The law defines a series of at-risk situations and procedures for diagnosing and defining a child at risk. Among them:

1. In the opinion of a social worker and based on a medical opinion, the toddler is battered or his developmental needs are not being met.

2. One of the toddler's parents is dysfunctional for various reasons, including mental illness, alcoholism, drug addiction, retardation, severe disability, prostitution, criminal behavior or a chronic illness of one of the family members.

In 2007, 12,400 disadvantaged children all over the State of Israel were in out-of-home frameworks, of them 2,700 Arab children. Arab children constitute about 22 percent of the disadvantaged children placed in out-of-home frameworks. In the budget of the Social Affairs Ministry for 2010 there were 19,248 slots allocated nationally for disadvantaged children. We do not have statistics about the distribution of the slots between Jews and Arabs for this year.[9]

The definition of a toddler at risk who is entitled to daycare center enrollment is anchored in the Toddlers at Risk Law. The definition of a child at risk according to the national program

8. Listings, Knesset web site http://www.knesset.gov.il/laws/heb/FileD.asp;?Type=1&sSubNum=4&LawNum=1748.
9. Last March we submitted a request to receive the date from the Social Affairs Ministry in the context of the Freedom of Information Law. As of early July we had not yet received the data.

is broader and does not necessarily entitle a child to an out-of-home frameworks. However, the findings of the mapping can give a certain indication of the size of the needs and the gaps. The number of Arab toddlers at risk (in the entire country) who are in out-of-home frameworks is about 2,700. The nationwide number of Arab toddlers at risk[10] is estimated at about 27,800 (a ratio of 1:10).The number of Jewish toddlers at risk who are in out-of-home frameworks is 9,700 out of an estimated 45,900 (a ratio of 1:5). **There are twice as many Jewish toddlers at risk as Arab toddlers at risk in out-of-home frameworks**.

The Arabs are in family child care frameworks, the Jews in daycare centers

While most of the Jewish children are in daycare centers (89.9 percent), in the Arab local municipalities most of the children are in family child care groups (83.8 percent). A daycare center operates in a building designated for the purpose and accepts children from the age of 6 months to age 3, who are divided into various age groups. The daycare centers serve both as an educational and a caregiving framework, and provide suitable conditions for varied activities and programs for the children and their parents.

The family child care group operates in the home of a caregiver who was trained for the purpose in a special course supervised by the Ministry of Industry, Trade and Employment, and constitutes a caregiving framework for five toddlers. There are differing views as to which framework is preferable for children at risk, and we do not intend to adopt a stance on this issue. We will only note that one can enumerate advantages and disadvantages of each of the types of service and it is usually a matter of personal preferences of parents and professionals. Family child care groups are an efficient solution in small communities where there are not enough children for a daycare center (daycare centers aim to have at least 75 children). In contrast to a daycare center, an array of family child care groups can be deployed in a relatively short time (with no need for a special building) and in a manner that will provide a place for children in their immediate neighborhood. Due to the small number of children they can be given more intimate care, and in addition, family child care provides work for women in the community.[11] On the other hand, in weakened communities where there is a high percentage of children at risk, a daycare center (as opposed to a family child care group) can constitute a basis for the development of a multipurpose daycare center in the event that such a need is identified in the community.

The infrastructure and patterns of utilization of out-of-home frameworks

The extent of use of group, public and private educational-caregiving frameworks – 2007 data

The use of group (private and public) frameworks for children from birth to age 3 is very limited among Arabs. Most Arab children in this age group are with one of the parents and sometimes with another relative, but not in an educational-caregiving group framework. Only

10. An estimate based on extrapolation of the results of the mapping process in the context of the National Program for Children and Youth at Risk.
11. Spoken by Tamar Almog, director of the Department of Daycare Centers in the ITL Ministry, at a meeting of the Committee on the Status of Women, on October 26, 2009.

12.3 percent of Arab children in this age group are in group frameworks, compared to 46.8 percent of Jewish children.[12]

The infrastructure of out-of-home frameworks developed in Israel as an educational-caregiving framework for working mothers. This infrastructure served as a basis for placements for disadvantaged children. In Arab communities there was no public infrastructure for children from birth to age 5, and it began to pick up speed mainly during the second half of the past decade. An infrastructure of pre-kindergarten nurseries (for ages 4-5) was established mainly in the wake of the Compulsory Education Law for ages 3-4 in communities with the lowest socioeconomic ranking of 1-2, many of which are Arab.

Since no infrastructure of out-of-home frameworks developed in the Arab communities in response to the needs of working mothers, the existing infrastructure of daycare centers, and mainly of family child care groups, served as a solution to the needs of disadvantaged children. At the beginning of the decade disadvantaged children in Arab communities constituted about 80 percent of the children in out-of-home frameworks. The percentage of disadvantaged children gradually declined with the increase in the percentage of working Arab mothers, and now they constitute about half of the Arab children in out-of-home frameworks. This is still a relatively high percentage compared to Jewish communities, where the average percentage of disadvantaged children is only about 15 percent. It should be noted that disadvantaged children rely only on the existing **public** infrastructure, namely out-of-home frameworks, which have a daycare seal from the Ministry of Industry, Trade and Labor and are under its supervision.

The infrastructure of public out-of-home frameworks

Public out-of-home frameworks are those that are entitled to the daycare seal of the Ministry of Industry, Trade and Labor and are under its supervision (in a private framework there is in effect no supervision). In 2007[13] there were 1,639 public daycare centers and about 2,200 family child care groups operating in Israel. In Arab communities there were 30 daycare centers, about 1.8 percent of the total number in Israel, and 869 family child care groups, 39.5 percent of all the family child care groups in the country. Between 2005-2009, 25 daycare centers opened in Arab communities in addition to the 18 that had operated until then. In other words, beginning in 2009 there were 43 daycare centers in the Arab communities. In 2008, 62 of the daycare centers in Israel operated as multipurpose centers, of them six centers for Arab children (only about 10 percent) – four in Arab communities and two in mixed cities. In 2008 there were 135 family child care groups started in Arab communities, so that we can estimate that at the start of 2009 there were about 1,005 family child care groups.[14]

Most of the daycare centers in Israel (89 percent) are centered in clusters 4-8 according to the socioeconomic ranking of the CBS.[15] **10 percent of the daycare centers are in clusters**

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12. Osnat Prechtelberg-Barmatz (2008), **Group frameworks for toddlers and the supervision over them, estimates for 2007**, the ITL Ministry, Research and Economy Administration.
13. Orly Almagor-Lotan (2008), Recognized Daycare centers and family child care groups in the Arab sector. The Knesset, Research and Information Cener.
14. Parliamentary question, MK Zuabi.Answered by the deputy ITL minister, at the 92nd session of the 18th Knesset, on December 30, 2009.
15. The CBS ranks the local municipalities according to their socioeconomic level by means of a scale from 1-10, 1 is the lowest ranking and 10 is the highest.

1-3 and 1 percent in clusters 9-10.[16] **Most of the Arab population lives in communities classified in clusters 1-3 and constitutes about 72 percent of this population, but only about 18 percent of the daycare centers in these clusters are available to them.** Apparently the cause of the paucity of daycare centers is not the socioeconomic background of the communities but mainly the fact that they are Arab.

> There is a close connection between the level of demand for out-of-home frameworks by working mothers and the supply of these institutions for disadvantaged children in Israel. The gap in infrastructure of out-of-home frameworks between Jewish and Arab communities reflects, among other things, the difference between an infrastructure that develops as a response to the demands of relatively strong populations with a high percentage of women participating in the work force, and an infrastructure that develops as a response to the needs of the most disadvantaged and of a population with a low percentage of working women.

