**Shadow Report on the Rights of Women with Disabilities in Palestine**

**Prepared for submission to the Committee on the Rights of Persons with Disabilities**

**The 17th pre-sessional working group**

March 2023

**Submitted by**

Stars of Hope Society for the Empowerment of Women with Disabilities and the Social and Economic Policies Monitor (AL-MARSAD)

Palestine

Contents:

[Background: 3](#_Toc128589104)

[Introduction: 3](#_Toc128589105)

[General Principles and Obligations (Articles 1-5): 4](#_Toc128589106)

[Women and Girls with Disabilities (Article 6): 7](#_Toc128589107)

[Accessibility, Freedom of Expression and Opinion, and Access to Information (Articles 9 and 21): 9](#_Toc128589108)

[Access to Justice (Article 13): 12](#_Toc128589109)

[Freedom from Exploitation, Violence and Abuse (Article 16) 14](#_Toc128589110)

[Education (Article 24) 19](#_Toc128589111)

[Health (Article 25) 22](#_Toc128589112)

[Work and Employment (Article 27) 25](#_Toc128589113)

[Adequate standard of living and social protection (Article 28) 30](#_Toc128589114)

[National implementation and monitoring (Article 33): 35](#_Toc128589115)

[List of Resources and References: 38](#_Toc128589116)

# Background:

The Stars of Hope Society for the empowerment of women with disabilities (SHS) is the only organization in Palestine run by women with disabilities for women with disabilities. SHS has been established in response to the high levels of discrimination against women and girls with disabilities combined with the lack of relevant organizations. SHS was founded in 2007 to address the needs of women and girls with disabilities and to abolish disability and gender discrimination; and empowering women with disabilities to achieve equality; access to integration; and claiming their rights through implementing and rights-based development programs and projects; and advocating for the implementing, monitoring and evaluating laws, by-laws and policies.

Al-Marsad is Palestinian research and campaigning CSO specialized in monitoring the Palestinian government’s socio-economic policies and holding them to account to ensure social justice for all Palestinians, particularly the most vulnerable. It was founded in 2012 by a group of young activists and researchers who came together to protect the social and economic rights of Palestinians and was registered at the Palestinian Ministry of Interior as an association in March 2014.

# Introduction:

1. The shadow report of the Stars of Hope Society for the Empowerment Women with Disabilities and the Social and Economic Policies Monitor (AL-MARSAD) concerning the International Convention on the Rights of Persons with Disabilities represents the viewpoint of women and girls with disabilities on the commitment of the Palestinian government to its obligations towards this convention. This report was developed through wide participation of persons with disabilities, specifically women and girls with disabilities, as well as the organizations and associations representing persons with disabilities, human rights organizations, lobbying and advocacy institutions and research and women centers. The report was based on evidence and data from the government and its various institutions, in addition to reports and studies of partner organizations that cooperated in the completion of this report as well as an intensive field work to document cases of women and girls with disabilities.
2. The issues referred to in the reports, and the gaps in the level of the Palestinian government’s commitment to the International Convention for Persons with Disabilities should be viewed in the context of colonial occupation of the occupied Palestinian territories, and the extent of its direct and indirect effects on the rights of persons with disabilities, including the direct effects on women and girls with disabilities.
3. The West Bank and the Gaza Strip, including occupied Jerusalem (which are the geographical area of this report), have been under Israeli occupation since 1967, where the occupation is one of the major factors causing disability, injuries and chronic disease, directly or indirectly, through its continuous wars on the occupied Palestinian territories as well as the harsh siege imposed on the Gaza Strip, arrests, killing, injuries, and various practices and violations committed by the occupation on the ground.
4. There is a presidential-parliamentary political system of government in the Palestinian territories in accordance with the Basic Law of the Palestinian National Authority which lays under the Israeli occupation. The political division of 2007 has frozen the democratic life and elections, as no presidential and legislative elections have been held since then. The Legislative Council has not been functioning and has not fully convened since the division. In addition, the Palestinian President uses his power to a large extent to issue emergency laws[[1]](#footnote-1) as he issued more than 345 decree laws on various legislations and laws. At the same time, the Change and Reform Bloc, which represents Hamas Movement, has issued a huge number of laws and legislations.
5. After the approval of the State of Palestine membership as an observer member in the United Nations, Palestine has submitted applications to join several international organizations, and it acceded to 18 international conventions and two international protocols, including the International Convention for Persons with Disabilities in 2014. The power of accession is regulated in Article (10) of the Palestinian Basic Law which states "The Palestinian National Authority shall work without delay to accede to regional and international declarations and covenants that protect human rights.[[2]](#footnote-2)"
6. The Basic Law generally provides for the care of persons with disabilities through Article (22): “1- The law shall regulate social, health, disability, and retirement insurance. 2- Maintaining the welfare of families of martyrs, prisoners, injured and disabled is a duty that shall be regulated by law, and the National Authority shall ensure education, health and social insurance services to those persons”[[3]](#footnote-3); however, the Basic Law does not stipulate specific rights for persons with disabilities.
7. The general framework of human rights and caretaking of persons with disabilities was reflected in the legislative environment and laws through the Palestinian Law on the Rights of Disabled No. (4) of 1999[[4]](#footnote-4), the bylaws of was issued five years later in 2004[[5]](#footnote-5). A provision on the employment rate of persons with disabilities was also stated in the Labor Law No. (1) of 2000[[6]](#footnote-6). Even though the Palestinian Disabled Rights Law and its bylaws were issued many years ago, it has not been amended, and many of its provisions were not enforced.

# General Principles and Obligations (Articles 1-5):

1. The State of Palestine has acceded to the optional protocol of the International Convention on the Rights of Persons with Disabilities in 2019, and thus it is obligated to enforce the provisions of the international convention at local legislations level. Although there is a text to prevent disability-based discrimination in the Palestinian Basic Law, the principle of allocation for persons with disabilities is still absent[[7]](#footnote-7).
2. Law No. (4) of 1999 on the Rights of the Disabled was issued long before the accession to the International Convention on Persons with Disabilities (accession took place in 2014), however this law is not in line with the provisions and articles of the international convention which complies with human rights-based disability model. There is incompatibility of the definition of disability stated in the Law on the Rights of the Disabled of 1999 and the definition stated in the international convention, as there is a defect and shortcomings in the definition, as it focuses on the physical disability and the functional imbalance, which is inconsistent with the modern trends of the definition of disability stated in the international convention. The term disabled and disabled persons must be changed to "persons with disabilities".[[8]](#footnote-8)
3. Article (2) of Law on the Disabled Rights No. (4) of 1999, stipulated that “Any disabled person shall be eligible to enjoy honorable and decent life and to benefit from the variant services equally to any other citizen; he/she shall enjoy the same rights and fulfill the same obligations within the limits of his/her abilities and capacities. Disability shall not be a cause to deny any disabled person the right to enjoy these rights." The law is devoid of any other text on equality. By comparing this text with the texts of the international convention, we find a big difference between the Palestinian legislation and the international convention, as the Palestinian text has limited the concept of equality to services, rights and benefits, while the Convention stipulated equality and non -discrimination before law and judiciary, and in all rights[[9]](#footnote-9). The law is also missing any special text that protects the rights of women and girls with disabilities, who are the most vulnerable to discrimination, first because they are women, and second because they are women with disabilities.
4. The Penal Code No. (16) of 1960 and its amendments are devoid of any text that criminalizes discrimination on the basis of disability and gender, and thus the absence of deterrent penalties related to forms of disability or gender-based discrimination. Legal eligibility[[10]](#footnote-10) is also the basic entrance to individuals and their legal independence, while the Journal of Judicial Judgments[[11]](#footnote-11) deals with persons with disabilities in terms of eligibility of performance as eligible or of deficient eligibility, in addition to using a set of discriminatory terms such as crazy and insane. In some of its articles, persons with intellectual disabilities are stripped of their eligibility in all judicial proceedings, and it prohibits in an explicit text the testimony of persons with visual and hearing disabilities[[12]](#footnote-12).
5. Palestine has assigned the coordination authority for implementing this convention to (the Higher Council for Persons with Disabilities) which belongs to the Ministry of Social Development; however, this authority should be independent to follow up on Palestine's compliance with its obligations, including the obligations of ministries and various governmental and non -governmental agencies, but this body is ineffective.
6. Weak measures, procedures and policies by the Palestinian government in general, and ministries and official bodies in particular to ensure the implementation of the convention, specifically the amendment of the injustice and marginalization that women and girls with disabilities are exposed to.
7. The National Development Plan 2021 - 2023[[13]](#footnote-13) did not include a clear strategic approach that ensures the inclusion of persons with disabilities in all the main sectors, in order to ensure the development of clear policy interventions within all strategy themes. The strategy mentioned the persons with disabilities only within the seventh theme: "law above all to achieve social justice, "specifically in the general policy on reducing multi-dimension poverty, and the general policy on providing social protection for marginalized groups, within policy interventions on social integration and providing job opportunities for marginalized groups, developing appropriate social protection systems and grounds and prioritization of persons with disabilities. The strategy is also devoid of any reference to women with disabilities.
8. There are concepts of contempt against persons with disabilities, as stated in Article (24) of the Civil Service Law which includes the word “handicap”[[14]](#footnote-14) for the “disability” as well as the pre-requisite of physical fitness through medical examination.

