



Comparison of the 1999 Palestinian Disability Law and the Draft 2019 Palestinian Disability Law

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The research was undertaken by researchers and faculty from the Institute of Community and Public Health (ICPH) part of Birzeit University. ICPH was established informally as Palestinian social action was emerging at the end of the 1970's, then as a formal university unit, a department, and as an institute in 1998. Its mission and goals have been primarily defined by the extra-ordinary conditions of Israeli military occupation of the West Bank and Gaza Strip. The institute's inception, growth and development were a response to the Palestinian community's need for generating the evidence required to develop independent and informed health policies, plans and programmes.

ICPH aims to contribute to the protection and improvement of the health of the Palestinian population through research, teaching the MPH and Diploma programs, and the capacity building of public health providers and planners. Its theoretical foundations are based on the notion that health is socially constructed; and on understanding health and disease in context, taking shape over the life course. Medical services are considered important for achieving health, but not sufficient, requiring additional action outside health services and within community and society to address the structural factors that influence health and well-being, such as economic, social, cultural, political, and environmental influences on health.



The Disability Under Siege Network+ Project is a co-created programme bringing together a community of researchers, educational practitioners, advocacy organisations and disability led groups in the UK and Middle East. It will contribute to research efforts by providing intellectual and logistical resources that local practitioners need to transform education provision for children with disabilities in conflict-affected countries.

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Acronyms

CRPD	Convention of Rights of Persons with Disability
CRPD	International Convention on the Rights of Persons with Disability
DPOs	Disabled People's Rights
GMR	Great March of Return
GUPD	General Union of the Palestinian PWDs
HCRPD	Higher Council for the Rights of Persons with Disability(s)
HWC	Health Work Committees
ICF	International Classification of Functioning, Disability, and Health
ICHR	The Independent Commission for Human Rights
ICPH	Institute of Community and Public Health
MOH	Ministry of Health
MOSA	Ministry of Social Affairs ¹
MOSD	Ministry of Social Development
NGO	Non-Governmental Organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
oPt	Occupied Palestinian Territory
PA	Palestinian Authority
PAL	Palestinian Authority Leadership
PDC	Palestinian Disability Coalition
PWDs	Person(s) with Disability/ies
UK	United Kingdom
UNICEF	United Nations Children's Fund
WHO	World Health Organization
YMCA	Young Men's Christian Association

¹ The Ministry of Social Affairs was renamed as Ministry of Social Development by a presidential order on April 13th 2016. Therefore, we refer to it as MOSA whenever we discuss the 1999 law and MOSD when discussing the new 2019 draft law.



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I Background

This report is part of the ‘Disability under Siege’ research project. The project is led by Professor Dina Kiwan from the University of Birmingham, and includes partners from Lebanon, Jordan, the Gaza Strip, and other UK university personnel who joined the project at different stages.

The report is composed of two parts: first, a comparison of the 1999 Palestinian Disability Law (hereafter the 1999 law) with the new 2019 draft law (hereafter the new 2019 law and the new law), which is still being discussed and debated. Based on this comparison, the second part contains the results and discussion of the qualitative interviews we conducted with governmental and NGO personnel, other professionals with knowledge of disability and rights, including legal ones, persons with disabilities (PWDs) and a PWD parent. The interviews solicited their views regarding the old and new laws in general. Specifically, the interviews sought to increase our understanding of why the 1999 law was being revised, and if it was implemented in full or not; who prompted this revision; and opinions regarding the advantages and disadvantages of the new law. Based on our previous experience of having conducted a workshop with various groups on the subject of disability with mixed results, the Palestinian team opted to conduct qualitative interviews instead of a workshop to discuss the new draft law, so as to obtain results which allow for a better understanding of the context in which the draft law of 2019 is being produced, and the debates around the old and new laws. While conducting qualitative interviews has taken rather more time and effort than conducting a workshop, it was nevertheless very useful for obtaining a more nuanced understanding of the situation, and for mentoring Reem and Lina in qualitative interview and analysis, synthesis, and in report writing.

2 A Brief History of the Disability Movement in oPt

The First Palestinian Uprising (Intifada) of 1988-1993 catalysed the visibility and public awareness around disability and PWDs, as some of those wounded by the Israeli army violence became disabled. Persons who became disabled due to Israeli violence were lauded as heroes, which shifted the largely stigmatizing perception regarding PWDs towards a positive understanding. Furthermore, the Intifada ignited the establishment of the disability movement and self-organization of PWDs in oPt, moving away from traditional approaches regarding PWDs that focus on stigma and charity. This movement was composed



Figure 1 Palestinian activists protesting at the Palestinian Legislative Council November 2021



of PWDs and local and international groups supporting them and led to the promulgation of the 1999 Law, which was to ensure providing PWDs with equal opportunities and the right to all key areas of life. However, the implementation of this law was erratic and other policy-based directions arose in the later years. In addition, civil society originations and the disability movement gradually became fragmented. In 2004, the PA released a presidential decree, which called for the development of a Higher Council for the Affairs of Persons with Disabilities. The Council's goal was to act as main director of the governmental and non-governmental initiatives related to the rights of PWDs. This presidential decree was revised and oPt in 2012. Members of the Council include governmental organizations, civil society organization, the organization of PWDs and the private sector. In May 2014, the PA adopted the United Nations Convention of Rights of Persons with Disability in order to prioritize the rights of PWDs and disability as a developmental concern. In the meanwhile, the Palestinian Disability Coalition was formed in 2017 in an effort to unify organizations working in the disability field. Eventually, the new 2019 draft law was drafted by the Institute of Law at Birzeit University in collaboration with MOSD. By the end of 2019, the draft was submitted to the Presidential Office. At the time of this report, the draft is still being discussed and debated. The diagram below visualizes the disability movement in oPt since the early 1990s

Timeline of the Disability Movement in the oPt

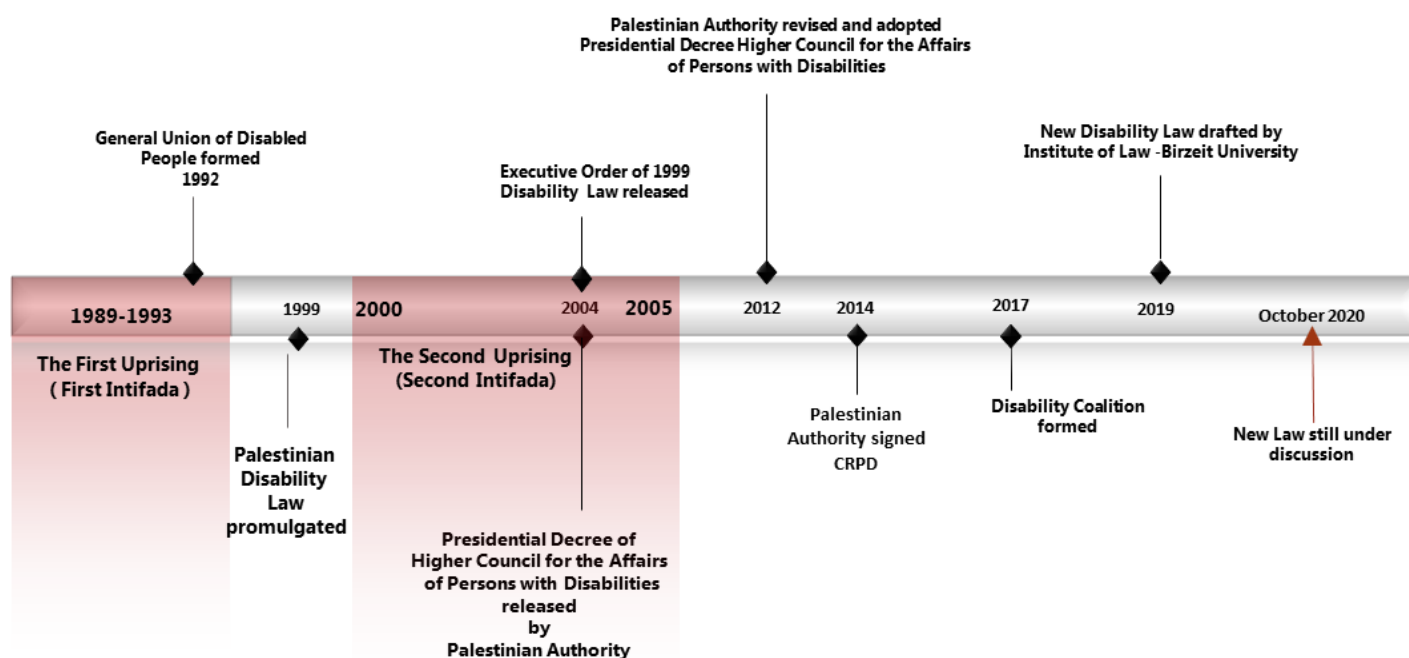


Figure 2 Timeline of the Disability Movement in the oPt



3 Methodology

The ICPH team completed a thorough comparison between the 1999 law and the 2019 draft law outlining similarities and differences (Appendix One). Interview questions were then developed using the comparison document and discussions among the team. Especially because this was an exploratory study, questions were slightly modified and two new questions were added after the first and second interviews (Appendix Two). Eighteen interviews were completed with professionals from various backgrounds all actively engaged in the process of discussing, researching or writing the 2019 draft law, including PWDs and a parent of a PWD. Those included: government representatives; representatives of PWDs and their families; a representative of the funding agency which is supporting this initiative (UNICEF); representatives of NGOs working with PWDs; and the head of the team in charge of writing the draft 2019 Law, a lawyer at the Law institute at Birzeit University (Appendix Three).

Due to the COVID-19 pandemic, all West Bank interviews were conducted virtually via Zoom or WhatsApp, except one face to face interview with the representative of the MOSD. The majority of interviews with Palestinians from the Gaza Strip were conducted by phone due to low internet connectivity and electricity shutouts there, except for one conducted via Zoom. Two people conducted most interviews and some interviews were conducted by one interviewer. One interviewer led the interview and was in charge of asking questions and probing and the other was mainly in charge of note taking but also engaged in the questions and probing when needed. All interviews were recorded and saved. Immediately after each interview, both interviewers discussed and wrote down their reflections on the major themes that emerged from the interview and observations. Later the same day, interviewers listened to the interview once again with minimum note taking. Then, each interviewer wrote memos (conceptual and analytical notes) based on the recorded interview. Memos from each of the interviewers were then combined into one memo. A few days later, memos were read again by the interviewers as they listened to the interview recordings so that the interviewee's views are conveyed accurately. Both interviewers then read and re-read interviews to identify themes and subthemes and combined these with what memos contained. Sub-themes of all interviews were combined and placed under overarching themes (Appendix Three for interview coding and synthesis table).

4 Summary Comparison of the Palestinian 1999 Disability Law and the Draft 2019 Disability Law

The 1999 law signalled the beginning of a recognition of the rights of PWDs in the oPt. It is the first law pertaining to PWDs and their rights which was promulgated by the Palestinian Legislative Council at a time when the CRPD was not yet released. It included 4 chapters and 20 articles. The 1999 law was grounded in medical and charitable approaches to disability. PWDs were referred to as “disabled” and defined as persons who are limited by permanent impairments due to biological/physiological difficulties, that is, a focus on what is inside the person, rather than on the interaction between PWDs and their surroundings, and the influence of the environment on the physical, economic, social and cultural life of PWDs. It lacked a description of goals and



objectives, especially those which should have emphasized improving the living conditions and status of PWDs in society and the elimination of discrimination against PWDs. It included the general rights of PWDs such as: the right to life and the right to lead an independent life, the right to health including the right to access rehabilitation services and trained service providers, the right to education and work, the right to inclusive and accessible communication including introducing sign language in governmental facilities and services, and the right of protection from torture and cruel, inhuman treatment. However, the 1999 law did not include PWDs right to equality before the law, the right to privacy, freedom, women's and children's rights, and other such rights.

The 1999 law introduced the Benefits or Disability Card, to be issued by MOSD, as the law appointed MOSD as the main body responsible for the rights of the “disabled”. This Benefits Card provided PWDs with a basket of free health care for PWDs and their families, professional, educational, and social integration services, in addition to exemption from custom taxes on medical and educational materials, tools, and equipment and personal transport means (the purchase of cars for example), and exemption of 50% on fees associated with games, sport centers, gyms, theatres and cultural events/spaces. While these rights were included in the 1999 law, they are stated rather generally without the necessary details to fully describe different aspects necessary to fulfil these rights. For example, mechanisms and directives to ensure implementation of these rights were absent as the law did not include procedures for necessary oversight, or any penalties or sanctions in cases of lack of implementation. This resulted in a non-binding law for public and private institutions and NGO alike. Indeed, even one of the most important rights included in the 1999 law, the right to access health services, was never implemented in full. The PWD social action movement composed of PWDs and their supporters, such as NGO working with PWDs and human rights organizations, staged a sit in at the Palestinian Legislative Council beginning November 3 2020 for 63 days and nights calling for free health care for PWDs and their families, which was stipulated by the 1999 law. By end January 2021 an agreement was made with the Palestinian Government on free health care and rehabilitation services for all PWDs and their families, but we have yet to witness a full implementation.

The writing of the draft of the 2019 law was instigated by the fact that the PA ratified the CRPD in 2014, and calls for changes in the 1999 law to correspond to the spirit and content of the CRPD. This 2019 law, still in draft form and to be discussed and negotiation with the Palestinian government, is a rights-based law. Based on the human rights model, the 2019 law uses the term “PWDs” to refer to those with disability and defines a PWD as a person with permanent full or partial physical, sensory, physiological, or intellectual impairment which restricts daily activity and active participation in society. It specifies that disability is part of the human condition. The 2019 law does not explicitly state that disability is linked the physical and social environment. However, the articles of the law reflect the notion that disability is the result of an interaction with the social and physical environment. It recognizes the interaction between PWD's biological/physiological difficulty and the environment and society around them, and emphasizes the importance of PWDs integration in economic, social, political, and civil life.

The 2019 law includes a list of goals centered on improving the living conditions of PWDs, their status in society, and ensuring their active participation and integration in society and the elimination of all forms of discrimination against PWDs. It includes 14 chapters and 111 articles,



so, rather more extensive than the 1999 law. It forbids discrimination against, exploitation and negligence of PWDs on the basis of their disability, gender, age, type or degree of disability, and affirms their protection, focusing on equal opportunity for PWDs, and acknowledging equality between men and women PWDs in rights and duties. There are several articles which focus on women PWDs which include acknowledging and protecting women's rights, the elimination of gender-based discrimination, supporting women PWDs in developing their skills and abilities for integration and participation in society, and providing reproductive health services especially during pregnancy and the post-partum period. Other articles focus on children, and include forbidding disability-based discrimination against children, the right to be registered and have a name and a birth certificate (given that some CWDs are never registered or given a name), ensuring that CWDs enjoy the necessary care in all areas, including education, health, professional training and capacity building to ensure independence, self-reliance and active integration in society.

The 2019 law encompasses the rights introduced in the 1999 law, in addition to several rights that were not part of the 1999 law including: the right to equality before the law, the right to privacy, the right to freedom of speech and expression, the right to an adequate standard of living, and specifies the right to access workplace and rehabilitative services in governmental organizations. It also includes the right to protection against domestic and social abuse and exploitation in all their forms including economic and commercial ones. For the right to health, additions were made to include the right to access rehabilitation in all its forms, whether physical, intellectual, social and professional, to ensure independence, self-reliance, and effective integration and participation in society. Unlike the 1999 law, the 2019 law outlines penalties and sanctions against institutions and individuals who abuse PWDs, discriminate against them, or violate any of their rights. It even assigns specific financial penalties and/or prison terms for different forms of law violation, and defines abuse, listing actions such as verbal and physical which are considered abusive.

What is of interest is that the 2019 law calls for appointing a body of delegates to be called the Higher Council for the Rights of Persons with Disabilities (HCRPD) to represent people with disability and to work on assuring and protecting the application of the rights of PWDs. This is likely prompted by the previous experience where the 1999 law was not fully implemented, and the resolve of PWDs to be included in overseeing the law's implementation. In effect, the HCRPD replaces MOSD as the acting body for PWDs. It is assigned several roles including issuing the Benefits Card which we understand was a particular difficulty faced by PWDs and their families (for example, there are over 90,000 PWDs in the oPt, but only an estimated 17,000 hold these Benefits Cards). In addition, HCRPD includes observing members from the GUPWD and ICHR which release annual monitor and evaluation reports to the president, Legislative Council, Council of Ministers along with public distribution. However, the 2019 law indicates that these observing members are to be chosen by the Palestinian president and prime minister. In effect, this centralizes power with the PA once again, and this is one important bone of contention which is being discussed, with PWDs and their supporters not wanting such appointments to be made by the president and prime minister, while the PA insisting on its ultimate authority in representing PWDs and their rights.



Finally, both the 1999 and 2019 laws do not take the context of Israeli military occupation and colonization into account. First, Israeli occupation violence has and continues to produce disablement, especially among young men, and particularly in the Gaza Strip. Second, the control of land, water, resources, and the economy by Israel make it difficult for the PA to generate the needed funds to effectively implement the 2019 law. In addition, movement restrictions are also an impediment, as well as the division of the West Bank into Area A, controlled by the PA, Area B, controlled by both the PA and the Israeli army, and Area C, which constitutes more than 60% of the West Bank and controlled completely by the Israeli army. This West Bank land fragmentation and lack of control over resource, and the choking siege on the Gaza Strip especially, all impede the possibility of implementing programs stipulated by the law in all areas of the oPt.

5 Qualitative Interview Results and Discussion

5.1 Interviewee Characteristics

Of a total of 18 interviewees, twelve were men and six were women. Thirteen reside in the West Bank and five reside in the Gaza Strip. Participants had diverse expertise, and included two academics specialized in law, three representing the Palestinian Government, one representing the funding agency which supported to drafting of the 2019 draft law, UNICEF, and twelve representing civil society organizations as well as PWDs and a parent of a PWD. Six interviewees had one to twenty years of experience at work, while twelve had over twenty years of experience, and all have been active in the disability domain. Nine of the interviewees were PWDs, and one parent of a PWD was also interviewed. One interviewee had full movement disability, while four had partial movement disabilities. Four had full visual disability and one interviewee was a parent of a person with intellectual disability. Seven interviewees had an acquired disability while two were born with disability (Appendix Three).

5.2 General Concerns Influencing the Disability Sector

5.2.1 Factionalism and Fragmentation

When discussing disability according to the human rights-based or ICF model, it is necessary to consider context. Since 1967, the oPt has been under continuous military occupation which has incessantly violated and continues to violate human rights, further marginalizing PWDs rights. In the Gaza Strip, the position for PWDs is particularly severe due to political fragmentation and economic difficulties caused by the Israeli-imposed siege. In 2007, this siege was further affected by the divide between the two governing powers, Fateh and Hamas in the West Bank and Gaza Strip respectively. This siege of the Gaza Strip has resulted in debilitating de-development and segregation of the Gaza Strip from the West Bank, along with enforced constraints by Egypt, the only directly neighbouring country². Thus, the Gaza Strip is isolated from the world and the

² OCHA United Nations Office for the Coordination of Humanitarian Affairs. Occupied Palestinian



situation of PWDs living there is exacerbated. As noted by the Human Rights Watch press release in 2020, Israeli restrictions disallows the access of basic services such as necessary assistive devices and access to healthcare both inside the Gaza Strip and abroad by enforcing travel restrictions even to the West Bank. Additionally, Israeli violence has damaged the Gaza Strip's only power plant and further restrains on the amount of electricity sold to the Gaza Strip. Thus, long electric outages are a common occurrence and further confines PWDs who depend on electricity to charge their assistive devices such as mobility scooters and speaking laptops for active participation in daily life³ In addition to intensifying the situation for PWDs living in the Gaza Strip, it is well-documented that the Israeli army uses sniper shooting tactics that intend to cause disability, particularly in the Gaza Strip. This was most recently documented in the GMR protests, which began on the 30th of March 2018, the WHO, had verified that 321 Palestinians had been killed and 31,338 people injured. A substantial number of the injured protestors became permanently disabled, and where up till the 30th of August 2019, 149 amputations were made.⁴ Thus, Israeli occupation is a major cause of disability and violates the attainment of PWD rights in the Gaza Strip as well.