Government assistance for building daycare centers

A daycare center is required to operate in a specially designated building. Some of the centers are built with government assistance, and some are financed by non-profit organizations such as Hadassah, WIZO, Naamat and local municipalities. In the past decade several changes have taken place in the government's support and subsidies for building a daycare center. At the start of the decade government assistance was provided as a full grant from the Housing Ministry, and beginning in 2003 the assistance was provided by means of government support from the Industry, Trade and Labor Ministry, which funds only part of the cost of the project.

The response to the tenders for government support on the part of the Arab local municipalities was negligible, because due to their poor financial situation they cannot meet the cost of matching funds, which ranges from 40 percent to 80 percent of the overall cost of the daycare center.[17] In addition, according to the figures given to us by the Industry, Trade and Labor Ministry, in several communities buildings for day care were built on the initiative of the Construction and Housing Ministry, but they have not yet been put to use.[18] The main difficulties in utilizing these buildings stem from the expenses incurred by the local council in the process of utilizing the building and from the difficulties of parents in meeting the cost of the toddler's stay in day care (see explanation in the next subheading).

Over the past years there has been an increase in the economic development trend, which sees the integration of Arab women in the work force as a crucial step in improving the

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16. Prechtelberg-Barmatz, 2008.

17. The independent sources of income of the Arab local municipalities are very meager. For the sake of comparison we examined the sum of arnona (municipal property taxes) debts, which reflects the collection potential of the local municipalities (as opposed to the collection data, which reflect the sum actually collected by the local council in a given year). According to CBS data (2007), the **non-residential arnona fees** in Arab cities and local municipalities constitutes 20 percent of the total arnona fees in the Arab local municipalities, as compared to 54 percent in the other local municipalities. The total non-residential arnona fees in the Arab municipalities and local municipalities constituted **only 2 percent** of the total arnona fees in these locales.

18. Related to us at a meeting on June 28, 2010 with Tamar Almog, director of the Daycare Centers Department in the Ministry of Industry, Trade and Labor. The reference is to the communities of Rahat, Baka-Jat, Arabeh, Yarka and Abu Snan. A daycare center built in Sakhnin is presently in the process of being prepared for use.

financial situation of Arab families and an important factor in encouraging the continued growth of the Israeli economy. In light of the difficulties encountered during the decade in building daycare centers and operating existing ones, in the past year there have been two proposals. It should be noted that both were formulated with the goal of promoting women's employment, unrelated to the issue of disadvantaged children. One proposal was formulated by the Committee to Examine Employment Policy in Israel, headed by the deputy Governor of the Bank of Israel Prof. Zvi Eckstein, and the second in the Ministry of Industry, Trade and Employment.

1. **The proposal of the Committee to Examine Employment Policy in Israel**

   The committee set goals to increase the number of participants in the Israeli work force in the coming two decades. Arab women constitute 21 percent of the potential target growth. In order to remove obstacles to the building of daycare centers in Arab communities, the committee suggested canceling the requirement that local municipalities participate in funding the building of daycare centers,[19] thus alleviating their inability to meet the conditions of matching funds and their failure to participate in subsidized tenders.

2. **A new proposal of the Ministry of Industry, Trade and Employment for a progressive matching system**

   As part of the steps formulated recently for implementing Government Decision 602 of July 19, 2009 (Encouraging the employment of mothers of children aged 0-5), the ministry proposed that the amount of government support can be as high as 95 percent of the construction cost, in accordance with the socioeconomic ranking of the local municipality, in other words, only 5 percent of construction costs will be incumbent on the local municipality.[20]

Factors affecting the demand for out-of-home frameworks

Few working mothers and an expensive service

Two ministries subsidize the cost of placing toddlers in out-of-home frameworks: the Social Affairs Ministry for disadvantaged children, and the Ministry of Industry, Trade and Employment for working mothers. Ostensibly, the cost of the service for the children of working mothers is irrelevant here, since we are dealing with placements for disadvantaged children. But because the infrastructure for such placements largely depends on an existing infrastructure for children of working mothers, difficulty in paying for the children of working mothers in daycare centers will necessarily affect the demand for the service, and as a result, the supply of solutions in the community and their availability for disadvantaged children.

The monthly cost for placing children of working mothers in a daycare center or a family child care group ranges from NIS 530 ($150) to NIS 1,856 ($515)per child, according to 10 categories of per capita income and depending on the work hours of working mother and

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19. The Committee for Examining Employment Policy in Israel – interim report, February 28, 2010.
20. Protocol of meeting of the Committee on the Status of Women, January 27, 2010.

her family status (married/single parent).[21] The mothers entitled to most of the subsidy are those who work full time.

The low percentage of participation of Arab mothers of children aged 0-4 in the work force

In Diagram 1 we can see that the percentage of Arab women participating in the work force whose youngest child is aged 0-4 ranges from 21.8 percent among mothers of children aged 0-1, to 25 percent among mothers whose youngest child is aged 2-4. For Jewish women, the percentage is 71.7 percent and 82.7 percent respectively.

Diagram 1: Mothers whose youngest child is aged 0-4, according to population group and participation in the work force, 2008
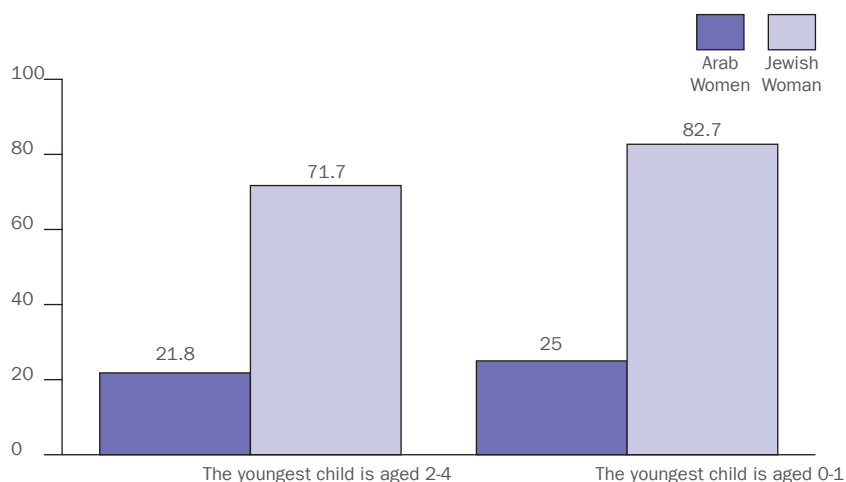
Source: CBS, Manpower survey 2008

The low percentage of women working full time. Most of the working mothers in the Arab sector work part time. About 32 percent of the Arab mothers who participate in the work force, whose youngest child is aged 0-4, work full time, as compared to about 58 percent to 62 percent of Jewish working mothers. From a calculation of the percentage of participation in the work force and the percentage of those working full time, it is apparent that of all the Arab mothers whose youngest child is aged 0-4, only 7 percent to 8 percent work full time (as compared to 42 percent to 51 percent of Jewish mothers).**That means that in the present framework, only 7 percent to 8 percent of Arab mothers can benefit from a subsidy for an out-of-home framework by dint of being full-time working mothers, as compared to about half of Jewish mothers**.

