

ترحب بالضيوف
فأهلاً وسهلاً




Legal landscape and regulations affecting women with disabilities

in the labor sector in the West Bank and Gaza

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COSPE is an Italian NGO established in 1983, and operating in 26 countries. COSPE has been working in Palestine since 1995, mainly collaborating with youth and women's organizations.

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In partnership with the Democracy and Workers' Rights Center in Palestine (DWRC), the Palestinian Working Women Society for Development (PWWSD), EducAid NGO.

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Introduction:

The Palestinian law has not specified or included any provisions specifically for women with disabilities in the workplace, although there must be a policy and social specificity to ensure they have equal opportunities,”

said Hadeel Shahada, a 35-year-old activist and disability rights advocate who is also visually impaired.¹

The data, supported by official evidence and statistics, particularly from the disability survey conducted by the Palestinian Central Bureau of Statistics (PCBS), reveal a harsh reality for persons with disabilities. High unemployment, illiteracy, poor access to social protection services, workplace and education discrimination, and difficulties in accessing public facilities and livelihoods contribute to their vulnerability to poverty and abuse. Addressing these challenges necessitates a comprehensive review of laws, policies, and institutional structures to ensure full inclusion and create an inclusive national environment. Additionally, the situation in Gaza, marked by ongoing wars and a blockade, exacerbates existing difficulties, making it challenging for people with disabilities to access essential services and support. The paper also focuses on the legal framework for the rights and employment of women with disabilities in Palestine, aiming to provide an overview and shed light on protections (or lack thereof) in the labour market. Recommendations include obligating institutions to employ a minimum of 5% of their workforce from among persons with disabilities,

promoting tax deductions for private enterprises employing them, and fostering inclusivity in recreation and sports as required by article 10 of the Palestinian Law on the Rights of the Disabled No. 4 of 1999.²

The Palestinian Disabled Rights Law No. 4 of 1999 recognizes persons with disabilities as:

“A person with total or partial disability, whether congenital or caused by other causes, and such disability is stable in any aspect of his or her physical, psychological or mental life, to the extent that his or her ability to meet daily needs is restricted in conditions similar to that of non-disabled individuals.”³

Hadeel added: “The rights of persons with disabilities are an issue of great importance in Palestinian society. They constitute an essential part of the social fabric, and thus it is necessary to focus on protecting their rights and enabling them to participate fully in community life. However, they face enormous challenges and constant violations of their rights in various aspects of their lives.”

Statistics:

Approximately
250 million
people worldwide

constituting around 10% of the global population, experience various disabilities, as reported by the World Health Organization. According to PCBS, the estimated number of persons with disabilities in Palestine was around 115 thousand before the Israeli aggression on the Gaza Strip (October 7, 2023). This figure represents 2.1% of the overall

1- Hadeel Shahada, 35 years old, activist in disability issues, and visually impaired.

2- Law No. (4) of 1999 regarding the Rights of Persons with Disabilities, Part Two, Specific Rights. Article 10.

3- Palestinian Disability Law (No. 4 of 1999). Chapter One. Definitions and General Provisions. Article (1)

population, with approximately 59 thousand persons in the West Bank (1.8% of the West Bank population) and approximately 58 thousand persons in the Gaza Strip (2.6% of the Gaza Strip population). Notably, the number of children with disabilities is estimated to have doubled since the onset of the aggression on Gaza, as per PCBS. Furthermore, the disability rate among adults (18 years and above) was reported at 3%, with a breakdown of 2.6% in the West Bank and 3.9% in the Gaza Strip. The percentage of disability varied significantly across governorates, with the North Gaza Governorate recording the highest percentage at nearly 5%, followed by Deir Al-Balah Governorate at 4.1%. Conversely, the lowest percentages were recorded in Ramallah & Al-Bireh and Jericho & Jordan Valley Governorates, each at about 2%.

In 2021, women with disabilities constituted 1.07% of all women civil governmental sector employees, and 40% of civil governmental employees with disabilities (based on the Palestinian National Authority's General Personnel Council data for the same year).

A survey conducted in 2022 with women, including women with disabilities, employed in the private and public sectors⁴, indicated that there is still much progress required to provide inclusive workplaces in the public and private sectors. 69% of women with disabilities considered that their workplace is partially adapted in the governmental sector, and 17% considered it completely unsuitable. In the same context, 66% of women with disabilities considered the entrance of the building in which they work to be partially adapted for accessibility, while 13% considered it not adapted at all and 13% said it was fully adapted. 35% of women with disabilities in the governmental sector and 37% in the private sector considered that they obtain sufficient tools and resources to perform

their work. Among the sample, the largest percentage seemed to feel that there is a lack of understanding by their employers for the nature of their disability and job responsibilities, when counting also those who expressed a neutral opinion.