5.2.2 Funding and Budgets

A reoccurring observation from the participants, whether from those holding governmental positions or working in civil society organizations, revolved around the burden and barrier of securing funding. When probed, participants reported that there are no current budgets in the governmental sectors that are involved in or devoted to the disability terrain. Governmental representatives often tied the lack of securing funding as the major barrier to the implementation of PWD rights as required by both the 1999 and development of the draft law. This observation is relevant to the larger context, as there is a heavy dependence on external funding in the oPt, mainly due to the effects of Israeli occupation on both economic and societal levels. For example, a participant and PWD working in a civil society organization stated that rehabilitation centers and civil society originations tend to provide and prioritize short-term fixes including the provision of assistive devices such as wheelchairs and study aids, rather than delivering long-term interventions such as rehabilitation services to PWDs. Supplying such short-term fixes, he explained, increases the likelihood of these centers and organizations of obtaining grants in the future, even if the provision of the international funds is inconsistent with the programmatic needs. If long-term development programs were delivered instead, it would be uncertain how long such programs would last, as no economic safety nets are provided by the PA. Thus, systemic development in the disability field has and continues to be obstructed.

Territory. The Gaza Strip 2020. Available from: <https://www.ochaoPt.org/location/gaza-strip>.

³ Human Rights Watch. Occupied Palestinian Territory Gaza: Israeli Restrictions Harm People with Disabilities. <https://reliefweb.int/report/occupied-palestinian-territory/gaza-israeli-restrictions-harm-people-disabilities>

⁴ World Health Organization.. Occupied Palestinian Territory. Situation Report. Gaza 01 – 31 August 2019. Available from http://www.emro.who.int/images/stories/oPt/documents/sitrep_aug_2019_v0_sh_rev_gro.pdf?ua=1



5.2.3 The COVID-19 Pandemic:

Our interviews took place during phase one of the COVID-19 pandemic (March till June 2020), which made COVID-19 one of the major topics discussed in our interviews. As soon as the COVID-19 pandemic arrived to the country and the local shutdown was implemented, PWDs feared a slowdown in the process of reviewing and issuing the draft law especially with the increasingly deteriorating situation in oPt that changed the priorities of government officials towards mainly combating the pandemic and stabilize the economy. Their fears were valid, especially that up until December 2020, the Council of Ministries did not provide their revisions and notes on the fourth draft submitted by the wiring committee to the Council of Ministries. Our follow up calls and emails with representatives of PWDs revealed that there is no clear timeline for the review or that the issuing process is moving forward. In addition, all of our participants who identified themselves as PWDs were concerned that the government will use the pandemic as an excuse to drastically modify the law to reduce its cost especially in the chapters and articles related to adaptation of public spaces.

In addition, COVID-19 revealed the extent of marginalization of and negligence towards PWDs at the official level. As of writing this report, contingency plans did not consider the specificity of disability and the additional burdens PWDs face during this emergency and/or the additional needs and support they require. Decisions such as lockdown and closure of institutions and organizations did not consider any protocols or administrative and financial measures that ensure PWDs ability to access and afford the services they need including healthcare services. The daily morning announcements and governmental updates on COVID-19 status and health measures taken were inaccessible to PWDs, or kept PWDs in the dark. One participant who is a member of the Alliance for the Employment of PWDs leaders explained that the Ministry of Labor refused to take the lists of PWDs who lost their jobs as a result of the pandemic as it did with other citizens under the pretext that PWDs are the responsibility of the MOSD.

As the pandemic revealed the negligence faced by the disability sector in the oPt, on November 3rd, 2020, PWDs and their supporting organizations initiated a sit in at the Palestinian Legislative Council to obtain a comprehensive health insurance that covers the needs of PWDs and their families, even though the 1999 law guarantees PWDs a comprehensive free of charge health insurance regardless of the percentage of the disability or its type. The practical translation of this law, represented by the governmental health insurance system, which was established in 2004, excludes PWDs from such a service. The health insurance system covers those with a disability degree of 60% or more. However, even those who are covered in this system do not benefit from its services because the insurance system excludes a package of basic services such as assistive devices and operations for treating ulcers as it considers them cosmetic operations, even though they are a matter of life or death for many.

While government officials claim that providing a comprehensive free health insurance for PWDs adds a new financial burden on the government, PWDs provided a draft of the health insurance system they aspire to obtain and in its fifth chapter, they proposed how the financial resources that would ensure its implementation could be generated. This includes budget allocation from the MOH's general budget, grants and aid from international organizations and NGOs, and money



generated from corporate social responsibility which constitutes 5% of their annual profits. One of the leading activists at the sit in commented that:

“46 public joint-stock companies are listed in the oPt Stock Market, with annual profits of \$290 million, which means that the proposed 5% amounts to \$14.5 million, which is tax-exempt according to the Income Tax Law.” He added “Therefore, the financial resources contained in the proposed law are sufficient to finance it, and the government's pretext that it is difficult to finance is meaningless.”⁵

After 63 nights of the sit in, PWDs obtained a comprehensive free of charge health insurance system that covers all their health needs and their families’. Indeed, this is one major social action initiative which, with sustained and stubborn action, led to success. The issue now is ensuring implementation, and the ease of obtaining health services by PWDs and their families.

5.3 The 1999 Disability Law

5.3.1 Views on the 1999 Law

The Palestinian Legislative Council approved Law No. 4 of 1999 regarding the rights of the disabled. Our literature search revealed that since 1993, the GUPD held discussions with several bodies including MOSA to discuss consideration to enact a law that guarantees the rights of PWDs in the oPt. Following a campaign to mobilize and influence the Legislative Council, and a comprehensive awareness campaign in all governorates in 1999, the law was approved by the Legislative Council and ratified by the President. It was published in the Official Gazette October 10, 1999, to take effect one month after the date of its publication.

Interviews revealed that only a few participants reported that the 1999 law was built via a bottom-up approach given years of social action, lobbying and advocacy. Although such lobbying and advocacy for PWDs began in the early nineties, there were conflicting views about the promulgation of law based on advocacy efforts. Some maintained that the promulgated law was a distorted version of the original law formed by a committee of PWDs and government representatives. Furthermore, an interview with one of the early disability movement leaders and a founding member of GUPD revealed that the President of the GUPD was responsible for initiating the draft of the Law. It was also revealed that a committee consisting of GUPD, MOSD, MOE, civil society and governmental organizations was assigned to write the Law for GUPD. However, it was reported that the committee excluded the GUPD at a later stage, and wrote a separate draft that was presented to the Legislative Council. GUPD strongly opposed this exclusion and this draft and called for a second reading in which eight Legislative Council members attended. Afterwards, the law was supposedly based on this second reading. However, the GUPD condemned the law for not changing their inclusions based on the second reading. After the GUPD opposition that followed, a proposal was sent to the president of the Legislative Council for a third reading. Two-thirds of the Legislative Council agreed to the third reading. Marginal edits to the law were implemented in an effort to satisfy the GUPD demands, but disregarding

⁵ Hammad, Shatha. Government and Persons with Disabilities, Mitras, December 2020, Available from <https://bit.ly/3nLE0rF>



the comprehensive approach made in the GUPD's initial draft of the law. Thus overall, interviews revealed that the Law was not representative of PWD rights or ambitions but hope was shifted towards working on an executive order that would embody these rights.

However, the executive order, issued in 2004, was by and large a rewording of the 1999 law. The order did not address all the articles mentioned in the 1999 law and it failed to establish regulations that are capable of transferring the legal language into procedures and actions that can be adhered to and translated into practical reality. Most of our PWDs interviewees agreed that the executive order rephrased the rights PWDs are entitled to in the 1999 law, and lacked implementation techniques except for establishing the disability card which cover some services that MOSA is responsible for and PWDs are entitled to. This included: health, professional, educational, social integration services based on the type and degree of disability. However, the disabled card has not been issued due to the lack of sufficient budgets to grant the various rights and services covered by the executive order and the 1999 law.

5.3.2 Analysis of the 1999 Law

The Law was considered the most comprehensive Palestinian legal framework that binds the various governmental and non-governmental institutions as well as individuals to respect the rights of PWDs and places responsibility on institutions to take the necessary measures to guarantee these rights. In theory, this law constituted an important basis for providing this category of citizens with special protection and increase awareness to their suffering and the importance of advancing their rights. Some of our participants believed that the 1999 law integrated the rights of PWDs with the overall discussion of citizenship and rights of marginalized groups such as women and children. Less than half of the participants thought that the 1999 law added PWDs and their rights to the PA agenda and that PWDs were viewed as a sector of society deserving of planning, organizing and budgeting. As one interviewee noted:

"The most positive aspects (of the law) are that the cause of PWDs was placed on the agenda and priorities of the PA, even if on paper and that the law prepared for a governmental and social discussion on the rights of PWDs."⁶

In addition, the law covered a number of economic, social, cultural and civil rights, particularly in the second chapter of the law in which the rights and services that the PWDs are entitled to in the areas of social welfare, health, education, rehabilitation and employment are defined. All of our participants believed that the law recognized some PWDs rights, mainly those revolving around the right to live and actively participate in society. Most emphasized that the law was progressive, as one of the members of PWD Coalition noted:

"In its time (it) was a progressive law and an advanced law compared to the countries of the region then."⁷

⁶ Original in Arabic:

"اهم إيجابياته هي ان قضية الأشخاص ذوي الإعاقة وضعت على اجندة او أولويات السلطة (وان كانت بطريقة شكلية فقط)، وان القانون هبى لنقاش حكومي ومجتمعي حول حقوق الأشخاص ذوي الإعاقة".

⁷ Original in Arabic:

However, critically examining the second chapter of the 1999 law, it is clear that articles are formulated in a general manner, and that implementation mechanisms were vague and undefined. This makes the task of drafting regulations and orders based on the law complex. Our interviews echoed this notion since all interviewees agreed that the law was not comprehensive, as it included some basic rights, but not all. Few interviewees, who were professionally or academically associated with the technicality of laws, noted that the law was based on generalities rather than details. This concept of generalities in the law is seen as failing to mention the rights of children with disabilities, persons with intellectual disabilities, as well as reproductive health and rights. One participant who has been part of the PWD rights movement since the early 1990s pointed out that:

“It’s (the 1999 law) main disadvantages is that it is not comprehensive, lacking some rights, and that its implementation is difficult because it did not define clear responsibilities for any particular party (group or institution), which allows governmental institutions to evade their responsibilities towards PWDs. This law is distorted because of its insufficiencies and generalities.”⁸

Moreover, almost half of the participants stressed that the law was problematic in defining a disability diagnostic system. In fact, we noticed that the law mixed between the responsibilities of the MOH and MOSA. Article ten, section one, states that the MOSA is responsible for diagnosing disability and determining the disability type and degree, while the second section of the same Article states that MOH is responsible for the same role. We concluded that this contradiction stemmed from a confusion at the institutional level regarding the definition of disability from a multi-sectorial perspective. On a similar note, the majority of participants declared that the law centralized the constitutional power in MOSA. Some maintained that the law failed to recognize the multidisciplinary perspective of disability and rights of PWDs. We also noticed that the first chapter of the 1999 law devoted the authority mostly to MOSA over rehabilitation institutions and organizations in both the private and public sectors. This is clearly evident from Articles (7) and (8).

On a different note, most interviewees stated that the law’s approach to disability was medical-based. Specifically, most participants added that the approach to disability was of a charitable nature. Similarly, some interviewees thought that the law completely ignored and marginalized the rights of persons with intellectual and mental disability:

"It was a good law, especially if compared to the laws that existed in neighbouring countries. But it was not implemented because it was not legally compulsory. It marginalized people with intellectual disabilities and other categories such as psychological

“كان في وقته قانون عصري وقانون متقدم مقارنة بدول المنطقة اندك”

⁸ Original in Arabic:

"أحد أهم سلبياته هي انه غير شامل (أي يفتقر لبعض الحقوق)، ويفتقد لخاصية النفاذ أي ان تطبيقه صعب لأنه لم يحدد مسؤوليات واضحة اتجاه أي جهة معينة، الأمر الذي يسمح للمؤسسات الحكومية ان تتخلص من واجباتها اتجاه الأشخاص ذوي الاعاقة". وأضاف "قانون ممسوخ بسبب قصره وعموميته."



and cognitive disabilities, and discriminated between persons with disabilities in terms of rights."⁹

In summary, the 1999 law guarantees PWDs a set of rights that allow them to live in dignity, participate, and integrate, to some extent, in the society. However, it lacked clarity and definition of regulations and systems that ensure the application and implementation of the law. Furthermore, it failed in specifying the competent authority responsible for monitoring governmental and civil society institutions' compliance with the law and its practical and complete implementation. In addition, and similar to other laws issued by the PA, the 1999 law and its successive executive order did not consider the financial cost required to implement the law, and did not specify a reasonable implementation timeline.

5.3.3 The Need to Change the 1999 Law

All interviewees agreed that it was necessary to update or change the 1999 law to mirror international developments in the field of disability, including the 2006 CRPD. More than half of the interviewees stated that it was necessary to update or change the 1999 law as the political, economic and social structures of Palestinian society has evolved, and that this needs to be reflected in the law. One interviewee stressed that over the twenty years since the promulgation of 1999 law, major shifts occurred in the disability movement, as outlined in the above movement timeline. Thus, he and other interviewees concluded that the legal framework must reflect such changes.

In addition, all interviewees emphasized that the 1999 law called PWDs “disabled”, which does not correspond to the current legal terminology of the disability discourse. They maintained that legal documents should now reflect international developments in the area of disability including using the term PWDs, instead of “disabled people”. Some interviewees noted that updating or changing the 1999 Disability law is necessary to correspond to technological developments, both internationally and locally. Providing newly developed technological aids is necessary to address the environmental barriers that PWDs face in almost every aspect of life, depending on the type of disability. One PWD described how he was unable to open a bank account in the Gaza Strip, as employees are not allowed to provide PWDs with visual impairments with a debit card. In contrast, another PWD recalled how when she travelled to the United States she was able to access banking by being referred to a human banking teller. When asked about educational technological aids, it was reported that MOSD is responsible for providing such aids, for example, Perkin's braille typewriters and hearing aids among other devices. However, our interview with a representative of the MOSD showed that MOSD expects ministries such as MOH and MOE to budget for such equipment while interviews with MOH and MOE representatives revealed that MOH and MOE are not required to budget for such aid or equipment because PWDs are the responsibility of MOSD by law. This again promotes a need to legally conceptualize and approach disability as a multi-sectorial field that requires the combined efforts of all ministries. This also

⁹ Original in Arabic:

" كان قانون جيد خاصة إذا تم مقارنته بالقوانين التي كانت موجودة في الدول المجاورة آنذاك. لكنه لم ينفذ ولم يطبق لأنه لم يكن قانونيا الزامي، وهمش الأشخاص ذوي الإعاقة الذهنية وفئات أخرى مثل الإعاقات النفسية والإدراكية وميز بين الأشخاص ذوي الإعاقة في الحقوق."



reinforces that disability is not a medical condition, rather an interaction with the social, economic, and physical environment surrounding PWDs.

Only a few participants asserted that it is vital to shift the approach on disability to a rights-based one on both the social and decision-making levels. As one interviewee said:

“The old law which was distorted under the budget (restrictions) claim in 1999, includes fundamental defect as it does not reflect the concepts of human rights and development as this related to disability, but reflects the biomedical and relief model.”¹⁰

This was surprising as less than a quarter of the interviewees recognized the importance of changing the current biomedical-charity-based model of disability to a rights-based approach. Of these participants, a small number were PWDs and the rest were involved at the policy-making levels in the disability terrain at the level of their careers. Thus, they recognized the significance of implementing the rights-based model on both policy-making and societal levels. One interviewee, a PWD, poignantly identified how PWDs rights are practically dealt with as separate, individually focused matter rather than as a social duty:

“Practically, the 1999 law was a symbolic policy and did not include instruments which allow implementation effectively and a form which can affect their lives and guarantee them to reach their rights and the enjoyment of these rights with dignity. In addition, the content of the 1999 Law is closer to the individual and medical approach, and deals with disability as an individual problem for a person with disability and does not concern anyone else, in contrast to the legal approach which sees disability as a social responsibility and difficulty.”¹¹

Another interviewee, a PWD, shed light on how governmental institutional moves towards the human-rights approach are superficial changes, and leading to superficial decision-making as well:

“There was a shortcoming in the centralization of power and responsibilities at the Ministry of MOSD; its name changed from social affairs to social development, but its practices did not change.”¹²

¹⁰ Original in Arabic:

" القانون القديم، الذي تم تحريفه بحجة الموازنات عند التصديق عليه في 1999، فيه خلل جوهري حيث لا يعكس المفهوم الحقوقي والتنموي للإعاقة وإنما تعكس النموذج الاغاثي والطبي".

¹¹ Original in Arabic:

" عمليا، قانون 1999 كان عبارة عن سياسة رمزية ولم يحتوي على ادوات تسمح له بالتطبيق بشكل فعال وشكل يؤثر على حياتهم ويضمن وصولهم لحقوقهم وتمتعهم فيها بكرامة. اضافت ان محتوى قانون 1999 أقرب على التوجه الفردي والطبي، ويتعامل مع الاعاقة على انها مشكلة فردية للشخص ذوي الاعاقة ولا تخص اي شخص اخر، خلافا للتوجه القانوني الذي ينتظر للإعاقة على انها مسؤولية وصعوبة اجتماعية."

¹² Original in Arabic:

" كان هناك خلل في تركز السلطة والمسؤوليات في وزارة التنمية الاجتماعية التي تغير اسمها من شؤون اجتماعية الى تنمية اجتماعية لكن لم تتغير ممارساتها."



The majority of interviewees asserted that it is crucial to address and update the flaws and gaps in the law. Such a result was expected as most interviewees noted that the law had gaps and flaws that needed to be addressed. The law was described as incomprehensive, and lacked proper allocation of tasks and responsibilities among governmental bodies which allowed for evading liabilities. One PWD interviewee expressed his particular concern over the 1999 law's lack of penalties imposition on those discriminating against PWD.

Less than half of the interviewees maintained that the initiative of changing the law was due to the advocacy and lobbying of PWDs themselves. However, all interviewees agreed that changing law was due to PA signing the CRPD in 2014. A small number of the interviewees explained that the PA is required to produce annual shadow reports to the United Nations to ensure that the PA is abiding by the treaty. One PWD interviewee clearly reported that:

“The change in the Law took place only because oPt joined the CRPD, and consequently, it had to demonstrate commitment to change its laws in compatibility with the Convention.”¹³

It was revealing that a few of the interviewees recognized actions of PWDs and their organizations in lobbying for change in the law, especially given that the rest of the interviewees were all working in the area of disability. Of these interviewees the majority were PWDs who have worked or currently work in disability advocacy and PWD organizations. A small number of these interviewees explained that what motivated the MOSD to change the law was when it was discovered that PWDs were asked to write a shadow report to the Committee of the Rights of Persons with Disabilities regarding the PA's initiatives in implementing the CRPD since it was signed in 2014. Some believed that PA's report and the shadow reports were not going to match and that pressured the PA to update/change the 1999 law.

5.4 The 2019 Law Draft

5.4.1 Process of Writing the 2019 Law Draft

The MOSD with UNICEF as a funding partner initiated the process of updating the 1999 law and writing a new one that corresponds to PWDs needs and echoes CRPD, and assigned the Institute of Law at Birzeit University to write a draft of the new law. All interviewees stated that the 2019 law was written with the participation of PWDs, DPOs, PWDs families, human rights organizations, and official ministries. However, some of the interviewees specified that participants were chosen by MOSD, the Institute of Law of Birzeit University and UNICEF. There was an agreement among all interviewees that PWDs were included in the writing process of the draft law. However, the majority of PWDs emphasized that they had to pressure the Institute of Law and MOSD to ensure that they were included throughout the research and writing process

¹³ Original in Arabic:

" ان تغيير القانون حصل فقط لأنه فلسطين انضمت للاتفاقي الدولية لحقوق الاشخاص ذوي الإعاقة وبالتالي كان يجب ان تظهر التزامها بتغيير قوانينها بما يتلاءم مع الاتفاقية."

as partners, not simply as reviewers of drafts. One of the leaders in the PWDs rights movement explained:

“In the beginning there was a problem with the methodology, and it was necessary that the PWD movement would wage a battle to change the methodology. The first meeting between the research team and PWDs took place after a full year (of the inception) of the project”¹⁴

Additionally, some of interviewees pointed out that DPOs conducted focus groups in the West Bank with PWDs and their families to identify PWDs needs and goals for the 2019 draft law. This is because PWDs stated that the needs assessment approach implemented by the Institute of Law and MOSD was not sufficient to accurately represent PWDs demands. Moreover, half of the interviewees specified that governmental institutions, DPOs and PWDs and their families did not meet together to discuss the different drafts of the draft law. Instead, each group met and provided feedback separately. All interviewees from the Gaza Strip stressed that the draft law did not represent the demands and voices of PWDs in the Gaza Strip since most of their comments and notes were not considered in any of the four drafts of the draft law. One of the people who attended all discussions and focus groups in the Gaza Strip and was actively involved in the writing process stated that:

“Unfortunately, the comments of institutions in the Gaza Strip were not included in the first, second or third draft (of the law, and the forth draft was not sent to them), despite having held extensive meetings with the Gaza Strip office of the Law Institute at Birzeit University, and representatives from all institutions working in disability in the Strip.”¹⁵

Furthermore, all of the participants from the Gaza Strip pointed out that they never received the fourth draft of the law, the final one submitted to the MOSD. Thus, they did not have the opportunity to discuss the final draft nor provide feedback. In fact, we had to share the forth draft with them ahead of time to be able to conduct the interviews. Our interviewers who are identified as leaders of PWDs movement in the West Bank confirmed this, and stated that PWDs and their organizations in the Gaza Strip were included only in the focus groups that discussed the first, second and third drafts of the law and formed the bases of PWDs movement demands and notes.

