Realities and Challenges of the Right to Education for Arab-Bedouin Girls in Israel

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I. Introduction

In the Negev desert in southern Israel lie thirty-five villages that the State of Israel does not recognize; the inhabitants of these villages are Arab Bedouins.1 Seventy percent of the Bedouin girls living in these unrecognized villages are school dropouts.2 The State of Israel does not take responsibility for building high schools in these villages, and students have to walk miles to arrive to a road from which they can take transportation to a State-supported high school. Thus, the dropout rate corresponds with the lack of reasonable access to a high school.3 The travel distance harms Bedouin girls more than Bedouin boys, resulting in a higher percentage of dropouts among girls. This is partially because long-practiced Bedouin traditions restrict women from exposure to the world beyond the extended family and hold them primarily responsible for many aspects of the household economy. This paper argues that, regardless of cultural barriers to Bedouin girls’ obtaining an education, the government of Israel has the duty to make education more accessible for them. First, the paper will present the problem of the dropout rate from historical and cultural perspectives. Then, it will examine Israel’s obligation under international, national law, and Supreme Court rulings. Finally, it will examine the prospects and challenges to Bedouin girls obtaining an education, suggesting operative ways to address the problem.

II. Education and Bedouin Girls in the Unrecognized Bedouin Villages

A. Historical Perspective

Around seventy-six thousand Arab Bedouins4 live in thirty-five villages that the State of Israel does not recognize.5 The unrecognized villages do not appear on Israeli maps, and they are denied basic services and infrastructure, including paved roads, running water, garbage disposal, health care services, and an education system.6 As a result, these villages have set up local schools to address basic educational needs, but the villages have few resources to dedicate to the schools and classes take place in shacks with no permanent electricity or water.7 No other educational facilities or equipment are available, e.g., libraries and laboratories. Roads to these schools are unpaved, and weather conditions often render the roads impassable. As such, most students in the villages do not benefit from normative learning conditions.8

The percentage of Bedouin girls that dropout from schools in the unrecognized villages is seventy percent.9 In comparison with Jewish students, Arab students are more likely to drop out of school and less likely to pass matriculation examinations, and even if they pass the examinations, they are less likely to qualify for university admission than Jewish students.10 Among Arabs, these differences are much greater for the Bedouins in the Negev.11 Bedouins students in the Negev have the highest dropout rates and the lowest levels of achievement in the country.12

During the 1920s, the mandatory administration maintained schools for Bedouin boys in five tribal areas.13 In the 1930s, the authorities established a boarding school in Beer-Shiva at which Bedouin children, mostly sons of sheiks and notables, could continue their high school studies.14 By 1934, there were two schools, one for boys and one for girls.15 In 1948, the Israeli Southern Command took over the school building and turned it into a rest and recreation facility for soldiers.16 Between the years 1948–1966, the State of Israel subjected Bedouins to military rule.17 The state restricted Bedouins’ mobility and they had to ask for special permits for employment and educational opportunities.18 Consequently, Bedouins, particularly women, had virtually no access to
formal education. It was not until the late 1970s that two high schools were built in two recognized villages. Very few students attended these schools, the remainder seeking education at Arab or Jewish boarding schools in Northern Israel. Unlike the Arab women in Northern Israel that had better developed and more advanced school systems, Bedouin women had virtually no access to an educational system. It was not until 1976 that the first Bedouin woman acquired higher education and in 1988 only twelve Bedouin women had attained their bachelor's degrees.

B. Education among Bedouin Girls from a Cultural Perspective

The politicized context of the education of Bedouins in the Negev is not the only factor that has affected the education of Bedouin girls. Educators have tended to attribute many of the problems of the Bedouin schools to the low value that Bedouin parents place on education, due to the parents lacking formal education. Others contend that it is the hierarchical and gender-segregated structure of the Bedouin society that reinforces cultural norms and stereotypes that lead to a high percentage of Bedouins girls dropping out of schools.

The cultural argument is rooted in the social structure of the Bedouin society, a tribal system that is male-dominated. The strength of the tribe is measured by the number of men. Women are perceived as inferior to men and therefore are second class members of the society. At the heart of the moral system of the Bedouins are honor and modesty. Bedouin women's sexuality is governed by the tribal patriarchal power and the “code of honor.” One of the ways to “protect” the “honor code” is gender segregation through a clear-cut division between the private and the public spheres.