The high percentage of teachers among the total number of employed Arab women. 43.3 percent of employed Arab women work in the field of education, as compared to 20 percent of Jewish women.[22] Teachers are not entitled to an out-of-home framework, because their

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21. Appendix 12 to Social Work Act 8.10 on the web site of the Ministry of Social Affairs
    http://www.molsa.gov.il/NR/rdonlyres/6FC53020-9E38-45DA-B8B2-40CADC6EC714/10048/taarif810.pdf
22. CBS, Manpower surveys 2008.

pay slip records only the number of classroom teaching hours, and not the number of hours that they actually work, which includes checking homework, teachers' meetings, etc. As long as these hours are not added and listed on the pay slip, teachers will not be able to benefit from a subsidy for the out-of-home frameworks.[23]

The cost of placement for disadvantaged children

The average salary in Arab communities is about 32 percent lower than in Jewish communities,[24] and the percentage of Arab participation in the job market is lower than among Jews. Therefore the income of Arab households is lower, making it difficult to pay for services in general and out-of-home frameworks in particular.

The fee for placing a disadvantaged child or infant in an out-of-home frameworks ranges from NIS 349 ($95) to NIS 550 ($152) per month, depending on the family's income level – a considerable sum for families at the lowest income levels. Ostensibly, the burden of participation is placed equally on those with the same per capita income, whether Jews or Arabs. In fact we can reasonably assume that the burden on the Arab population is greater, for two reasons:

1. Poverty among the Arab population is more pronounced. An index that reflects the depth of poverty is the FGT Index,[25] according to which the value that describes the poverty of Jews is 0.027, compared to 0.101 among Arabs, based the figures of the 2008 National Insurance Institute poverty report. **Poor Arabs are poorer than poor Jews, and therefore the burden of the fee for out-of-home frameworks will be greater for the average poor Arab family.**

2. The incidence of poverty among Arabs is greater (individuals, families and children), and therefore there are more families with disadvantaged children. Therefore **as a population group, and relative to the incidence of poverty among them, the burden placed on Arabs for participation in the cost of the service is greater**.

The fact that parents cannot meet the cost of the out-of-home frameworks adversely affects the income of the operators of family child care groups, which is low in any case compared to that of caregivers in daycare centers. This state of affairs threatens to undermine the motivation of operators of family child care groups and to affect the level of service and its survival over the long term.

> In Arab society, the percentage of women participating in the work force is low, and the nature of employment of those participating in the work force does not meet the criteria for subsidizing the cost of placing children in out-of-home frameworks. Over 90 percent of all Arab mothers cannot benefit from subsidies for the service as full-time working mothers. This situation does not encourage the use of out-of-home frameworks, even among working mothers.

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23. Tamar Almog, session of the Committee on Women's rights, October 10, 2009.
24. Jacques Bendelac (2009), **Average salary and income by community and their distribution according to economic variables** 2007, National Insurance Institute, Research and Planning Administration, Periodical Surveys 223.
25. The FGT index reflects the depth of poverty by attributing greater weight to those whose income is further from the poverty line (from the CBS annual report).

The allocation for a child at risk in the context of the National Program for Children and Youth at Risk

In themselves, out-of-home frameworks cannot meet all the needs of children at risk. With a suitable building and staff, out-of-home frameworks can provide care and supervision, but without plans for dealing with, preventing and neutralizing risk factors, it will be impossible to bring about the desired change. The National Program for Children and Youth at Risk, which is backed by an additional budget, was designed to bring about a comprehensive change in the way Israeli society deals with this challenge. One of the basic principles of the national program was a **commitment to changing the order of priorities**, which is expressed among other things by **placing an emphasis on caregiving for toddlers and a fair allocation for various population groups**.

Emphasis on care for toddlers

The special attention to toddlers is reflected in a budgetary priority and a separate allocation for services for them, with the JDC Israel appointed as a special professional body that is involved in the development of the program for toddlers and creating an organizational structure from the community level and up that requires separate attention to this age group.[26] A variety of programs for toddlers have been added as an integral part of the national program, but a large percentage of them include group therapy for children and parents, which requires a place for such activity.

In Arab communities there is a serious shortage of public buildings and physical infrastructure for services. Therefore it is hard to find a place for social activities and programs. For children from the age of three the existing educational institutions can be used (kindergartens and schools), but from birth to age 3 there is greater dependence on a physical infrastructure for services. The Social Affairs Ministry is aware of the problem, and it has reported that an effort is being made to establish an Arab association that will be able to implement physical development of infrastructure, followed by services. Arab communities have chosen to implement plans for identifying problems and providing enrichment in the kindergartens, which of course does not include infants and toddlers from birth to age 3 and preventive programs in the community (mainly in "Tipat Halav" well-baby clinics[27]). **Compared to the population as a whole, a very small percentage of all Arab children participate in the programs more suitable for ages 0-3: home programs, programs for multidisciplinary care and placement frameworks**[28] (see Table 2).

26. **National Program for Children and Youth at Risk and in Distress – Projects Book**, November 2007.
27. Tipat Halav services include follow-up and preventive medicine, which are meant for pregnant women and for the population of infants and toddlers from 0-6 years of age. The service is provided at a token cost to all Israeli citizens by the Health Ministry at Tipat Halav stations deployed in all the local municipalities in Israel.
28. A summary of the meeting of an interministerial work group for drawing conclusions from the mapping and choosing the programs among the Arab population, June 2, 2010.

Table 2: The percentage of participants in various types of preschool programs in the context of the national program

Type of program	Total	Arab communities	Jewish and mixed communities
Identification in kindergarten	37	31	41
Enrichment in kindergarten	22	31	14
Prevention programs in the community	26	28	24
Home programs	3	2	4
Multidisciplinary care in the community	10	5	14
Placement frameworks	2	1	3

Source: Interministerial headquarters, presentation: "Arab children at risk in the National Program for Children and Youth at Risk – a selection of statistics from the mapping and the choice of programs," February 2010.

The principles of allocation

About 70 communities were included in the national program, 26 of them Arab. Arab children constitute about 27 percent of the general population, whereas in the national program they constitute about 33 percent – more than their percentage in the population.

The allocation of the budget in the National Program for Children and Youth at Risk was based on three parameters: 1) the number of children in the community; 2) the socioeconomic cluster to which the community belongs according to the CBS socioeconomic index; 3) the size of the community. Coefficients were also given for the second and third parameters.

Many Arab communities benefit in effect from all three parameters, since they have a high percentage of children - about 50 percent. In addition, many of the Arab communities included in the program have a low socioeconomic rating, and most of them are relatively small. Ostensibly there should have been affirmative action, **but according to the findings of the mapping, in Arab communities the allocation per child at risk is 70 percent of that in Jewish and mixed communities.**[29] **The coefficients used to distribute the budget in the national program do not bridge the gap in needs that stems from the high percentage of children at risk in the Arab communities, and perpetuate a situation in which they receive fewer resources**.

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29. In the national program, to date NIS 131.5 million have been allocated, of them NIS 40.5 million for Arab communities (Talal Dolev, interview on June 21, 2010).Since the percentage of children at risk of all Arab children is about 21 percent, we can estimate the number of children at risk in Arab communities (not including mixed cities) at about 53,265 out of 253,643 children in the Arab communities included in the program. Therefore the allocation per child in an Arab community is estimated at about NIS 760, compared to about NIS 933 per child in a Jewish or mixed community.