**Recommendations:**

* Compatibility of Palestinian legislations and laws with the international convention (CRPD).
* Changing the legal status of the Higher Council for Persons with Disabilities to a public national entity regulated by a special law, provided that it shall establish an intra department specialized in following up Palestine's obligations to the rights of women and girls, and a special budget shall be allocated for the Council and its work shall be reactivated.

# Women and Girls with Disabilities (Article 6):

1. Article (6) of the International Convention (CRPD) indicates that States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms. The convention also requested that States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention[[15]](#footnote-15). The Palestinian Law on the Rights of Disabled No. (4) of 1999did not mention or allocate any chapter or article on women and girls with disabilities, and therefore did not specify any procedures or measures necessary to promote equality, inclusion and empowerment.
2. Palestinian women and girls with disabilities suffer from multi-level injustice; first because they live in a society under occupation violating the rights of society and individuals, including women and girls with disabilities regularly, systematically; second because of gender-based discrimination, discrimination at work, wage, access to public positions, violence, and abuse; and third because of disability-based discrimination.
3. The Ministry of Women's Affairs develops plans and strategies related to the empowerment and protection of women, including women with disabilities. The National Strategy to Combat Violence against Women 2011-2019[[16]](#footnote-16), which constitutes the basic framework of governmental and non-governmental agencies to combat violence, in which women with disabilities or their representatives participated, identified a set of interventions: First: amending the Family Protection Law, so that it provides for a clause to increase the penalty for those who practice violence against children, especially children with disabilities. Second: Building the capacity of a specialized cadre to work with battered women with disabilities. Third: Developing procedures for health centers building permits so that they require the availability of spaces to receive battered cases and consider the needs of women with disabilities. Fourth: Providing a cadre of female forensic doctors to deal with battered women, especially those with disabilities. Fifth: Supporting research on violence against women, including women with disabilities, which relies on women's experiences and analysis of the reality of those who practice violence. Sixth: Specialized awareness raising for persons with disabilities, especially intellectual disabilities in order to be recognize violence and refuse it. The above-mentioned strategy includes several important interventions, but despite the strategy has been approved many years ago, a large number of the aforementioned interventions have not been implemented. The 2017-2022 strategy excluded dedicating any interventions and programs to women with disabilities, but only mentioned disability in the general definitions without identifying any interventions.
4. According to the Palestinian Central Bureau of Statistics, the percentage of disability and difficulty is 5.8% of the total population in Palestine based on the general census of 2017. The percentage is 5% in the West Bank, while it amounted to 6.8% in the Gaza Strip. The number of males with disabilities and difficulties in Palestine has reached approximately 139,590, while the number of females reached 115,634[[17]](#footnote-17).
5. It is clear that there is little information, surveys and statistics about the reality of women and girls with disabilities in the occupied Palestinian territories. Despite the existence of the Disability survey 2011, it is outdated. Therefore, a national survey was conducted in 2017 and relied on the Washington Group’s definition of disability, which resulted in a difference in the methodology of calculating disability from the 2011 and 2017 surveys. This survey shows that the percentage of a single difficulty in Palestine is 6% and does not provide complete and comprehensive data on women and girls with disabilities.
6. Women and girls suffer from several problems resulting from disability, and big share of these problems and difficulties are societal, i.e., related to their perception and treatment by society members. They also suffer from difficulty in access to their rights, such as the difficulty of enrollment to the various types of education (school, vocational, university). In addition, they suffer from high unemployment, difficulty to obtain jobs, lack of marriage as a result of either the parents’ refusal or the community’s lack of acceptance, difficulty of movement and access due to the inaccessible facilities, streets, and public and private spaces, in addition to the high weakness in rehabilitation and treatment services as well as the absence of assistive medical devices that help them to perform daily tasks.
7. The absence of clear legal texts to protect, rehabilitate women and girls with disabilities and ensure access to their rights, coupled with a difficult reality, results in the absence of the ability of women and girls to assume senior and public positions, and active political and civil participation. Over conducting a survey of senior positions, we did not find a single Palestinian woman with a disability occupying any key position. Due to the absence of such participation as a result of the societal and legal barriers, the issues and concerns of women and girls remain outside the scope of discussion.
8. There is a significant weakness in the representation of women and girls with disabilities in trade unions and civic positions, and there is an absence of specialized institutions, as we only find (Stars of Hope Society) working for women and girls with disabilities, which indicates the absence of programs and activities targeting women on a large scale.
9. Girls and women with disabilities experience higher rates of violence than other community groups. Violence means verbal and psychological contempt as well as direct psychological and physical violence. This report documented several cases of women and girls with disabilities who were exposed to continuous or intermittent violence without any significant protection by the police or the Ministry of Social Development. Therefore, and due societal perception, some parents were ashamed of their daughters’ disability and practiced violence against them. Most of the girls and women often preferred not to resort to the judiciary because of a lack of confidence that it is the best option for redressing them, and the few cases that filed an official complaint, the cases often remained shelved.

**Recommendations:**

* Developing a national policy and budget in partnership with all parties, including organizations representing women and girls with disabilities as well as women, human rights and civil society organizations working to address the lack of access to their rights.
* Developing specialized programs targeting women and girls with disabilities that work in the fields of inclusion, rehabilitation, addressing violence, protection, and economic and social empowerment.
* Developing and implementing a regular survey on women and girls with disabilities in order to provide a credible national source of information and serve as a basis for monitoring and following up the developments for the upcoming years.

Reviewing and analyzing the following Articles with Focus on Women with Disabilities:

# Accessibility, Freedom of Expression and Opinion, and Access to Information (Articles 9 and 21):

1. Under the framework of Article (9) on accessibility, the CRPD has defined “*appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia: Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces; (b) Information, communications and other services, including electronic services and emergency services*.”[[18]](#footnote-18)
2. The Palestinian Authority has not adopted these measure through legislations, laws, or policies and strategies to implement accessibility. Although the Palestinian Law on the Rights of Disabled No. (4) of 1999devoted Chapter Three to the issue of compatibility, which includes educational institutions, public places, and means of transportation, the enforcement of this chapter has a major weakness.
3. Most of the educational facilities suffer from a lack of accessibility, including lack of elevators, large number of stairs, and lack of adaptation of classrooms and bathrooms. Health facilities and hospitals also suffer from the same problems, in addition to the absence of ramps, or placing clinics and medical facilities on higher floors without an elevator. The situation is more difficult at workplaces that do not meet the minimum accessibility principles, with the absence of official oversight by the Ministry of Labor on the workplaces’ adaptation. Most private buildings are not accessible and the municipalities and local councils do not enforce the accessibility standards in the building permit/license.
4. There is a full absence of public transportation accessibility in the West Bank and the Gaza Strip, particularly large buses, and high-speed transit buses. 76.4% of persons with disabilities do not use public transportation due to the lack of infrastructure to enable them access[[19]](#footnote-19), which prompts women and girls to choose other difficult options, including walking to reach schools or public buildings, or using taxis that are financially expensive for movement, and sometimes taxi drivers charge higher women and girls with disabilities higher fees, or the last and most likely option is staying at home. Except for a few cases, traffic lights are not provided with sound signals for visual disabilities, and there are no signs on the streets suitable for different types of disabilities. The study case shows: *a 20-year-old girl with visual disability, studying at the university, suffers from difficulty in movement because public spaces are not suitable and do not allow movement freely, as the infrastructure is not suitable, and the sidewalks are occupied by cars and store goods. This does not allow her to walk freely, in addition to the potholes and open sewage networks. In addition, restaurants do not have menus in large font or in Braille system, and public buildings do not have elevators or if they are provided, they are not accessible ( Braille or Audio), which restricts my ability to move and participate*.
5. A study developed by the Social and Economic Policies Monitor (AL-MARSAD) and the Stars of Hope society n for the Empowerment of Women with Disabilities on the protection of women with disabilities showed low accessibility rates for the buildings and facilities of governmental and non-governmental institutions in the West Bank and Gaza Strip. The highest accessibility rate was of the Ministry of Health in terms of building adaptation amounting 35.5% which is a low percentage, while the least adapted was the police and family protection facilities at a rate of 5.9%. Women with disabilities confirmed that they did not know much about the services provided for battered women, including psychological, social and legal services, and they did not have information about the locations or the nature of such services and their fields.[[20]](#footnote-20)
6. Another study, conducted by the Stars of Hope Society on the access of women with disabilities to sexual and reproductive health services, confirmed the inaccessibility of health centers. Women with disabilities explained that health institutions, including government hospitals, are not accessible to persons with all types of disabilities. Most of these facilities are also not physically adapted, except for physical disabilities , which sometimes is not provided as well. Participants also mentioned that the health staff did not have awareness on dealing with women with disabilities, in addition to their low knowledge of the sexual and reproductive health services provided, which indicates that women with disabilities have limited access to information about the available services, due to the lack of accessibility to different types of disabilities.[[21]](#footnote-21)
7. Justice institutions lack reasonable accommodation arrangements for persons with disabilities. A study developed by Stars of Hope Society on the Access of Women with Disabilities to Justice confirmed the lack of certified sign language interpreters in courts in the West Bank and Gaza Strip, and sometimes they resort to a family member to translate, or an accompanying expert sent by a non-governmental organization or a legal clinic.[[22]](#footnote-22) Only 33% of the participating women who went to the judiciary were aware of what is being said in the hearings, and this is due to the environmental obstacles that impede their access, including the inaccessibility of the Justice facilities, means and institutions which reduces their ability to obtain information appropriately. The study also indicated the weakness of the physical accessibility of justice buildings and institutions.[[23]](#footnote-23)
8. It appeared that 69% of women with disabilities who resorted to the police stations in both the West Bank and the Gaza Strip confirmed that the building were not adapted to meet their needs, in addition to the absence of audio-visual instructions inside the court. It appeared also that all study sample women with hearing disabilities who resorted to the police have received assistance from the family or an external institution in terms of sign interpretation[[24]](#footnote-24). There are also no reasonable accommodation ensuring the access of women with disabilities to the complaints systems in the justice sector, including those of the Independent Commission for Human Rights and the Prime Minister’s Office, as well as to the mechanisms of governmental institutions.[[25]](#footnote-25)
9. There is an absence of a Palestinian complaints system on accessibility to direct the complaint to the competent authority while following up on the development of this complaint. This case study shows: a 29-year-old girl with a hearing disability believes that public facilities are not accessible at all, and she cannot communicate with those around her because the society is not aware of sign language, which prompts her to accompany one of her households wherever she goes to help her.