Bedouin society traditionally viewed Bedouin women through their reproductive roles as mothers and wives, roles that took place mostly in the private sphere, whereas the public sphere was the male's sphere. Bedouin society considered Bedouin girls to be the bearers of the family honor, hence their families preferred not to risk their reputations by allowing girls to travel among or mix with males from other tribes. Therefore, when schools are far away, parents are more reluctant to allow their daughters to travel to the schools than their sons.

However, this alone does not explain the high dropout rate from the 35 villages: “Of 305 women surveyed from 1991–1992 about their daughters finishing high school, 80.7 percent wanted their daughters to finish, although of those surveyed, 24.9 percent stated that financial barriers, the fact that their extended families did not allow girls to finish high school, and the fact that schools were too far away would prevent their daughters from finishing.” Distance between home and school and the dangers of walking in the desert make it difficult for girls to regularly attend schools. Thus, cultural attitudes alone cannot shoulder the blame for the dropout rate of Bedouin girls.

III. Israel's Obligations under International Law and Domestic Law

A. International Law: Scope of the Right to Education

International law recognizes and protects the right to education. Fundamental to the right to education is a State's obligation to provide it for all of its citizens without discrimination. The right to education is a socio-economic right commonly acknowledged throughout the world. Education is crucial for political empowerment; freedom of information, expression, assembly, and association; and the right to vote. Moreover, education is the key to socio-economic development, “[it] promotes the realization of economic and social human rights.” “For religious, linguistic and ethnic minorities, education is the most important means to preserve their cultural identity.” It is a positive right that obligates a State the “duty to perform” in providing education for its citizens.

The Universal Declaration of Human Rights (“UDHR”), which establishes a right to education, explicitly prohibits discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. UDHR is now considered as part of international customary law and thus obliges Israel to provide the right to education in a non-discriminatory manner.

The International Covenant on Economic, Social and Cultural Rights (“ICESCR”), which Israel is party to, guarantees the right to education. Primary education constitutes a fundamental tenet of international human rights law. Under Article 13(2)(a) “…primary education shall be compulsory and available free to all.” The term “compulsory” means “a protection of the right of the child, who may claim certain rights that nobody, neither the State, nor even the parents may deny.” Compulsory schooling is intended to protect the child’s interests against negative influences of its parents, the family or the State. It also promotes an essential principle of human rights law, the principle of equal opportunity. The State and parents have the duty to act in the best interests of children and to protect them against their own immaturity. This right can be especially important for girls, who have traditionally suffered from discrimination and been denied education. Given that education has a vital role in empowering women, The State of Israel has a specific and continuing obligation “to move as expeditiously and effectively as possible” toward the fully implementing Article 13, by providing free and accessible primary schools in the thirty-five villages.

The Convention on the Rights of the Child (“CRC”), to which Israel is a party, also guarantees the right to education.
Bedouin girls that drop out from schools are below the age of 18, and thus, the Convention protects them.\textsuperscript{37} Under Article 28(1) “[s]tates Parties recognizes the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity...” \textsuperscript{48} and they shall “[m]ake primary education compulsory and available free to all.”\textsuperscript{59}

The State of Israel is obliged to “[t]ake measures to encourage regular attendance at schools and the reduction of dropout rates.”\textsuperscript{50} The State has to consider the cultural context and provide suitable solutions that will reduce the dropout rate, such as separate schools for girls or separate transportation to schools.\textsuperscript{51} The State must provide education “on the basis of equal opportunity,” “without discrimination of any kind, irrespective of the child's or his or her parent's race, color, sex, language, religion …., national ethnic or social origin,…”.\textsuperscript{52}

Article 10 of The Convention on the Elimination of all Forms of Discrimination against Women (“CEDAW”) obligate States Parties to:

- take all appropriate measures to eliminate discrimination against women in order to ensure them equal rights with men in the field of education and in particular to ensure, on the basis of equality of men and women: (a) The same conditions . . . for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training; . . .(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education… (f) The reduction of female student dropout rates and the organization of programmes for girls and women who have left schools prematurely.\textsuperscript{53} (emphasis added)

The UN Committee on the Elimination of Discrimination Against Women in its Concluding Observations of 1997\textsuperscript{54} addressed the high dropout rate among Bedouin Arab girls in Israel as follows:

The Committee recommended that measures to guarantee the exercise of human rights of non-Jewish women, including those living in rural areas, particularly in relation to health, education and employment, should be intensified. Special measures should be taken to close the gap between Arab and Jewish schools and address the higher dropout rates of Arab Bedouin girls. Adequate resources should be allocated for school facilities and education opportunities, including scholarships.\textsuperscript{55} (emphasis added)

Thus, the State of Israel has the duty to provide the same conditions for access to studies for girls in the unrecognized villages by establishing high schools in their own villages.