¹⁴ Original in Arabic:

“في البداية كان هناك اشكال في المنهجية وكان من الضروري ان تخوض حركة الاشخاص ذوي الاعاقة معركة مع معهد الحقوق في جامعة بيرزيت ووزارة التنمية الفلسطينية عشان تتغير هذه المنهجية. اول لقاء جمع بين فريق البحث وحركة الاشخاص ذوي الاعاقة كانت بعد مرور سنة كاملة على المشروع وان اللقاء متمركز حول الاولويات السياسية للقانون الجديد”.

¹⁵ Original in Arabic:

“مع الأسف لم يتم الاخذ بملاحظات مؤسسات قطاع غزة على أي من المسودات الأولى والثانية والثالثة، بالرغم من عقد اجتماعات مكثفة مع مكتب معهد القانون لجامعة بيرزيت في غزة وممثلين عن جميع المؤسسات العاملة مع الأشخاص ذوي الاعاقة في قطاع غزة”

5.4.2 Analysis of 2019 Law Draft

Perhaps as expected, all interviewees stated that the draft law is compliant with international conventions and laws, especially the CRPD. In addition, all interviewees agreed that the draft law is detailed, comprehensive and covers most, if not all, the rights of PWDs as interviewee observed:

“The draft is comprehensive and contains many rights, economic, social, political and civil. In addition, the draft is built on a rights approach which stipulates that the rights of PWDs are part of the system of human rights overall.”¹⁶

A major change in the draft law is the distribution of responsibilities towards PWDs, and assigning clear responsibilities to the different parties and sectors involved. All interviewees believed the draft law was written in collaboration with civil society organizations and DPOs working with PWDs, PWDs families, governmental ministries and institutions, and human rights organizations. In addition, all interviewees thought that the draft law clearly and firmly assigns responsibilities to governmental institutions. More than half of the interviewees stated that the draft law includes rights of marginalized groups such as women and children. In addition, the majority of interviewees pointed out that the draft law includes all types of disabilities including mental and intellectual ones. Some of the interviewees noted that the draft law presents disability as an interaction between a physical, mental or intellectual impairment and an obstructive surrounding environment in legal, physical, economic, and cultural dimensions. One interviewee, a PWD, one of the leading partners in writing the draft law, explained:

“Among the most important positive aspects of the draft is the concept of disability, as it was based on the CRPD and dealt with disability as the result of the negative effects between the difficulty which is present among some persons, and the external barriers (environmental, social, economic and institutional)... and the more important in this is that the draft dealt with disability as a difficulty just as any other difference between people and that disability is only the result of legislative, material, social and environmental barriers.”¹⁷

It is necessary to note that not all participants shared this perspective and a few of the PWDs interviewed noted that the concept of disability was not properly defined in the draft law. In fact, a few of the interviewees explained that the current definition of disability in the draft law is incomplete and requires re-wording to fully express that disability is a function of interaction

¹⁶ Original in Arabic:

"المسودة شمولية أكثر وتحتوي على العديد من الحقوق الاقتصادية والاجتماعية والسياسية والمدنية. كما انه المسودة مبنية على توجه حقوقي والتي تنص على ان حقوق الاشخاص ذوي الاعاقة جزء من منظومة حقوق الانسان ككل."

¹⁷ Original in Arabic:

"من اهم الإيجابيات في المسودة هو مفهوم الإعاقة حيث تم تعريف الإعاقة استنادا الى الاتفاقية الدولية لحقوق الأشخاص ذوي الإعاقة وتعاملت مع الإعاقة على انها محصلة التعامل السلبي بين الصعوبة الموجودة عند بعض الافراد وبين الحاجز الخارجية (المعيقات البيئية والاجتماعية والاقتصادية والحاجز المؤسسية...الخ). الأهم في هذا ان المسودة تعاملت مع الإعاقة كصعوبة، أي كأي فرق آخر بين الناس (مقل فرق اللون) وان الإعاقة تنتج فقط عن الحواجز التشريعية والمادية والاجتماعية البيئية".



between the impairment and the social and physical environment. This definition complies with recent international models and fully recognizes the difference and complexity between impairment and disability. We agree with this perspective, especially that the current definition lacks the term *interaction*. However, the law does in some parts present disability as an interaction between an impairment and environment as is evident in the Articles on the accessibility of public spaces, services and tools for PWDs.

In addition, we noticed several gaps in the draft law, and our interviewees confirmed most of our observations. Despite this, it is important to note that some interviewees challenged this notion of gaps in the law by stating that the disadvantages of the draft law cannot yet be determined as it has yet to be implemented. All of participants raised critical points that stemmed from their personal experiences with either disability or the process of writing the draft law. Half of the interviewees asserted that the draft law begins by discussing PWDs rights comprehensively, but then the level of detail and comprehensiveness decline towards the end of the law. It is worth noting that the early chapters of the law discuss civil, social and economic rights such as right to education, work, and health. In agreement with our early investigation, the draft law does not include implementation procedure for most rights. Moreover, more than half of the interviewees believed that the draft law did not include comprehensive rights or implementations procedures to achieve these rights for persons with intellectual or mental disabilities, which align with our observations, and was a major gap in the 1999 law.

One of the topics challenged by most PWDs interviewees was the structure within the HCRPD. In agreement with our observations, some participants, all PWDs and a parent of a PWD, asserted that the draft law centralized the power within the PA as one interviewee explained:

“There is manipulation from some governmental entities with the aim of maintaining the centralization of decision making and power with the PA, and an example of this is that the president of the Higher Council for People with Disabilities is appointed by the president (of the oPt) directly.”¹⁸

In addition, a few of the participants explained that the draft law unites all DPOs under the HCRPD. One participant clarified that HCRPD is a governmental institution based on hierarchy. This structuring of the Council weakens the advocacy and lobbying of PWDs on the government. A leader in the PWDs rights movement explained:

“There is no democracy in the way members and the presidency of the Council are appointed, as the President appoints the president of the Council, and members are appointed by governmental bodies not by election or according to a particular system of assessing competencies (for taking such roles). The problem is that the government always

¹⁸ Original in Arabic:

” هناك تلاعب من قبل بعض الجهات الحكومية بهدف الاحتفاظ بمركزية القرار والسلطة للحكومة الفلسطينية، مثال على ذلك ان رئيس المجلس الأعلى للأشخاص ذوي الإعاقة يتم تعيينه من قبل رئيس الدولة مباشرة.”

brings in people who speak and behave the way they want, they do not want someone who builds a country or a group with complementary skills and experiences.”¹⁹

The draft law shifts the power from MOSD to HCRPD, which is justified given that HCRPD is a body that unites all PWDs, their families, organizations, and organizations working in the disability field. However, it is challenged by the procedure of selecting the members and administrative board of the Council. All members as well as the administrative board, including the Council president, are appointed by the PA president and Prime Minister instead of being elected. Consequently, there is a fear that members and administration of the Council are not going to be representative of PWDs, hence PWDs authentic voices, demands, and contributions are going to be lost.

A small number of the interviewees, both coming from a background in law, specifically discussed penalties and sanctions under the draft law. Both agreed that the draft law casts penalties and sanctions on individuals, which is problematic since the issue with the disability discourse in the oPt should be focused on institutions. One of the participants explained:

“The basic problem as far as the rights of PWDs is that it is an institutional problem, that is, the ability of institutions to perform their duties, and the burden (of PWDs) should not be thrown on persons such as the mother and father and siblings and family. Individual penalties give power and authority to a government that is not fulfilling its duties.”²⁰

5.4.3 Process of Evaluating and Monitoring the 2019 Law Draft

All interviewees stated that the Council of Ministries, MOSD and the House of Fatwa (the highest jurisprudential religious reference) will be reviewing and editing the draft law before the House of Fatwa issues the last version. However, some of the PWDs we interviewed pointed out that PWDs were not initially included in the review and evaluation process. Half of the interviewees who all identify themselves as PWDs explained that there is an expectation that the issued law will be different (tampered with) compared to the draft submitted to the MOSD and the Council of Ministries, mainly to reduce cost, as one interviewee stated:

“The PWD movement greatly feared that the draft Law would be distorted or fundamentally changed after it was submitted to the MOSD using the excuse of the budget (costs prohibiting full implementation of the law) and the scarcity of resources. These are arguments, which do not prohibit the presence of a modern law which reflects at least the CRPD. The law is the law. What we can we do depending on resources?”²¹

¹⁹ Original in Arabic: "لا يوجد ديمقراطية في كيفية تعيين اعضاء ورئاسة المجلس، حيث يعين رئيس الدولة رئيس المجلس، ويعين الاعضاء من قبل جهات حكومية لا بالانتخاب او حسب نظام معين لاحتساب الكفاءات" "المشكلة انو الحكومة دائما بتجيب ناس بيحكوا وبيتصرفوا بالصيغة اللي هم بدهم بسمعوا، ما بدهم حدا بيبيني بلد او مجموعة بتكمل بعض بالمهارات والخبرات".

²⁰ Original in Arabic:

"الإشكالية الأساسية فيما يتعلق بحقوق الأشخاص ذوي الإعاقة هي إشكالية مؤسساتية، بمعنى قدرة المؤسسات على القيام بواجباتها ولا يجوز ان يلقي العبء على افراد كالأب والابوة والاهل، العقوبات الفردية تعطي صلاحيات وسلطة لدولة غير قائمة بواجباتها".

²¹ Original in Arabic:



A few participants explained that they feared drastic changes in the draft law so they pressured the Council of Ministries to include them in the process through the auspices of UNICEF.

Most interviewees pointed out that PWDs, the Council of Ministries and ICHR formed a review committee responsible for reviewing and discussing edits made by governmental bodies during the review process. However, a small number of the interviewees, and all Palestinians living the Gaza Strip, emphasized that no representative(s) from the Gaza Strip were included in this committee, as one interviewee who works in the rehabilitation sector and was heavily involved in the writing process of the draft law maintained:

“It is not expected that representatives from the Gaza Strip would be involved in reviewing the modifications and notes of the Council of Ministries, the Office of the Presidency and Dar al-Fatwa as is the case with the PWD movement in the West Bank. The condition of the Gaza Strip PWD movement is the same as all other legal issues, a pressure instrument used by the conflicting parties in the Palestinian division.”²²

Almost all interviewees stated that the HCRPD and the ICHR will be responsible for the evaluation and monitoring of the implementation and application of the draft law. However, more than half of the participants noted a fear that the HCRPD will not be an effective monitoring and evaluation party especially with the current power dynamics within it. Some interviewees said that civil society organizations and institutions are responsible for submitting their observations on the implementation and application of the draft law to the HCRPD. In fact, one interviewee who is recognized as a leader in the PWDs rights movement commented:

“The task of PWDs represented by institutions such as the Coalition of the Union is to monitor the implementation of the law and prepare regular reports...mechanisms for monitoring should be developed. All complaints presented to official authorities should be documented. All PWD institutions and representative bodies should prepare monitoring reports related to the implementation and evaluation of the law. And they should be members in the Higher Council, especially that the Council has many problems, most importantly no budget and no mechanism to provide a budget as an institution, and that its members and president are appointed by the President and Prime Minister.”

" كان في خوف كبير لحركة الأشخاص ذوي الإعاقة من تحريف واحداث تغيير جوهرى للقانون الجديد بعد تسليمه لوزارة التنمية بحجة الموازنة وضعف الموارد، والتي تعتبر حجج بالية لا تمنع من وجود قانون عصري يعكس على الأقل الاتفاقية الدولية لحقوق الأشخاص ذوي الإعاقة. القانون قانون، وايش بتقدر تعمل منو حسب الموارد اعمل. "

²² Original in Arabic:

" من الغير متوقع ان يتم اشراك ممثلين من قطاع غزة في مراجعة التعديلات وملاحظات مجلس الوزراء وديوان الرئاسة ودار الإفتاء كما هو الحال مع حركة الأشخاص ذوي الإعاقة في الضفة الغربية. حركة الأشخاص ذوي الإعاقة في قطاع غزة، حالها حال جميع القضايا الحقوقية الأخرى في القطاع، هي بمثابة أداة ضغط تستخدمها أطراف النزاع في الانقسام الفلسطيني. "

5.5 Gaps between Palestinian Laws and Implementation

5.5.1 Implementation of the 1999 Law

All of the participants agreed that the 1999 law was not fully implemented. One specialized lawyer maintained that the law was not implemented at all, and another interviewee stated that the law was “pen on paper”. Less than half pointed to financial constraints as the cause for the lack of implementation of the 1999 law. One lawyer explained why the 1999 law was hardly implemented, by noting:

“The PWD law is a right based law, and laws which establish rights are expensive and become a financial burden on the state. This is why we find very limited application of laws with a rights orientation.’ She added: “There is an assumption that the process of law making in the oPt is controlled, that is, when in 1999 the government promulgated the law, it also included a budget for this Law.” However, in reality the concept of budget was not there in the government at the time. And secondly Laws were not promulgated because they were planned by the government; they were promulgated in various ways (interests).”²³

However, a few PWD interviewees disagreed with the above argument by stating that many of the articles in the 1999 law do not burden the state financially. They explained that such articles require political drive to address barriers to inclusion such as making the governmental buildings accessible when designing them instead of continuing to be an environmental barrier, and that this would decrease costs compared to adapting existing buildings to suit PWDs needs at a later stage. One of the interviewees noted that approximately 25,000 PWDs in the oPt depend on MOSD monthly stipends. If these PWDs were provided with tools such as a speaking Perkins computer, they would have a better chance at education, which leads to a more active social and financial future since employment opportunities would increase. Thus, the state would be less burdened if there was political will originally; the long-term burden of dependence is more harmful than the short-term effect of such dependence.

Some of the interviewees stated that PWDs and disability as a development issue were not prioritized by decision makers. Several interviewees believed the prioritization of PWDs in the oPt depends on the person in power, rather than policy and regulations. A few interviewees stated that the best time to have been a PWD in the oPt was during the period when Majeda al-Masri, the appointed Minister of the MOSD from 2009 to 2016,²⁴ who used her platform to prioritize PWDs and their rights. She formed the Disability Card Committee which allowed PWDs a basket of services and was given to registered PWDs. Al-Masri is often compared to her

²³ Original in Arabic:

" قانون الأشخاص ذوي الإعاقة هو قانون حقوقي، وإن القوانين التي تؤسس إلى الحقوق مكلفة وتصبح عبئاً مادي على الدولة، لذلك نجد تطبيق محدود جداً للقوانين ذات الطابع الحقوقي." وأضافت " هناك افتراض أن عملية سن القوانين في فلسطين عملية مضبوطة، أي أن في عام 1999 عندما أقرت الحكومة القانون كانت الحكومة أيضاً واضحة ميزانية خاصة فيه. ولكن في الواقع مفهوم الميزانية ما كان موجود في الحكومة في تلك الفترة. وثانياً إن القوانين ما كانت تصدر لإنو الحكومة مخططة لها ولكن كانت تصدر بطرق مختلفة (مصلح)"

Available from: 2020.AIQuds.. 28 عاماً من الإبعاد وانخراط منذ الصغر بالعمل الوطني
<http://www.alquds.com/articles/1604760334220564100/>



successor who was notorious for delaying PWD issues including the establishment of the Higher Council of Rights of PWDs despite issuing a presidential order that endorses the establishment of the Council in 2012. One interviewee reported that the current Covid-19 pandemic has further revealed the true dynamic and level of prioritization of PWDs in the government, as the government failed to account for PWDs who lost jobs, or for accommodating quarantine spaces/housing, or even making announcements and updates regarding COVID-19 pandemic accessibility. We further discuss this issue in section 5.3 in this report.

Furthermore, half of the interviewees believed that the lack of implementation of the 1999 law stemmed from the lack of awareness at the decision-making level. One lawyer summarized as follows:

“The 1999 Law as a comprehensive concept in its totality was not fully implemented, and many of its general items were not even implemented, and this was due to the ignorance of the rights of PWDS and how to address them in other laws, and because of the (lack of) will of decision makers and the government in prioritizing the rights of PWDs in the governmental agenda.”²⁵

An interviewee elaborated that the government’s understanding of PWD issues is directly tied to financial and material provision, rather than implementing the full rights of PWDs. In addition, the lack of prioritization regarding PWDs and their rights stems from a lack of knowledge and awareness at the decision-making level. In addition, the majority of interviewees attributed the lack of implementation of the 1999 law to the lack of social support and public awareness regarding disability as a developmental issue, despite the fact that the First Intifada had shifted public perception.

Furthermore, more than half of the interviewees attributed the lack of implementation of the 1999 law to discrepancies between the 1999 law and other Palestinian laws. Some policies and orders conflicted with the 1999 law. The most notable example of this case was the National Health Insurance System that offers healthcare services to those deemed by the medical committee overseeing the PWD diagnosis as with a disability of 60% or more. This is despite the fact the 1999 law guarantees free of charge healthcare services to all PWDs regardless of disability type and degree.

Almost half of the interviewees reported that the laws in the oPt are generally disregarded and viewed as trivial. As a result, this leads to the lesser likelihood of law implementation. A common phrase used to describe this situation was “pen on paper”, that is, shelved. One interviewee noted that even international laws that are binding and have international bodies monitoring their application are not implemented in the oPt, so it was not shocking that the 1999 law was not implemented.

²⁵ Original in Arabic:

" قانون 1999 كمفهوم مضمون وبشكله الشمولي لم يطبق بشكل كامل ولم تطبق العديد من عمومياته حتى، وذلك لأسباب متعلقة بالجهل بحقوق الأشخاص ذوي الإعاقة وكيفية التعامل معها في القوانين الأخرى، وبسبب إرادة أصحاب القرار والحكومة في إعطاء أولوية لحقوق الأشخاص ذوي الإعاقة ضمن اجندة الحكومة"

5.5.2 Governmental Willingness to Implement the 2019 Draft Law

Only a third of participants reported that the PA is politically, economically, and socially ready to implement the draft law. One interviewee strongly stated that “the government is only ready to punish”, and another clarified that the government’s (lack of) readiness is often used as an excuse to escape implementation and liability. Another interviewee added that even if the draft law is only applied up to a certain percentage, it is better than not implementing at all. More than half of the interviewees believed that there would be gradual implementation of the draft law within the next five years. Only a small number of the interviewees took into account that PA’s readiness on both economic and political levels would influence such gradual implementation within the next five years. Another linked implementation to what UNICEF is currently working on as follows:

“UNICEF is currently working on costing all the items of the draft law, and from the costing making recommendations for the cumulative (gradual) implementation of the law until full implementation. This step is taken because there is a theory that the law will not be implemented because of fear of the costs of implementation. This is why there will be a schedule for the implementation of the law in line with the economic possibility of the Palestinian government. After this UNICEF in cooperation with the MOSD and the Ministry of Health (MOH) will develop a system for diagnosis based on function instead of the current medical one, and it is expected that this will be produced in 2021. In addition, in 2021, there will be pressure (lobby) towards producing implementation procedures for this draft law. That is, UNICEF will be following up this issue until the full implementation of the law.”²⁶

Half of the interviewees believed that PWDs, DPOs and organizations working with PWDs expect that the draft law would not be implemented. However, they still think the draft law must be promulgated (even if nominal only) as it provides a basis for legal cases and future work when the government and society are ready. This belief is based on previous experiences and struggles with the government, which has been referred to as “hijacking or sabotaging PWD efforts” by one interviewee.