 **Recommendations:**

* A Palestinian strategy, that includes all sectors and specializations, must be developed for accessibility in terms of buildings, streets, and signs. It can work in stages with a measurement framework for each stage, and to develop an effective and responsive complaints system.
* Developing procedures for licensing public and private buildings so that licenses are not granted without appropriate adaptations for different types of disabilities.
* Conducting a survey of public and governmental facilities in order to be adapted and to move the non-adaptable ones to other adapted buildings.

# Access to Justice (Article 13):

1. The CRPD stipulates that “States Parties shall ensure effective access to justice for persons with disabilities and shall promote appropriate training for those working in the field of administration of justice, including police staff. The various articles of the Palestinian Law on the Rights of Disabled No. (4) of 1999did not mention the possibility of access to justice.
2. Palestinians generally tend to stay away from resorting to the judiciary because of its cost, length of time, societal perception, in addition to the lack of confidence. There is a higher percentage among women and girls with disabilities who do not trust the judiciary and prefer to solve problems outside the court framework, or even not to resort to anybody because they are pretty sure that they will never get their rights.
3. The report documented several cases of women and girls who experienced violations of their rights, and they did not file any complaints with the police or even file a lawsuit with the courts because of their fear and lack of confidence in the system and because most of the courts and police buildings are not accessible, especially that there is a possibility of the judge or the prosecutor to go to the house of the person with disabilities, or meeting him/her in front of the court in case the building is not adapted[[26]](#footnote-26). This means that the buildings are not adapted.
4. The absence of a clear strategy to achieve access to justice for women and girls with disabilities, to facilitate access to justice, and to exercise the right to litigation, as women and girls with disabilities face obstacles and impediments to exercising this right. In addition, there is a lack of government funding for legal and judicial programs and services that contribute to the exercise of the right to litigation by women and girls with disabilities. Moreover, there is no government support for lobbying programs and legal clinics conducted by associations of persons with disabilities, women with disabilities, and women organizations.
5. The socio-economic reality of women and girls with disabilities, the low level of income, and unemployment do not contribute to their ability to afford legal support by a lawyer to defend them or present their lawsuits.
6. One of the documented violations was the decision No. 96 issued on 3/9/2005[[27]](#footnote-27) by the Palestinian Higher Court regarding the adaptation of public spaces, which obligated the Minister of Social Development, the Minister of Local Government, and the Council of Ministers to enforce it, but the government did not respond to the decision of the highest Palestinian judicial body regarding the Lawsuit subject matter.
7. There are no special considerations with regard to speeding up the procedures in terms of time, or the financial costs for women with disabilities in the justice institutions. In the study on Women with Disabilities’ Access to Justice, a group of women with disabilities expressed their dissatisfaction with the procedures of privacy and confidentiality. The study confirmed that the lack of legal awareness provided to them, and the requirements of inclusion were not taken into account with regard to the reporting period and its tools, and no other means of reporting were available except the notification letter.[[28]](#footnote-28)
8. There is a lack of confidence in the Family and Juvenile Protection Department(police) by women with disabilities due to their previous experiences, including being returned to the house despite the presence of the perpetrator. Within the participating sample, 45% of the women with disabilities who resorted to the police said that they did so after more than 30 days from the occurrence of the abuse.
9. There is no satisfaction among women with disabilities regarding the judge’s treatment which depends on the judge’s morals or “mood” as they mentioned. They confirmed that some judges screamed at them or called the police to them if they try to discuss or express their opinion in the hearing[[29]](#footnote-29). \

**Recommendations:**

* Developing a national program that contributes to achieving access to justice by girls and women, with the provision of clear government services for women, including assistance, legal counselling, and dedication of lawyers and assistants.
* Developing a system of protection and care within the Ministry of Social Development, the Police and the Public Prosecution taking into account the privacy and sensitivity of the reality of women and girls with disabilities.
* Raising awareness among persons with disabilities in general and women and girls with disabilities in particular regarding their rights, possibilities of access to justice, and the mechanisms followed for protection and support.
* Adapting judicial facilities to facilitate the access of women and girls with disabilities to justice facilities.
* Activating judicial inspection in courts and amending and publishing the complaints system to ensure that women with disabilities and their families have access to the necessary tools to file a complaint, taking into account the different types of disabilities.

# Freedom from Exploitation, Violence and Abuse (Article 16)

1. Article (16) of the Convention on the Rights of Persons with Disabilities (CRPD) provides several State actions to prevent all forms of exploitation, violence, and abuse, and Article No. (9) of Palestinian Law on the Rights of Disabled No. (4) of 1999[[30]](#footnote-30) stipulates the following " The State must devise regulations and rules that guarantee for the disabled protection against all kinds of violence, abuse and discrimination"[[31]](#footnote-31).
2. The fact that the West Bank and Gaza Strip fall under the direct Israeli Occupation, in addition to the direct violence, persecution and exploitation of the Palestinians particularly women and girls, has led to a large number of mainly physical and other disabilities, whether directly or indirectly. Accordingly, international protection mechanisms must be considered for the Palestinian people in all its categories from the violence and arbitrariness of the Israeli occupation.
3. Women and girls with disabilities are of the most exposed to violence in all its forms in society without any significant protection from government institutions, the Ministry of Development, and even the judiciary. There are two inaccessible safe shelters (Safe houses) in the West bank with staff that are not adequately trained to deal with cases of battered women and girls with disabilities.
4. There is a lack of legislation, law or system in place to protect women and girls with disabilities from violence, exploitation, abuse. In addition to the absence of direct and indirect services after exposure to violence, including the hotline, as well as the lack of figures and indicators issued by the Ministry of Social Development and the Palestinian Central Bureau of Statistics on violence, abuse and exploitation of all kinds of women and girls with disabilities. However, the remaining studies conducted by civil society organizations are considered few and do not represent all Palestinian regions.
5. There are a number of different factors that can lead to the "perpetuation" of violence against women and girls with disabilities, including the lack of accessible transportation assistive devices, the absence of necessary training to utilize such aids and devices. Beside to the laws which allow the denial of legal eligibility to persons with disabilities and lead to the appointment of a legal guardian who makes and expresses legally binding decisions on behalf of persons with disabilities, as well as the lack of access to information and counseling services, the fear of reporting abuse for fear of losing the necessary care, and the fear of being placed in care institutions in the event of reporting abuse in the domestic environment. The inability of official and non-official institutions to recognize the circumstances resulting from violence as they are often considered to be inherent to the disability - is another factor that contributes to making the violence invisible[[32]](#footnote-32). As the following case study shows: ***A 30-year-old university girl had an accident when she was 15 causing a visual impairment. Following the accident, this girl was constantly beaten by her father in front of her house. This young girl did not file any complaint to any party or entity. Her sisters and brothers intervened to stop her father's assault, and she continued to live in the same house.***
6. There is a absence of social protection programs for women and girls with disabilities, especially social protection programs and support programs targeting women and girls with disabilities who have experienced exploitation, violence, and abuse. As the following case study shows: *A 14-year-old girl with a mobility disability who lives in a large family was exploited by her father; he took advantage of her disability to seek assistance from the concerned institutions and entities under the pretext of a disabled daughter. Her father used to take the support received from the concerned institutions and entities to himself without giving her any anything. He was beating and insulting her, calling on her to stay in the room when he returned home. She was subjected to discrimination compared to her brothers and sisters at home, which led her being treated badly by her brothers and sister. The girl was in a constant need for sanitary pads. Her father refused to buy her the pads, therefore, she used to get these pads from a donor irregularly. When the pads ran out, the mother sold some birds to buy and provide pads for her daughter. When her father found this out, he beat up the mother and her daughter, and kicked them out of the house at night. He also broke her wheelchair to prevent her from leaving the house. She has not submitted any complaint to any authority; therefore, no required protection was provided to her.*
7. Many women with disabilities are exposed to being excluded from accessing decent work opportunities, and economic exploitation on the basis of disability and gender in the labor market. In a study prepared by Stars of Hope society concerning economic exploitation of women with disabilities in the labor market, all participants (37 participants) of the study's focus group indicated that they had been exposed at least once to a form of economic exploitation[[33]](#footnote-33). Most of the participants in the above-mentioned study indicated the inaccessibility of the work environment. The mentioned participants were subjected to work discrimination when two of them pointed out that they were not given any tasks during work, and they used to sit throughout working hours without receiving any tasks. This indicates that employment is only related to implementing the employment quota for persons with disabilities. [[34]](#footnote-34)
8. In the West Bank, most of the opportunities that women receive in the labor sector were temporary or voluntary, or based on the Unemployment programs in the Gaza Strip. This suggests that employment and economic empowerment programs that provide support for women and women with disabilities failed to provide sustainable economic empowerment for women with disabilities, as temporary employment programs do not provide sustainable empowerment and therefore do not contribute to reducing poverty rates, as temporary work contracts do not generally provide decent working conditions. These contracts are often voluntary or for a period of less than 3 months (which is considered a probationary period- training) with unsuitable wages and health insurance, in addition to the lack of necessary adaptations due to the short period of work for a person with a disability. [[35]](#footnote-35)
9. The wages of all participants in the study mentioned above, with the exception of two participants only, were less than the minimum wage. At the same time, the majority of them worked without a formal labour contract. Participants with visual disabilityt indicated that their experience applying for jobs at the Ministry of Education was negative, as despite submitting the exam and passing the interview, they were rejected for the same reason: “unfit for teaching.” This would be clear discrimination on grounds of disability[[36]](#footnote-36). Some participants also mentioned that they are subjected to economic exploitation within their families, where the family or one of its members controls their salaries. During the period of unemployment, they suffer from the lack of financial support from the family. Here again, women with disabilities lose one of the most important determinants of economic empowerment, which is control over financial resources. [[37]](#footnote-37)
10. Some of the participants also reported that they had experienced violence or harassment in the workplace. As the following case study had shown: ***"I was subjected to harassment in the labour market, in the field, and the institution in which I worked. They administered justice and therefore transferred me to another department, contacted me for psychological support, demanded the dismissal of the person, and received one month paid time off".*** Some participants emphasized their exposure to similar incidents. As the following case study had shown: ***A sole breadwinner's girl with physical disability, who lives in a village in Gaza Strip in a large family, worked as a volunteer in one of the institutions and was subjected to bullying and harassment to force her to resign after the end of the training period in which she does not receive permanent job contract... She resigned from the job after being accused of theft. This girl met an activist in the field of disability who offered her a career opportunity within an unemployment project for a period of four months with an institution that focuses on marginalized women. During the first half of the month, the same person contacted and harassed her verbally over the phone and once she tried to put an end for the phone call, he gave her the option of responding to him or giving him part of her salary, stressing that he was the one who assisted her to find the work opportunity , and she therefore accepted to give him part of her salary so that she would not be harassed. He used to take $100 us of her $300 salary. He used to wait for her at the end of every month in front of an ATM to take the money. The girl was afraid to report this person due to his social standing and connections.***