Concentration of women with disabilities in administrative and secretarial roles within the public sector is noted, with a tendency to employ illiterate women with disabilities, while those with hearing or mental disabilities face exclusion. Task assignments for women with disabilities primarily involve secretarial, professional, sewing, product line, and packaging roles, emphasizing the urgent need for targeted interventions and policy changes in the Palestinian labor market. Additionally, the 2020 Labor Force Survey underscores the limited engagement of women with disabilities in the Palestinian labor force, standing at 2% of the overall female disabled population, in contrast to the 23% observed among their male counterparts with disabilities. Although the Palestinian Authority has made efforts in recent years to increase employment opportunities for persons with disabilities in civil governmental institutions, the 5% quota of overall employment may take decades to reach and there is still an imbalance between men and women with disabilities. In the absence of incentives and widespread inclusion initiatives, employment of persons with disabilities remains far below the quota in the private sector.

4- DWRC & EducAid, Participatory monitoring of progress in reducing gender gaps in the world of work in Palestine, Moayad Afaneh, Baha Tahboush & Hadeel Shehadeh, 2022

Laws and Regulations:⁵

"States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard, shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms."

Article 6, Convention on the Rights of Persons with Disabilities (CRPD)

The State of Palestine has ratified key human rights conventions (CRPD, CEDAW, CESC) that require state parties to take effective measures to ensure that women with disabilities can realize their right to work and are protected from any forms of discrimination due to their gender or their disability or any other grounds. Existing causes of discrimination and disparities should be remedied to. However, key Palestinian laws and regulations have not been amended yet to ensure compliance with international conventions, and thus fail to adequately uphold the rights guaranteed by these conventions. Palestinian legislation is gender-blind at best, and lacks any requirements for affirmative action to address gaps due to discrimination against women. They also lack strong enforcement mechanisms.

1. Labor Law in Palestine:

The Palestinian Labor Law No. 7 of the Year 2000, which is applicable to workers in the private sector and those not covered by legislation for civil servants and local authorities employees, contains basic provisions that might be used to protect the rights of women with disabilities in the labor sector, but sanctions for lack of

abidance with dispositions of the law are either absent or do not have any deterrent effects (financial sanctions are too low). The law contains general provisions that prohibit discrimination in employment and require providing equal opportunities and equal treatment (article 2, 16, 21). It specifically prohibits discrimination between men & women (article 100), however it does not define the concept of discrimination, nor does the law or its bylaws detail any procedures or mechanisms that should be put in place by employers to prevent and sanction discrimination in employment and occupation. The law also stipulates a 5% quota of employment for persons with disabilities (article 13)⁶. However, in effect, there are no executive regulations that support and ensure the application of this quota.

2. Disability Law:

The Palestinian Law No. 4 of 1999 provides a basic legal framework for protecting the rights of persons with disabilities, including their rights in the labor sector, but it is considered outdated and in need of reform, including in terms of approach and terminology⁷. In fact, a new draft law has been elaborated, but is pending approval. The law of 1999 introduced a 5% quota for the employment of persons with disabilities at governmental and non-governmental organizations, and stipulated incentives for the private sector to accommodate persons with disabilities as part of their workforce through tax exemptions, stating the need to persons with disabilities to have access to the necessary facilities and support in the workplace.⁸

5- [International Labor Organization \(ILO\)](#) - ILO and disability inclusion. [Disability Inclusion in the Workplace](#). September 2015.

6- Palestinian Labour Law (No. 7 of 2000). First Chapter Definitions and General Provisions Section One Definitions Article (1)

7- <https://disabilityundersiege.org/wp-content/uploads/2021/03/Comparison-of-the-1999-and-the-Draft-2019-Palestinian-Disability-Law-Final.pdf>

8- Palestinian Disability Law (No. 4 of 1999). Issued in Gaza City on 8/9/1999 AD, corresponding to 27 Rabi' Al-Thani 1420 AH, by Yasser Arafat, the Chairman of the Executive Committee of the Palestine Liberation Organization and the President of the Palestinian National Authority.