Some of the interviewees indicated that the draft law implementation depends mainly on the PA’s political will to implement the law and on the PA’s priorities for Palestinian civil society. A few of the interviewees maintained that the draft law would not be implemented in the Gaza Strip due to the Palestinian division between Fateh (the PA) on the West Bank and Hamas in the Gaza Strip. According to Gazan interviewees, there are several contributing factors to why the draft law would not be implemented. They maintained that Israeli military occupation, the siege, and restrictions of the entry of (for example) mobility aids are contributing factors. They also

²⁶ Original in Arabic:

"اليونيسيف تعمل حالياً على حساب تكاليف تطبيق وتنفيذ جميع بنود القانون الجديد، ومن خلال التكلفة وضع توصيات للتنفيذ التراكمي للقانون وصولاً إلى التنفيذ الكامل. هذه الخطوة تأتي لأن هناك نظرية أن جميع القوانين غير مطبقة لأن هناك تخوف من التكاليف لتنفيذ القانون. لذلك سيتم وضع جدول زمني لتنفيذ القانون بما يتناسب مع الإمكانيات الاقتصادية للحكومة الفلسطينية. بعد ذلك سيقوم اليونيسيف بالتعاون مع وزارة التنمية الاجتماعية والصحة بتطوير نظام تشخيص وظيفي لاستبدال النظام الطبي الحالي والمتوقع صدوره في 2021، كما أنه في 2021 سيقوم الضغط باتجاه اصدار لوائح تنفيذية للقانون الجديد. أي أن اليونيسيف ستكون متابعة لهذه العملية حتى التنفيذ الكامل للقانون."



explained that they were separated from the West Bank and from quality rehabilitation and health services, which are usually centered in Ramallah, Jerusalem and Bethlehem as a result, especially that few civil society organizations were operating in the Gaza Strip with much overlap in service provision.

Some interviewees stated that there is little expectation regarding the implementation of the draft law based on previous experiences including the lack of implementation of the 1999 law and other rights-based laws. Of these participants, a few explained that the PA is editing the draft law to match its economic, political and social contexts. Thus, the government should be able to implement whatever draft it issues. More than half of the interviewees emphasized that the draft law is not luxury, and one expressed his opinion as follows:

“Adaptation (of the environment to provide access to PWDs) and the implementation of the law is not one of the features of luxury, because how can we possibly talk about the right to housing if the apartments are not adapted and are unusable by PWDs? That is, the items of the draft law are necessary needs, essential for living a dignified life and should not be discussed from the angle of does the budget allow, because the budget must allow.”²⁷

²⁷ Original in Arabic:

"الموائمة وتطبيق القانون ليس مظهر من مظاهر الترف، لأنه مثلاً كيف ممكن نحكي عن الحق بالسكن إذا كانت الشقق السكنية في فلسطين غير موائمة ولا تصلح لاستخدام الأشخاص ذوي الإعاقة؟ أي ان بنود مواد القانون الجديد هي احتياجات ضرورية للعيش بحياة كريمة ولا يجوز مناقشتها من زاوية "هل تسمح الموازنة؟" لأنو لازم تسمح."

6 Special Topics

6.1 Discrimination

6.1.1 Double Discrimination against Women with Disability

The majority of the interviewees addressed double discrimination towards women and girls with disabilities in terms of marriage and reproductive health and rights. The research team found these results to be striking (we hoped it would be different with this group); as the main sphere in which double discrimination mainly discussed was reproductive rights. We constantly needed to probe to get them to think about other aspects of women's lives. Double discrimination faced by women and girls ranges to a variety of spheres as they are more likely to have lower school enrolment rates, lower literacy rates, higher drop-out rates, lower employment rates, less likely to access health services, and are more likely to experience sexual and domestic abuse than men with disabilities and women and girls without disabilities. However, these themes were not touched upon by the interviewees when discussing double discrimination. Overall, this result reveals the societal context in which women and girls with and without disabilities are perceived and valued for their reproductive function as discussed earlier; whereas their rights that do not pertain to their reproduction and sexuality are not addressed. Such a result was expected by the research team to a certain extent; as women and girls within the Palestinian culture are expected to perform domestic roles in bearing and raising children. However, it may be that the effect of advocacy and campaigning by international donors have influenced these results, with a lot of training and discussions taking place on sexual and reproductive health as opposed to the totality of discrimination PWDs face.

Channels and mechanisms of change include working on the legal level to assure the application and implementation of social, economic, cultural and civil rights, fair access to services including protective, health, education, and curative services and the implementation of a system of penalties for abusers. A small number of our interviewees agreed that legal penalties and sanctions may reduce discrimination against women and girls with disabilities in the public sphere. Most interviewees believed that legal penalties and sanctions regarding double discrimination towards women and girls with disabilities would reduce violations and harassment (mainly sexual). These results reflect the lack of power or belief in the law within the public sphere. On the societal status of women with disabilities, half of the interviewees stated that laws would greatly enhance the status of women and girls with disabilities in work and educational spaces. A few of the interviewees indicated that laws cannot change the social status of women and girls with disabilities. One woman PWD interviewee succinctly noted:

"Discrimination against women is existing and complex, and its solution lies maybe in a radical cultural change of society, and so the law may protect women with disabilities in some cases but it will not eradicate the problem of discrimination against women or women with disabilities."²⁸

²⁸ Original in Arabic:

" التمييز ضد النساء مشكلة قائمة ومعقدة وحلها يكمن في تغيير ثقافي جذري للمجتمع، وبالتالي القانون قد يحمي النساء ذوات الإعاقة في بعض الحالات ولكنه لن يقضي على مشكلة التمييز ضد النساء أو النساء ذوات الإعاقة."



This result was not expected by the research team, as it exposes the roots of double discrimination against women and girls which stem from society rather than the lack of legal penalties or clearly specified articles within the law. However, in terms of education and employment, a considerable number of interviewees believed that the law can strongly influence and increase participation. This may be understood that the law may encourage and allow women and girls to participate in the public sphere, but cannot remove the cause of double discrimination. Almost all interviewees agreed that increased public awareness can reduce discrimination and improve the social status of women and girls with disabilities. This result is significant as it ties to the importance of public awareness in the attainment of PWD rights. It also mirrors the power of public awareness in shifting public discourse and “overcoming the law” as mentioned above. It exposes the notion that the power of change is within the people of the society as they are the cause of societal norms, rather than in authority and legal action.

Some of the interviewees reported that double discrimination against women and girls with disabilities will not be eliminated. As one participant described:

“A woman with a sensory disability was subjected to physical violence (beating) by her father, but she was convinced that no one will believe her even with the policies because her father goes frequently to the mosque and all the community likes him. That is, from the outside her father is religious and nice and liked by people around him, so even if she files a complaint to the police, maximum they may ask him to sign a plead and send the girl home, and in this case beating and repression increases.”²⁹

This result may aid in explaining the results above regarding legal penalties and decreasing discrimination in work and education spaces and violations and harassment within the public sphere. The interviewees identified double discrimination as mainly a societal issue, rather than as a legal one. Hence, the law may control or lessen the effect of double discrimination within certain spheres. However, the cause of double discrimination will not be eliminated through legal action.

²⁹ Original in Arabic:

" احد النساء ذوات الاعاقة الحسية، كانت تتعرض لعنف جسدي (ضرب) من قبل والدها، ولكن كان عندها قناعة انو ما حدا رح يصدقها حتى الشرطة لانو والدها "رايح جاي على الجامع وكل البلد بتحبوا"، اي ان والدها في الظاهر شخص متدين ولطيف ومحب للمحيطين فيه، اضافة الى انو لو قدمت شكوى للشرطة، اقصى اجراء ممكن ياخذوا هو انهم يوقعوا على تعهد ويرجوا الفتاة على البيت، وبهاي الحالة الضرب والقمع بصير اكثر واكثر."

6.1.2 Discrimination against Certain Types of Disability

Almost all interviewees believed that there is prioritizing of PWDs with motor and/or sensory disabilities at both the legal and social levels. A similar number of interviewees reported that PWDs with intellectual and/or mental disabilities are marginalized at the social and legal levels including in service provision. One interviewee clearly explained:

“We train PWDs to use public transport, but public transport is not organized (time table wise and stops), and is not equipped to deal with people with mental disabilities, they deal with them mockingly and not seriously. There is no protection system for people with mental disabilities if they are subjected to violation in transport. This pushes all student families to coordination transport with specific people and pay high prices for this transport to get their children to reach the rehabilitation centre and their school. Transportation and costs are some of the reasons that come in the way of children coming to the centre and stay at home (instead).”³⁰

Another interviewee noted that most civil society organizations focus on securing funding and short-term service provision. Thus, PWDs with motor and/or sensory disabilities are easier to rehabilitation and offer aids such as mobility aids, whereas for PWDs with intellectual and/or mental disabilities, long-term service provision is required and such services are not as those for motor and/or sensory disabilities. More than half of the interviewees reported that dealing with PWDs with motor and/or sensory disabilities is easier than dealing PWDs with intellectual and/or mental disabilities. Thus, prioritization of those with motor and/or sensory disabilities makes more services available. A small number of interviewees thought that it is easier for PWDs with motor and/or sensory disabilities to participate and integrate in society, as communication methods with this group is easy and does not require additional skills. One interviewee explained that marginalization in general occurs to those who are the most vulnerable in society, and PWDs with mental/intellectual disabilities are the most vulnerable. One parent recalled an experience with another woman:

“When she woke up and found out that her son has a mental disability, she stood by the hospital window and seriously thought of suicide so that she will not have to face life with a son who has a mental disability. And she refused to show her son to her parents and her husband’s parents for three months because she did not tell them about the mental disability. She first went to specialized psychological support when her son was 6 years old. Her son did not receive any rehabilitation until he was six years old, and there was a big gap between him and his peers who have been rehabilitated at a young age.”³¹

³⁰ Original in Arabic:

“بتدريب الأشخاص ذوي الإعاقة على استخدام وسائل المواصلات العامة، لكن نظام المواصلات العامة في فلسطين غير منظم (من ناحية مواعيد ومراكز تجمع) وغير مؤهل للتعامل مع الأشخاص ذوي الإعاقة الذهنية (يتعامل معهم باستهزاء وليس على محمل الجد)، ولا يوجد نظام حماية للأشخاص ذوي الإعاقة الذهنية في حال تعرضوا لأي انتهاك في وسائل المواصلات. هذا يدفع جميع أهالي الطلاب في جبل النجمة أن ينسقوا مواصلات ابنتائهم مع أفراد معينين وأن يدفعوا مبالغ كبيرة ثمن هذه المواصلات لإيصال ابنتائهم لمركز التأهيل والمدرسة الخاصة بهم (المواصلات وتكلفتها هي أحد الأسباب التي تحول دون اشتراك الأطفال في جبل النجمة وبقاتهم في منازلهم).”

³¹ Original in Arabic:

“عندما علمت الأم بعد أن استفاقت من الولادة أن بنها من ذوي الإعاقة الذهنية، وقفت على شبك المشفى وفكرت جدباً بالانتحار حتى لا تواجه الحياة مع ابن من ذوي الإعاقة الذهنية. ورفضت أن تظهر ابنها لأهلها وأهل زوجها لمدة 3 شهور، لأنها لم تقصص عن الإعاقة الذهنية. ولجأت للمرة الأولى لدعم نفسي

6.2 Sexual Abuse

Sexual abuse is a main fear and claimed to occur among PWDs, especially children and those with intellectual disabilities. A practicing psychologist at one local rehabilitation NGO³² recalled numerous stories regarding the abuse and kidnapping of children with intellectual disabilities. She stressed that such children are unaware and unable to talk about their abuse. Almost all of our interviewees agreed to this point, as they noted that both stigma and stereotypes are associated with PWDs with intellectual and/or mental disabilities. Thus, this compounds and adds burdens to their exploitation and abuse:

“People look at them with inferiority and that they are not to be trusted and that no one believes them. Consequently, even if they talk about the attacks that happen to them, the degree of belief of people and police are very low, that is, if they know how to express themselves.”³³

The psychologist also reported that there is almost little to no accountability and no punishing of abusers. Registration and documentation of such abuse is also non-existent in institutions. She continued to explain that based on her work, males are more likely to be sexually abused since they are more allowed to be in public. Yet, females are more likely to be abused by family members as they are hidden from the public, even during special occasions such as family weddings. This is connected to the larger problem of shame Palestinian women and girls live in, and must adhere to the concept of family honour. In fact, a sociologist described family honour as catalysing the process of a hysterectomy for girls with disabilities as they begin to reach puberty. Hysterectomies are apparently performed to avoid the consequences of any sexual abuse or exploitation inside or outside the family:

“They live compounded marginalization because they are women and with disability. Especially that women in traditional Palestinian society are linked to the concept of honour. This is why we see that when several women with disability reach puberty, their uteri are removed to protect the family honour in case of rape or exploitation, and they are exposed to this a lot with the purpose of using them sex wise from family members without consequences.”³⁴

مختص عندما كان عمر ابنها 6 سنوات. وابنها لم يتلقى تأهيل حتى بلغ 6 سنوات، فكان في فجوة كبيرة بينه وبين أبناء جيله التي تم تأهيلهم من عمر صغير وكان الفرق بينهم وبين الأطفال الآخرين صغير نسبياً.

³² Star Mountain is a rehabilitation center supporting persons with intellectual disabilities and their families.

³³ Original in Arabic: "نظرة الناس الهم دونية وانهم مش مصدر ثقة وما حدا بصدقهم، وبالتالي حتى لو تحدثوا عن الاعتداءات التي تحصل لهم، نسبة تصديق الناس "والامن الهم ضئيلة جدا (هذا إذا عرفوا يعبروا عن أنفسهم!)."

³⁴ Original in Arabic:

" انهم يعيشوا تهميش مركب كونهم نساء وكونهم من الأشخاص ذوي الإعاقة. خاصة ان النساء في المجتمع الفلسطيني التقليدي متصل بمفهوم الشرف، لهيك بنشوف ان العديد من النساء ذوات الإعاقة عند اقترابهم من سن المراهقة يتم استئصال ارحامهن اما لهدف "المحافظة على شرف العائلة في حال حدث أي اعتداء او استغلال لها وهن معرضات لهذا بشكل كبير " او بهدف "استغلالهن جنسيا من قبل افراد العائلة دون عواقب".



A recent qualitative study conducted by Qader³⁵ on a sample of 39 women with disability in the South, Center and North of West Bank, revealed that most of the women were subjected to sexual abuse in the forms of: sexual harassment, rape, and forced to have sex in certain ways against their desires. The study explained that abusers usually use the limited knowledge, limited intellectual abilities, and the fact that women PWDs are less likely to marry to exploit these women. A number of interviewed women explained that due to their limited marriage opportunities, they find themselves more willing to accept being sexually exploited and less able to reject sexual relations outside of marriage. Furthermore, the study points out that women with hearing and speaking disabilities are usually vulnerable to sexual abuse and exploitation from men with and without hearing disabilities because they believe that these women will not be able to report such incidents to their families or anyone else because they simply cannot speak. Women with movement disabilities also explained that they face sexual harassment from people who help them move from the wheelchair to other seats such as the car seat. In addition, the study included the story of a woman with disability that got pregnant as a result of rape, and while she received help for an abortion, her work colleagues used this to further sexually abuse and exploit her.

While there are some laws such as the 1999 Law that protects PWDs against any form of abuse and exploitation, and the Penal Code that provides penalties for sexual abusers, the cultural context prevents most PWDs from reporting sexual abuse cases. In fact, very few of the interviewees clarified that community values such as family honour override legal systems. In cases of intellectual disability, the current legal system does not incorporate easy read, which is a method of presenting written information to make it easier to understand for people with difficulty reading, in order to testify. Thus, PWDs with intellectual disabilities cannot testify if their rights were violated. This is an organizational accessibility barrier, in which PWDs are not considered. These results point to the larger theme of accessibility in the attainment of PWD rights. These accessibility barriers exacerbate the isolation and marginalization of PWDs, particularly women and girls with disabilities, as they are at heightened risk of sexual and domestic violence. Moreover, Article 29 of the official safe homes system, which are protection centers for women who face violence and abuse in any form particularly sexual, exempts women with intellectual and/or mental disabilities as well as psychological disorders and women with movement disabilities who are unable to fulfil their basic needs, from living in or receiving services at safe homes. In fact, a few participants believed that the current protocols regarding protection against sexual and domestic violence are meaningless and prevent safe homes and protection centers from accepting PWDs with motor or intellectual disabilities. One women PWD participant sharply explained the lack of physical, informational and organizational accessibility safe homes for PWDs:

“The law allows protection against sexual violence centers to not accept PWDs. Item 29 of the protection center system allows the administration of these centers to not receive women with mental disability, or movement, or advanced or severe disabilities. Some such centers are not adapted to receive PWDs, and staff does not have the experience and skills

³⁵ Abu Srour, Shatha. Gender and Disability based Violence in oPt. Qader: 2019. Available on: <https://www.qader.org/resources/973.html>



needed to deal with PWDs, so consequently most of these centers are not eligible to receive PWDs.”³⁶

6.3 Public Awareness: Catalyst of Change

All interviewees believed that social and public awareness regarding PWD rights is crucial for the implementation of the draft law. All interviewees but one agreed on the notion that PWDs are part of society. Thus, improving and increasing public awareness regarding PWDs and their rights will facilitate social integration and active participation. More than half of the interviewees noted that public awareness guarantees satisfactory life for PWDs, even if the Draft law was not implemented.

Few of interviewees acknowledged that societal change is a lengthy process. Despite this, they recognized that such change does occur quickly in Palestinian society and noted that awareness regarding PWDs and their rights have increased over the past twenty years:

“Social (and political) changes are neither a quick or smooth process. But it is important to realize that social awareness regarding PWDs is now better than 10 years ago. Now the shyness about PWD family members has decreased, and cases of hiding or neglecting PWD children have decreased. They key here is to work with young children in schools so that a new generation would be raised with more positive ideas and orientations.”³⁷

All interviewees agreed that increased public awareness would lower discriminations towards PWDs that stems from the disability itself, the type and degree of disability and the gender of the PWD. The majority of the interviewees mentioned that governmental institutions and employees need to raise awareness by having workshops and trainings regarding PWDs, PWDs rights, and appropriate communication procedures between non-PWDs and PWDs.

With regards to representation of PWDs with language, including cultural proverbs, and tradition, half of the interviewees revealed that such representation influences the public perception of PWDs. One interviewee pointed to the use of cultural proverbs such as "العقل السليم في الجسم السليم" (A healthy mind is in a health body) inherently implicating PWDs in a negative light. More than half of the interviewees were dissatisfied with the use of both educational and media representation as stereotypes including labels such as “weak” or “heroic”. One interviewee powerfully elaborated:

³⁶ Original in Arabic:

" ان القانون يشرع لمراكز الحماية من العنف الجنسي (بيوت الامان) ان لا يستقبلوا الاشخاص ذوي الاعاقة. حيث تشير المادة 29 من نظام مراكز الحماية يشرع لادارة مؤسسات الحماية عدم استقبال النساء ذوات الاعاقة الذهنية، او الحركية، او الصعوبات المتقدمة او الشديدة. بعض المركز مثل مركز الحماية في نابلس عمرانيا غير مؤهل لاستقبال الاشخاص ذوي الاعاقة، كما ان الكادر الوظيفي في مثل هذه المراكز عالاغلب لا يمتلك الخبرات والمهارات المطلوبة للتعامل م الاشخاص ذوي الاعاقة وبالتالي معظم هذه المركز غير مؤهلة لاستقبال الاشخاص ذوي الاعاقة."

³⁷ Original in Arabic:

" التغييرات المجتمعية والسياسية ليست عملية سريعة وليست سلسلة. لكن من المهم إدراك ان وعي المجتمع نحو الأشخاص ذوي الإعاقة الان أفضل من قبل 10 سنين. الان خفت نزعة الخجل من افراد الاسرة ذوي الإعاقة، وخفت حالات إخفاء وإهمال الأطفال ذوي الإعاقة في اسرهم. المفتاح هنا ان يتم العمل مع الأطفال الصغار في المدارس حتى تنشئ جيل جديد بأفكار وتوجهات إيجابية أكثر."



"The way media presents PWDs, advertisements related to PWDs are usually accompanied by sad music, or PWDs who are effective in society are presented as a miracle or an exceptional case... PWDs include thieves, successful, failing and religious people... they are like people, they are part of society, so do not place them in the image of a weak human being or a strong human being."³⁸

In terms of shifting public awareness, more than half of the interviewees agreed such shifts should occur at the primary level of schooling. One PWD participant who discussed the importance of such representation in the Palestinian curriculum recalled a lesson in which an image of a child in a wheelchair was illustrated as sad, debilitating and excluded from playing with the other children in the playground. In the following image, the illustration presented the child suddenly standing up from the wheelchair and beginning to walk. The children in the playground were shown to have played with the child and joy filled the playground as the child with disability had "overcome the disability" and was then embraced by the others. This lesson in the textbook reveals the societal concept of disability as a "challenge" and that "overcoming disability" is regarded as inspirational and that PWDs who do so are revered as "success stories." In terms of media representation, portrayals of PWDs usually have similar narratives.