II. Mapping the symptoms, the problems and the barriers

Based on the model described in Chapter 1, we will map the symptoms, the problems and the barriers that were found in the analysis of the present situation. The mapping will be done using the Box Method (see pp. 26), in other words, a broad collection of data followed by their classification into symptoms, problems and barriers.

Symptoms

As mentioned, symptoms are the findings that describe a given situation and point to the inequality between Jews and Arabs in the distribution of a given resource in the bottom-line outcomes. In our case these are placement frameworks for toddlers at risk, from birth to age 3. In a survey of the present situation we found four symptoms. The first two are blatant, and indicate inequality in the distribution of out-of-home frameworks for toddlers at risk, both on the level of the physical infrastructure and in the extent of use of the service:

1. **A gap between Jews and Arabs in the percentage of children at risk sent to an out-of-home frameworks**

   Although not every toddler at risk is entitled to an out-of-home framework, it is hard to ignore the gap between the number of Arab versus Jewish toddlers entitled to them. The number of Arab children at risk (in the country as a whole) who attend daycare centers and family child care groups is about 2,700. As mentioned, the country wide number of Arab children at risk is estimated at 27,800 (a ration of 1:10).[30] On the other hand, the number of Jewish children at risk who are in out-of-home frameworks is 9,700 out of an estimated 45,900 (a ratio of 1:5). We see that twice as many Jewish communities as Arab communities utilize out-of-home frameworks to meet the needs of toddlers at risk.

2. **Only about 3 percent of the daycare centers in Israel today are in Arab communities**. Out of over 1,600 daycare centers in Israel, only 43 are presently in the jurisdictions of the Arab local municipalities.

   A few statistics point to the gaps in identifying children at risk and are liable to affect the demand for placement frameworks.

3. **A gap between the percentage of Arab children known to the social services departments and the poverty rate among the population compared to the Jews.**

   If we assume that poverty increases exposure to situations of distress and risk, we can expect some kind of correlation between the percentage of poor children and that of children known to the social services departments. The ratio between the percentage of poor children and those known to the social services is twice as high among Arabs (1:3) as among Jews (1:1.4). The percentage of children known to the social services departments in the Arab local municipalities is low relative to all those in need in those communities, thus reducing the chances of providing a suitable solution for them.

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30. An estimate based on extrapolation of the results of the mapping process conducted in communities included in the National program for Children and Youth at Risk.

4. **The mortality rates of Arab children from birth to age 5 from accidents is 7 times higher among Arabs**.

    The deaths of toddlers from traffic accidents and home accidents are a direct result of the behavior of those primarily responsible for supervising them – for the most part the parents. Incidents of death or injury to children can be prevented by reinforcing parental skills, but in exceptional cases, also by reducing the number of hours the child spends at home.

Problems

According to the model, problems are a product of barriers, which cause or contribute to the creation of symptoms. There are also connections, links and interrelated networks of influence among the various problems. Problems can be created on the level of government ministries or central government institutions – which are external to Arab society, or on the level of internal service providers (a local municipality, a non-profit organization, a business organization) and the target communities – which are internal to Arab society. Problems are expressed in phenomena such as under-budgeting, difficulties in implementation, under-implementation or failure to implement decisions (budgets, laws, regulations, etc.), and a failure in the system of providing the service or the resource, whether in a universal context or in a particularistic one designated for a specific population.

A. Problems that cause a gap in physical infrastructure for out-of-home frameworks in Arab communities

1. **Arab local municipalities do not participate in tenders for government support published by the Ministry of Industry, Trade and Labor for the construction of buildings designated for daycare centers**

    Characteristic of the problem: under-utilization of an opportunity

    Location of the problem: the local council

    Ostensibly, a failure here to exploit an opportunity offered to all the local municipalities to request assistance from the government for building a daycare center.

2. **Low demand for out-of-home frameworks**

    Characteristic of the problem: non-inclusion in the overall existing system

    Location of the problem: the headquarters of government ministries (Industry, Trade and Labor + Social Affairs)

    The network of out-of-home frameworks for children at risk is based on demand by working mothers. Due to the fact that in Arab society there are few working mothers, there is no demand and therefore the overall system includes the Arab citizens in a very partial manner

3. **Buildings constructed in several Arab local municipalities are not in use**

   Characteristic of the problem: failure to utilize a resource or utilization for a purpose other than its designated one

   Location of the problem: the local municipality

   In several communities, buildings designated for daycare centers were built, but there was a problem of utilizing them. In seven communities they have yet to succeed in doing so. Moreover, even active daycare centers are not filled to capacity.

B. Problems that cause a gap in the percentage of children at risk in out-of-home frameworks

4. **Under-identification / failure to identify children at risk**

   Characteristic of the problem: under-implementation

   Location of the problem: the local municipalities, the department of social services

   Mapping the children at risk revealed not only the dimensions of the gap in needs between Jews and Arabs, but also the dimensions of their under-identification, which was greater in Arab communities.

5. **Under-implementation of the Toddlers at Risk Law**

   Characteristic of the problem: under-implementation

   Location of the problem: Department of Social Services

   A combination of many needs, as indicated by the number of children at risk identified in the context of the mapping, and a small number of those using the service, are liable to indicate under-implementation of the Toddlers at Risk Law.

6. **Under-budgeting in the context of the National Program for Children and Youth at Risk**

   Characteristic of the problem: under-budgeting

   Location of the problem: the interministerial headquarters – the National Program for Children and Youth at Risk

   The budgeting for a child identified by the national program is lower in Arab communities than in other communities. A child at risk in an Arab community is budgeted at about 70 percent of the budget for a child in a Jewish or mixed community.

7. **Under-budgeting of the social services departments**

   Characteristic of the problem: under-budgeting

   Location of the problem: Social Affairs Ministry and the social services departments

   The expenditure per resident in the Arab local municipalities is lower than in the other local municipalities.[31] In 2008 the average public expenditure (of the government + the local council) per person receiving social welfare was about NIS 630 in a Jewish community compared to about NIS 420 in an Arab community.[32]

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31. Sikkuy 2008 Equality Index The Sikkuy Report: The Equality Index of Jewish and Arab Citizens of Israel.
32. Data sent to Sikkuy from the Social Affairs Ministry.

8. **A shortage of manpower for the social services departments**

Characteristic of the problem: under-budgeting

Location of the problem: Social Affairs Ministry and the social services

The case load for a social worker in the social services departments of the Arab communities is 36 percent to 50 percent higher than in other communities.[33]

Barriers

A survey of the present situation indicates a series of financial, socioeconomic, organizational and political barriers. These are barriers that delay and even prevent equal provision of out-of-home frameworks for Arab children at risk. Below we will define the barriers, discuss the main problems that ensue from them and describe how they affect the gaps between Jews and Arabs in the bottom-line outcomes (the symptoms defined above). We will also discuss the system of linkage and reciprocal relations among the barriers, as a tool for analyzing the internal dynamic among the various components, for understanding the intensity of the barriers and for finding alternatives for removing them.

We will begin with five key barriers and point out ways of removing them or instituting welfare policy procedures that will help to overcome them (although these procedures are not always limited to the area of responsibility of the Ministry of Social Affairs and the social services departments). We will also point out barriers regarding whose removal we will not make policy recommendations, for reasons to be explained below

Barriers 1 + 2: The dependence of toddlers at risk on an infrastructure of out-of-home frameworks that are designed mainly for the children of mothers who work full time (Barrier 1), in light of the nature of employment of Arab mothers (Barrier 2).