The Convention on the Rights of Persons with Disabilities (CRPD):⁹

The Convention on the Rights of Persons with Disabilities (CRPD) was adopted on December 12, 2006, during the sixty-first session of the General Assembly by resolution A/RES/61/106. The CRPD is a comprehensive international treaty aimed at promoting, protecting, and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities. It recognizes the inherent dignity, autonomy, and rights of persons with disabilities and seeks to eliminate discrimination and barriers that hinder their full participation in society. In times of conflict, it is essential for parties involved to uphold the principles of the CRPD, ensuring that the rights and well-being of persons with disabilities are protected and that inclusive measures are in place to address their specific needs.

Challenges Faced by Persons with Disabilities in Gaza:

“Some houses will receive a call and they give you three to five minutes to evacuate,” she said. “For many people with disabilities, that’s not enough for them—they need two people to help them.”¹⁰

Lateefa Al Jabri.

Lateefa Al Jabari, who is a 40-year-old woman with disability, voiced the inefficiency of Israeli military warnings for many individuals with disabilities. The broader impact of the Israeli war in Gaza has led to extensive destruction, loss of life (more than 34,000 people killed), torture, and abuse. People with disabilities faced oppression through the destruction of service centres, including medical and rehabilitation facilities. Cases of torture and abuse by occupation soldiers have intensified physical and psychological suffering. The destruction of more than the 60% of the housing units has resulted in significant losses for people with disabilities, causing psychological, economic, and social impacts that necessitate intensive treatment. The challenges are further compounded by difficulties in accessing shelter, transportation, communication services, and essential resources, leading to deep psychological pain. Persons with disabilities, like 19-year-old Iman, who is hearing impaired, face additional challenges during bombings, illustrating the profound impact on the lives of people with disabilities in Gaza. As at 23 January 2024, approximately 400,000 Palestinians remained in the northern Gaza Valley without access to any humanitarian assistance since 1 December 2023¹¹. Many of those who could not leave included people with disabilities, who relied on their caregivers or relatives to get to shelters, without whom they are unable to move¹². Many children and adults with disabilities have faced challenges in fleeing and accessing safe shelter, but there is an information gap on the number of people unable to evacuate and their location. In addition, according to WHO, people with disabilities are unable to access food and

⁹- United Nations Convention on the Rights of Persons with Disabilities (CRPD) 12 December 2006. Sixty-first session of the General Assembly by resolution A/RES/61/106.

¹⁰- Published by Handicap International – Humanity & Inclusion Website: <http://www.hi.org>. FACTSHEET October 2023 Inclusive Humanitarian Action - Gaza

¹¹- Al Haq et al. 25/01/2024; EMM 23/01/2024

¹²- HI 03/11/2023; HRW 01/11/2023; EMM 07/12/2023; Al Jazeera 29/12/2023

other essential assistance, because of various physical, informational, and institutional barriers, which put them at a higher risk of food insecurity and malnutrition.

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Iman declares "I don't have a hearing device, so I don't know when they are bombing! I can feel the vibration under my feet, and I see people running without knowing what is happening!"

Iman and her sister live in Gaza and both have hearing disability, so they communicate with sign language.¹³

The impact of this destructive war on job opportunities for persons with disabilities can be anticipated through looking at displacement challenges. Persons with disabilities in Gaza face unique challenges related to displacement, affecting mobility, communication, hygiene, medical needs, and nutrition. The ongoing conflict, which has lasted for over six months, intensifies these challenges, requiring targeted assistance. All infrastructure in place before the war to assist persons with disabilities in integrating the labour market has been likely destroyed, including places of learning, education and rehabilitation. Workplaces and economic establishments that are still standing are most probably no longer accessible due to wide destructions of roads and the accumulation of rubble and other obstacles to movement.

Another challenge is the accessibility gaps in employment opportunities; in the pre-war context, many barriers hindered persons with disabilities from accessing employment due to a lack of inclusive policies. This will likely be

exacerbated post-war, if reconstruction lacks comprehensive accessibility features, impeding full inclusion in the workforce, especially considering that the war has raised the rate of disability and had a huge impact on the labor market with dramatic employment losses.