Half of the interviewees maintained that public awareness on PWDs and PWD rights has increased due to political events such as the First Intifada and the GMR. Less than half of the interviewees stressed that such political events influenced the public's perspective towards PWDs with motor and/or sensory disabilities exclusively. Slightly more than half of the interviewees acknowledged that PWDs with intellectual disabilities are continuously discriminated against and deemed as "less than human".

It is worth mentioning that less than half of interviewees noted that the shift in public awareness due to such political events was focused on motor and/or sensory disabilities, rather than the other types and levels of degree of disabilities. This may be explained in terms of such political events have increased the numbers of PWDs with motor and/or sensory disabilities. Thus, such disabilities were more visible and were tied in with positive connotations such as heroism and patriotism. This may also be interpreted as a further layer of marginalization within the disability hierarchy, in which non-motor and/or sensory disabilities are considered as more "severe" or disabling. It would be appealing to compare the effects of political events on public awareness of PWDs with non-motor and/or sensory disabilities with PWDs with motor and/or sensory disabilities, both acquired and non-acquired in the future.

Increasing public awareness with representation in both educational resources and media outlets is a main area of interest. On an international policy scale, the CPRD (2006) and Committee of the Rights on the Child (2007) adopted the integration model of education in which inclusive education was set as the aim of educating children with disabilities. A main advantage of such

³⁸ Original in Arabic:

" طريقة عرض الاعلام للأشخاص ذوي الإعاقة، فيتم بالعادة ارفاق موسيقى حزينة للإعلانات المتعلقة بالأشخاص ذوي الإعاقة، او يتم عرض الأشخاص ذوي الإعاقة الفعاليين في المجتمع على انهم معجزة او حالة استثنائية، الأشخاص ذوي الإعاقة في منهم حرامية ولصوص وناجحين وفاشلين ومتدينين... زعيم زي الناس، هم جزء من المجتمع، لذلك ما تحطهم دائما بصورة الانسان الضعيف او الانسان القوي"



inclusive education is to prevent social exclusion of PWDs and consecutively decreasing stigma towards PWDs. However, we note here that staff and trainers need to be trained themselves and educated on this issue. This was raised up in few interviewees with PWDs. These themes were of significance to the research team, as the notion of “awareness overcomes the law”, if the law is not comprehensive, contradictory or not implemented as witnessed with the 1999 law. Even on an international level, if there were awareness we would not feel the need to have conventions or laws to recognize rights. Such themes also tie in with the importance of public awareness among PWDs and their families, as PWDs without certain levels of awareness may be further marginalized and stigmatized which further hinders the attainment of human rights. Increase of awareness towards PWDs and PWD rights adds further pressure on the law and its proper implementation. One PWD interviewee clearly addressed awareness as one of the two factors for PWDs to recognize and attain their rights, along with accessibility as the second main factor.

7 Conclusions

There is an overall agreement that the 1999 law is outdated and needed to change or get replaced. The new 2019 draft law reflects the major needs and rights for PWDs, and overall aligns with the International Convention on Rights of Persons with Disability. However, there is a mutual expectation, especially among PWDs, their families, and organizations supporting PWDs that the draft law will not be implemented, as with the 1999 law, and will not have apparent impact on the lives of PWDs. This expectation is mainly stemming from a lack of trust in the PA’s will and power in implementing any law, especially rights-oriented ones. Even then, we and most interviewees believe in the importance of issuing a fair and supportive law to PWDs, to at least act as a legal document to fall back on in times of need.

We concluded by emphasizing that there are many problems inherent in the current social, economic and cultural systems in Palestinian society that will interfere with the application and implementation of the draft law. Hence, we believed that the timeline of implementation of the draft law over five consecutive years is somewhat ambitious, especially given the current effects of the COVID-19 pandemic especially on the Palestinian economy. On this note, we believe it is absolutely necessary to allocate a percentage of the national financial budget for the rights of PWDs. As discussed in this report, absence of budgeting for the disability sector was a major factor related to the lack of implementation of the 1999 law and impeded the PA’s legal obligations towards PWDs and their associated rights, and influenced the PA’s ability and will to adopt projects to develop and improve the conditions of PWDs in Palestinian society.

Perhaps our major conclusion is that it is necessary for PWDs to own their case to assure their rights and the application of the draft law. Through our interviews, literature search and legal readings, we observed that there is distorted knowledge, expectation and problematic awareness at the decision making and public levels on issues related to disability, including the definition of disability and the abilities of PWDs. Consequently, even if the draft law were to be issued and implemented, PWDs would most likely still be marginalized and disadvantaged and an authentic advancement of PWDs conditions would only come from PWDs own efforts to change public awareness and demand their share in rights and respect as other citizens in the Palestinian society, as we have seen in their latest sit in of November December 2020. Indeed, the sit if of PWDs



and their supporters at the Palestinian Legislative Council for 63 nights in a row is a clear indication that, other than laws, social action and pressure on government and the power that be is a key element that PWDs can use in promoting and obtaining their rights.

Appendices

Appendix One: Comparison Matrix - The Palestinian law of the Disabled Rights (1999) and the Palestinian Decision by Law for the Rights of People with Disability Draft (2019)

Criteria		1999 Law	2019 Draft	Notes
General	Legality	A law; it was approved and issued by the Palestinian Legislative Council and the competent legal authorities at the time.	A decision by law; it will be issued by the Palestinian president during the state of emergency ³⁹ . However, it will be terminated once the state of emergency is lifted, then discussed at the first session of the Legislative Council.	
	Number of Articles and Chapters	4 Chapters 20 Articles included	14 Chapters 111 Articles included	This development and expansion were mainly due to the International Convention on Rights of Persons with Disability, so the majority of chapters and articles were adopted from ICRPD.
	Terminology	Disabled "المعوقين"; the law of the disabled rights.	People with disability "الأشخاص ذوي الإعاقة"; a decision by law for the rights of people with disability	This reflects the global development of disability terminology.
	Approach	Medical and Charitable (Individual)	Rights-based (Social)	The 1999 law appoints the Ministry of Social Affairs as the main and only responsible party for PWDs, which implies

³⁹ On 14 June 2007, President Abbas declared a state of emergency that dismissed Ismail Haniyeh as Prime Minister. However, Haniyeh and the Legislative Council, which was controlled by Hamas, did not acknowledge the legitimacy of this step and the leadership of the Palestinian National Authority has been disputed since the national unity government broke up.



Criteria		1999 Law	2019 Draft	Notes
				a charitable approach to disability.
	Goals	Did not mention any goals or objectives for the law.	Specified a list of goals for the law. They were centered on improving the living conditions of PWDs, their status in the society and assuring their active participation and integration in the society, as well as eliminating all forms of discrimination against PWDs.	
Responsibilities and definitions	Responsible Authority	Appoints the state to pledge protection and Ministry of Social Affairs as the responsible party to represent people with disability and to work on assuring and protecting the application of the rights of people with disability through awareness programs and collaboration with other official bodies.	Appoints a body of delegates, known as the Higher Council for the Rights of Persons with Disabilities (HCRPD), to represent people with disability and to work on assuring and protecting the application of the rights of people with disability.	Both 1999 law and the 2019 decision by law draft are similar here in centralizing the power within the Palestinian Authority leadership (PAL). In 1999, the ministry of social affairs was in full control of the 1999 law, and in the 2019 draft, HCRPD is in control of the law. However, members and leadership of HCRPD are selectively appointed by the Palestinian President and Prime Minister.
	Sanctions and Penalties	Did not include penalties or sanctions on institutors or individuals.	<p>Outlines penalties and sanctions on institutions and individuals that abuse PWDs, discriminate against PWDs, or violate any of their rights.</p> <p>Penalties and sanctions are directed towards institutions</p>	



Criteria		1999 Law	2019 Draft	Notes
			<p>more than individuals. However, most individual penalties to the General Penal Code.</p> <p>Assigned specific financial penalties and/or prison terms for different forms of law violations.</p> <p>Defines abuse and lists actions (verbal and physical) that are considered abusive.</p>	
	Definition of People with Disability	Any individual suffering from a permanent partial or total disability whether congenital or not in his/her senses or in his/her physical, psychological, or mental capabilities to the extent that it restricts the fulfillment of his/her normal living requirements in a manner not usually faced by those without disabilities.	Every person who has a full or partial long-term impairment in the physical, sensory, mental, physiological, or nervous functions, that limits daily activities, active participation in the society, and the enjoyment of rights in a free, independent and safe way.	The definition in both the 1999 Law and the 2019 draft fails to recognize disability as an interaction between an impairment and an obstructive environment, which a key focus of the movement of PWDs rights.
	Concept of Disability	Recognizes disability as a medical limitation or difficulty only with no regard to the surrounding environment, hence disability becomes an individual's "problem".	Recognizes disability as the interaction between a person's health condition or impairment and the multitude of influencing factors in their environment (social, political, legal and economic).	While the definition of PWDs in the 2019 draft does not present disability as an interaction between an impairment and an obstructive environment, the details of the law (chapters and articles) defiantly recognize disability as such.



Criteria		1999 Law	2019 Draft	Notes
General Rights	International Conventions and Laws	<p>Does not mention any International Laws or Conventions.</p> <p>The international convention for the rights of people with disability was not issued yet, but human rights law and the convention against torture were in use in 1999.</p>	Ensures the application of the International Convention for the Rights of People with Disability (2006), and all other related international conventions and laws that have been signed by the PA government such as Human Rights Law and the Convention Against Torture.	<p>Relevant International Laws and Conventions prior to 1999:</p> <ul style="list-style-type: none"> • Convention on the Rights of the Child (1989) • Convention on the Elimination of All Forms of Discrimination against Women (1979) • Discrimination (Employment and Occupation) Convention (1958) • International Covenant on Civil and Political Rights (1966) • The International Covenant on Economic, Social and Cultural Rights (1966) • United Nations Convention against Torture (UNCAT) (1985) • The First, Second, Third, and Forth Geneva Conventions (1949)



Criteria		1999 Law	2019 Draft	Notes
				<ul style="list-style-type: none"> • Relevant International Laws and Conventions prior to 2019: • All of the above. • The Convention on the Rights of Persons with Disabilities (2006)
	Right to Life	<p>Clarifies that PWD have the right to enjoy a free life, dignified living, and various services in a manner equal to that of other citizens and they shall have the same rights and obligations that are within their capabilities. Preventing any PWD from enjoying these rights on the bases of their disability is not permissible.</p> <p>Did not include mechanisms of control to assure the enjoyment of the right to life by all PWD.</p>	<p>States that PWD have a right to dignity and life and affirms that necessary measures must be taken to ensure and protect this right.</p> <p>It is specified that disability is viewed as a part of the human condition. Accessibility, self-sufficiency and active societal participation are particularly emphasized.</p> <p>It mentions that all necessary mechanisms should be taken to ensure the application of this right, but does not clarify or outline what these mechanisms are or how to control this right.</p>	Both the 1999 Law and the 2019 draft do not include any details on implementation, accountability, or monitoring mechanisms of the right to life.
	Right to lead an independent life, freedom of choice and right to be respected by others.	PWDs are entitled to lead an independent life and the right to be respected by others.	PWD have the right to be respected, right to freedom of choice, and right to their independent individuality.	Both the 1999 Law and the 2019 draft do not include any details on implementation,



Criteria		1999 Law	2019 Draft	Notes
			<p>PWD must be able to take advantage of the measures designed to ensure their independence and full integration and participation in the society.</p> <p>The right of PWDs to live equally among all people</p> <p>To respect PWDs choice, without force.</p>	<p>accountability, or monitoring mechanisms of the right to lead an independent life, freedom of choice and right to be respected by others.</p>
	Right to Equality Before the Law	Not included	<p>Affirms PWD's right to equality before the law and to access, without any form of discrimination, the benefits and protection provided by the law.</p> <p>Forbids discrimination, exploitation, and negligence against PWD on the basis of their disability, gender, age, type of disability, or degree of disability, and affirms their protection.</p> <p>Equal opportunities PWD and others.</p> <p>Acknowledges equality among female and male PWD in the rights and duties.</p>	<p>The 2019 draft does not include any details on implementation, accountability, or monitoring mechanisms of the right to equality before the law. However, the 2019 draft obligates the government to make courts, public spaces, and legal platforms physically accessible, but does not mention any details on this.</p>



Criteria		1999 Law	2019 Draft	Notes
			Acknowledges true fair equality for people with disability to fully enjoy their political, civil, social, economic, and cultural rights as well as their right to access and use public spaces.	
	Right to access communication tools and technologies.	States that the government shall include sign language in governmental facilities + services, which could be seen as a step-in making information and facilities more accessible.	<p>Acknowledges PWD's right to access and enjoy public spaces and services, goods, transportation, as well as information and communication tools and technologies in a manner that assures their independence and participation in daily life activities.</p> <p>Measures need to be taken so that PWD can access information/communication, technology, an environment which includes their skills + abilities.</p> <p>Access to communication/tech services in which such services are affordable and available.</p> <p>Physical barriers must be removed and communication services must be included in</p>	Both the 1999 Law and the 2019 draft do not include any details on implementation, accountability, or monitoring mechanisms of the right to access communication tools and technologies.



Criteria		1999 Law	2019 Draft	Notes
			<p>public organizations +public spaces.</p> <p>Capacity building for those interacting w/PWDS in governmental and non-governmental organizations to ensure proper exchange of communication.</p> <p>Training of those specialists/workers that interact w/ with a rights-based approach to ensure aid and services that guarantee these rights.</p> <p>DPOs and those working w/PWDs have the right to receive information regarding the services received/being received by the PWD</p>	
	Right to Privacy	Not included	Acknowledges the right to privacy in professional and personal lives for PWDs, this includes private and confidential information regarding their health and rehabilitation.	The 2019 draft does not include any details on implementation, accountability, or monitoring mechanisms of the right to privacy.
		Not included	Acknowledges freedom of speech for PWDs in all its forms.	



Criteria		1999 Law	2019 Draft	Notes
	Right to Freedom of Speech		<p>PWD and their families are entitled to receive all relevant information from all parties.</p> <p>Provides legal protection for PWDs in cases of imprisonment.</p>	
	Right to Protection against torture, abuse and exploitation	<p>Government is responsible to protect PWDs against all form of abuse, discrimination and exploitation, but no mechanisms were included and no responsibilities were assigned.</p>	<p>Acknowledges PWDs' right to be protected against domestic and social torture, abuse, and exploitation in all their forms including economic and commercial ones.</p> <p>Provides protection and support to PWDs in emergency cases such as pandemics, wars or natural disasters.</p> <p>Legal guarantees provided by applicable legislation and international human rights law in the event of detention and imprisonment</p> <p>Legal documentation will be needed in order to have control over PWD.</p> <p>Provides rehabilitation services for PWDs who have</p>	



Criteria		1999 Law	2019 Draft	Notes
			<p>been subjects to torture, exploitation or abuse.</p> <p>Obligating investigations in cases of abuse, torture or exploitation of PWDs.</p>	
	Women Rights	Not mentioned	<p>Acknowledges and protects women rights, and eliminates gender-based discrimination and disability-based discrimination.</p> <p>Developing women's skills and abilities, and reinforces women's integration and participation in the society.</p> <p>Take facilitation measures to promote the effective implementation of equal rights for women with disabilities.</p> <p>Obligates providing reproductive health services for women with disability especially during pregnancy and post-partum.</p> <p>Women with disability and working mothers who give birth to a child with disability are entitled to sick and annual leaves (same as other employees), as well as 90</p>	



Criteria		1999 Law	2019 Draft	Notes
			leave-days to be taken prenatal or postpartum, and 30 leave days to be taken anytime within the first year of giving birth.	
	Children Rights	Not mentioned	<p>Guarantees children rights, and forbids disability-based discrimination against children with disabilities in all its forms.</p> <p>Right to be registered upon birth, and to have a name and birth certificate. However, mechanisms of controlling this right are not mentioned.</p> <p>Consider the best interest of the child in all actions taken in his regard whether taken by legislative bodies, courts, administrative authorities, or public or private community protection and welfare institutions.</p> <p>Take appropriate measures and to ensure that children with disability enjoy the necessary care in all areas, particularly education, health, and professional training and capacity building to assure their independence, self-reliance and active integration</p>	



Criteria		1999 Law	2019 Draft	Notes
			<p>and participation in the society.</p> <p>Developing and improving children's skills and abilities, and promote their integration and participation in the society.</p> <p>Guarantee the right to express, and to weight their point of views in accordance with their age and level/type of difficulty.</p> <p>Right to access public spaces especially those related to education, health and rehabilitation. In addition, to adapt such places for the use of children with disability in all forms.</p>	
Rehabilitation	Right to access and receive rehabilitation	<p>Governmental will cover 75% of the costs associated with the rehabilitation of PWDs.</p> <p>PWDs due to the Israeli occupation are fully exempt from all costs associated with rehabilitation.</p>	<p>Acknowledges the right to access and enjoy rehabilitation in all its forms (physical, intellectual, social, and professional) to ensure their independence, self-reliance, and effective integration and participation within the society.</p> <p>Equal distribution of</p>	



Criteria		1999 Law	2019 Draft	Notes
			<p>rehabilitation centers, workshops and training centers, as well as shelters and care homes in cases of emergencies, in all provinces and counties.</p> <p>Availability of trainings and workshops for PWDs and people working with PWDs. And ensuring that such places are well staffed with expertise and trained professionals.</p> <p>Availability of rehabilitation, trainings, awareness building workshops, counseling, guidance and support for families of PWD, and ensuring adequate conditions for PWD within</p> <p>Acknowledges the right for PWD to access support services and systems and personal assistance within and outside their homes considering the gender differences.</p>	
	Rehabilitation and training for people working with PWDs	Access to and availability of rehabilitation and training for people working with PWDs at governmental and official offices and ministries	Access to and availability of rehabilitation and training for people working with PWDs	



Criteria		1999 Law	2019 Draft	Notes
	Rehabilitation and Training for people working at governmental offices	Not included	Access to and availability of rehabilitation and Training for people working at governmental offices	
	Right to Health	<p>Free of charge insurance to all PWDs and their families.</p> <p>Develop protective and early detection techniques to reduce the percentage of PWDs.</p> <p>Cover 75% of the costs associated with equipment, material and tools needed by PWDs.</p>	<p>Acknowledges the right to access and receive curative, preventative and rehabilitative services for all PWD regardless of sex, age, disability type and disability degree.</p> <p>Eliminates all forms of discrimination in accessing or receiving curative, preventative and rehabilitative services.</p> <p>Healthcare services required for their disability. Purchase of services from the private sector if such services are not available at public organizations.</p> <p>PWDs are entitled to freely choose the health services (rehabilitation and medical services) they wish to receive.</p> <p>Free of charge health insurance for PWDs and their families.</p>	



Criteria		1999 Law	2019 Draft	Notes
			<p>Ministry of Health is required to ensure all the articles related to the right to health are applied and in action.</p> <p>Ministry of Health is required to find and offer alternative services for PWD in case a needed service is not available at public or national institutions.</p> <p>Provide rehabilitation and training for all health staff to be able to work with and provide services to PWDs.</p> <p>Ministry of Health is required to budget for PWDs services.</p> <p>All hospitals and health centers are required to physically adapt for PWDs use over a period of 3 years for the date of issuing this law. Ministry of health will collaborate with the Higher Council for the Rights of Persons with Disabilities to ensure this.</p> <p>Access to reproductive and sexual health information and</p>	



Criteria		1999 Law	2019 Draft	Notes
			services, and increase the quality of these services for PWD and their families.	
	Right to Education	<p>Ensuring the fair and equal enrollment of PWDs at public education institutions at all stages.</p> <p>Providing adequate and accessible curriculum for all disabilities.</p> <p>Encouraged the integration of PWDs into educational institutions.</p> <p>Provide rehabilitation and training for education staff who work with PWDs to be able to work with them.</p> <p>Cover 75% of the costs associated with equipment, material and tools needed by PWDs.</p>	<p>Acknowledge the right to education in all stages and in all fields.</p> <p>Prohibit discrimination against PWD or exclusion of PWD from participation research(s).</p> <p>Grading system must be established to accommodate PWD.</p> <p>Ensures providing integrative environment in classrooms.</p> <p>Ministry of Education and Higher Education are responsible to find and offer alternatives for PWD with multiple disabilities of high-degree disability(s) who cannot attend public school and educational centers.</p> <p>Availability and access to required material, services and tools needed for PWDs as part of their education journey.</p> <p>Provide rehabilitation and</p>	<p>Both the 1999 Law and the 2019 draft do not mention or include pre-school kids in, which is a critical age for children with disability(s) and their families.</p> <p>While both the 1999 Law and the 2019 draft acknowledge the right to education for PWDs, they both seem ambitious with the current schooling conditions. In most public school, classes range from 40-60 students per class, which raises concerns about how teachers and schools could integrate a PWD with the rest of their class.</p> <p>In some cases, PWDs need a full-time assistant by their side while at school, both the 1999 Law and the 2019 draft do not include such assistance, which leaves the costs on families of PWDs.</p>