**Recommendations:**

* Obligate the United Nations (UN) to provide international protection to women and girls with disabilities from the Israeli attacks.
* Develop the legislations and policies to guarantee the rights of persons with disabilities and their access to their basic rights, including the right to work, and amend existing laws relating to persons with disabilities in accordance with the Convention on the Rights of Persons with Disabilities (CRPD).
* Sustain focus in providing statistics related to persons with disabilities in general in terms of their presence in the labor market, their access to opportunities, etc., as well as their exposure to violence and exploitation.
* Development plans, especially gender plans particularly in regard to the economic empowerment of women, must take into account the requirements of persons with disabilities.
* Create a social protection system that covers all social groups, including all workers in the formal and informal sectors, in which women and persons with disabilities are more present.
* Form a national committee to oversight the implementation of the national referral program that responds to the needs of women with disabilities, provided that its membership should consist of government institutions and (a number of civil organizations active in combating violence against women and effective in supporting and empowering women with disability)", in addition to women with disabilities active in civil work.
* Expedite the adoption and amendment of laws that would combat all forms of violence against women in general, and women with disabilities in particular, such as the Law on Family Protection from Violence and the Palestinian Law on the Rights of Disabled No. (4) of 1999, as well as the regulations in respect of providing protection services from violence, as a The National Referral System , and other legislations.

# Education (Article 24)

1. The Convention on the Rights of Persons with Disabilities (CRPD), in accordance with Article (24) on the right to education for persons with disabilities, requires the State to guarantee the right to education without discrimination or exclusion. Meanwhile, article (10) of the Rights of the Disabled Law guarantees the right of persons with disabilities to access all educational facilities. However, the Ministry of Education and Higher Education, which is the body responsible for the education sector, has a policy for inclusive education in Palestine, which is concerned with integrating students with disabilities into education and developing curricula to meet their requirements[[38]](#footnote-38). Yet, this policy lacks standards and principles of non-discrimination and inequality against girls with disabilities, as well as the policy on not being exposed to all forms of violence, even though they are mentioned in Palestine Inclusive Education Policy. This policy also lacks the definition of various types of disabilities, its levels and mechanisms for dealing with them according to the need of each disability, including the privacy of girls with disabilities.
2. In 2015, the Palestinian Ministry of Education and Higher Education managed to introduce the inclusive education at the policy level, and at the legislative level through Decree Law No. (8) of 2017 regarding public education, in accordance with Article (24) of the Rights of Persons with Disabilities (CRPD) related to the obligations of the State of Palestine in the field of education under the Convention. However, no reports explaining the extent to which this policy is implemented on the ground were submitted by the Palestinian Ministry of Education and Higher Education, which would widen the gap between policy and legislation and practice on the ground[[39]](#footnote-39).
3. Moreover, the National Statistics indicates that more than one third of persons with disabilities above fifteen (15) years constituting 37% have not enrolled to education, which is quite a serious indication for the non-integration of persons with disabilities into the educational system as a result of environmental and societal problems. In addition to the 33.8% of drop out rate; the total percentage of persons with disabilities who have not completed their education is 71.4%; whereas the total percentage of illiteracy among them reaches 53.1% - a significant percentage compared to the low rates of illiteracy in Palestine. The percentage of those who left education due to environmental and financial difficulties is 22.2%; 22.9% of women compared to21.7% of men[[40]](#footnote-40). These difficulties and problems can be overcome by finding appropriate programs.
4. The Persons with Disabilities Survey identifies the problems and difficulties that can be overcome in the field of education for individuals between 10-17 years to complete their education as follows: First: Students with visual disabilities: 24.5% require accessible transportation to transport them to schools; 25% require adaptation of school premises; 38.5% require adaptation of classroom environment; and 11.5% need adequate bathrooms. Second: Students with physical disabilities: 50% require accessible transportation to transport them to schools; 46.3% require adaptation of school premises; 50% require adaptation of classroom environment; and 52.8% need adequate bathrooms.
5. The Palestinian compulsory education is free for all Palestinians, including girls with disabilities, however, the system does not include any financial and/or in-kind assistance for female students with disabilities to enable them to complete their studies.
6. Group of civil society and human rights institutions and organizations representing persons with disabilities have analyzed the budgets and programs of the Ministry of Education and Higher Education, including the budget, programs and objectives directed to persons with disabilities[[41]](#footnote-41). However, the results of the education scope analysis were as follows:
* Notwithstanding the existence of seven programs in the Ministry of Education and Higher Education, however, persons with disabilities are not specifically targeted.
* Despite the fact that the higher (non-formal education) program is mainly geared towards adults and literacy, especially since a large proportion of persons with disabilities fall within the concept of adult education literacy, its objectives do not contain anything targeting persons with disabilities.
* The targeting of students with disabilities and the allocated budget by the Ministry of Education and Higher Education is vulnerable, and does not even meet the minimum requirements, in both the kindergarten program and the basic education program.
* Out of the total number of students with disabilities, the percentage of students with disabilities who are targeted by the Ministry of Education and Higher Education for enrollment in kindergartens is very low, since the kindergarten program raises the percentage of inclusion of students with disabilities in kindergartens from (0.1%) to (0.2%) of the number of children, which is a very low number.
1. The analysis exposes a significant gap in the Ministry's policy and its targeting indicators in favor of female students without disabilities to the detriment of female students with disabilities. This gap, in the absence of affirmative action policy for female students who are subject to social and educational marginalization, is broadened. This is underlined by the fact that less than 1% of students in schools are students with disabilities, which is less than their percentage in society.
2. The number of resource rooms designating to deal with different types of disabilities is insufficient and is often used for one type of disability or is disused. Furthermore, the teaching staff is not qualified to deal either psychologically or educationally with girls with disabilities, which leads to their dropping out of the educational process. As the following case study had shown: ***A 17-year-old girl with short stature got her senior year at school. She believes that her teachers at school are not qualified, as she used to ask them to write the lesson at the bottom of the board, and they always refused to do so. Her teachers insisted to write the question at the highest part of the board. The girl has been mistreated and verbally offended by her teacher by using terms related to her disability, such as "You are a dwarf!", " Why do you come to school?", which reflected negatively on her psyche and led to a decline in her school. She eventually decided to leave school.***
3. The lack of sufficient and appropriate resource rooms that contain educational tools and adequate assistive devices, as well as the lack of a smooth educational curriculum in a manner commensurate with the different types of disabilities, leads to difficulty in school achievement even if the teachers are qualified to deal with the disabilities of girls.