The Convention against Discrimination in Education 1962\textsuperscript{56} permits the establishment and maintenance of separate educational systems for religious or linguistic reasons; provided that participation in these systems must be optional, the education offered must be “in keeping with the wishes of the pupil’s parents or legal guardians,” and the education provided must conform to standards for “education of the same level.”\textsuperscript{57} Moreover, as a party to the Convention, Israel has agreed to develop and apply a national policy that “ensures that the standards of education are equivalent in all public education institutions of the same level, and that the conditions relating to the quality of education provided are also equivalent.”\textsuperscript{58}

Israel is a party to the International Convention on the Elimination of All Forms of Racial Discrimination (“CERD”).\textsuperscript{59} This convention obliges it to take special measures to secure adequate advancement of certain racial or ethnic groups or individuals requiring such protection in order to ensure such groups or individuals’ equal enjoyment or exercise of human rights.\textsuperscript{60} Bedouin girls suffer from a compounded discrimination: on the basis of both gender and nationality. Therefore, under the Convention, Israel has the obligation to be attentive to the educational needs of Bedouin girls.

Israel is also a party to the International Covenant on Civil and Political Rights (“ICCPR”).\textsuperscript{61} ICCPR does not list education as a core civil and political right; its Article 24 guarantees each child “the right to such measures of protection as is required by his status as a minor on the part of his family society and the state.” This Article has been interpreted to include education, because education enables each child to develop his or her capacities to enjoy civil and political rights.\textsuperscript{62}

The treaties that Israel has ratified, legally bind it, and the courts in Israel have cited international treaties in their rulings for interpretative authority.\textsuperscript{63}

B. Israeli Law and Supreme Court Rulings

There are several laws in Israel that address the right to education: The Compulsory Education Law of Israel,\textsuperscript{64} The Pupil’s Rights Law (“the Pupil’s Law”),\textsuperscript{65} and The Women's Equal Rights Law.\textsuperscript{66} The Compulsory Education Law of Israel requires the State to provide free education for its citizens.\textsuperscript{67} The Pupil’s Law also provides that “every child and youth in the State of Israel has the right to an education according to all instruction of the law.”\textsuperscript{68} Article 5(a) of the Pupil’s Law states, “local education, the education institution or its functionary, shall not discriminate against a student on the basis of ethnicity [or] on the basis of socioeconomic background ….”\textsuperscript{69} In addition, the Women’s Equal Rights Law states, “[a]ll men and women have equal rights for fulfillment of their human dignity, including equality in the areas of work, education, health, housing, environmental, social, and welfare.”\textsuperscript{70}

The Basic Laws\textsuperscript{71} do not expressly mention the right to
education, and the High Court ruled that the right to human dignity does not encompass it.72 However, the Israeli Supreme Court has recognized the right to education as essential to the realization of basic civil and political rights.73 The Supreme Court has the power in certain circumstances to strike down ordinary statues that violate the Basic Laws.74 The right to education in the unrecognized Bedouin villages has come before the Supreme Court. In 1998, Supreme Court Justices were surprised to learn that 13 public schools in the villages were not connected to the electricity grid, and consequently had no lighting, heating or cooling systems.75 At the end of an urgent hearing on the petition, the Supreme Court referred to the government’s failure in operating these schools as an “inconceivable situation,” “badge of shame for the State,” and a situation that “cannot continue.”76

In 2004, the Legal Center for Arab Minority Rights in Israel, Adalah,77 filed another petition to the Supreme Court on behalf of thirty-five 3–4-year-old Arab Bedouin children who were denied the opportunity to attend kindergarten, due to the Ministry of Education’s refusal to establish kindergartens in the unrecognized Bedouin villages. The court denied the petition.78 In 2005, Adalah petitioned the Supreme Court on behalf of thirty-five Bedouin girls demanding establishment of a high school in Abu-Tlol by the Ministry of Education.79 The petitioners based their petition on the high percentage of girls’ school dropouts. In 2007, the Ministry of Education agreed to build a high school in Abu-Tlol village. Seven unrecognized Bedouin villages can be benefited from this high school.80 These cases demonstrate that Bedouin society is placing greater value on education, including the education of girls.