Barrier 1:

Characteristic of the barrier: barrier resulting from a decision
**Location of Barrier 1:** government ministries

Barrier 2:

Characteristic of the barrier: economic barrier
Location of Barrier 2: Arab society, on the community level

In Israel, out-of-home frameworks are designed first and foremost as a framework for children of working mothers. The infrastructure of these frameworks also serves as a solution for disadvantaged children. That is in effect the reason for the connection between the demand of working mothers for the service and its availability and accessibility for disadvantaged children. Two characteristics of Arab mothers reduces the potential demand: the low percentage of Arab women participating in the work force, and the fact that only a small percentage of them actually work in a full-time, recognized job, which entitles them to a subsidy for the cost of an out-of-home framework. The meager demand for day care and the connection between the demand and the supply of out-of-home frameworks are among the causes of a lack of physical infrastructure of these solutions for disadvantaged children.

33. Ali Haider, op cit; Meirav Arlosorov, "For which city does the Social Affairs Ministry show the most concern?" The Marker, Haaretz, June 10, 2010.
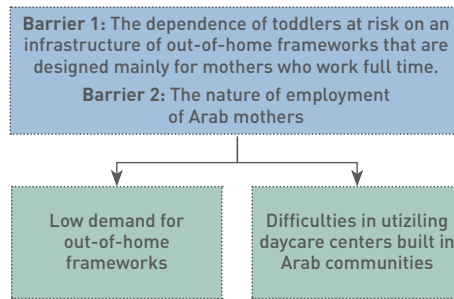
Barrier 3: The matching system

> The use of the matching system for receiving support from the Ministry of Industry, Trade and Labor in building daycare centers

Characteristic of the barrier: Barrier resulting from a decision (the conditions of the tender)

Location of the barrier: Labor Ministry, Justice Ministry at headquarters level

> Use of the matching system in the Social Affairs Ministry budget

Characteristic of the barrier: Barrier resulting from legislation – the Budget Law

Location of the barrier: the Knesset

The financial footing of the Arab local municipalities makes it difficult for them to meet the matching payments, and the difficulty is reflected in their failure to participate in the support tenders published by the Ministry of Industry, Trade and Labor. The strong local municipalities were those that exploited the support money, since the demand for daycare centers among them is high and they can meet the matching conditions.

The matching system is used for the lion's share of welfare budgets, including the budget for funding the placement of a toddler at risk in an out-of-home framework, and for manpower. The local municipality is required to participate in 25 percent of the total expenditure as a condition for receiving the budget and/or manpower. When the local council cannot meet the matching terms, it in effect gives up the service and de facto does not exploit the budget allocated to it. This paper will not discuss at length the reasons for the poor financial situation of the Arab local municipalities, but we will note that it stems from a 60-year-old government policy, which among other things built industrial zones, infrastructure facilities and government offices almost exclusively in Jewish communities. The Arab communities remained without significant sources of arnona (property taxes) and without engines to drive local economic development.

In addition, we must note the unequal distribution of the public burden between impoverished Arab local municipalities and the other local municipalities. In the Arab local municipalities the percentage of children is high, about 48 percent, and the percentage of children at risk is almost twice that of the Jewish population. These gaps in the degree of need and the percentage of children at risk affect the absolute amount of participation of the local municipality in welfare expenditures and the relative percentage of its total budget represented by this expenditure. **This creates a situation in which the local municipalities with particularly meager independent sources of income have particularly high welfare expenses, which they cannot meet. This policy means the allocation of fewer resources in a place where there are greater needs**.
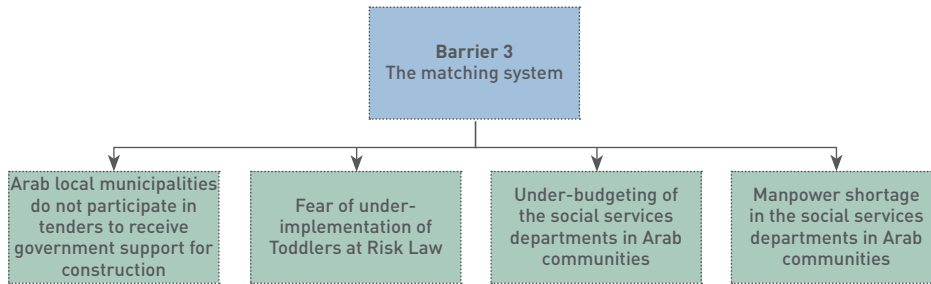
## Barrier 4: The service is expensive relative to the socioeconomic and employment situation of the parents

> **Nature of the barrier**: Barrier resulting from a decision (appendix of the Social Work guidelines 8/10)

> **Location of the barrier**: Finance Ministry, Industry, Trade and Labor Ministry, Social Affairs Ministry

The cost for a disadvantaged child in an out-of-home framework ranges from NIS 350 to NIS 550 per month – a cost that is high relative to the ability of a significant percentage of the parents. The problem is more serious in the Arab population, where poverty is greater and more widespread. The payment discourages and even prevents them from using the service. Even when the children are placed in an out-of-home framework, many of the parents cannot meet the payment at all or pay only part of it – which of course adversely affects the salaries of the operators of the family child care groups.

The cost of the service for the children of working mothers is a function of the per capita income in the child's family and the mother's weekly work hours. Mothers who do not work full time do not benefit from the full subsidy based on the per capita income in their family. This barrier causes two main problems:

1. The demand for out-of-home frameworks is low, both on the part of working mothers and on the part of parents of disadvantaged children.

2. This barrier is one of the reasons for the difficulties of making use of buildings for daycare centers that were built for that purpose, and for the fact that active centers are operating at only partial capacity.
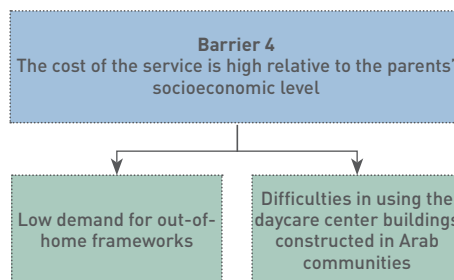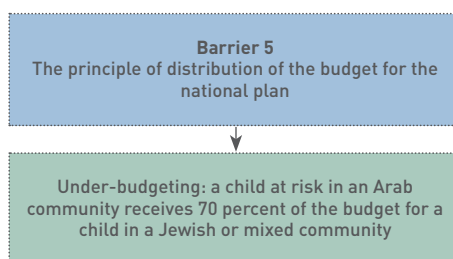
Barrier 5: The principle of distribution of the budget for the National Program for Children and Youth at Risk: The use of coefficients based on the size of the community and its socioeconomic ranking is not sufficient to overcome the gap in needs, which stems from a higher percentage of children at risk[34]

Characteristic of the barrier: The principles of distribution of the budget of the National Program for Children and Youth at Risk

Location of the barrier: The interministerial headquarters

In the national plan, the parameters for distributing the budget were determined according to the percentage of children in the population, the socioeconomic ranking of the community and its size. But the additional sum provided by means of the coefficients does not cover the gap in needs, and a child at risk in an Arab community still receives about 70 percent of the budget received by a child at risk in a Jewish community. The budgetary gap may stem from the fact that 33 percent of the Arab population was included in the communities participating in the program, whereas the percentage of Arab children at risk in the communities in the program is 44 percent.