**Recommendations:**

* Adopt and implement inclusion policies and inclusive education in educational institutions, with a focus on the importance of integrating girls with disabilities.
* Create an educational curriculum in line with the orientations of integration throughout the content of this curriculum.
* Approve adequate allocations from the budget of the Ministry of Education and private institutions in order to achieve harmonization.
* Prepare plans to qualify teachers involved in the education of persons with disabilities and provide the necessary tools and needs.
* Improve data collection on the inclusion of girls with disabilities in education. The availability of gender-based data and information and the development of a school transportation system adapted to the needs of girls with different disabilities.

# Health (Article 25)

1. Article (25) of the Convention on the Rights of Persons with Disabilities (CRPD) provides that " States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation". The Palestinian law on the Rights of Disabled of No 4 for the year 1999 adopts a range of health rights for persons with disabilities, including: Issuing health card for disabled persons. Diagnosing and classifying the degree of disability. Guaranteeing access to governmental health insurance that is free of charge for the disabled and his family. Providing and developing services for early detection of disabilities. Providing necessary medical instruments and equipment to help the disabled in compliance with Article (5) of this law. Providing preventive and therapy services aiming to reduce the percentage of disabilities in the community.
2. Most of the rights and services mentioned in the Palestinian Disability Law lack implementation, weakness, or selectivity, as the Ministry of Health is the official body responsible for providing health services. Along the same lines, the objectives of the National Health Strategy 2014-2016 of the Ministry of Health have failed to address and even mention the person with disabilities within its pages. The National Health Strategy touched upon persons with disabilities in the sense of equality and inclusion. The strategy sometimes mentions them under the term people with special needs.
3. The Ministry of Health released the National Health Strategy 2021-2023, pointing out the coverage of health services for persons with disabilities[[42]](#footnote-42) within the first objective designated for the target groups, but without taking into account the allocation of a special program for them, except for mentioning a program to reduce disability in newborns through the application of the Early Detection Program.
4. Access to the right to health affects persons with disabilities, and that went double for women and girls with disabilities, since the lack of access to appropriate health services, rehabilitation, tools and assistive devices have a direct and immediate impact on the right to work, education, social life, and access to other public services. However, the 2020-Palestinian Health Accounts Survey that the total value of current expenditures on health amounted to 1,596.1 million dollars for the year 2020, and most of this expenditure is made by government systems at a rate of 42.5%, while the percentage of household financing amounted to 38.4%. This survey did not touch upon the disability sector, although it was included in previous surveys[[43]](#footnote-43).
5. The Palestinian Central Bureau of Statistics (PCBS) survey indicates that 79.4% of persons with physical disabilities suffer from difficulty in accessing health services, followed by 65.6% of persons with communication disabilities.[[44]](#footnote-44)
6. Disabilities have multiple causes, one of which is medical errors resulting from negligence, malpractice, lack of training and rehabilitation, poor facilities, and absence of appropriate medical devices. The documentation of violations revealed the existence of some disabilities resulting from direct medical errors, as 24% of persons with disabilities (between the ages of 0-17 years) had a direct cause of their disability, of which 23.3% were females, while 15.2% for reasons related to childbirth, of whom 16.1% were females, i.e., the development of the medical system will reduce the number of disabilities within the Palestinian society.
7. Most public and private hospitals and health facilities suffer from several issues, including the lack of adequate and qualified medical staff, as well as the lack of specialized devices to deal with various disabilities.
8. ***Case Study: A 39-year-old woman with a physical disability believes that ambulances are not accessible for persons with disabilities for not equipping them with a lift designated for persons with physical disabilities. Likewise, hospitals are not accessible for persons with disabilities due tothe length of the distance from the moment of getting off the vehicle until reaching the hospital building, causing her to suffer due to her use of crutches. Further to the above, clinics are also not accessible for not having elevators and the existence of many stairs, especially when visiting the dental and eye clinics on the fourth and fifth floors.***

**Recommendations:**

* Implement a set of special programs and services for girls and women with disabilities, including treatment, rehabilitation, tools and assistive devices.
* Conduct a survey of all facilities, hospitals, and medical and rehabilitation centers and develop a plan for adaptation.
* Train and qualify medical and support staff to be able to deal with women and girls with disabilities.
* Develop a national program for occupational and physical rehabilitation to provide services in the various governorates of the West Bank and Gaza Strip.
* Provide accessible ambulances in all governorates.
* Apply health insurance scheme for persons with disabilities.

# Work and Employment (Article 27)

1. Paragraph (1) of Article (27) to the Convention on the Rights of Persons with Disabilities (CRPD) provides that "States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation". Article (10) the Rights of the Disabled Law states that "Oblige governmental and non-governmental organizations to absorb a number that is not less than 5% of its staff among the disabled in a manner that is conform to the nature of activity in these organizations while making workplaces suitable for the use of the disabled. Encourage recruitment of the disabled in private institutions by deducting part of their salaries from the income tax paid by these institutions[[45]](#footnote-45)". Whereas Article (13) of the Palestinian Labour Law stipulates that "The employer shall adhere to employ a number of qualified disabled workers to perform work, which fit their disabilities. The percentage of such workers shall not be less than 5% of the total labour force in the installation[[46]](#footnote-46)".
2. The executive regulations of the Rights of the Disabled Law, issued in 2004, served to clarify the Rights of the Disabled Law provisions, including those provisions related to work and employment. Article No. (5) of the executive regulations set a specific framework for rehabilitation and employment centers for persons with disabilities under the title "Sheltered Workshops[[47]](#footnote-47)". The Palestinian Ministry of Social Development has three vocational rehabilitation centers in different governorates, and they are as follows: Sheikha Fatima bint Mubarak Vocational Rehabilitation Center in Hebron Governorate, Sheikh Kalifa Bin Zayed Vocational Rehabilitation Center in Nablus Governorate, and Youth Rehabilitation Center in Halhoul. The above-mentioned centers provided services to 320 persons[[48]](#footnote-48) during 2014. However, the number of rehabilitation centers is insufficient and does not even cover all types of disabilities.
3. Article No. (11) of the executive regulations stresses the role of the Palestinian Ministry of Social Development in "facilitating applications related to the private sector, civil associations, and companies that employ persons with disabilities, guarantee them safety, movement, and freedom, and considering the privileges granted to the private sector, or the civil association as one of the rights of the disabled in life, work, and production[[49]](#footnote-49)". Meanwhile, Paragraph (4) of Article No. (12) to the executive regulation states a series of rights and procedures to ensure the right to work and employment for persons with disabilities, including "All governmental and non-governmental institutions shall employ a number of persons with disabilities that are not less than 5% of the working employees therein, commensurate with the institution's nature of work[[50]](#footnote-50)".
4. All the procedures and rights mentioned in the executive regulations were not implemented properly, i.e., monitoring over institutions regarding the employment of 5% of persons with disabilities was not implemented. In addition, the Fund for Lending and Employing the persons with disabilities, which was issued by the Council of Ministers[[51]](#footnote-51), was not activated yet. The activation of the fund was to be on three levels as follow:
* Controls over various institutions with regard to the employment of 5% of persons with disabilities since the control process and the law-enforcement remain absent.
* Transfer the 5% salaries allocated for persons with disabilities (in case of not employing 5% of persons with disabilities) to the Disabled Employment Fund.
* Finance Small and Medium Enterprises **(**SMEs) and commercial kiosks for persons with disabilities.
1. The Palestinian Ministry of Labor believes that Article (13) of the Palestinian Labour Law is not associated with criminal judgment. The Ministry cannot impose penalties or punishments against the employer if he/she does not comply with the mentioned article[[52]](#footnote-52). Statistics show that the employment rate has not reached 5% in any of the operating sectors (Government, private and civil sectors) [[53]](#footnote-53).
2. The Palestinian law on the Rights of Disabled of The Palestinian law on the Rights of Disabled of 1999, the Executive Regulations of 2004 and the 2006 Council of Ministers Resolution made no mention of women with disabilities in terms of receiving appropriate vocational training and rehabilitation; or in terms of employment provision, that take into account their societal-environmental reality .
3. The 2017 Disability Survey shows that the unemployment rate among persons with disabilities reached 37%, with 19% in the West Bank and 54% in the Gaza Strip[[54]](#footnote-54). However, this statistic does not indicate the number of those who have given up hope of finding a job and stopped looking for work. These results indicated the Government's failure to transform the aforementioned legal framework into policies obligating employers to employ persons with disabilities on the one hand, or even to qualify, train and create job opportunities for persons with disabilities, including women with disabilities.
4. The survey listed several main reasons that would assist and facilitate the involvement of persons with disabilities in the labor market. 34.7% of persons with physical disabilities and 31.7% of visual disabilities reported their need for accessible transportation, while26.4% of people with physical disabilities and 16.1% of visual disabilities reported their need for accessible restrooms, 44.4% of persons with communication disabilities and 26.5% of persons with hearing disability reported their need for assistive tools, communication applications, a portable device for taking notes, however, 36.4% of slow learners and 28.8% of persons with physical disabilities reported their need for accessible work offices. The survey failed to mention the need for creating job opportunities for persons with disabilities, appropriate training and rehabilitation, ***as the following case study illustrates: A 22-year-old young woman with hearing impairment has received her education at one of the UNRWA's associations. She worked in an association and was subjected to long working hours with a salary of 400 shekels per month (about $110). When this girl submitted a complaint to the association's officials, they replied that they could hire someone else, leading her to resign from the job.***
5. A field survey on the right to work, carried out by the Independent Commission for Human Rights (ICHR), indicates that the unemployment rate among persons with disabilities reached 78%, while the rate among women reached 87%, of whom only 13% are currently employed. However, some of the most significant reasons are as follows: lack of appropriate vocational skills, lack of qualification programs, biased employment practices against persons with disabilities, inappropriate workplace buildings, subsidy systems that discourage motivation to work in addition to difficulties in accessing the workplace due to the lack of adequate infrastructure and transportations. The same survey determines the percentage of employed persons with disabilities in the three operating sectors. The percentage of persons with disabilities working in the private sector reached 23%, 22% in the public sector, and 18% in the civil sector. It is evident that the highest percentage of working women with disabilities was in the civil sector at 37%, followed by 26% in the public sector, 21% in the private sector, 8% in private projects, and 8% in other businesses. **Recommendations:**
* Provide training programs aiming at enabling persons with disabilities and building their capacities.
* Provide technological means and reasonable accommodations in the workplace to suit the conditions of persons with different disabilities.
* Operate the Employment Fund upon the non-compliance of the institutions to employ the legally approved percentage of persons with disabilities.
* Tenure persons with disabilities working on a daily-paid basis and unemployment in government institutions.
* Prepare the necessary infrastructure to meet the needs of persons with disabilities.

