

December 2014

## The situation of persons with disabilities

The prevalence of disability in the Palestine ranges between 2.7% and 7% of the total population, depending on whether a narrow or broad definition is used. This means that in 2011, of the estimated 4.2 million people in the Palestine, between 114, 000 and 300,000 lived with some kind of disability.

Amongst persons with disabilities aged fifteen years, more than a third (37.6%) had never enrolled in school, while an additional third (33.8%) had enrolled but dropped out. More than half of the disabled population were illiterate, 87% did not work, and around a third had never married (Palestine Central Bureau of Statistics/Ministry of Social Affairs 2011).

While attitudes to persons with disabilities appear to be improving somewhat, many still experience stigmatisation, degrading treatment and obstacles to social and economic participation (Norad 2012). Women with disabilities are often hidden and silent, their concerns unknown and their rights overlooked. Youth with disabilities also face prejudice. According to a report by the East Jerusalem YMCA, 73% of young disabled Palestinians had experienced discrimination in the last six months, most often when trying to access government services, including schooling and healthcare.

The challenges facing persons with disabilities in the Palestine are exacerbated by the on going occupation, the siege of Gaza and the following destabilisation of the region including wars with associated destruction of social infrastructure and basic services as consequences. The *World Report on Disability* (WHO/World Bank 2012) notes that the injuries and trauma experienced during armed conflict results in higher numbers of disabilities, both physical and mental health impairments. In Gaza in 2009, as many as half of the 5000 men, women, and children injured over

the first three weeks of the conflict were found to be at risk of permanent impairments. The situation is aggravated by the restrictions and blockades that prevent rehabilitation workers from providing early interventions, and lead to catastrophic shortages in fuel and electricity, medical supplies and assistive devices. The 2012 and 2014 Israeli offensives in Gaza has further increased the number of people with disabilities and intensified their vulnerable condition. According to the Palestinian Ministry of Health, over 11,100 Palestinians, including 3,374 children, 2,088 women and 410 elderly were injured during the last war (OCHA Gaza Initial Rapid Assessment).

## Legal and policy framework

The Palestinian National Authority (PNA) has taken a number of legislative and policy steps that indicate commitment to advancing the rights of persons with disabilities. Since being recognised as a non-member state with observer status in the United Nations general assembly, it has been able to sign and ratify a number of **international conventions**, including:

- In 2014, the United Nations Convention on the Rights of Persons with Disabilities (CRPD), the first international, legally binding treaty aimed at protecting the human rights of persons with disabilities. The Convention is available at [www.un.org/disabilities/convention/conventionfull.shtml](http://www.un.org/disabilities/convention/conventionfull.shtml).
- Other treaties that advance the rights of people, including those with disabilities, for example the UN Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against *Women* – both of which make reference to protecting the rights of persons with disabilities to fair treatment, appropriate care and full participation in society.

In terms of **national laws and policies**, the following have the most direct bearing on the rights of persons with disabilities:

- Article 9 of the PNA's 2003 Basic Law recognises the right of all Palestinians to equality before the law and judiciary "without distinction based on race, sex, colour, religion, political views, or disability." Article 22 commits the National Authority to providing education services, health and social insurance to "the families of martyrs, prisoners of war, the injured and the disabled."
- The Law Number 4 Concerning the Rights of the Persons with Disabilities (hereafter referred to as Law No. 4) was welcomed as a progressive example of disability legislation when it was adopted by the Palestinian Legislative Council in 1999. It provides for, but is not limited to, the right of persons with disabilities to equality before the law and to non-discrimination, the right to housing, to health care, to travel and to work, the right to participate in cultural life and sport. However, implementation of Law No. 4 has been extremely slow, reportedly due to resource constraints. It is only since 2011 that real impetus can be observed in translating Law No.4 into sector-specific policies and programmes.
- A Presidential Decree was issued in 2004 calling for the establishment of a Higher Council for the Affairs of Persons with Disabilities, to oversee the implementation of the Law No.4, as well as other legal provisions relating to disability.
- A National Strategic Framework for Disability was formally adopted in 2012. It was developed collaboratively under the mandate of the Ministry of Social Affairs, with input from organisations of persons with disabilities (DPOs) and aid organisations active in the disability terrain, with Diakonia as a key supporter with Swedish funding. The strategy considers disability as a prime development issue, based on the principle that persons with disabilities are entitled to their rights on a par

with all other citizens. It requires various government ministries to mainstream disability issues in their planning and programmes.

