



مركز إعلام حقوق الإنسان والديمقراطية «شمس»
Human Rights & Democracy Media Center «SHAMS»

Factsheet

In Recognition of the

International Day of Persons with Disabilities

The Status of Persons with Disabilities in the Gaza Strip

During The Ongoing Israeli Aggression

٢٠٢٣ December



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Persons with Disabilities (PWDs) represent a basic component of the Palestinian community where there is variation in the disabilities those persons have. On the global level, according to the reports of the World Health Organization (WHO), there are 650 million disabled persons (10% of the entire world population). On the Palestinian level, according to the official statistics of the Palestinian Center for Bureau of Statistics (PCBS) as of 2021, persons with disabilities represent 2% of the population. There are several groups of PWDs in Palestine as some are born with some kind of disability while others are disabled as a result to work accidents. Some persons have disability resulting from diseases and health circumstances. Moreover, there is a group of disabled persons in Palestine who have a disability as a result of being tortured or directly targeted by the Israeli occupation.

As recognition of the rights of those persons, the United Nations decided, in the year 1992, to dedicate December 3 each year as an international annual Day of the Persons with Disabilities to ensure that those persons have access to their full rights because they are one of the most vulnerable and weakest social segment. The United Nations focused on ensuring that Persons with Disabilities enjoy their economic, social, and cultural rights in the light of the international guarantees that affirmed providing PWDs with their full set of rights.

Persons with Disabilities in the Palestinian community, mainly in the Gaza Strip, face several challenges and obstacles. Among these challenges is the shortage of available supportive medical equipment (Hearing Assistive Devices, Mobility Devices, and other equipment), which resulted from the siege and blockade imposed on the Gaza Strip since the year 2007. The problem increased since the beginning of the current aggression on the Gaza Strip (7/10/2023) where all social segments are suffering and the suffering of PWDs is the most. Demolishing the houses and the civic establishments/ facilities increased the suffering of PWDs and contributed to deepening the psychological and health pressure imposed on them and on their families as well. Many families who have a member with a disability could leave their places and so, many persons with disabilities were killed because of the Israeli brutal shelling and the systematic demolishing of the houses and civic facilities.

The International Day of Persons with Disabilities coincides this year with the ongoing Israeli aggression against Palestinians where the occupation army applies various forms of collective punishments including siege, starvation, demolishing houses, and health facilities. Additionally, the Israeli forces are demolishing health clinics and first medical aid centers. Palestinians are displaced as a result of the heavy Israeli shelling and the denial of entry of all life essentials. Such a situation affected the Persons with Disabilities and their families the most where it was hard to move from the northern parts of the Gaza Strip to the southern parts. Persons with Special Needs in the Palestinian community represent the most affected group by the Israeli aggression. As those persons have challenges in mobility and need others to help them move, then during the aggression, their suffering is the greatest.

Targeting the Persons with Disabilities by the Israeli army represents a violation of all the legal, ethical, human, and religious values. The Israeli occupation violates International Law, International Humanitarian Law, and the resolutions of the General Assembly. In particular, the Israeli occupation violates the General Assembly Resolution (2856/ 1971) regarding the rights of Mentally Retarded Persons and Resolution number (3447/ 1975) regarding the equal rights of persons with disabilities. Additionally, the Israeli crimes violate the General Assembly Resolution number 52/37, released in the year 1982 regarding the International Work Program for Persons with Disabilities, and violate The Convention on the Rights of Persons with Disabilities, dated 14/7/2021. The Preamble of the Convention affirms that state parties: "Bearing in mind that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation". Article 10 of the Convention states: "States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others". Article 11 states: "States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters". On a related level, the Israeli occupation violates the International Humanitarian Law, mainly the Geneva Fourth Convention, which protects civilians under war and armed conflicts and affirms neutralizing them during war.

Persons with Disabilities face a series of challenges within the Palestinian community. Among these challenges is the lack of a dynamic environment to incubate those persons. The challenges that Persons with Disabilities face are rooted in the weak infrastructure and the available supportive resources for those persons as well as the lack of understanding of human rights and the rights of minorities. There are no measures taken to foster the rights of Persons with Disabilities and combat discrimination against them and there are no measures to ensure respect for their rights including those endorsed within the national legal set and the International Law instruments. Persons with Disabilities in Palestine face problems and challenges resulting from the social, legal, economic, and cultural environment. There is a shortage in the legal infrastructure to protect the rights of Persons with Disabilities and provide them with a decent life. There are problems mainly with the Persons with Disabilities Law (4/ 1994) and the decision of the Palestinian Council of Ministers (40/ 2004) related to the bylaws of the Disabled Persons Law (1/ 1999). Moreover, there is no safe social environment to incubate those persons where the schools and public facilities (including the sidewalks of the streets), are not prepared to suit the needs of Persons with Disabilities. Likewise, public transportation is not appropriate for Persons with Disabilities. There is no adequate awareness among the community members about the need to deal with Persons with Disabilities and utilize their energy and respect their full package of rights.

The applied Israeli procedures and practices during the current aggression on the Gaza Strip, violate the various human, legal, and ethical values that ensure a decent and safe life for Persons with Disabilities. The International Law and the International Humanitarian Law affirm the right of Persons with Disabilities to safe life and protect them (as civilians) during armed conflicts as well as providing them with healthy living conditions. On the contrary, the Israeli occupation is commencing a brutal inhumane attack against Palestinians in the Gaza Strip targeting all life aspects and demolishing the civic infrastructure. The Israeli crimes are committed while the world is watching speechless.

Within the current situation in Palestine and the ongoing Israeli aggression, there is a need for immediate international intervention to ensure neutralizing the civilians (mainly Persons with Disabilities) during the attacks committed by the Israeli occupation. Israel should be obligated to abide by International Law and end the suffering of civil Palestinians in general and Persons with Disabilities in particular. Immediate measures are required to compel Israel to cease targeting Persons with Disabilities, as such actions expose the extent of terrorism prevailing within the Occupying Power. This behaviour, which violates human, legal, religious, and ethical values, is rooted in distorted Jewish religious principles that promote the annihilation of others. Furthermore, it manifests in a condescending attitude towards others, where killing is not deemed a crime but rather an act believed to bring one closer to God.

On the internal level, there is a need to release a modern national law that fosters the rights of Persons with Disabilities. Taking into consideration the special circumstances of the Palestinian community, being a community in the phase of national liberation, Palestinian Persons with Disabilities are living under different circumstances compared to their peers in the world. As Persons with Disabilities are targeted directly by the Israeli forces, then the issue of those persons becomes alarming within the Palestinian community. There is an increase in the number of disabled persons in Palestine as a result of the Israeli aggressions and targeting of Palestinians systematically. Therefore, it is time to release a modern advanced law to ensure decent living circumstances for Palestinians Persons with Disabilities. It should be taken into account that the circumstances of the Palestinian community are different than other communities. As Palestinians are still living under the occupation and enrolled in national liberation process, then the number of disabled persons is expected to keep increasing.