# Adequate standard of living and social protection (Article 28)

1. The International Convention on the Rights of Persons with Disabilities (CRPD) stipulates the need for the State to guarantee an adequate standard of living to persons with disabilities along with their families and provide them with social protection, including housing, poverty reduction programs and retirement regulations. The Law on the Rights of the Persons with Disabilities stipulates the provision of special care and relief services as well as residential social care services to such persons under the supervision of the Ministry of Social Development (MoSD). Thus, the law fails to include the services and programs contained in CRPD.
2. The 2011 Persons with Disability Survey in Palestine refers to several challenges and difficulties experienced by persons with disabilities at the level of adequate standard of living and social protection. The findings of the survey reveal that 34.1% of persons with disabilities have never got married, 8.7% always avoid undertaking any work due to the societal perception of them and 34.2% cannot perform their daily household tasks due to physical and environmental barriers.[[55]](#footnote-55)
3. The implementing regulation of the Law provides for the Disabled Person’s Card, whereby “the Ministry of Social Affairs (MoSA) offers a package of health, social, professional and educational integration, rehabilitation and support services to persons with disabilities in accordance with the type and degree of disability. MoSA offers such services to persons with disabilities through the Disabled Person’s Card it issues for this purpose in coordination with the relevant ministries, official and community-based actors, and foreign and international bodies.[[56]](#footnote-56) Although 12 years have passed since the issuance of the implementing regulation and the fact that the Council of Ministers issued a decision[[57]](#footnote-57) in 2011 and despite the dozens of workshops held and the efforts already exerted to develop the Disabled Person’s Card as a comprehensive package for persons with disabilities, it remains ineffective.
4. Historically, there has been an absence of a social security system in Palestine. The Law on Social Security[[58]](#footnote-58) was passed on 2016, 13 years after the issuance of the Law on Social Insurances, which was annulled afterwards. Approved and passed during March 2016, the Law on Social Security does not even mention persons with disabilities. Following the National Campaign for Social Security, the law was amended in line with the demands of the persons with disabilities movement and in a manner that provides a positive discrimination in favor of them at two levels. At the first level, the law stipulates that a person with disability is entitled to retire after 10 years of employment in contrast to 30 years for a person without disability. At the second level, it stipulates that salary continues to be paid in the event of death of the person with disability if she/he has a son/daughter with disability who has no work and regardless of the age determinants.[[59]](#footnote-59) However, this law was suspended following pressures from the private sector.
5. Public servants have access to a public retirement system that regulates their retirement and pensionable salaries, among others.[[60]](#footnote-60) The Law on Public Retirement does not provide for any positive discrimination in favor of persons with disabilities and women with disabilities. The Law on Public Retirement and the recently-approved Law on Social Security include provisions on public sector employees and non-government sector employees, males and females alike. However, labor and unemployment statistics show that most of the persons with disabilities are unemployed and there are no programs in place to promote their employment. Therefore, such persons depend on MoSD for assistance.
6. ***Case study: A 44-year-old woman has a physical disability of 100%. She used to receive ILS 1000 (about $275) in cash assistance from MoSA. However, it was very surprising to her to be informed by the researcher designated to the area that her social allowances were withheld under the pretext that her brother is a public servant. This occurred to her although her brother does not offer her any financial assistance to meet her basic living needs, mistreats her, and even beats her in some cases, and wants her to support the house. Not only that, but also nobody offers her any assistance out of fear of her brother. So, she contacted competent authorities to inform them that she was in a disparate need of a salary, but they refused to pay her a salary.***
7. The Cash Transfers Strategy[[61]](#footnote-61), which was issued in 2010, is old-fashioned, Therefore, a lot of amendments were introduced to the strategy as well as to the Cash Assistance Program, and the Strategy attempted to consolidate the different Cash Transfer Programs into one program. When the strategy analyzed poverty, it did not rely on the disability analysis, including from the perspective of women with disabilities who experience multiple levels of discrimination. In contrast, the document refers to two programs targeting persons with disabilities. The first program, the Economic Empowerment Program, provides interest-free soft loans to persons with disabilities, but it fails to refer to gender-based statistics related to the beneficiaries. The second program, the Persons with Disabilities Care and Empowerment Program, functions through purchasing services from the civil society organizations (CSOs), provides aids to such persons and ensures supervision of their training and rehabilitation. Just like the first program, the second program fails to include any numbers or data on targeting persons with disabilities at the aggregate level or at the gender level.
8. The Social Development Sector Strategy[[62]](#footnote-62) 2021-2023, issued by MoSD, refers to persons with disabilities under the second strategic goal, which calls for the adoption of effective national and local social protection measures. It is noted that the strategy uses gender- and disability-sensitive language and refers to persons with disabilities several times in the context of analysis and priorities. However, it fails to introduce an integrated strategy to engage with persons with disabilities, particularly women with disabilities.
9. The Anti-Poverty Program/ the Cash Assistance Program is the largest program within MoSD. It offers regular cash assistance to some 115,000 poor families in the West Bank and the Gaza Strip once every three months. As part of the criteria used for calculating poverty, it takes into account whether a family has a person with disability within its members. However, this criterion is taken into consideration in the economic status classification of the family. Before the consolidation of the cash transfer programs into one program, poor families were targeted based on criteria related to categorization into social groups. As part of this, a person would be assessed as one who has low or no income. The targeted social groups included persons with disabilities, orphans, widowed divorced and abandoned women, the elderly in addition to persons with chronic and mental diseases. In contrast, the new consolidated program relies on the criteria of the poverty situation, and the criteria of the economic status classification of a family take into account whether the family has a person with disability within its members.[[63]](#footnote-63) **The case study presented in this regard is that of a 47-year-old woman who has a physical disability. After a long period passed since she applied for cash assistance from MoSD, she has been receiving such assistance. She receives ILS 750 (about $200) every three to four months, but this amount of money does not cover her needs. In addition to being with disability, she is divorced, provides for her elderly mother and needs medications. She has attempted more than once to have a wheelchair and medical aids from MoSD, but to no avail. Although she has requested and is in need of visitations from MoSD and other institutions, she has neither received any visitation nor family support.**
10. Many observations have been made about the Cash Assistance Program. The most important observation is that offering cash assistance to a family that has persons with disabilities among its members does not necessarily have a positive impact on or benefit those persons. Moreover, some families have an average economic status. However, the fact that such families have persons with disabilities among their members places an increasing financial burden on them, leading to a deterioration of their living conditions while still unable to receive cash assistance from MoSD. A number of families that have a person with disability among their members have been removed from the program since a family member works as a public employee. This implies that the needs of a person with disability and his/her family are denied. Most importantly, the program is basically criticized for lacking a tool that directly targets persons with disabilities.
11. MoSD has adopted the National Strategy Plan for the Disability Sector[[64]](#footnote-64), which was issued in 2012 and put in place for the benefit of the Higher Council for the Affairs of Persons with Disabilities. Although the strategy carried out an analysis of the disability sector, it lacks an analysis of the reality of women with disabilities. It also lacks specialized strategic policies oriented towards women with disabilities despite that women with disabilities are listed as one of the multiple categories included in the strategies. Most importantly, despite its positive impact, the plan has not been translated into an action plan, and noticeably does not intersect with the other strategies of MoSD. This means that it remains specific for the Higher Council for the Affairs of the Persons with Disabilities, which is ineffective to a large degree.
12. There are two MoSD-run protection centers and shelters for battered women. The first center is located in Beit Sahour and is accessible forwomen with disabilities. In contrast, the second center, located in Nablus, is not accessible for women with disabilities and its staff are not trained to deal with cases of battered women with disabilities. Nevertheless, efforts are currently exerted to rehabilitate the Nablus-based center and train its staff. However, the number of such centers is insufficient and the exiting centers have not yet received any case of women with disabilities . Even the Beit Sahour-based center, which has a large capacity to accommodate cases of battered woman suffering from intellectual disability, cannot receive any such case.