- The Palestinian National Development Plan for 2014 to 2016 includes, amongst its policy priorities, references to improving the social protection, security, access to justice and opportunities of persons with disabilities. It commits itself to providing "sustainable, high quality, rights-based, gender-sensitive social services" and specifically lists persons with disabilities amongst the intended beneficiaries.
- The Palestinian Ministry of Education and Higher Education's Development Strategy Plan for 2014 to 2019, titled "A Learning Nation", reiterates the government's commitment to inclusive education, which has been the general policy of the education sector since 1997. The Strategy Plan, which includes specific goals relating to students with special education needs, identifies the need for a more detailed and comprehensive policy pertaining to inclusive education for children with disabilities.

In spite of the policy commitments above, several legislative and policy gaps remain. Even with the existing laws and policies, disability remains a low priority for decision-makers and often disability programmes are constructed as short-term interventions with heavy reliance on external funding. They are not factored in national action plans and budgeting and therefore, policies and strategies remain unimplemented. A UN Partnership Programme to Promote the Rights of Persons with Disabilities is currently underway (2014), which aims amongst other things to review existing sector-specific legislation and policies (for example, in education, labour, health and transport) and propose amendments that bring them in line with the CRPD and Law No.4. The UN project joins the efforts of WHO, the International Labour Organization (ILO), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Children's Fund (UNICEF) and the Office of the United Nations

Special Coordinator for the Middle East Peace Process (UNSCO), as coordinator. The project is supported by a special UN fund, the UN Partnership to Promote the Rights of Persons with Disabilities (UNPRPD). The proposal from Palestine was one of only eight joint UN proposals selected globally.

### **Implementing agencies**

Programmes and services to advance the rights of persons with disabilities in Palestine rest on relatively complex and evolving institutional arrangements, involving government ministries, UN agencies, international development organisations, local development and human rights NGOs and DPOs. Responsibility for the welfare of persons with disabilities is vested in the Ministry of Social Affairs (MoSA). A Higher Council for Persons with Disabilities has been created under MoSA. Although the Council was nominally established by decree in 2004, it was only really activated in 2012. One of the mechanisms being planned is the establishment of a Disability Card, based on the basket of services that a person with disability is entitled to. MoSA lists as one of its six main programmes the rehabilitation of persons with disabilities. However, due to the appointment of a new Minister in 2013, the work towards the implementation of Law No.4 has stalled.

The vast majority of rehabilitation services in the Palestine are still offered by the CSO sector. There is a long-standing Rehabilitation Programme, jointly supported by Swedish Diakonia and the Norwegian Association of the Disabled, which provides (amongst other components) community-based rehabilitation to individuals with disabilities and their families. According to Norad (2012), the programme has a wide network of referral services, enjoys local ownership, is rights-based and embedded in the local implementing organisations. Currently efforts are underway to transfer responsibility for the community-based rehabilitation programme to local municipalities.

In terms of the National Strategic Framework for Disability, the ministries are expected to mainstream disability issues in their programmes

going forward, but only a few are actually implementing; Ministry of Education and Higher Education, Ministry of Local Governance and Ministry of Social Affairs. In terms of the education and health sectors, the following is evident:

- The Ministry of Education and Higher Education is responsible to provide inclusive schooling to children with disabilities in the Palestine, together with the UN Relief and Work Agency (UNRWA) which is mandated to provide corresponding services to Palestinian refugees of school-going age. While in the West Bank 80% of schools are run by the Ministry (and 8% by UNRWA), in Gaza half the schools are run by the UNRWA and half by the Ministry. Yet the capacity of both Ministry and UNRWA schools to accommodate the education needs of students with disabilities remains limited. Effective inclusion of students with disabilities will require improvements in physical accessibility, training of teachers to better support students with disabilities in mainstream classes, and appropriate teaching aids.
- The Ministry of Health is responsible to provide general health services to persons with disabilities along with the rest of the population, while UNRWA provides equivalent services to Palestinian refugees. However, health services in Palestine are still mainly provided by (donor/private funded) civil society organisations and UNRWA. There are not yet government standards, systems or programmes that guarantee physical and mental health services to persons with disabilities in hospitals and primary care facilities. Supply of technical aids and support to community and home-based care is not yet coming through the Ministry of Health, but rather via some local governments and CSOs. Given the humanitarian crisis in Gaza, the need for emergency and longer-term health care for persons with disabilities continues to escalate.

## Accountability measures

Despite all the legal provisions and institutional arrangements in place, the attainment of the rights of persons with disabilities remains a major concern. At a broad level, the Independent Commission for Human Rights has the duty to respond to violations of human rights of persons with disabilities as part of its mandate. It has started to fulfil its mandate (with Swedish funding) and has produced a report on the right to work (2014). It is unclear whether the Higher Council for Persons with Disability has any real power to hold government ministries and other role-players accountable for their progress in mainstreaming disability issues into their policies and programmes. In the past, resource constraints (and the occupation) have repeatedly been used as justifications for failing to implement disability rights. At the international level, the State of Palestine has not yet submitted its first report to the UN Committee on the CRPD. This may represent an opportunity for DPOs and others to advocate for more stringent monitoring and accountability measures.