Ostensibly it was impossible to be cognizant of that situation in advance, since the process of mapping was done only after it was decided which communities would participate in the program. But in effect there were **very clearly visible signs and they were evident in all the parameters that indicate increased exposure to at-risk situations:** high percentages of poverty, of youth who neither study nor work and of child mortality from accidents; data on violence in the schools; low achievement in studies and more. These data appear annually in the reports of the National Insurance Institute and in the publications of the CBS and were specifically mentioned in the Schmid Committee report.

Barrier 5
The principle of distribution of the budget for the national plan

↓

Under-budgeting: a child at risk in an Arab community receives 70 percent of the budget for a child in a Jewish or mixed community

Barriers for which we will not make policy recommendations in this paper

There are barriers for which a policy paper is not necessarily the most appropriate platform, for example barriers on the level of the official (in a government ministry or alternatively in a local council). Many barriers, both in government ministries and in local municipalities and in the target population, affect the supply, availability, accessibility and quality of the welfare services, but some are not directly related only to out-of-home frameworks for toddlers at risk, and are not a product of the welfare policy. For example, one of the major barriers to the construction of daycare centers in Arab communities is a **shortage of available land for development**. This is a planning barrier that will not be discussed here, but due to its importance and magnitude we feel it should be mentioned.

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34. Of course the principles for distributing the regular budget of the Social Affairs Ministry to the social services departments have a critical influence on equality in budgeting. In the past two years criteria for distribution were defined, but we will not examine them here.

Another significant barrier is **the financial situation of the Arab local municipalities**. This barrier also has direct consequences on the ability of the local municipality to build and administer out-of-home frameworks. The financial situation of the local municipalities also has direct consequences on the functional potential of the social service departments, from the ability to raise money for the purpose of programs in the community to the payment of the salaries of employees of these departments.

Another two important barriers have their source in **the principles of allocation of manpower and money to the social services departments**. These are barriers that affect the entire system of welfare services and are not exclusive to out-of-home frameworks, but undoubtedly affect the ability of the employees of the social services departments to offer a system of services and programs that will meet the many needs in the field, including identifying and caring for children at risk.

Another three barriers are directly related to welfare policy. At this stage we have decided to mention them because of their importance, but we will not discuss them extensively for two reasons: a lack of information, and the fact that the Social Affairs Ministry and the National Program for Children and Youth at Risk are aware of these barriers, intend to overcome them and are taking concrete steps to do so. At the same time, we believe that these are powerful barriers, which must be addressed in order to achieve the objective – equality between Jews and Arabs in the distribution of resources.
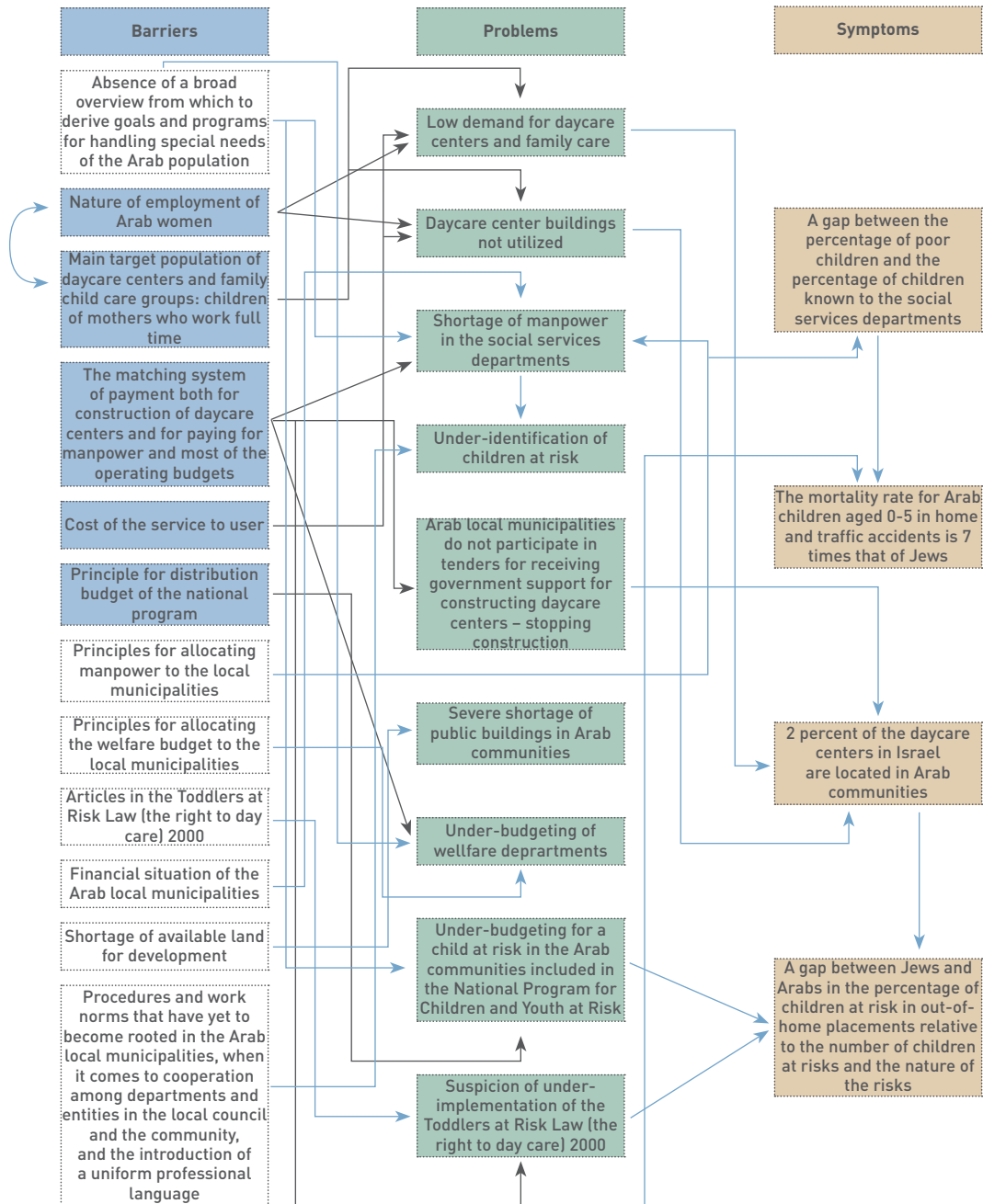
One barrier is internal, in the Arab local municipalities: **The work procedures in the Arab local municipalities (or to be more precise, the absence of such procedures) and the (minimal) willingness for cooperation among quite a number of departments and entities within them**. From a limited examination conducted in seven Arab local municipalities, it is evident that in all of them there is a certain awareness of the advantages of such cooperation and the necessity for it, and for establishing work procedures to ensure it. But there are still difficulties reflected in a failure to convey information and occasionally in an inefficient use of budgets. Without full and structured cooperation and a relationship of mutual trust among the welfare, health and education systems, the potential for identifying children at risk is undermined, and they are consequently denied suitable care.

The second barrier is **the absence of a broad overview in the Social Affairs Ministry regarding all the needs of the Arab population, with its unique cultural, linguistic and socioeconomic characteristics**. One of the clear signs of equal policy is the ability to include Arab citizens in the ongoing network of the various services. A crucial condition for inclusion will be to provide a solution, in the context of overall policy or by means of special programs, to the needs stemming from the unique characteristics of the Arab population. Defining the needs and providing relevant solutions are inter alia a product of cumulative knowledge and information. **Gathering current information about the Arab population and constructing a system of tools for monitoring and defining its needs are a basic condition for finding effective solutions for them**. The mapping project for identifying children at risk and the work group for issues affecting the Arab population that was established in the context of the interministerial headquarters that runs the national program, are important initial steps for achieving progress in this sphere. This research activity should be expanded to include other areas of activity of the Social Affairs Ministry.