Around **507,000 jobs** have been lost

across the Occupied Palestinian Territory (OPT) as of the end of January 2024 due to the ongoing war in the Gaza Strip, according to new estimates issued by the International Labor Organization (ILO) and the Palestinian Central Bureau of Statistics (PCBS). The new data estimates that, as of 31 January, around 201,000 jobs were lost in the Gaza Strip, accounting for around two thirds of total employment in the enclave. In addition, 306,000 jobs – or over one third of total employment – were also lost in the West Bank, where economic conditions have been severely impacted.¹⁴ The economic consequences of job losses result in daily income losses of USD \$21.7 million. The ongoing military aggression and the humanitarian crisis are projected to increase these figures. However, the crisis severely affects the entire labour market, employment prospects, and livelihoods across the occupied Palestinian Territory. The most vulnerable in the labour market are likely to be the most affected, and thus the outlook for women and persons with disabilities in general, and women with disabilities in particular, is bleak and requires strong corrective measures in order to avoid further marginalization.

¹³- Humans Rights Watch. [Gaza: Israeli Attacks, Blockade Devastating for People with Disabilities Greater Risks During Strikes, Difficulty Obtaining Necessities, Shelter](#). November 1, 2023

¹⁴- <https://www.ilo.org/resource/news/palestinian-unemployment-rate-set-soar-57-cent-during-first-quarter-2024>

Recommendations:

Ensuring that representatives of persons with disabilities, including women with disabilities, are included in and adequately associated to the formulation, monitoring and evaluation of all humanitarian and developmental plans and policies aimed at addressing the current context

1. Addressing Displacement Challenges:

- Urgently attend to the specific needs of displaced persons with disabilities including their need for financial allowances to replace lost income, taking into account their additional basic needs that might arise from their disability, and ensuring that adequate and adapted job opportunities are made available to them as soon as possible
- Envision recovery and reconstruction plans with detailed measures for full inclusion, aligning with labour laws emphasizing non-discrimination.
- Removing obstacles to movement and/or creating safe spaces/corridors, whenever possible to facilitate mobility of persons with disabilities and their access to basic amenities

2. Promoting Inclusive Employment Opportunities Post-War:

- Implement emergency job creation programs adhering to labour laws, ensuring a dedicated quota for persons with disabilities.
- Guarantee equal opportunities for women with disabilities, aligning with labour laws emphasizing gender equality.

3. Ensuring Accessible Reconstruction Projects:

- Integrate accessibility into reconstruction projects, aligning with the disability law emphasizing accessibility of public facilities and workplaces.
- Include a contractual clause ensuring full accessibility, creating an enabling environment, in compliance with disability and labour laws.

4. Addressing safety concerns in the West Bank:

- Recognize and address safety challenges, fragmentation, and separation in the West Bank, aligning interventions with protection requirements under international human rights and humanitarian law
- Take all measures necessary to ensure an end to the Israeli occupying power's violence against the protected population, particularly focusing on the vulnerability of persons with disabilities, in adherence with the principles and rights enshrined in international human rights and humanitarian law

5. Protecting Women with Disabilities:

- Acknowledge the heightened vulnerability of women with disabilities, emphasizing protection by labour laws and other legislative frameworks, and adopting required reforms as soon as possible.
- Implement targeted interventions to safeguard women with disabilities from isolation and exclusion, aligned with international conventions and domestic laws and policies promoting gender inclusivity.

Employment Demands for Persons with Disabilities:

1. Activating Legislation on Employment:

Activate legislative articles mandating at least 5% employment of workers with disabilities, with a focus on women.

2. Amending the Labour Law:

Amend the Labour Law to enable persons with disabilities to access jobs corresponding to preferences, abilities, and qualifications.

3. Penalties for Violating Employment Provisions:

Impose penalties on employers violating mandatory employment provisions for persons with disabilities.

4. Ensuring Accessibility in All Sectors:

Enact laws obliging all sectors to provide accessibility for persons with disabilities.

5. Ensure adherence to the Convention on the Rights of Persons with Disabilities and international humanitarian law, addressing the detrimental health impact of the protracted occupation, hostilities, violence, and insecurity on persons with injuries and persons with disabilities and ensuring their access to health services and their mobility to access those services.

Conclusion:

Implementing these recommendations and demands, aligned with labour laws and international conventions, is crucial for creating an equitable and inclusive society. Along with these demands and recommendations, enforcing and reforming the legal framework represent essential steps towards promoting equal opportunities, inclusiveness and accessibility for women with disabilities and persons with disabilities in general in Palestine. International and local publications provide additional context and guidance for these efforts. By addressing employment, legal obligations, sanctions and accessibility, the aim is to create a more equitable and inclusive society, where the rights and aspirations of persons with disabilities are respected and supported, and women with disabilities can realize their labor and economic rights.



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