Criteria		1999 Law	2019 Draft	Notes
			<p>training for all education staff to be able to work with and provide services to PWDs.</p> <p>Eliminate discrimination against PWDs in all forms and at all stages of the education journey/process.</p> <p>Adapt educational institutions for the access of PWDs.</p> <p>Exempting PWDs from education costs and fees at all stages and regardless of the type or level of disability and the financial background of their families.</p> <p>Ministry of Education and Higher Education is required to ensure the application of all articles related to the right of education.</p> <p>Ministry of Education and Higher Education are required to budget for PWDs.</p> <p>Free of charge public education for PWDs and partially funded private education for PWDs.</p>	<p>The 2019 draft exempts PWDs from any education costs for school and higher education, however, it does not mention who carries out the costs.</p> <p>The details of the right to education seem to focus on movement and sensory disabilities, it does not include details specific to mental or intellectual disabilities.</p>



Criteria		1999 Law	2019 Draft	Notes
			<p>Assigning a percentage of national scholarships and fellowships (including research fellowships) for PWDs.</p> <p>All schools, universities, and educational institutions are required to physically adapt for PWDs use over a period of 4 years for the date of issuing this law. Ministry of education and higher education will collaborate with the Higher Council for the Rights of Persons with Disabilities to ensure this.</p>	
	Right to Work	<p>Ensure a percentage of at least 5% of the work force at governmental offices and ministries.</p> <p>Encouraging the private sector to accommodate PWDs as part of their workforce through tax exceptions.</p> <p>Integrate sign language into governmental offices and ministries.</p> <p>Right to access and receive training for their desired profession.</p>	<p>Right to equal work opportunities.</p> <p>Right to access and receive training for their desired profession.</p> <p>Right to enjoy union rights, and to enroll at the different professional unions.</p> <p>Right to have earlier retirement compared to others.</p>	



Criteria		1999 Law	2019 Draft	Notes
		Availability of all required material and tools needed for PWDs to perform their tasks.	<p>Availability of all required material and tools needed for PWDs to perform their tasks.</p> <p>Ensure a percentage of at least 7% of the work force to be dedicated for PWDs for work places with 20 employees or more. If not, then work places have to dedicate a percentage of their revenues to the disability national fund.</p> <p>Establish and design mechanisms of control and accountability for work places to assure the application of this law.</p> <p>Establish a database of PWDs seeking job opportunities to assist them with employment opportunities and applications.</p> <p>Ensure equal rights for working mother who are part of PWDs, and ensure all their rights (including maternity rights) are met.</p> <p>Ministry of labor is responsible for ensuring jobs and job application for PWD without discrimination and on</p>	



Criteria		1999 Law	2019 Draft	Notes
			<p>monitoring PWD employment.</p> <p>Provide incentives to hire PWD, if an employer hires PWDs to a higher percentage than 7%, their 5% of their taxes are deductible.</p> <p>Ministry of labor must receive quarterly reports for the private sector addressing:</p> <ul style="list-style-type: none"> -The number of PWD working, -Their assigned tasks, and - Their salaries. <p>The Higher Council for the Rights of Persons with Disabilities will be responsible to develop quality and safety standards for all PWDs at the workplace.</p> <p>All work places and governmental offices and ministries are required to physically adapt for PWDs use over a period of 4 years for the date of issuing this law.</p>	
	Standards of Living	Not included	Ensuring that PWDs are included in retirement and social security programs.	There are concerns around assuring access to adequate food, shelter, clean water and



Criteria		1999 Law	2019 Draft	Notes
			<p>Access to adequate food, shelter, clothing, clean water and the continued improvement of the standards of living.</p> <p>Ensuring unemployment stipends for unemployed PWDs.</p> <p>Ensuring that all children with disability receive stipends until the age of 18.</p> <p>Ensuring that 5% of public housing programs are dedicated to PWDs.</p> <p>Promote and support technological advances and research, research on disability and research that reflect on the experience of PWD.</p> <p>Promote and increase public awareness about PWD, their rights and their success stories.</p> <p>Ensuring the active participation of PWD and their organizations in the process of conducting public</p>	<p>improvement of the standards of living as the Palestinian Authority is a government under occupation, especially with the current trend of Palestinian home demolitions and full control over natural resources.</p> <p>There are concerns around ensuring employment stipends for unemployed PWDs, especially as it is not provided for other people.</p> <p>Current public housings are only available in Jerusalem, which is problematic.</p>



Criteria		1999 Law	2019 Draft	Notes
			<p>affairs, policy making, strategy building, programs and decision making especially if it relates to PWD.</p> <p>Ensuring the inclusion of the rights of persons with disabilities and their issues in national policies, strategies, plans and programs and in the state budget.</p> <p>Ministry of social affairs is required to assure the application of the social and civil rights of people with disability, and to develop strategies to integrate PWDs into the society.</p> <p>Establish and provide social protection and poverty reduction programs. Women and girls with disability, persons with mental or intellectual disability, persons with multiple disabilities, and elderly PWD must access such programs.</p> <p>Establish and monitor a database recording and documenting violence, abuse,</p>	



Criteria		1999 Law	2019 Draft	Notes
			discrimination and exploitation cases against PWDs.	
Exemptions and Concessions	Exemption from income taxes and retirement taxes, custom taxes on educational and health equipment, tools, material, and personal transportation means.	PWDs are exempt from custom taxes on medical and educational material, tools, and equipment, as well as personal transportation means.	PWDs are exempt from income and retirement taxes, custom taxes on educational and health equipment, tools, and material, as well as personal transportation means.	
	Exemption from legal fees at courts	Not mentioned	PWDs are exempt from legal fees at courts	
	Exemption from fees associated with games, sport centers, gyms, theaters, and cultural events/spaces.	Exemption by a percentage of 50% from fees associated with games, sport centers, gyms, theaters, and cultural events/spaces.	PWDs are exempt from fees associated with games, sport centers, gyms, theaters, and cultural events/spaces.	
Higher Council for the Rights	Establishment of HCRPD as the main representative of PWDs	Did not establish one, or any other independent entity to represent PWDs other than ministry of social affairs.	Ensures the establishment of HCRPD as the main representative of PWDs	
	HCRPD is an independent entity and performs supervision over	Not applicable	Recognizes HCRPD as an independent entity and entitles it to perform supervision over the application of this law	



Criteria		1999 Law	2019 Draft	Notes
of Persons with Disabilities (HCRPD)	the application of this law			
	Goals of HCRPD:	Not applicable	<p>Ensures that the rights listed in the draft are protected.</p> <p>Represents the occupied Palestinian territory in PWD cases in both international and national conferences and committees.</p> <p>Addresses and aims to limit financial, legal, intuitional, technical, cultural, behavioral hindrances that PWDs face.</p> <p>Raises societal awareness regarding PWDs concerns by making effective programs and media tools</p> <p>Monitors, evaluates and addresses institutional and individual complaints</p> <p>Monitors and evaluates programs, accessibility standards and services for PWDs</p>	
	Observing Members	Not applicable	-General Union of Persons with Disabilities (GUPWD)	



Criteria		1999 Law	2019 Draft	Notes
			<p>-Independent Commission of Human Rights (ICHR)</p> <p>Observing members have the right to attend Board of Director meetings. However, attendance is not obligatory and members are refrained from voting.</p> <p>Expressing opinions, participating in discussions and offering recommendations are permitted.</p> <p>Releasing an annual report regarding the received complaints (both institution-based and individual-based) towards PWDs</p> <p>-Releasing an annual report regarding the state of PWDs in the oPt in terms of integration and accessibility.</p> <p>- Releasing an annual report regarding that national accomplishments and challenges faced in the disability terrain.</p>	



Criteria		1999 Law	2019 Draft	Notes
			<ul style="list-style-type: none"> -Releasing recommendations in regards to strategy and policies to increase the service quality PWDs receive. - Establish an updated report regarding the international conventions signed in regards to the disability terrain. -Joining efforts with the Palestinian Central Bureau of Statistics to create a database for PWDs. This database must be monitored and evaluated. 	
	Goals of Observing Members:	Not applicable	<p>ICHR has the right to monitor PWD concerns and evaluate the performance of all involved bodies in which this draft applies to, including the HCRPD.</p> <p>GUPWD works either independently or in cooperation with ICHR in formatting a mechanism for receiving and addressing complaints regarding PWDs concerns, including the extent of enjoying their rights. It is also permissible for other component bodies to unify</p>	



Criteria		1999 Law	2019 Draft	Notes
			<p>and monitor PWD concerns regarding extent of enjoying their rights without breaching the law.</p> <p>ICHR and GUPWD must annually submit reports regarding the monitor and evaluation reports to the President of the oPt, Legislative Council, Council of Ministers, HCRPD, and to be publicly distributed.</p>	
	Board of Directors		<p>Board of Directors are chosen by the President of the oPt within the first three months of law release.</p> <p>President of the Board must be a Palestinian PWD. Board members must:</p> <ul style="list-style-type: none"> - represent DPOs - be inclusive to “represent diverse disabilities” - showcase the different geographic areas of the oPt, with at least 1 representative from the southern area - 1 representative for women with disabilities and children with disabilities. 	



Criteria		1999 Law	2019 Draft	Notes
	Budget of HCRPD	Not applicable	<p>Dedicates a budget for HCRPD as part of the national budget.</p> <p>Budget consists of:</p> <ul style="list-style-type: none"> -Specified portion of national budget for HCRPD -Donations -Funding (local or international) -Profitable projects 	
	Representation of PWDs in HCRPD	Not applicable	4/22 of members of HCRPD are PWDs, 3/22 of members are representatives of families of PWDs, 4/22 members are representatives of PWDs organizations, 4/22 of members are representatives of organizations working with PWDs, and the rest of members are governmental representatives.	
	Financial and administrative control systems.	Not applicable	HCRPD is subjected to national Financial and administrative control systems.	
	Issuing Party	Ministry of Social Affairs	HCRPD	



Criteria		1999 Law	2019 Draft	Notes
Benefits Card	Distinguishing between the medical condition and the interaction with the surrounding environment in assessing the benefits received by each PWD.	Does not consider the medical condition and the interaction with the surrounding environment in assessing the benefits received by each PWD.	<p>Considers the medical condition and the interaction with the surrounding environment in assessing the benefits received by each PWD.</p> <p>Council of Ministries will issue an executive order to establish categorization and specialization for purposes of the benefits card guidelines based on WHO guidelines.</p>	
	Fees of issuing the card	Free of charge	Free of charge	
	Card renewal	Not mentioned	Every 7 years.	
	Specifications of PWDs to receive a benefits card	Note mentioned	<p>It is prohibited to issue the card to persons with temporary disabilities whose disability is expected to be removed within a period of 12 months from the date of commencement of treatment or rehabilitation.</p> <p>Both Palestinian nationals and foreigners are equally entitled to the PWD benefits card.</p>	
	Authoritative Value	Not included	The data included in the card regarding disability, its type and degree is official and shall be used in public and private institutions and organizations.	



Criteria		1999 Law	2019 Draft	Notes
			It is permissible to request the cardholder to repeat the medical examination or obtain a new medical report to access rights or obtain services	
	Work committees	Not included	<p>A medical committee will be established by the minister of health that will examine disability, its type and degree.</p> <p>The HCRPD will establish a disability diagnosis committee. This committee will include medical staff, rehabilitation experts, sociologists and psychologists.</p>	
	Geographic Distribution	Not included	Both the medical committee and the disability diagnosis committee should have offices in all counties in the oPt.	

Appendix Two: Interview Questions

Name of participant:

Sex:

Educational background:

Approximate age:

Position occupied in institution?

Name of institution?

How long in the same position?

What exactly is your work in addressing issues of disability specifically, what are the issues you work on?

Now we want to ask you some question in the draft disability law which is being formulated

Why was the 1999 law revised and why at this time?

Who/ What was the motivator behind revising this law? What are the local and international people, initiatives and/or events that influenced the revision of this law?

Was the 1999 law implemented to the fullest, and if not why?

Advantages and disadvantages of the 1999 law.

Advantages and disadvantages of this revised draft.

Who is involved in writing and revising the 2019 law? And why were they chosen? Are PWDs included in the process?

Who is or will be involved in reading and commenting on the draft? And why? Are PWDs included in the process?

Who will be monitoring and evaluation process for this law? Are PWDs influencing this process? If so, how?

Is oPt politically, economically, and socially ready to implement such dramatic changes in accommodating PWDs? In other words, are we ready to apply the 2019 law? If yes, then what are the next steps? If not, then what is the point in updating the 1999 law?

Examples: Increasing employing to 7% of PWDs, despite not implementing 5%, is this valid?

Changing the entire infrastructure to accommodate the various PWDs given current economic situation

Education/Higher Education- Increasing teachers/ providing resources /expensive equipment



Do you think this draft will bring any change to the life and daily experience of persons with disability?

Questions based on specific Articles in the 2019 Law:

Article 3 of chapter 1 in the 2019 law defines disability there are multiple definitions of disability (social, biomedical, human rights based or WHO (ICF) based definitions, what is this definition of disability based on?

In terms of inclusion of Persons with disability, which type of disability will be included (i.e., are learning disabilities included, etc.)? Various articles address equal inclusion of the different types of disability within multiple spheres like education, health, culture, but there is no clear understanding of what is considered a disability under the PA law, and the definition provided is quite broad to answer this question.

Why do you think public awareness makes a difference in this law? What are the legal, social and educational mechanisms that will be carried out to change public awareness regarding disability perception barriers? Why is changing public awareness mentioned in certain areas like media programs but not education?

Article 17 of chapter 2 in the 2019 law addresses gender equality; however, double discrimination of women/girls in education, employment, birth registry etc., is not mentioned. What are the mechanisms to address this issue?

For census specific to PWDs and birth registry, what are the mechanisms to ensuring that PWDs will be registered and counted? In other words, how would Article 18 of chapter 2 in the 2019 law be executed and monitored?

Given that there are different needs for people born with disability verses people who have a disability later in their life, does the current version of the law differentiate between persons born w/disability rather than people who have disability later in life? if yes, then how?

Why are prisoners with disability included in this law, and not in the previous version? Is this law addressing prisoners in PA prisons? Are Palestinian prisoners in Israel included (PA responsibility or Israel)? If not, what are the mechanisms and conventions in place that entitle them to their rights/protect them?



Why is there a focus on certain types of disabilities like hearing, movement, seeing, speaking while there is a minimum focus on other disabilities like mental ones? What are the support systems in place to accommodate all kinds of PWDs and their families?

Who were the representatives in education, health, labour and culture in the writing process of this revised law in Gaza? This question is to help Lina and Reem select people for interviews.

Special Case: Interview with Ministry of Education Representative:

In addition to the general questions laid above, we asked this representative the following questions:

Article 57 of the 2019 New Decision bylaw states that educational institutions must provide opportunities for full integration of children with disabilities (CWDs). It also states that if such educational institutions cannot fully provide integration, alternative methods must be supplied. What is meant by the types of alternative methods will be supplied?

How are CWDs categorized, as mentioned there were seven categories for categorizing the types of disabilities children may have?

Are schools themselves also categorized based on whether they provide educational services to CWDs or not? Are there evaluation measures to evaluate both the students receiving such services and the teachers that offer them, as it is assumed that such students need special treatment. Are teachers trained to teach CWDs?

Is the priority for CWDs to receive education via integration within schools or within specialized schools for CWDs?

While there are attempts within the 2019 New Decision bylaw to reduce school tuition for CWDs to encourage their enrolment, the drop-out rate for CWDs remains high in the oPt. How does the MOE perceive this issue and is there a financial aspect to the drop-out rate? If so, how can the MOE aid to reduce the drop-out rate, as this issue is not addressed in the 2019 New Decision bylaw?

The 2019 New Decision bylaw affirms that CWDs are able to choose to enrol in all types of vocational training programs and it is illegal to exempt on basis of disability. However, based on the 2011 Palestinian Central Bureau for Statistics, the percentage of CWDs enrolled in vocational training in 11th grade is 0%. Thus, is it reasonable for to allow CWDs to enrol in all types of vocational training programs? If so, how can the MOE aid in increasing the enrolment of PWDs to such programs?

Is there a timeline for the current plan of creating vocational training colleges?

In regards to the double discrimination that girls with disabilities face, how does the MOE tackle this double discrimination within schools? What mechanisms are used to address this double discrimination?



There are several Articles within the 2019 New Decision bylaw in which ensure accessibility for PWDs within schools and universities. Are such articles practical within the current governmental context for both the MOE and Ministry of Higher Education and Scientific Research (MOHESR)?

Does the MOE have a specified budget regarding the disability terrain?

How does MOE play a role in public awareness? In terms of representation PWDs and disability through the Palestinian curriculum, how does the MOE influence public perception?

Certain types of disabilities such as motor and/or sensory disabilities gain prioritization, whereas others such as mental and intellectual disabilities are more marginalized. Why does this phenomenon occur in your opinion, on both social and educational levels?

Special Case: Interview with Ministry of Health Representative:

In addition to the general questions laid above, we asked this representative the following questions:

Does health insurance cover the plastic surgical procedures for PWDs, such cleft palate surgeries?

According to the 2019 New Decision bylaw, the medical and health service teams must be trained in dealing with PWDs. What are the mechanisms take place to implement this training and who will be responsible for the training?

In terms of sexual and reproductive health, what are the mechanisms taken to protect such rights for PWDs?

Are sexual violence cases, particularly among PWDs with intellectual and/or mental disabilities, recorded by the MOH?

Does MOH provide mental health support services to victims of sexual violence?

Based on interview with Ministry of Social Development, it was revealed that victims of sexual violence cases are taken to safe homes. Does MOH have any role in these safe homes?

Is there collaboration between Ministry of Education and MOH for enhancing CWDs status? For instance, the 2019 New Decision bylaw affirms that diagnostic tools must be used to determine if a suspected child has a disability within the school setting. What are the mechanisms taken between the two ministries for such procedures to be taken place?

When educational cadre is trained in dealing with CWDs within schools, does the MOH supervise such trainings?

Regarding the health rights of PWDs within the discussions of the 2019 New Decision bylaw, did the MOH and PWDs directly discuss these rights within the meetings or focus-groups?

Are there certain mechanisms placed by the MOH to ensure support, training, rehabilitation, mental health services etc.?



In regards to double-discrimination that women face, what are some mechanisms that the MOH has placed to address this form of discrimination?

What are the mechanisms MOH placed for detained political prisoners with disability or those who acquire disability within the prisons? Which government is responsible for their care? Do prisoners within Palestinian prisons have special services? In regards to victims of Israeli violence, such as those who become wounded and disabled in political events such as the Great March of Return, are special services provided to these individuals? In your opinion, do you think it's fair that these victims of such violence receive the same or similar care and attention as those born with disability?