Another barrier we discovered, both in the talks we held in the Social Affairs Ministry and in the social services departments, is some aspects **of the 2000 Toddlers at Risk Law** (the right to day care). It was claimed, for example, that the need for a medical opinion in order

to determine that a toddler is battered or that his developmental needs are not being met constitutes a barrier. It was reported that doctors do not always initiate a referral to the social services department and do not always respond to a request from the department to write such an opinion. As a result, children at risk are liable not to be identified and not to be offered a solution to their distress; implementation of the law is thus undermined.

Diagram 3: Barriers, problems and symptoms and the system of connections among them

Barriers	Problems	Symptoms
Absence of a broad overview from which to derive goals and programs for handling special needs of the Arab population	Low demand for daycare centers and family care	A gap between the percentage of poor children and the percentage of children known to the social services departments
Nature of employment of Arab women	Daycare center buildings not utilized	
Main target population of daycare centers and family child care groups: children of mothers who work full time	Shortage of manpower in the social services departments	
The matching system of payment both for construction of daycare centers and for paying for manpower and most of the operating budgets	Under-identification of children at risk	The mortality rate for Arab children aged 0-5 in home and traffic accidents is 7 times that of Jews
Cost of the service to user	Arab local municipalities do not participate in tenders for receiving government support for constructing daycare centers – stopping construction	
Principle for distribution budget of the national program		
Principles for allocating manpower to the local municipalities	Severe shortage of public buildings in Arab communities	2 percent of the daycare centers in Israel are located in Arab communities
Principles for allocating the welfare budget to the local municipalities		
Articles in the Toddlers at Risk Law (the right to day care) 2000	Under-budgeting of wellfare deprartments	
Financial situation of the Arab local municipalities		
Shortage of available land for development	Under-budgeting for a child at risk in the Arab communities included in the National Program for Children and Youth at Risk	A gap between Jews and Arabs in the percentage of children at risk in out-of-home placements relative to the number of children at risks and the nature of the risks
Procedures and work norms that have yet to become rooted in the Arab local municipalities, when it comes to cooperation among departments and entities in the local council and the community, and the introduction of a uniform professional language	Suspicion of under-implementation of the Toddlers at Risk Law (the right to day care) 2000	

III Policy recommendations

The ratio of Arab children who are exposed to risky and dangerous situations is 1.6 times that of Jewish children, 21 percent versus 12.8 percent, respectively. The National Program for Children at Risk has begun to set up an infrastructure for professional and uniform mapping of children at risk and an orderly follow-up of their needs. The importance of out-of-home frameworks for children at risk in Arab communities stems from the high percentage of such children and the nature of the risk factor in light of a lack of a proper physical infrastructure for providing services in the community.

In light of the barriers we discovered regarding equal access to out-of-home frameworks for children at risk, the following are five main objectives:

> To equalize the percentage of Arab children in out-of-home frameworks to that of Jewish children;

> To stimulate demand for the service;

> To encourage the construction of daycare centers in Arab communities;

> To promote equality in the access of the local municipalities to welfare budgets;

> In the context of the national program, to equalize the allocation for an Arab child at risk to that of a Jewish child.

In order to achieve these objectives we have formulated the following policy recommendations:

1. Making the service accessible to disadvantaged children and to the children of working mothers by lowering the cost of parental participation

> Subsidizing a half-day placement in an out-of-home framework for children of mothers who work part-time.

> Recognizing the work hours of a mother who is a full-time teacher for the purpose of subsidizing the cost of placement in an out-of-home framework.

> Significantly lowering and even canceling participation in the cost of the child's stay in an out-of-home frameworks, for parents of disadvantaged children.

Children of working mothers. Subsidizing the cost of a half-day stay in an out-of-home frameworks for children of mothers who work part time, in addition to recognizing a teaching position as a full-time job for the purposes of subsidizing placement frameworks, are crucial steps for increasing the demand for a daycare center. With the rise in demand for out-of-home frameworks, the path to activating existing day care buildings will become easier.

Disadvantaged children. The budget for subsidizing the stay of disadvantaged children in out-of-home frameworks comes from the Social Affairs Ministry and the local council. A parent of a child at risk pays an average of NIS 400 to NIS 500 a month. The parents' difficulty in meeting the payment demands is reflected in partial payment and even failure to pay the cost of out-of-home frameworks. Disadvantaged children, whose proper development is largely dependent on enrichment programs that they receive away from home, should be entitled to public funding at a much higher rate, and even full subsidies. If there is a basic interest in maintaining the parents' participation in paying for the service, a far lower rate of participation, even a nominal fee, should be determined (NIS 100-NIS 150 per month).

2. Full subsidies for constructing daycare centers in Arab communities

In the past two years a policy has gradually been developing to encourage women to enter the workplace. An interim report of the committee for examining employment policy in Israel, headed by Deputy Governor of the Bank of Israel Prof. Zvi Eckstein, recommended withdrawing the demand for participation by the local municipalities in the budget for building daycare centers, thus making it easier to solve the problem of an absence of daycare centers in Arab local municipalities.[35] At the same time there has been a proposal in the Ministry of Industry, Trade and Labor for a new ranking system for participation by the local council in providing matching funds, based on their socioeconomic ranking. According to the new system, local municipalities with a low socioeconomic ranking will bear only 5 percent to 10 percent of the cost of construction.[36]

In effect these are two alternatives for government assistance in funding the construction of daycare centers:

1. **Full subsidies for the construction of daycare centers by the government**

2. **Government assistance by means of a support budget, for up to 95 percent of the cost of construction**

For various reasons, the Arab local municipalities refrain from participating in tenders for government support. For that reason it is preferable in the short term to leave the **initiative** for building the daycare centers in the government's hands. **Of the two alternatives, it seems that in the short term the first one is preferable – full funding of the costs of construction, with the initiative for construction coming from the government.** And this even though there is no question that the local council is responsible for the optimal provision of services to its residents, and in the medium and long term this should be expected of the Arab local municipalities.

35. The committee for examining employment policy in Israel – interim report, February 28, 2010.
36. Minutes of a meeting of the Committee on the Status of Women on January 27, 2010.

3. Preparing an overall plan for deployment of out-of-home frameworks in Arab communities

Daycare centers and family child care groups are placement frameworks for toddlers aged 6 months to 3 years. Each of the two frameworks has advantages and disadvantages, and we are not taking a position for or against either of them. However, we believe that there is a need for a significant increase in the number of daycare centers in the Arab communities, for several reasons:

> Daycare centers can offer activities and programs for groups of children and parents, which is impossible in family child care groups.

> In order to increase the array of choices for parents regarding what they consider a suitable framework for their children.

> Daycare centers are crucial for creating a supportive environment to encourage women to go out to work. A significant increase in the percentage of working women will reduce the rates of poverty and distress and the number of children at risk.

According to the data for 2007, disadvantaged Arab children constituted about 22 percent of all disadvantaged children in out-of-home frameworks. This is a low rate by any measure, both relative to the percentage of Arab children from birth to age 3 in the entire age group (26 percent) and relative to their percentage of all children at risk (about 40 percent).