## Main civil society actors

As far as **organisations of people with disabilities** are concerned, the main role-players in the Palestine are:

- The **General Union of People with Disabilities** (GUPWD) is a grassroots organisation that advocates for the human rights of Palestinian persons with disabilities and endeavours to empower them through awareness raising and capacity-building. Established in 1991, the General Union has a membership of over 35,000 people, with offices in each of the sixteen governorates. The Union has been linked to the ruling faction of the Palestinian National Authority, which has sometimes been advantageous, but is also hampering its credibility and its ability to play an independent watchdog role.
- The **Stars of Hope Society** is a lead organisation run by women with disabilities, for women with disabilities. It has a woman-centred ethos and focuses on advocacy,

networking, leadership development and public education. The Stars of Hope work to ensure that every woman with a disability has the opportunity for true involvement in every aspect of society. Stars of Hope is working to establish itself in Gaza as well.

- There is a **Union of the Deaf** which organises deaf clubs on the West Bank. The Union works for the recognition of sign language, as well as access to education and other services for persons with hearing impairments.

As the disability movement is rather fragmented and politicised, there are also a substantial number of smaller DPOs in Palestine. Some of these have been supported by Diakonia. Besides the international organisations already mentioned, several others contribute to promoting disability rights in the Palestine, including WHO, ILO, Oxfam, Save the Children, World Vision, UNICEF, CBM International and Individuell Människohjälp (IM). Other organisations playing a key role in awareness-raising, advocacy and service provision include (but are not limited to):

- The Palestinian Centre for Human Rights.
  - Atfaluna Society for Deaf Children, Al-Amal Association for the Deaf, Future Society for Deaf Adults.
  - Red Crescent Society.
  - Handicap International.
  - Gaza Community Mental Health Program.
  - Care International and the YMCA East Jerusalem.
  - Local committees in refugee camps, which engage in disability and rehabilitation with UNRWA support.
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## What Sweden could do – 7 questions to discuss

Within its mandate and strategy for Palestine, Sweden has a range of opportunities to include persons with disabilities. Questions to discuss:

- Could more be done to stay updated on the situation of persons with disabilities and follow up on the implementation of disability laws and policies adopted?
  - Could more be done to include women with disabilities in programmes focussing on women's empowerment/equality and GBV, youth with disabilities in youth empowerment programmes and children with disabilities in child rights programmes? E.g. inviting disabled people's organisations to participate in planning and design of programmes and/or suggesting disaggregated monitoring indicators? Inclusion Made Easy - a quick programme guide to disability in development [here](#).
  - Could more be done to encourage human rights organisations and institutions to cooperate with DPOs and include disability rights in their mandates and portfolios? Monitoring tools can be downloaded [here](#).
  - Could more be done to strengthen organisations of persons with disabilities? Could they be included in civil society capacity development programmes, in support to human rights defenders or good governance programmes? Could they be invited to participate in professional human rights and civil society networks and in social and cultural events?
  - Could Sweden do more to bring a disability perspective into joint donor planning meetings with bilateral and multilateral agencies and facilitate/encourage synergies between the various donors and disability programmes (e.g. UN, Save the Children, Diakonia, Norwegian Aid etc.), especially in light of the on going UN efforts to strengthen the capacity of Palestinian authorities to translate disability rights and commitments into effective programmes?
  - Could more be done to include persons with disabilities (and mental health conditions) more systematically in emergency relief and humanitarian aid efforts? Examples of tools can be found [here](#).
  - Could Sweden take a more proactive role in promoting accessibility in reconstruction work and inviting expertise in this area to join planning processes? E.g.
    - ✓ Manual on the design and building of barrier-free emergency shelters [here](#)
    - ✓ Manual on mainstreaming disability in disaster risk reduction [here](#)
    - ✓ Disability and the post-conflict agenda [here](#)
    - ✓ Involvement of Persons with Disabilities in Conflict Resolution and Peace Building Efforts [here](#)
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[http://www.sida.se/English/publications/Publication\\_database/publications-by-year1/2012/june/disability-as-a-human-rights-issue-conducting-a-dialogue/](http://www.sida.se/English/publications/Publication_database/publications-by-year1/2012/june/disability-as-a-human-rights-issue-conducting-a-dialogue/)

The human rights of persons with disabilities have been a Swedish government priority since 2009. As a service to staff, briefs have been prepared to provide basic information about the situation of this (often forgotten) group and inspire discussions on what Sweden could do to better include disability rights in diplomacy and programming.