Appendix Three: Interviews Synthesis Table

Theme		Response																	
		Interview Number																	
Background		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Gender:	Female	✓							✓	✓	✓	✓	✓						
	Male		✓	✓	✓	✓	✓	✓						✓	✓	✓	✓	✓	✓
Academic Background:	Law	✓	✓																
	Education		✓	✓	✓					✓	✓								
	Social Development		✓				✓				✓	✓				✓		✓	
	Public Relations											✓							
	Psychology		✓								✓		✓						
	Social Work												✓						
	Sociology										✓			✓					
	Public Health			✓				✓											✓



	Computer Systems							✓										
	Accountant												✓					
	Psychological and Educational Counselling				✓						✓							
	Arabic Language				✓													
	Mechanical Engineering														✓			
	Physical Therapy						✓											
Affiliation:	Birzeit University	✓								✓							✓	
	Ministry of Social Development		✓			✓								✓				
	Ministry of Education			✓		✓			✓									
	Ministry of Health						✓											
	Union of Persons with Disability		✓		✓	✓		✓	✓				✓					
	Star Mountain		✓								✓							
	YMCA									✓								



	UNICEF											✓					
	Aswat Association for Persons with Intellectual Disability									✓							
	Islamic Relief Society												✓			✓	
	Baytona Association for Social Development													✓			
	Al-Salam Center for Persons with Disability											✓					
	Arab Society for Rehabilitation				✓			✓									
	Stars of Hope Association						✓										
	Higher Council for Youth and Sports			✓													
	Coalition of Persons with Disability		✓		✓			✓	✓	✓			✓				
	Alliance for Employment of Persons with Disability		✓		✓			✓	✓	✓			✓				
Years of Experience:	5-10 Years							✓		✓						✓	
	10-15 years				✓												✓
	15-20 years	✓											✓				



	20-25 years			✓	✓		✓					✓			✓	✓		
	26 years or more		✓					✓		✓			✓	✓				
Type of Organization:	NGO											✓						
	Non-Profit		✓		✓	✓			✓	✓	✓		✓		✓	✓	✓	✓
	Governmental Institution		✓	✓	✓	✓	✓	✓		✓					✓			
	Health Organization																	
	Academic Institution	✓	✓			✓					✓						✓	
	UN Agency													✓				
Working location:	West Bank	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓				
	Gaza Strip	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓
	East Jerusalem		✓	✓		✓			✓		✓			✓				
	1948		✓			✓			✓		✓			✓				
	Movement (Full)								✓									



Person with Disability:	Movement (Partial)				✓									✓	✓	✓		
	Visual (Full)		✓			✓				✓	✓							
	Parent of Person with Intellectual Disability											✓						
Timing of Disability:	Born with Disability									✓	✓							
	Acquired Disability		✓		✓	✓			✓					✓	✓	✓		
Changing the Palestinian law of Disabled People's Rights (1999)																		
There was a need to update or change the 1999 law to match the global developments in the disability discourse, such as the international convention on the rights of people with disability (2006).		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
There was a need to update or change the 1999 law to match the technological developments			✓	✓			✓	✓		✓		✓		✓	✓	✓		✓
There was a need to update or change the 1999 law as the political, economic and social structure of the Palestinian society has changed						✓	✓			✓		✓	✓	✓	✓	✓	✓	✓
There is a need to change the approach to disability into a rights-oriented one at the social and decision-making levels.		✓	✓				✓			✓								
The 1999 law had many flaws and gaps, and needed to be changed or updated			✓		✓	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓
Changing the 1999 law was the result of lobbying and advocacy work from PWDs		✓	✓			✓				✓	✓		✓					



Changing the 1999 law was the result of the Palestinian Authority joining the international convention on the rights of persons with disability in 2014	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<p>المقابلة التاسعة: " القانون القديم، الذي تم تحريره بحجة الموازنات عند التصديق عليه في 1999، فيه خلل جوهري حيث لا يعكس المفهوم الحقوقي والتنموي للإعاقة وانما تعكس النموذج الاغاثي والطبي".</p> <p>المقابلة التاسعة: " كان هناك خلل في تمركز السلطة والمسؤوليات في وزارة التنمية الاجتماعية التي تغير اسمها من شؤون اجتماعية الى تنمية اجتماعية لكن لم تتغير ممارساتها".</p> <p>المقابلة العاشرة: " عمليا، قانون 1999 كان عبارة عن سياسة رمزية ولم يحتوي على ادوات تسمح له بالتطبيق بشكل فعال وشكل يؤثر على حياتهم ويضمن وصولهم لحقوقهم وتمتعهم فيها بكرامة. اضافت ان محتوى قانون 1999 اقرب على التوجه الفردي والطبي، ويتعامل مع الاعاقة على انها مشكلة فردية للشخص ذوي الاعاقة ولا تخص اي شخص اخر، خلافا للتوجه القانوني الذي ينتظر للاعاقة على انها مسؤولية وصعوبة اجتماعية".</p> <p>المقابلة الثانية عشر: " ان تغيير القانون حصل لأنه فلسطين انضمت للاتفاقي الدولية لحقوق الاشخاص ذوي الإعاقة وبالتالي كان يجب ان تظهر التزامها بتغيير قوانينها بما يتلاءم مع الاتفاقية".</p>																	
Application and Implementation of the 1999 Law																	
The 1999 law was not fully implemented or applied.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The 1999 law was not implemented due to its cost.	✓		✓			✓	✓						✓				✓
The 1999 law was not implemented because decision makers did not prioritize PWDs and their case.	✓	✓			✓			✓	✓	✓		✓			✓	✓	✓
The 1999 law was not implemented due to lack of knowledge and awareness on what disability is and how to deal with it at the decision-making level.	✓	✓			✓			✓	✓						✓	✓	✓
The 1999 law was not implemented due to lack of public awareness and social support.	✓	✓	✓	✓	✓		✓	✓	✓		✓		✓	✓	✓	✓	✓
The 1999 law was not implemented because it is a rights law, and rights laws are rarely implemented in oPt because of the additional responsibilities they add on the government.	✓																



The 1999 law was not implemented because Palestinian laws are not always compatible with each other, and in this case, some laws issued after 1999 conflicted with the 1999 law.	✓	✓			✓			✓	✓	✓		✓		✓	✓	✓		
The 1999 law was not implemented because laws in oPt are nominal, and rarely get implemented		✓							✓	✓		✓			✓	✓	✓	✓
<p>المقابلة الأولى: "قانون الأشخاص ذوي الإعاقة هو قانون حقوقي، وأن القوانين التي تؤسس إلى الحقوق مكلفة وتصبح عبئاً مادي على الدولة، لذلك نجد تطبيق محدود جداً للقوانين ذات الطابع الحقوقي."</p> <p>المقابلة الأولى "قانون 1999 كمفهوم مضمون وبشكله الشمولي لم يطبق بشكل كامل ولم تطبق العديد من عمومياته حتى، وذلك لأسباب متعلقة بالجهل بحقوق الأشخاص ذوي الإعاقة وكيفية التعامل معها في القوانين الأخرى، وبسبب إرادة أصحاب القرار والحكومة في إعطاء أولوية لحقوق الأشخاص ذوي الإعاقة ضمن أجندة الحكومة"</p> <p>المقابلة الأولى "هناك افتراض أن عملية سن القوانين في فلسطين عملية مضبوطة، أي أن في عام 1999 عندما أقرت الحكومة القانون كانت الحكومة أيضاً واضعة ميزانية خاصة فيه. ولكن في الواقع مفهوم الميزانية ما كان موجود في الحكومة في تلك الفترة. وثانياً إن القوانين ما كانت تصدر لأن الحكومة مخططة لها ولكن كانت تصدر بطرق مختلفة (مصالح)"</p> <p>المقابلة الثالثة عشر: "نقطة الضعف الرئيسية هي عدم وجود اللوائح التنفيذية واليات تطبيق للقانون، أي أنه بقي حبر على ورق ولم ينفذ على أرض الواقع. هذا حال جميع التشريعات في فلسطين وليس خاص في قانون الأشخاص ذوي الإعاقة فقط."</p>																		
Application of the 2019 Decision by Law Draft																		
The Palestinian Government is politically, economically, and socially ready to implement the new decision by law draft.		✓			✓			✓	✓	✓		✓						
There will be gradual implementation and application of the draft law (5 years).	✓	✓			✓	✓	✓	✓	✓	✓					✓	✓		✓
There will be gradual implementation and application of the draft law (5 years), given the Palestinian Authority readiness (economic and political).	✓		✓	✓		✓	✓											
UNICEF will provide a strategic implementation plan based on analysis if the draft laws cost and readiness of the Palestinian society and government.													✓					
PWDs, their organizations and organizations working with PWDs expect the law to not be implemented, however, they still	✓	✓		✓				✓	✓		✓				✓	✓		✓



think the law must be issued (even if nominal only) as it provides a bases for legal cases and future work when the government and society are ready.																	
The implementation and application of the 1999 law depends mainly on the Palestinian authority's will to implement the law and on their priorities for the Palestinian civil society (as they see it).	✓	✓		✓	✓			✓	✓	✓		✓		✓	✓	✓	✓
Gazans expect the law to not be implemented in Gaza Strip due to the Palestinian division.														✓	✓	✓	✓
The Palestinian Authority is not ready to implement the draft law due to lack of economic resources and political power.			✓			✓	✓				✓						
There is low expectation of implementing the draft law based on previous experiences with the 1999 law and other rights-oriented laws.	✓	✓			✓			✓	✓	✓		✓		✓	✓	✓	✓
The Palestinian government is editing the draft to match its economic, political and social status; therefore, the government must be able to implement whatever draft it issues.	✓		✓			✓	✓										
Implementing the draft law is not luxury; it is essential for PWDs to realize a dignified life. It must be implemented regardless of the Palestinian Authority's budget.		✓			✓			✓	✓		✓	✓	✓	✓	✓	✓	✓
<p>المقابلة الأولى: "المسودة تم نقاشها بحضور مؤسسات مجتمع مدني وممثلين عن الحكومة الفلسطينية، وان ممثلين الحكومة لم يعترضوا على النسخة النهائية من المسودة، وان عملية إقرار القانون هي التي ستحدد جاهزية وإمكانية الدولة لتنفيذ هذا القانون، قد تقر مواد معينة وتلغي مواد أخرى بما يتناسب مع امكانياتها السياسية والاقتصادية"</p> <p>المقابلة الثانية: " الموائمة وتطبيق القانون ليس مظهر من مظاهر الترف، لأنه مثلا كيف ممكن نحكي عن الحق بالسكن إذا كانت الشقق السكنية في فلسطين غير موائمة ولا تصلح لاستخدام الأشخاص ذوي الإعاقة؟ أي ان بنود ومواد القانون الجديد هي احتياجات ضرورية للعيش بحياة كريمة ولا يجوز مناقشتها من زاوية "هل تسمح الموازنة؟" لأنو لازم تسمح."</p> <p>المقابلة الثالثة عشر: " اليونيسف تعمل حاليا على حساب تكاليف تطبيق وتنفيذ جميع بنود القانون الجديد، ومن خلال التكلفة وضع توصيات للتنفيذ التراكمي للقانون وصولا الى التنفيذ الكامل. هذه الخطوة تأتي لان هناك نظرية ان جميع القوانين غير مطبقة لان هناك تخوف من التكاليف لتنفيذ القانون. لذلك سيتم وضع جدولة زمنية لتنفيذ القانون بما يتناسب مع الإمكانيات الاقتصادية للحكومة الفلسطينية. بعد ذلك سيقوم</p>																	



اليونيسيف بالتعاون مع وزارة التنمية الاجتماعية والصحة بتطوير نظام تشخيص وظيفي لاستبدال النظام الطبي الحالي والمتوقع صدوره في 2021، كما انه في 2021 سيقوم الضغط باتجاه اصدار لوائح تنفيذية للقانون الجديد. أي ان اليونيسف ستكون متابعة لهذه العملية حتى التنفيذ الكامل للقانون."

Advantages of 1999 Law

The 1999 law was a progressive step compared to other Arab countries at that time.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The 1999 law recognized and declared some rights to PWDs.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The 1999 law integrated the rights of PWDs with the overall discussion of citizenship and rights of marginalized groups such as women and children.	✓	✓		✓	✓				✓					✓	✓		✓
The 1999 law added PWDs and their rights on the Palestinian Authority agenda.	✓	✓	✓	✓	✓	✓		✓									
The 1999 was the result of years of social movements, lobbying and advocacy, hence it was built via a bottom-up approach.			✓			✓	✓										

المقابلة الثانية: " اهم ايجابياته هي ان قضية الأشخاص ذوي الإعاقة وضعت على اجندة او أولويات السلطة (وان كانت بطريقة شكلية فقط)، وان القانون هيئ لنقاش حكومي ومجتمعي حول حقوق الأشخاص ذوي الإعاقة."

المقابلة الرابعة: " انه كان في وقته قانون عصري وقانون متقدم مقارنة بدول المنطقة آنذاك"

Disadvantages of 1999 Law

The 1999 law was not comprehensive; it mentioned some basic rights but not all.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The 1999 law did not include any penalties and sanctions, which made it easy to violate the law, and not implement or apply it.		✓		✓	✓			✓	✓	✓		✓	✓	✓	✓	✓	✓
The 1999 has serious problems in defining and implementing a disability diagnostic system.		✓			✓				✓	✓		✓	✓		✓		✓



The 1999 called PWDs disabled, which does not correspond to the current legal terminology of the disability discourse.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The 1999 law was based on generalities and not details.	✓	✓	✓			✓	✓											
The 1999 law did not specify responsibilities and competent authorities to apply right of PWDs.	✓	✓		✓	✓			✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
The 1999 law centralized the power within the Ministry of social affairs.	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
The 1999 law failed to recognize the multidisciplinary nature of disability and rights of PWDs.	✓	✓			✓				✓	✓		✓			✓	✓	✓	✓
The 1999 law approach to disability was charitable.		✓		✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
The 1999 law approach to disability was medical based.		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
The 1999 law was written and issued without the input of PWDs and without their knowledge; they were working on a different draft.		✓			✓				✓									
The 1999 law completely ignored and marginalized the rights of persons with intellectual and mental disability.		✓			✓					✓	✓	✓	✓		✓			✓
The 1999 law was not followed by a suitable implementing regulation (the regulation was issued in 2004 and was the same as the law articles).		✓			✓				✓	✓			✓		✓	✓		
The 1999 law was never implemented because it is not compulsory		✓		✓	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
The 1999 law did not mention marginalized groups such as women and children.		✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓



المقابلة الثانية: " أحد اهم سلبياته هي انه غير شامل (أي يفتقر لبعض الحقوق)، ويفتقد لخاصية النفاذ أي ان تطبيقه صعب لأنه لم يحدد مسؤوليات واضحة اتجاه أي جهة معينة، الامر الذي يسمح للمؤسسات الحكومية ان تتصلص من واجباتها اتجاه الأشخاص ذوي الاعاقة".

المقابلة الثانية: "قانون مرسوم بسبب قصره وعموميته".

المقابلة الثانية عشر: " كان قانون جيد خاصة إذا تم مقارنته بالقوانين التي كانت موجودة في الدول المجاورة اندك. لكنه لم ينفذ ولم يطبق لأنه لم يكن قانونيا الزامي، وهمش الأشخاص ذوي الإعاقة الذهنية وفئات أخرى مثل الاعاقات النفسية والادراكية وميز بين الأشخاص ذوي الإعاقة في الحقوق".

المقابلة الخامسة: " انه من وجهة نظر اجتماعية هو قانون متطور فقط إذا تم مقارنته مع القوانين السائدة في الدول العربية الأخرى وليس لأنه متطور في حقيقته".

Advantages of 2019 decision by law draft

The 2019 draft is compliant with international conventions and laws, specially the International convention on the rights of persons with disability.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The 2019 draft is detailed, comprehensive and covers most (if not all) rights of PWDs.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The 2019 draft clearly and firmly assigns responsibilities to governmental and other institutions.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The 2019 draft was written in collaboration with the civil society (DPOs, organizations working with PWDs, PWDs families, governmental ministries and institutions, human rights organizations and international organizations.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The 2019 draft includes rights of marginalized groups such as women and children.		✓	✓	✓		✓	✓				✓		✓		✓	✓	✓	✓
The 2019 draft includes all types of disabilities including mental and intellectual ones.		✓	✓	✓		✓	✓				✓		✓	✓	✓	✓	✓	✓



The 2019 draft presents disability as an interaction between a physical, mental or intellectual impairment and an obstructive surrounding environment (legal, physical, economic, and cultural).		✓	✓	✓	✓	✓		✓					✓	✓	✓	✓	✓	✓
<p>المقابلة الخامسة: "من اهم الإيجابيات في المسودة هو مفهوم الإعاقة حيث تم تعريف الإعاقة استنادا الى الاتفاقية الدولية لحقوق الأشخاص ذوي الإعاقة وتعاملت مع الإعاقة على انها محصلة التعامل السلبي بين الصعوبة الموجودة عند بعض الافراد وبين الحواجز الخارجية (المعيقات البيئية والاجتماعية والاقتصادية والحواجز المؤسسية...الخ). الأهم في هذا ان المسودة تعاملت مع الإعاقة كصعوبة، أي كأي فرق اخر بين الناس (مقل فرق اللون) وان الإعاقة تنتج فقط عن الحواجز التشريعية والمادية والاجتماعية البيئية".</p> <p>المقابلة العاشرة: " المسودة شمولية اكثر وتحتوي على العديد من الحقوق الاقتصادية والاجتماعية والسياسية والمدنية. كما انه المسودة مبنية على توجه حقوقي والتي تنص على ان حقوق الاشخاص ذوي الاعاقة جزء من منظومة حقوق الانسان ككل".</p>																		
Disadvantages of 2019 decision by law draft																		
The 2019 draft outlines penalties and sanctions on individuals which is problematic because sanctions on individuals grants power, control and authority to a government that doesn't fulfil its duties.	✓																	
The 2019 draft outlines penalties and sanctions on individuals, which is problematic because the issue with the disability discourse in oPt is institutional.	✓								✓									
The 2019 draft centralized the power within the Palestinian Authority as the president would assign members of the Higher Council of Persons with Disability		✓			✓			✓	✓	✓		✓		✓	✓	✓	✓	✓
The 2019 draft unites all DPOs under the Higher Council of Persons with Disability, which is a governmental institution according to its power structures. This weakens the advocacy and lobbying from PWDs on the government.		✓			✓				✓	✓								✓
The 2019 draft does not represent the needs and voices of PWDs in Gaza Strip since most of their comments and notes were not considered in any of the 4 drafts.														✓	✓	✓	✓	✓



The 2019 did not include comprehensive rights or implementations procedures of rights for persons with intellectual or mental disabilities.		✓			✓					✓		✓			✓	✓		✓
The 2019 draft starts strong and ends weak; meaning that it discusses the first set of rights in details and comprehensively, but the level of details and comprehension decreases as we move towards the end of the law.		✓			✓				✓	✓					✓	✓		
The definition of PWDs is missing an important term “interaction”; to present the disability is an interaction between impairment and surrounding environment.		✓								✓								
The 2019 does not include implementation procedure for most rights		✓							✓	✓		✓			✓	✓	✓	
We cannot discuss disadvantages of the 2019 draft because it has not been implemented or applied in real life yet.	✓		✓	✓		✓	✓				✓	✓	✓	✓			✓	✓
<p>المقابلة الأولى: " الإشكالية الأساسية فيما يتعلق بحقوق الأشخاص ذوي الإعاقة هي إشكالية مؤسساتية، بمعنى قدرة المؤسسات على القيام بواجباتها ولا يجوز ان يلقي العبء على افراد كالألم والأب والاخته والأهل".</p> <p>" اضافت ان العقوبات الفردية تعطي صلاحيات وسلطة لدولة غير قائمة بواجباتها".</p> <p>المقابلة الثانية: " هناك تلاعب من قبل بعض الجهات الحكومية بهدف الاحتفاظ بمركزية القرار والسلطة للحكومة الفلسطينية، مثال على ذلك ان رئيس المجلس الأعلى للأشخاص ذوي الإعاقة يتم تعيينه من قبل رئيس الدولة مباشرة".</p> <p>المقابلة العاشرة: " انه لا يوجد ديموقراطية في كيفية تعيين اعضاء ورئاسة المجلس، حيث يعين رئيس الدولة رئيس المجلس، ويعين الاعضاء من قبل جهات حكومية لا بالانتخاب او حسب نظام معين لاحساب الكفاءات "المشكلة انو الحكومة دائما بتجيب ناس بيحكوا وبيتصرفوا بالصيغة اللي هم بدهم بسمعو، ما بدهم حدا بيبيني بلد او مجموعة بتكمل بعض بالمهارات والخبرات".</p>																		
Process of Writing the 2019 Decision by Law Draft																		
The 2019 draft was written with the participations of PWDs, organizations working with PWDs, PWDs families, human rights organizations, international organizations, and official ministries	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Participants were determined by the ministry of social affairs, the Institute of Law and Birzeit University and UNIVEF	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓	✓