**Recommendations:**

* There is a need to develop a legal framework/ national strategy for the social protection and adequate standard of living of persons with disabilities. Such a framework/ strategy should include strategies of action that deal with women with disabilities and consolidates concepts and orientations based on a rights-based development orientation.
* There is a need to develop a clear and specific program for the Disabled Person’s Card provided that it includes an implementation timeframe.
* There is a need to develop a targeting tool oriented towards persons with disabilities as part of the Cash Assistance Program.
* There is a need to develop and expand the Economic Empowerment Program so that becomes intensely oriented towards women with disabilities.
* There is a need to ensure accessibility to and accommodate battered women with disabilities in safe houses and protection centers.
* There is a need to implement an awareness-raising program on the rights of persons with disabilities with a special orientation towards women with disabilities so as to change the societal perception of them.
* There is a need to operationalize the role of the Higher Council for the Affairs of Persons with Disabilities after making it independent of MoSD so that it becomes the national entity specializing in the affairs of persons with disabilities.

# National implementation and monitoring (Article 33):

1. CRPD provides for the designation of one focal point within the government for the issues related to it. It also provides for the formation or creation of a framework of action within the State party, including an independent mechanism, and for guaranteeing the participation of the civil society, the persons with disabilities and their representative organizations in the monitoring process.
2. MoSD is the competent authority concerned with the implementation of The Palestinian law on the Rights of Disabled and the main body responsible for following-up on and coordination of the services and programs provided to persons with disabilities as set out in the amended Presidential Decree of 2012 on the Higher Council for the Affairs of Persons with Disabilities[[65]](#footnote-65). The Council comprises a number of government organizations and non-government organizations (NGOs), including an organization concerned with women with disabilities. It is entrusted with several tasks, including following-up on the implementation of international conventions, including CRPD. In contrast, the Palestinian Central Bureau of Statistics (PCBS) is the national body entrusted with statistics and information management.
3. There is a conflict of powers between the two main actors, namely MoSD and Higher Council for the Affairs of Persons with Disabilities. Whereas MoSD supposedly cares for and provides services to persons with disabilities, the Higher Council for the Affairs of Persons with Disabilities is supposed to serve as an independent body, but is included within the structure of MoSD and functions under its chairmanship. Thus, the Council is stripped of its independence and impact, and lacks an independent budget that enables it to perform its tasks.
4. The Independent Commission for Human Rights (ICHR) functions as per a special law that regulates it work. ICHR is the national human rights institution in Palestine. Its mandated role involves monitoring and documenting human rights violations and receiving related complaints. The Palestinian Consultative Staff for NGOs Development (PCS), a non-state actor, receives and documents complaints of human rights violations lodged by persons with disabilities. It has documented (333) violations against persons with disabilities; (228) violations against male persons with disabilities and (105) violations against women with disabilities, in 2015. There is generally an absence of a unified complaint system that functions in line with certain criteria that guarantee confidentiality and follow-up. This stems from the fact that there are three actors concerned with the receipt of complaints lodged by persons with disabilities, namely MoSD, ICHR and PCS. These actors’ function in the absence of a unified national system for handling, documenting and processing such complaints.

**Recommendations:**

* There is a need to ensure the independence of the Higher Council for the Affairs of Persons with Disabilities from MoSD and allocate an independent budget for it.
* There is a need for PCBS to create a mechanism for data and number collection so as to reflect the concepts and rights contained in CRPD in a manner agreed upon by all parties.
* There is a need to develop a national system for monitoring and documenting human rights violations against persons with disabilities.
* There is a need to provide a safe line for women that is related to a referral system in domestic violence and abuse cases.

# List of Resources and References:

**Studies:**

* Abu Fara, Said. Palestinian Legislation Regulating the Rights of Persons with Disabilities in Light of International Covenants “Legislative Harmonisation”. Ramallah: ***Stars of Hope Society for the Empowerment of Women with Disabilities***, 2016.
* Al-Tamimi, Islam. A legal review of the right of individuals with disabilities to decent work in Palestine. Ramallah: ***The Independent Commission for Human Rights***, 2013.
* The National Strategic Plan for the Disability Sector in the Occupied Palestinian Territories, The Higher Council for the Rights of Persons with Disabilities. Birzeit: Birzeit University - Center for Development Studies, 2012.
* Jaber, Firas, and Saja Al-Turman, Unpublished Study: Protecting Women with Disabilities from Violence: Exclusion and Marginalization. A Study on Services Provided to Violated Women with Disabilities. Ramallah: ***Social and Economic Policies Monitor (Al-Marsad)*** and ***Stars of Hope Society for the Empowerment of Women with Disabilities***, 2020.
* Monitoring forms of violence among women with disabilities and their access to the pillars of justice in and around Jenin. Ramallah: ***Stars of Hope Society for the Empowerment of Women with Disabilities***, 2016.
* Salah Al-Deen, Rasha. Unpublished Study: Access to Justice and Remedies for Women with Disabilities in Palestine. Ramallah: ***Stars of Hope Society for the Empowerment of Women with Disabilities,*** 2022.
* Esam Abdeen, Enforcement of Economic and Social Rights of the Convention on the Rights of Persons with Disabilities in the Palestinian Legislation (Ramallah: Al-Haq, 2021), p. 38-40.
* Ali, Hala. and Firas, Jaber. Unpublished Study: Sexual and Reproductive Health of Women with Disabilities. Ramallah: : ***Stars of Hope Society for the Empowerment of Women with Disabilities,*** 2022.
* Ali, Hala, and Firas Jaber, Unpublished Study: Economic Exploitation of Women with Disabilities. Ramallah: ***Stars of Hope Society for the Empowerment of Women with Disabilities***, 2022.
* Farahat, Rawan. Social Protection: The cash assistance program at the Ministry of Social Affairs. Ramallah: The Independent Commission for Human Rights, 2015.
* The extent to which health (medical) facilities are suitable for persons with disabilities. Ramallah: Palestinian Disabled Friends Society, 2018.
* Position Paper: Enhancing the rights of people with disabilities in the budget of the Ministry of Education and Higher Education. Ramallah: Teacher Creativity Center, 2016.

**Electronic sources:**

**Laws:**

Decree Law No. (19) of 2016 Regarding Social Security. Link: <https://n9.cl/7f8xg>.

Council of Ministers’ Decision No. (40) of 2004 on the Implementing Regulation of Law No. (4) of 1999 Regarding Rights of Persons with Disabilities. Link: <https://n9.cl/km12h>.

Council of Ministers’ Decision No. (7) of 2011 Regarding the Formation of a National Committee to Implement the Disabled Person’s Card.

Council of Ministers’ Decision No. (50) of 2006 Regarding the Creation of a Lending and Employment Fund for Persons with Disabilities within the Ministry of Social Development. Link: <https://n9.cl/wxgv3>.

The Palestinian Amended Basic Law 2003. Link: <https://n9.cl/fsl6s>.

Law No. (4) for 1999 on the Rights of Persons with Disabilities. Link: <https://n9.cl/x6xoa>.

Labour Law No. (7) of 2000. Link: <https://n9.cl/d0coh>.

Law No. (4) of 2005 Amending the Civil Service Law No. (4) of 1998. Link: <https://n9.cl/n4exj>.

Law of Public Retirement No. (7) of 2005. Link: https://n9.cl/nwcpj.

**Electronic reports:**

Convention on the Rights of Persons with Disabilities (CRPD). Link: <https://n9.cl/0d7ww>.

“National Social Protection Strategy 2014-2016.” Ministry of Social Affairs (2014). Link: <https://n9.cl/bfrax>.

“National Health Strategy 2014-2016.” Palestinian Health Ministry (2014). Link: <https://n9.cl/to3gx>.

“National Health Strategy 2021-2023.” Palestinian Health Ministry (2014). Link: <https://n9.cl/p6nwxn>.

“National Strategy to Combat Violence Against Women 2011 – 2019.” Ministry of Women’s Affairs (2011). Link: <https://n9.cl/vuwn4>.

“Social Protection Sector Strategy 2021-2023.” Ministry of Social Development (2021). Link: <https://n9.cl/4rnrb>.

Palestinian Central Bureau of Statistics. The International Day Of Persons With Disabilities 03/12/2019. Link: <https://n9.cl/7c4dg>.

National Campaign for Social Security. Link: <https://ar-ar.facebook.com/SSC.PAL/>.

“National Development Plan 2021-2023.” State of Palestine (2021). Link: <https://n9.cl/zecg3>.

“Preliminary Results of the Population, Housing and Establishments Census 2017.” Palestinian Central Bureau of Statistics (2018). Link: <https://n9.cl/t7pje>.

National Employment Strategy. Ministry of Labour.

The Palestinian National Program for Social Protection "Cash Transfer Program". Ministry of Social Affairs, 2010.