IV. The Challenges and Prospects of Education for Bedouin Girls

A. Cultural Challenges and State Obligations

Both external and internal factors conspire to prevent Bedouin girls from obtaining an education. Bedouin girls who live in unrecognized villages lack access to State-sponsored schools. Bedouin society subjects them to exclusion and marginalization, and its patriarchal nature, which values men over women, reinforces female subordination.

The scope of the right to education includes the State’s obligation to provide this right in a non-discriminatory manner. There is no general prohibition of discrimination or guarantee of equality in any of Israel’s basic laws. However, some argue that “Basic Law: Human Right and Dignity” creates a constitutional right to equality.81 The Supreme Court has recognized equality as a judicial principle and has declared that the State may not use administrative discretion to discriminate on the grounds of religion or race.82

Although cultural attitudes cannot shoulder all the blame for the high dropout rate among Bedouin girls, they create a difficult situation for girls, trapping them between the discrimination of the State and the patriarchy of their own society.83 Thus, education is a crucial tool for helping Bedouin girls to change discriminatory cultural norms.

B. Policy Recommendations

To tackle such a multidimensional problem as the education of Bedouin girls, human rights lawyers and activists must address several questions, including the appropriate avenue to address this problem, and effective interference strategies for solving a problem that involves external factors related to the State and internal factors related to the culture.

Although legal and political means are necessary to force the State to comply with its obligations and meet the educational needs of Bedouin girls, there is also a need for social progress through non-governmental organizations (NGOs) and other actors to shift cultural norms. These organizations can advocate for the education rights of Bedouin girls by emphasizing how the education of girls will benefit Bedouin society.

In Bedouin society, the right to education can be advocated through cultural norms of the Bedouin society. For instance, since the illiteracy rate for Bedouin women is very high, it is difficult for many of them to communicate with government offices without the assistance of their children, especially their daughters.

Today, many NGOs are actively promoting among Negev Bedouins the right to education as an integral part of Bedouin society. They are granting scholarships for higher education and holding workshops for illiterate women in the unrecognized villages.

The State of Israel has an important duty to provide an education system for Bedouin girls that addresses Bedouin cultural issues. An education system that addresses cultural issues would not be without precedent in Israel, since the State accommodates its population of Orthodox Jews with separate schools for girls. In addition, the State should provide better access to schools by paving roads, providing buses to schools, and establishing regional high schools. The State of Israel should fulfill its duties under national and international law toward the realization of the right to education for all.

V. Conclusion

The school dropout rate of Bedouin girls exposes their vulnerable situation. Bedouin girls pay the price of being part of an ethnic minority that faces discrimination and of being part of a patriarchal society that subordinates women. They are denied one of the most important rights simply because they are Bedouin females raised in unrecognized Bedouin villages. They are trapped between the patriarchy of their society and the discrimination of the State.

On one hand, this scenario demonstrates the importance
of international human rights law as an advocacy tool that can help in setting legal standards for raising awareness and consciousness. On the other hand, it emphasizes that solutions cannot be merely legal and that there is a need for a comprehensive solution that will take into account the multidimensional aspects of this problem. Finally, gender-based marginalization should be addressed as part of raising gender awareness.

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1 The discussion on the unrecognized villages and dropout is forthcoming.
2 Sarah Abu Rabia-Queder, Dropout by Teenage Girls from Bedouin Schools in the Negev: Fear, Discrimination, and Otherness (Center for the Study of Arab Society in Israel, Van Leer Institute: Jerusalem 2004); See also The Palestinians in Israel, The Socio-economic Mapping for 2007 (The Galilee Society 2008).
4 In the first half of the 20th century, Bedouin were virtually sedentized in the north of the Negev. They existed through agriculture and pastoralism. Today there are about 180,000 Bedouins in the Negev; half live in seven townships and the other half live in the 45 unrecognized Bedouin villages.
8 Id.
9 See Abu-Rabia-Queder supra note 2, and accompanying text.
11 Id.
is "progressively", should not be interpreted as depriving States parties’ obligations of all meaningful content. Progressive realization means that States parties have a specific and continuing obligation "to move as expeditiously and effectively as possible" towards the full realization of article 13."