The Toddlers at Risk Law defines specific needs that entitle a toddler to day care. Therefore we can reasonably assume that the percentage of Arab toddlers who are legally entitled to day care is identical at least to their percentage of all children at risk. **In order to promote equality between Jews and Arabs in the number of disadvantaged children in placement framework, there is a need to create frameworks for approximately 5,000 additional Arab children at risk.**

As of now, about 43 daycare centers and almost 1,000 family child care groups are operating in Arab communities. Disadvantaged children in out-of-home frameworks constitute about 50 percent of the children who attend them. If the necessary steps are taken to increase demand for out-of-home frameworks among working women (see recommendation 1 above), it will be possible to significantly increase the number of children of working mothers in these frameworks as well.

On the assumption that the ratio between the children of working mothers and disadvantaged children (about 50 percent, as mentioned) is maintained, and **in order to create frameworks for 5,000 Arab children, we propose in the short term to add 67 daycare centers (based on 75 children per center) and to double the number of family child care groups to 2,000 in the next five years.**[37] The cost of building the structures for day care (based on NIS 2.5 million per center) is estimated at about NIS 167.5 million, and in addition there has to be budgeting for the cost of training the caregivers. That is an essential sum for closing the gap, and it will also contribute to increasing the employment rate of women in Arab communities.

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37. In every daycare center there are up to 75 children (both disadvantaged children and children of working mothers), and in every family child care groups there are five children.

Here the many urgent needs of children at risk and an economic objective of doubling the rate of employed Arab women coincide.[38] Aside from the contribution to reducing the rate of distress in Arab society, it is also expected to contribute directly to continued growth in the Israeli economy. For that reason an overall plan for the deployment of buildings for daycare centers in Arab communities should be prepared, which includes an assessment of needs relative to the disadvantaged children and the children of working mothers, and a budgeting of the expected costs.

4. Progressive application of the matching system

Many arguments have been made against the matching system that is used in the budgeting of the Social Affairs Ministry for the local municipalities, and its effect on the gaps between poor and rich local municipalities and between Jewish and Arab communities when it comes to budgeting per capita. In regard to the placement of disadvantaged children in out-of-home frameworks, there is a fear that the difficulty in meeting the matching conditions reduces the implementation of the Toddlers at Risk Law in Arab communities.

In our estimation, even if the matching system is removed entirely, and the ministry allocates its budget in a totally equal manner among the local municipalities, there will still be inequality in allocation per disadvantaged child, because of the gaps in independent revenues of the local municipalities. A strong local municipality can always increase its welfare budget, whereas the dependence of a weakened local municipality on the size of the government budget will always be greater, if not absolute. By using the matching system progressively it is possible to create a balance and to promote equality. The challenge is to preserve the size of the existing budgetary pie and to share the burden more equally among the local municipalities according to their financial ability. The rate of participation by the local municipalities is fixed and for years has been 25 percent. We believe that reducing the matching rate for the weaker local municipalities to 5-15 percent, and raising the rate of matching for the strongest local municipalities to 30-35 percent will enable most of the local municipalities to do their utmost to provide a solution for the welfare needs in the framework of the budget. The weaker local municipalities will be able to meet the demands of matching, and the strong local municipalities will be more restricted in their ability to add to the existing budget.

We propose that these changes be applied according to universal criteria (in other words, identical for all the communities): the socioeconomic ranking of the community, its potential independent income according to property tax obligations (as opposed to collection) and the size of its population. It is reasonable to assume that the recommendation to raise the percentage of funding of the strong local municipalities will encounter fierce opposition and therefore its chances of implementation are low. We feel it should be mentioned because it has the potential to significantly promote equality in the area of welfare budgets. Alternatively, at least the rate of participation in matching payments by the weak local municipalities should be reduced immediately in order to increase their ability to pay for more welfare services for their residents. This reduction is crucial for reducing the inequality between Jews and Arabs in Israel in the area of welfare in general and in preschool care in particular.

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38. The committee for examining employment policy in Israel – interim report, February 28, 2010.

5. Increasing the coefficients for budgeting the National Program for Children and Youth and Risk in a manner that will close the gap that has been created in the allocation for an Arab child at risk

In spite of the use of coefficients in budgetary allocation, based on the socioeconomic level and the size of the community, there is still a gap in the allocation for a child at risk in an Arab community as compared to a Jewish community. **As of February 2010, the budgetary allocation for a toddler at risk in an Arab community was 70 percent of the allocation for a Jewish child at risk.**

The socioeconomic level of the community has a direct influence on the percentage of children at risk. The results of the mapping only confirmed that, but in effect there are consistent and evident signs of that. **Therefore, in order to increase the correlation between the scope of need and the size of the allocation and to create equality in allocation to Jews and Arabs,** we recommend applying larger coefficients on the entire allocation of money, in the context of the national program.

To sum up:

1. Recognition of part-time work mothers for the purpose of subsidizing a half-day stay in an out-of-home framework, combined with a significant reduction or cancellation of participation in the cost of the day care for parents of children at risk, will increase the demand for day care frameworks and ensure regular payment to those operating the out-of-home frameworks. In that way it will also be possible to overcome difficulties in utilizing existing daycare centers.

2. Full government funding for building daycare centers will contribute to compensating for the serious shortages of out-of-home frameworks in general and daycare centers in particular in Arab communities. Preparation of an overall plan for deploying out-of-home frameworks for toddlers in Arab communities in accordance with their needs, and appropriate budgeting, will enable disadvantaged children from Arab communities to attend out-of-home frameworks that meet their needs and in a manner equal to that of children in Jewish and mixed communities.

3. A change in the present matching system and a reduction in the percentage of participation by weaker local municipalities will promote the accessibility of welfare budgets and an increase in staff in the social services departments – resources that are crucial for an equal provision of welfare services between Jewish and Arab communities.

4. In addition, a change in the coefficients in allocating budgets of the National Program for Children and Youth at risk will promote equality in allocation between Jewish and Arab communities for the purpose of programs for children at risk in general and at preschool age in particular.

Equal accessibility of out-of-home frameworks and educational, caregiving and rehabilitation programs for toddlers today will ensure progress toward equality between Jews and Arabs tomorrow. Equality between Jews and Arabs is essential for the sustainability of the democratic regime and the continued proper development of society and the economy.

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Barriers to equality policy toward the Arab citizens –
a model for mapping, characterization and analysis
Mapping barriers and policy recommendations:
The Legal Aid Offices of the Justice Ministry
Out-of-home frameworks for children at risk from birth to age 3

This paper presents a structured and comprehensive model to map, classify and characterize barriers preventing the State of Israel from providing equal access to government resources for Arab citizens. The model also presents methodology to create policy recommendations for removing the barriers and achieving equality. In addition, it includes two policy papers in which the model is applied: one on the subject of the legal aid services of the Justice Ministry, and the second on the subject of out-of-home frameworks for children at risk. In each of those areas the principal barriers were mapped and policy recommendations were made for eliminating them. Development and application of the model were carried out in within the Seat At The Table project, which is run by the Equality Policy Department of Sikkuy. We hope that the knowledge and insights that we are making available to the readers will be of help to all those who are working to promote equality between Jews and Arabs in Israel.

Sikkuy – The Association for the Advancement of Civic Equality is a civil society organization, shared by Jews and Arabs who are citizens of Israel, whose goal is to promote a substantive change in the status of the Arab citizens of Israel. The organization's agenda and activities are derived from an open and ongoing dialogue between Arabs and Jews, members of the professional staff and the board of directors, who are part of the mainstream in their communities. Sikkuy is working for full civic equality between Arab-Palestinian and Jewish citizens in Israel.