PWDs had to pressure and ask the institute of law and ministry of social affairs to include them in the research and writing process as partners and not as reviewers of drafts		✓			✓			✓	✓	✓				✓	✓	✓	✓	✓
DPOs conducted focus groups around the West Bank with PWDs and their families to identify PWDs needs and goals of the draft law, especially as they realized that the participatory approach of the Law institution and ministry of social development was not sufficient.		✓		✓			✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
The 2019 draft does not represent the needs and voices of PWDs in Gaza Strip since most of their comments and notes were not considered in any of the 4 drafts.														✓	✓	✓	✓	✓
Government institutions, PDOs and PWDs and their families did not meet together to discuss the different drafts of the draft law, they met separately and provided feedback separately.		✓			✓			✓	✓	✓					✓	✓	✓	✓
Gazans did not receive the fourth draft of the law (which is the final one submitted to the Ministry of Social Development), thus did not get the chance to discuss it or provide feedback on it.														✓	✓	✓	✓	✓
<p>المقابلة العاشرة: "في البداية كان هناك اشكال في المنهجية وكان من الضروري ان تخوض حركة الاشخاص ذوي الاعاقة معركة مع معهد الحقوق في جامعة بيرزيت ووزارة التنمية الفلسطينية بشأن تتغير هذه المنهجية. اول لقاء جمع بين فريق البحث وحركة الاشخاص ذوي الاعاقة كانت بعد مرور سنة كاملة على المشروع وان اللقاء متمركز حول الاولويات السياسية للقانون الجديد".</p> <p>المقابلة الخامسة عشر: "مع الأسف لم يتم الاخذ بملاحظات مؤسسات قطاع غزة على أي من المسودات الأولى والثانية والثالثة (ولم يتم ارسال المسودة الرابعة والأخيرة لهم)، بالرغم من عقد اجتماعات مكثفة مع مكتب معهد القانون لجامعة بيرزيت في غزة وممثلين عن جميع المؤسسات العاملة مع الأشخاص ذوي الاعاقة في قطاع غزة".</p> <p>المقابلة الخامسة عشر: " لم يكن هناك تمثيل للمؤسسات الحقوقية او الوزارات المعنية كالصحة والتعليم في الاجتماعات في قطاع غزة، وبالتالي كان هناك فجوة في تغطية جميع القضايا المتعلقة بالإعاقة في قطاع غزة".</p>																		
Process of reviewing and issuing the draft law																		
Council of Ministries, Ministry of Social Development and House of Fatwa will be reviewing and editing the draft law before the House of Fatwa issues the last version of it.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓



PWDs were not included in the process (initially).		✓			✓			✓	✓	✓							
There is an expectation that the issued law will be different form the draft submitted to the Ministry of Social Development and the Council of Ministries, mainly to reduce cost		✓			✓			✓	✓	✓		✓			✓	✓	✓
PWDs feared drastic changes in the law, so they pressured the Council of Ministries to include them in the process through UNICEF		✓			✓			✓	✓	✓							
PWDs, Council of Ministries and Independent Commission of Human Rights formed a review committee responsible for reviewing and discussing edits made by governmental bodies during the review process		✓	✓			✓	✓	✓	✓	✓		✓	✓				
PWDs, Council of Ministries and Independent Commission of Human Rights formed a review committee responsible for reviewing and discussing edits made by governmental bodies during the review process, however, no representatives from Gaza were included.													✓	✓	✓	✓	✓
COVID-19 slowed the process down.			✓			✓	✓				✓		✓				
COVID-19 slowed the process down, and there is a fear that the government will use COVID-19 as an excuse to either drastically change the law, or to stop the project for some time.	✓	✓			✓			✓	✓	✓		✓			✓	✓	
<p>المقابلة الثامنة: " الأشخاص ذوي الإعاقة لديهم خوف كبير من تكرار تجربة قانون 1999 او مع قانون العنف الاسري الحالي حيث كانت القانون الصادر بعيد جدا عن المسودة التي قدمتها المؤسسات. لذلك يضط الأشخاص ذوي الإعاقة لإشراكهم في جميع مراحل اصدار وكتابة القانون وصياغته حتى يضمنوا ان القانون الصادر قريب جدا من المسودة التي تم تسليمها مع ملاحظات الأشخاص ذوي الإعاقة وليس بعيد بشكل جوهري عن الشغل اللي عملوا معهد الحقوق والمؤسسات المدنية والأشخاص ذوي الإعاقة ومؤسساتهم."</p> <p>المقابلة التاسعة: " كان في خوف كبير لحركة الأشخاص ذوي الإعاقة من تحريف واحداث تغيير جوهري للقانون الجديد بعد تسليمه لوزارة التنمية بحجة الموازنة وضعف الموارد، والتي تعتبر حجج بالية لا تمنع من وجود قانون عصري يعكس على الأقل الاتفاقية الدولية لحقوق الأشخاص ذوي الإعاقة. القانون قانون، وايش بتقدر تعمل منو حسب الموارد اعمل. قطاع الإعاقة بشكل عام في فلسطين مبني على الدعم والتمويل الخارجي، ولما نجد ميزانيات خاصة بقطاع الإعاقة ضمن ميزانيات الدولة. هذا التخوف، والمربوط أيضا بالتجربة السابقة لحركة الأشخاص ذوي الإعاقة مع قانون 1999، تم الضغط على</p>																	



مجلس الوزراء لتشكيل لجنة مكونة أساس من الأشخاص ذوي الإعاقة وممثلين من الحكومة تقوم بمراجعة المسودة النهائية للقانون مع تعديلات الوزارات المختلفة عليها ورفعها لديوان الرئاسة للمراجعة النهائية والاصدار لضمان وجود قانون يعكس طموح وتطلعات حركة الأشخاص ذوي الإعاقة قدر الإمكان.

المقابلة الخامسة عشر: " من الغير متوقع ان يتم اشراك ممثلين من قطاع غزة في مراجعة التعديلات وملاحظات مجلس الوزراء وديوان الرئاسة ودار الإفتاء كما هو الحال مع حركة الأشخاص ذوي الإعاقة في الضفة الغربية. حركة الأشخاص ذوي الإعاقة في قطاع غزة، حالها حال جميع القضايا الحقوقية الأخرى في القطاع، هي بمثابة أداة ضغط تستخدمها أطراف النزاع في الانقسام الفلسطيني. "

Process of Evaluating and Monitoring the New Decision by Law

The Higher Council of Persons with Disability and Independent Commission of Human Rights will be responsible for the evaluation and monitoring of the new decision by law.		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Civil society organizations and institutions are responsible to submit their observations and notes on the implementation and application of the new decision by law to the Higher Council of Persons with Disability.		✓		✓	✓	✓		✓	✓	✓			✓	✓		✓	✓
There is a fear that the Higher Council of Persons with Disability will not be an effective monitoring and evaluation party especially with the current power dynamics within it.		✓			✓				✓	✓		✓		✓	✓	✓	✓

المقابلة العاشرة: " وظيفة الاشخاص ذوي الإعاقة ممثلين بمؤسسات مثل الائتلاف والاتحاد والتحالف ان يقوم بمراقبة تنفيذ القانون (ضمن خطته التدريجية) واعداد تقارير دورية حول الموضوع. هذا يتم بعمل check list لجميع الخطوات الواجب اتخاذها لتنفيذ القانون وللمواد التي تنفذ حسب الجدول الزمني المتفق عليه، حيث يقوم الائتلاف او الاتحاد بمتابعة هذه القائمة وتقييم تنفيذ كل مادة. يجب ان يتم تطوير ميكانيزمات رقابية وما الى ذلك. اهمية التوثيق في عملية المراقبة، اي انه لازم يتم توثيق جميع الشكاوى التي تقدم للجهات او الرسمية وتوثيق الانشطة التي تنفذها الجهات الرسمية وما الى ذلك. من المفروض من جميع مؤسسات الاشخاص ذوي الإعاقة والاجسام الممثلة لهم ان تقوم بإعداد تقارير رقابية على تنفيذ القانون وتقارير تقييمية للقانون حتى وان لم تكن عضو في المجلس الاعلى للأشخاص ذوي الإعاقة (الجسم الرقابي للقانون)، خاصة انه المجلس عليه اشكاليات كبيرة من اهمها انه لا يوجد له ميزانية ولا آلية لتوفير ميزانية له كمؤسسة وان اعضائه ورئيسه يتم تعيينه من قبل رئيس الدولة ورئيس الوزراء. "

Definition of Persons with Disability in the New Decision by Law 2019

Rights-Oriented Definition	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Social Definition	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓				



Medical Definition		✓				✓	✓										
It is an incomplete definition and needs to be reworded to present the disability is an interaction between impairment and surrounding environment.		✓		✓				✓	✓								
<p>المقابلة الثانية: " تعريف الأشخاص ذوي الإعاقة، يرى انه مزيج طبي واجتماعي وحقوقى. فيه لمحة طبية لكنه يعترف بالمعوقات الاجتماعية والقانونية والاقتصادية والمادية التي تحد من حصول الأشخاص ذوي الإعاقة الى حقوقهم".</p> <p>المقابلة الثالثة عشر: " تعريف حقوقي واجتماعي في ان واحد. لان القانون ليس مجرد، بالتالي يجب ان يتفاعل مع المجتمع ويجب ان يكون هناك قاعدة قانونية له."</p>																	
Public Awareness																	
Public awareness is key to implementing the new decision by law	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
PWDs live within the society, and increasing the public awareness around PWDs and their rights will make it easier for PWDs to integrate and participate in the society	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Public awareness ensures adequate life for PWDs even if the draft law was not implemented or applied		✓		✓				✓	✓		✓	✓		✓	✓	✓	✓
The main means of public awareness are education and media, especially social media.		✓	✓			✓	✓										
Changing the public awareness is a slow process, but it definitely takes place within the Palestinian society. Awareness about PWDs and their rights has development over the past 20 years.		✓								✓			✓				
Public awareness will decrease discrimination against PWDs based on their disability, its type, degree and the gender of PWDs.		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓



Governmental Institutions and their works need to have trainings and workshops on PWDs, their rights, and communication methods with PWDs.		✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Language, traditions and culture (specially proverbs) play a role in public awareness and the overall view of PWDs.		✓			✓			✓	✓	✓	✓	✓		✓	✓		
Public awareness on PWDs and their rights positively changed as a result of political events such as the first Intifada and the Great March of Return.		✓		✓	✓	✓		✓	✓	✓	✓		✓				
Political events such as the first Intifada and the Great March of Return positively changed the public's views on movement and sensory disabilities only.											✓	✓		✓	✓	✓	✓
Persons with intellectual disabilities are still discriminated against and viewed as less of humans.		✓			✓			✓	✓	✓	✓	✓		✓	✓		✓
The best way to change the public awareness is to work with kids at pre and primary school.		✓	✓		✓			✓	✓		✓	✓		✓	✓	✓	✓
Media and educational material should present PWDs as normal people; not heroes and not weak.		✓		✓	✓			✓	✓		✓	✓		✓	✓	✓	✓
<p>المقابلة الثانية: " العقل السليم في الجسم السليم "</p> <p>المقابلة الثانية: " طريقة عرض الاعلام للأشخاص ذوي الإعاقة، فيتم بالعادة ارفاق موسيقى حزينة للإعلانات المتعلقة بالأشخاص ذوي الإعاقة، او يتم عرض الأشخاص ذوي الإعاقة الفعاليين في المجتمع على انهم معجزة او حالة استثنائية، الأشخاص ذوي الإعاقة في منهم حرامية ولصوص وناجحين وفاشلين ومتدينين...زيهم زي الناس، هم جزء من المجتمع، لذلك ما تحطهم دائما بصورة الانسان الضعيف او الانسان القوي "</p> <p>المقابلة الثالثة عشر: " التغيرات المجتمعية والسياسية ليس عملية سريعة وليست سلسلة. لكن من المهم إدراك ان وعي المجتمع نحو الأشخاص ذوي الإعاقة الان أفضل من قبل 10 سنين. الان خفت نزعة الخجل من افراد الاسرة ذوي الإعاقة، وخفت حالات إخفاء واهمال الأطفال ذوي الإعاقة في اسرهم. المفتاح هنا ان يتم العمل مع الأطفال الصغار في الدارس حتى تنشئ جيل جديد بأفكار وتوجهات إيجابية أكثر. "</p>																	
Double Discrimination Against Women with Disability																	



Double discrimination is mainly linked to marriage and sexual and reproductive health and rights	✓		✓		✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓
Legal penalties and sanctions on discrimination against women with disability might decrease discrimination in the public sphere	✓	✓				✓		✓	✓	✓								
Legal penalties and sanctions on discrimination against women with disability would decrease violations and harassments against women with disability		✓			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Law would mainly improve status of women with disability in the education and work spheres	✓	✓	✓		✓	✓	✓		✓	✓				✓				
Law would not be able to change the social status of women with disability	✓					✓	✓										✓	✓
Public awareness could change the social status of women with disability and reduce discrimination against them		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The current protocols on protection against sexual and domestic violence prevents protection centers from accepting intellectual or movement disabilities.		✓			✓			✓	✓	✓		✓						
The current legal system in the oPt does not include simple read as a method to testify, therefore persons with intellectual or mental disabilities cannot testify about violations against them.		✓							✓	✓		✓						
Social standards are above legal ones, especially when it comes to issues of “family honour”.						✓	✓											
Double discrimination against women with disability will remain, but it could be decreased or monitored.		✓	✓	✓		✓	✓	✓	✓		✓	✓		✓				✓
المقابلة التاسعة: " التمييز ضد النساء مشكلة قائمة ومعقدة وحلها يكمن في تغيير ثقافي جذري للمجتمع، وبالتالي القانون قد يحمي النساء ذوات الإعاقة في بعض الحالات ولكنه لن يقضي على مشكلة التمييز ضد النساء أو النساء ذوات الإعاقة."																		



المقابلة العاشرة: " ان القانون يشرع لمراكز الحماية من العنف الجنسي (بيوت الامان) ان لا يستقبلوا الاشخاص ذوي الاعاقة. حيث تشير المادة 29 من نظام مراكز الحماية يشرع لادارة مؤسسات الحماية عدم استقبال النساء ذوات الاعاقة الذهنية، او الحركية، او الصعوبات المتقدمة او الشديدة. بعض المركز مثل مركز الحماية في نابلس عمرانيا غير مؤهل لاستقبال الاشخاص ذوي الاعاقة، كما ان الكادر الوظيفي في مثل هذه المراكز عالاغلب لا يمتلك الخبرات والمهارات المطلوبة للتعامل م الاشخاص ذوي الاعاقة وبالتالي معظم هذه المركز غير مؤهلة لاستقبال الاشخاص ذوي الاعاقة".

المقابلة العاشرة: " احد النساء ذوات الاعاقة الحسية، كانت تتعرض لعنف جسدي (ضرب) من قبل والدها، ولكن كان عندها قناعة انو ما حدا رح يصدقها حتى الشرطة لانو والدها "رايح جاي على الجامع وكل البلد بتحبوا"، اي ان والدها في الظاهر شخص متدين ولطيف ومحب للمحيطين فيه، اضافة الى انو لو قدمت شكوى للشرطة، اقصى اجراء ممكن ياخذوا هو انهم يوقعوا على تعهد ويرجوا الفتاة على البيت، وبهاي الحالة الضرب والقمع بصير اكثر واكثر".

المقابلة الثالثة عشر: " انهم يعيشوا تهميش مركب كونهم نساء وكونهم من الأشخاص ذوي الإعاقة. خاصة ان النساء في المجتمع الفلسطيني التقليدي متصل بمفهوم الشرف، ليهيك بنشوف ان العديد من النساء ذوات الإعاقة عند اقترابهم من سن المراهقة يتم استئصال ارحامهن اما لهدف "المحافظة على شرف العائلة في حال حدث أي اعتداء او استغلال لها وهن معرضات لهذا بشكل كبير" او بهدف "استغلالهن جنسيا من قبل افراد العائلة دون عواقب".

Discrimination against certain types of disability

There is a focus at the legal and social levels on movement and sensory disabilities.		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Intellectual and mental disabilities are marginalized at social and legal levels, as well as in the services provided to them		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓
Working with movement and sensory disabilities is much easier than working with intellectual or mental disabilities, which results in more services for the former group		✓	✓			✓					✓	✓		✓	✓	✓	✓	✓
It is easier for movement and sensory disabilities to participate and integrate in the society, because communicating with them is familiar and does not require additional skills.		✓	✓			✓												
The percentage of movement and sensory disabilities is much more than the percentage of intellectual and mental disabilities in OPt, which resulted in more focus on the former group	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓	✓	✓	✓	✓
Political events contributed to the focus on movement and sensory disabilities as they were the common disabilities as a result of the Israeli occupation.		✓		✓	✓				✓	✓		✓	✓		✓	✓	✓	✓



There are bad stereotypes and stigma associated with persons with intellectual disabilities.		✓			✓	✓			✓	✓	✓	✓	✓		✓	✓		✓
المقابلة الثانية عشر: " فمن الممكن ان يتم تدريبهم على اليات تعايش معينة لكن البيئة المحيطة بهم لا تتناسب مع هذه الاليات، على سبيل المثال، يقوم جبل النجمة بتدريب الأشخاص ذوي الإعاقة على استخدام وسائل المواصلات العامة، لكن نظام المواصلات العامة في فلسطين غير منظم (من ناحية مواعيد ومراكز تجمع) وغير مؤهل للتعامل مع الأشخاص ذوي الإعاقة الذهنية (يتعامل معهم باستهزاء وليس على محمل الجد)، ولا يوجد نظام حماية للأشخاص ذوي الإعاقة الذهنية في حال تعرضوا لأي انتهاك في وسائل المواصلات. هذا يدفع جميع أهالي الطلاب في جبل النجمة ان ينسقوا مواصلات ابنتائهم مع افراد معينين وان يدفعوا مبالغ كبيرة ثمن هذه المواصلات لإيصال أبنائهم لمركز التأهيل والمدرسة الخاصة بهم (المواصلات وتكلفتها هي أحد الأسباب التي تحول دون اشتراك الأطفال في جبل النجمة وبقائهم في منازلهم)."																		
المقابلة الثانية عشر: " نظرة الناس الهم دونية وانهم مش مصدر ثقة وما حدا بصدقهم، وبالتالي حتى لو تحدثوا عن الاعتداءات التي تحصل لهم، نسبة تصديق الناس والامن الهم ضئيلة جدا (هذا إذا عرفوا يعبروا عن أنفسهم!)."																		
المقابلة الثانية عشر: " عندما علمت الام بعد ان استفاقت من الولادة ان بنها من ذوي الإعاقة الذهنية، وقفت على شبك المشفى وفكرت جديا بالانتحار حتى لا تواجه الحياة مع ابن من ذوي الإعاقة الذهنية. ورفضت ان تظهر ابنها لأهلها واهل زوجها لمدة 3 شهور، لأنها لم تقصح عن الإعاقة الذهنية. ولجأت للمرة الاولى لدعم نفسي مختص عندما كان عمر ابنها 6 سنوات. وابنها لم يتلقى تأهيل حتى بلغ 6 سنوات، فكان في فجوة كبيرة بينه وبين أبناء جيله اللي تم تأهيلهم من عمر صغير وكان الفرق بينهم وبين الأطفال الآخرين صغير نسبيا."																		
Political events and disability																		
The first and second Intifada positively changed and improved the public awareness about PWDs		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
The Great March of Return (GRM) protests positively changed and improved the public awareness about PWDs		✓			✓	✓			✓	✓				✓	✓	✓	✓	✓
The Great March of Return protests added a layer of discrimination between PWDs in Gaza due to the level of services GRM PWDs received compared to the minimum services other PWDs received.		✓																
Political events contributed to the focus on movement and sensory disabilities as they were the common disabilities as a result of the Israeli occupation.		✓			✓				✓	✓			✓					
Political events introduced a complex situation with temporary disabilities that have permanent social or economic consequences on people.																		✓



Victims of PWDs due to Israeli violations are the responsibility of Israel; however, the Palestinian Authority is also responsible to provide them with services and rights that allow them to live a dignified life.	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓		✓	✓	✓	✓	✓
Victims of PWDs due to Israeli violations should not have any additional privileges within the law, because disability is disability regardless of the cause or timing of it.		✓			✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓
<p>المقابلة الثانية: "النقطة النوعية فيما يتعلق بوعي المجتمع حصلت في الانتفاضة الأولى (1987) التي خلفت العديد من الأشخاص ذوي الإعاقة نتيجة لانتهاكات الاحتلال الإسرائيلي. أدرك المواطن العادي في تلك الفترة ان الإعاقة ليست عقوبة من الاله للعائلة (خصوصا الام) على ذنب ما ارتكبه (في تلك الفترة كانت الام تعابر إذا انجبت طفل او طفلة ذوي إعاقة، وطبعا المعايير كانت مضاعفة في حالة البنات)، لان المواطن العادي كان يشهد ويقرأ او يسمع عن لحظات إصابة اشخاص معينين وتحولهم لأشخاص ذوي إعاقة، وبالتالي سقطت الافتراضات المسبقة عن الأشخاص ذوي الإعاقة بما فيها انهم مذنبون او مجرمين او عقوبة من الاله... الخ".</p> <p>المقابلة الثانية: مسؤولية مزدوجة: مسؤولية الاحتلال الإسرائيلي (ضمن القانون الدولي الإنساني) ومسؤولية الحكومة الفلسطينية (ضمن قانون حقوق الانسان)".</p>																		