47 Id. art. 1 ("for the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier").

48 Id. art. 28 (1).

49 Id. art. 28(1)(a).

50 Id. art. 28(1)(e).

51 See Convention on the Rights of the Child, Article 29 (1): The Aims of Education, General Comment No. 1, ¶ 7, U.N.Doc. CRC/GC/2001/1 (Apr. 17, 2001) ("Children's rights are not detached or isolated values devoid of context, but exist within a broader ethical framework which is partly described in article 29 (1) and in the preamble to the Convention. Many of the criticisms that have been made of the Convention are specifically answered by this provision. Thus, for example, this article underlines the importance of respect for parents, of the need to view rights within their broader ethical, moral, spiritual, cultural or social framework, and of the fact that most children's rights, far from being externally imposed, are embedded within the values of local communities."). available at http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2001.1.En?OpenDocument (last visited Nov. 13, 2009).

52 Convention on the Rights of the Child, supra note 51, arts. 28(1), 2(1).


55 Id.

56 See Convention Against Discrimination in Education art. 1, opened for signature Dec. 14, 1960, 429 U.N.T.S. 93 (entered into force May 22, 1962) (defining discrimination as "any distinction, exclusion, limitation or preference which being based on race, colour, sex, language religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular . . . [o]f limiting any person or group of persons to education of an inferior standard.").

57 Id. Art. 2(b).

58 Id. Art. 4(b).

59 International Convention on the Elimination of All Forms of Racial Discrimination art. 5, Sept. 28, 1966, 660 U.N.T.S. 195 (obligating member State (Israel) to "guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law notably in the enjoyment of . . . [the] right to education.").

60 Id. Art. 1(4).


62 Id.


64 Compulsory Education Law (1949) (Isr.).


66 Women’s Equal Right Law (1951) (Isr.).

67 See Compulsory Education Law, supra note 64, at Parts I & III, 7A

68 See Pupils’ Rights Law, supra note 65, Art. 3.

69 Id. Art. 5(a).

70 See Women’s Equal Right Law, supra note 66, Art. 6.

71 See Daphne Barak-Erez, From an Unwritten to a Written Constitution: The Israeli Challenge in American Perspective, 26 Colum. Hum. Rts. L. Rev. 309, 312-17 (1995) (The State of Israel has no formal written constitution and no Bill of Rights. Rather the Knesset (Israel's parliament) has enacted serious of Basic Laws that define the government's forms and powers. Only two Basic Laws address civil liberties expressly: Basic Law: Freedom of Occupation (1992), which establishes the right to choose one's occupation and Basic Law: Human Dignity and Freedom (1992), which provide that "all persons are entitled to protection of their life, body and dignity". The Basic Law together with the Supreme Court ruling form a kind of unwritten constitution and are considered constitutional law).

72 H.C. 1554/95, Friends of GILAT Association v. Minister of Education, Culture and Sport 50(3) PD 2, at Para. 36.

73 Id. at p. 22-3. Justice Or: "Education is fundamental to the existence of a free, active and functioning democratic society...education is without doubt, an important instrument for ensuring the rights and freedoms of each and every individual and the realization of fundamental political rights, including the freedom of expression as well as the right to vote and be elected".

74 See H.C. 240/98, Adalah the legal center for the Arab Minority v. The Minister of Religious Affairs.


76 Id.


78 H.C. 5108/04, Abu-Gida, et. Al. v. Minister of Education, et. al. (2004). The Court accepted the Ministry's claim that they could exercise their right only in kindergartens located in permanent ("recognized") villages or in educational centers located far from the "unrecognized" villages in which the children live.

79 One of the unrecognized Bedouin Villages in the Negev. Abu Tlø village is located between Beer-Sheva city and Dimona city.


83 The following facts demonstrate the severity of the problem: (1) 25.9% of Bedouin in the Negev obtain matriculation certificate, in comparison with
34% of all Arabs and 51% of Jewish youth; (2) Among the small number of Bedouin student who do receive a matriculation certificate, only 46.8% meet the basis admission requirement for entry to universities, compared with 73% of Arabs and 87.3% of Jews; and (3) 70% of Negev Bedouins children drop out from school before graduating from high schools as compared to 18% and 55% in the Jewish and Arab sector, respectively. For more figures See: The Yearbook of the Central Bureau of Statistics for 2003. See also, State Comptroller, Annual Report 52B for 2001 and Accounting for the 2000 Fiscal Year, p 96 (Hebrew).