“Palestine Inclusive Education Policy.” Ministry of Education (2015). Link: <https://n9.cl/7f6449>.

The Palestinian Consultative Staff for NGOs Development. Link: <http://pcs-palestine.org/>.

“Palestinian National Health Accounts 2020.” Palestinian Central Bureau of Statistics and Palestinian Health Ministry (2020). Link: https://n9.cl/wn1dz.

1. Amended Palestinian Basic Law of 2003 Link <https://n9.cl/fsl6s>. [↑](#footnote-ref-1)
2. Ibid [↑](#footnote-ref-2)
3. Ibid [↑](#footnote-ref-3)
4. The Palestinian Law on the Rights of Disabled No. (4) of 1999. Link: <https://n9.cl/x6xoa>. [↑](#footnote-ref-4)
5. Decision of the Council of Ministers No. (40) of 2004 on the bylaws of Law on the Rights of Disabled No. (4) of 1999 [↑](#footnote-ref-5)
6. Labor Law No. (7) of 2000. Link: <https://n9.cl/d0coh>. [↑](#footnote-ref-6)
7. Saeed Abu Fara, Palestinian Legislations Governing the Rights of Persons with Disabilities under International Covenants, “Legislative Harmonization” (Ramallah: Stars of Hope Association for the Empowerment of Women with Disabilities, 2016). [↑](#footnote-ref-7)
8. Islam At-Tamimi, A Human Rights Review of the Right of Persons with Disabilities to Decent Work in Palestine (Ramallah: Independent Commission for Human Rights, 2013). [↑](#footnote-ref-8)
9. Abu Fara. Palestinian Legislations [↑](#footnote-ref-9)
10. Obligatory capacity: It is the ability to acquire rights and assume obligations, and it is inherent to people since birth. Performance capacity: It is the person’s ability to exercise rights by himself/herself, which is based on perception and recognition. [↑](#footnote-ref-10)
11. This journal is considered as civil law from the Ottoman era and it is valid due to the absence of a Palestinian civil law [↑](#footnote-ref-11)
12. Rasha Salah El-Din, Unpublished Study: Women with Disabilities' Access to Justice and Redress in Palestine (Ramallah: Stars of Hope Association for the Empowerment of Women with Disabilities, 2022). [↑](#footnote-ref-12)
13. The National Development Plan 2021-2023 "State of Palestine (2021). Link: https://n9.cl/zecg3 [↑](#footnote-ref-13)
14. Law No. (4) of 2005 amending Civil Service Law No. (4) of 1998. Link: https://n9.cl/n4exj [↑](#footnote-ref-14)
15. Convention on the Rights of Persons with Disabilities. Link: https://n9.cl/0d7ww. [↑](#footnote-ref-15)
16. “The National Strategy to Combat Violence Against Women 2011-2019,” Ministry of Women’s Affairs (2011). Link: https://n9.cl/vuwn4 [↑](#footnote-ref-16)
17. Preliminary Results of the General Census of Population, Housing and premises 2017." Palestinian Central Bureau of Statistics (2018). Link: https://n9.cl/t7pje [↑](#footnote-ref-17)
18. Convention on the Rights of Persons with Disabilities. [↑](#footnote-ref-18)
19. Census of Persons with disabilities. [↑](#footnote-ref-19)
20. Firas Jaber and Saja Tarman, Unpublished Study: Protecting Women with Disabilities from Violence: Exclusion and Marginalization. A Study on: Services Provided to battered Women with Disabilities (Ramallah: Social and Economic Policies Observatory of and Stars of Hope Association for the Empowerment of Women with Disabilities, 2020). [↑](#footnote-ref-20)
21. Hala Ali and Firas Jaber, Unpublished Study: Sexual and Reproductive Health for Women with Disabilities (Ramallah: Stars of Hope Association for the Empowerment of Women with Disabilities [↑](#footnote-ref-21)
22. Salah Addin, Women with Disabilities' Access to Justice [↑](#footnote-ref-22)
23. Ibid [↑](#footnote-ref-23)
24. Ibid [↑](#footnote-ref-24)
25. Ibid [↑](#footnote-ref-25)
26. Interview by Imad Salim with the Head of the Higher Judicial Council, interview for the report. 6/12/2016. [↑](#footnote-ref-26)
27. The extent to which health (medical) facilities are adapted for persons with disabilities (Ramallah: Palestinian Friends of the Disabled Association, 2018). [↑](#footnote-ref-27)
28. Salah Addin. Access of women with disabilities to justice [↑](#footnote-ref-28)
29. Ibid [↑](#footnote-ref-29)
30. The Palestinian Law on the Rights of Disabled No. (4) of 1999. Link: <https://n9.cl/x6xoa>. [↑](#footnote-ref-30)
31. *Law on the Rights of the Disabled.* [↑](#footnote-ref-31)
32. monitoring forms of violence among women with disabilities and their access to justice in Jenin and its environs (Ramallah: Stars of Hope Association for the Empowerment of Women with Disabilities, 2016). [↑](#footnote-ref-32)
33. Hala Ali and Firas Jaber, Unpublished Study: Economic Exploitation of Women with Disabilities (Ramallah: Stars of Hope Association for the Empowerment of Women with Disabilities, 2022). [↑](#footnote-ref-33)
34. Ibid [↑](#footnote-ref-34)
35. Ibid [↑](#footnote-ref-35)
36. Ibid [↑](#footnote-ref-36)
37. Ibid [↑](#footnote-ref-37)
38. Palestine Inclusive Education Policy, Ministry of Education (2015). Visit: https://n9.cl/7f6449. [↑](#footnote-ref-38)
39. Issam Abdeen, Enforcement of the Economic and Social Rights of the Convention on the Rights of Persons with Disabilities in the Palestinian Legislation (Ramallah: Al-Haq, 2021), pp. 38-40. [↑](#footnote-ref-39)
40. *Persons with Disabilities Survey* [↑](#footnote-ref-40)
41. Position paper: Promoting the rights of persons with disabilities in the Ministry of Education and Higher Education' budget (Ramallah: Teacher Creativity, 2016). [↑](#footnote-ref-41)
42. "Health Sectoral Strategy 2021-2023." Palestinian Ministry of Health (2014), visit https://n9.cl/p6nwxn. [↑](#footnote-ref-42)
43. Palestinian Health Accounts Survey for 2020 - Palestine Palestinian Central Bureau of Statistics. visit <https://n9.cl/wn1dz>. [↑](#footnote-ref-43)
44. The Palestinian Central Bureau of Statistics (PCBS) for 2011 [↑](#footnote-ref-44)
45. *Law on the Rights of the Disabled.* [↑](#footnote-ref-45)
46. Palestinian Labor Law [↑](#footnote-ref-46)
47. Palestinian Labor Law [↑](#footnote-ref-47)
48. Social Protection Sector Strategy 2014-2016- Ministry of social affairs- visit: https://n9.cl/bfrax. [↑](#footnote-ref-48)
49. executive regulations. [↑](#footnote-ref-49)
50. The previous reference. [↑](#footnote-ref-50)
51. Minister of Council Decision No. (50) of 2006 on Establishing Lending and Employment Fund for Persons with Disabilities - visit https://n9.cl/wxgv3. [↑](#footnote-ref-51)
52. Interview with Buthaina Salem - Director General of the Legal Unit / Ministry of Labor. Report interview, November 22, 2016.. [↑](#footnote-ref-52)
53. Al-Tamimi, a legal review. [↑](#footnote-ref-53)
54. Palestinian Central Bureau of Statistics. PCBS issues a press release on the International Day of Persons with Disabilities, 03/12/2019.visit: https://n9.cl/7c4dg. [↑](#footnote-ref-54)
55. “The ]2011[ Persons with Disability Survey.” [↑](#footnote-ref-55)
56. The implementing regulation [↑](#footnote-ref-56)
57. The Council of Ministers’ Decision No. (7) of 2011 Regarding the Formation of a National Committee to Implement the Disabled Person’s Card [↑](#footnote-ref-57)
58. Decree Law No. (19) of 2016 Regarding Social Security. Link: <https://n9.cl/7f8xg>. [↑](#footnote-ref-58)
59. The National Campaign for Social Security. Link: <https://ar-ar.facebook.com/SSC.PAL/>. [↑](#footnote-ref-59)
60. The Law on Public Retirement No. (7) of 2005. Link: <https://n9.cl/nwcpj>. [↑](#footnote-ref-60)
61. The Palestinian National Program for Social Protection "Cash Transfer Program". Ministry of Social Affairs, 2010. [↑](#footnote-ref-61)
62. “Social Protection Sector Strategy 2021-2023.” Ministry of Social Development (2021). Link: <https://n9.cl/4rnrb>. [↑](#footnote-ref-62)
63. Rawan Farahat, Social Protection: The Cash Aid Program at the Ministry of Social Affairs (Ramallah: Independent Commission for Human Rights, 2015). [↑](#footnote-ref-63)
64. The National Strategic Plan for the Disability Sector in the Occupied Palestinian Territories, for the benefit of the Higher Council for the Affairs of Persons with Disabilities (Birzeit: Birzeit Community - Center for Development Studies, 2012).. [↑](#footnote-ref-64)
65. Ibid: p. 21 [↑](#footnote-ref-65)