

Medical Aid for Palestinians parallel report to the Committee on the Rights of Persons with Disabilities for its list of issues on Israel’s initial report

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I. Introduction

1. **Medical Aid for Palestinians (MAP)** herewith presents its parallel report to the United Nations (UN) Committee on the Rights of Persons with Disabilities (hereinafter ‘the Committee’) ahead of its 14th Pre-Sessional Working Group, to be held between 7 and 18 September 2020. This parallel report is presented for consideration by the Committee in its list of issues on the initial report submitted by Israel¹ in relation to its compliance with the Convention on the Rights of Persons with Disabilities (CRPD or ‘the Convention’).²

2. MAP is a humanitarian and development organisation with ECOSOC Status, operating in the occupied Palestinian territory (oPt) and Lebanon since the 1980s. Our key areas of work are women and children’s health; disability; mental health and psychosocial support; and emergency response and emerging needs. In this parallel report, MAP addresses the legal framework for and barriers to disability rights in the oPt; inadequate protection during hostilities and excessive use of force; the disproportionate impact of COVID-19 on Palestinians with disabilities; and mental health in the oPt. Palestinians with disabilities from the oPt played an active role in raising the issues outlined in the submission, providing

¹ Committee on the Rights of Persons with Disabilities, Initial report submitted by Israel under Article 35 of the Convention, due in 2014, 8 March 2019, UN Doc CRPD/C/ISR/1 (hereinafter ‘State report’).

² *Convention on the Rights of Persons with Disabilities* (adopted 13 December 2006, entry into force 3 May 2008) 2515 UNTS 3 (CRPD).

information to MAP through focus groups, interviews and a participatory photography project.

II. Legal framework for disability rights in the occupied Palestinian territory

3. As the occupying power in the West Bank, including East Jerusalem, and Gaza, Israel is bound by its duties under international humanitarian law in the oPt. It is concurrently obligated to respect, protect and fulfil the human rights of the local Palestinian population under its effective control in the oPt, including Palestinians with disabilities. This was confirmed in the International Court of Justice’s 2004 Advisory Opinion on the Wall in the oPt, which considered that the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC) are applicable in the oPt.³ UN treaty bodies have consistently reaffirmed that Israel’s obligations under the international human rights treaties it has ratified apply for the benefit of Palestinians in the oPt and have repeatedly deplored Israel’s ongoing refusal to accept this applicability.⁴

4. Israel ratified the CRPD on 28 September 2012. It is therefore obligated to respect, protect and fulfil the rights of all persons with disabilities, including Palestinians under its effective control in the West Bank, including East Jerusalem, and Gaza.⁵ The Geneva Academy has emphasised, “*a prolonged occupation will lead to high expectations with regard to fulfilling the occupied population’s human rights, including those contained in the CRPD.*”⁶ The State of Palestine also ratified the CRPD in 2014. Israel’s continuing status as an occupying power limits the State of Palestine’s effective control over its own territory and its ability to fully realise the rights of persons with disabilities under its jurisdiction. A failure to recognise

³ ICJ (2004), <https://www.icj-cij.org/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>

⁴ See: CERD

(2019), https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ISR/INT_CERD_COE_ISR_40809_E.pdf (paras 9-10); CESCR

(2019), <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4sIQ6QSmIBEDzFEovLCuW0fekJcyLVE4h%2FkYmh4jSatSY66nsJOxboaAu4bfCDK5HY6MTTcGy79Oycfl9hr1wv3zD%2FCRDxZ86uGTURI%2BJvrNJQLfgjL9vVSE7OE5dJet> (paras 6-7); CEDAW

(2018), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fISR%2fCO%2f6&Lang=en (paras 14-15); CAT

(2016), <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsmEKqNhdzbzr4kqou1ZPE79BvBJe97SSM1KP2v4ng3Dhx74ohsby7x4AIEgvGhwvav7rPvZmtwppwObldkyK%2BM9cNY7svWLIYmp6PB4chW8O> (paras 8-9)

⁵ Geneva Academy (2019), <https://www.geneva-academy.ch/joomlatools-files/docman-files/Academy%20Briefing%2014-interactif.pdf>

⁶ Geneva Academy (2019), <https://www.geneva-academy.ch/joomlatools-files/docman-files/Academy%20Briefing%2014-interactif.pdf>

Israel's obligations, as occupying power, under the CRPD in the oPt would open Palestinians with disabilities to an unacceptable lacuna in rights protections.

5. Can the State Party evidence and explain the steps taken to respect and fulfil the rights of people with disabilities under its effective control in the occupied Palestinian territory?

III. Barriers to disability rights in the occupied Palestinian territory

The policies and practices of Israel in its prolonged occupation of Palestinian territory and its illegal closure and blockade of Gaza obstruct Palestinians with disabilities from the full enjoyment of their rights, in contravention of the object and purpose of the CRPD. According to the Palestinian Central Bureau of Statistics, 255,224 Palestinians have a disability in the oPt, comprising 6.8% of the population in Gaza and 5% in the West Bank.⁷ One fifth of Palestinians with disabilities are children.⁸

6. The occupation and tightening closure detrimentally impact the employment opportunities of Palestinians with disabilities. In Gaza, people with disabilities are disproportionately affected by the poor socio-economic conditions largely caused by the illegal and intensified closure imposed by Israel since 2007,⁹ which is a driver of humanitarian needs and economic near-collapse in Gaza. MAP's assessment is that the UN's warning since 2012 that Gaza would be unliveable by 2020 has indeed come true.¹⁰ Some 96% of aquifer water is undrinkable.¹¹ Almost half of the population (46%) lives below poverty line and many residents struggle to afford nutritious food, with 62% of households food insecure.¹² UN OCHA has stated that people with disabilities in Gaza *"are among the most vulnerable groups in a society already in crisis."*¹³ Unemployment reached 47% in 2019, with unemployment amongst people disabilities recorded as high as 90%.¹⁴

⁷ PCBS (2018), [http://www.pcbs.gov.ps/portals/pcbs/PressRelease/Press En Preliminary Results Report-en-with-tables.pdf](http://www.pcbs.gov.ps/portals/pcbs/PressRelease/Press%20En%20Preliminary%20Results%20Report-en-with-tables.pdf)

⁸ PCBS (2018), [http://www.pcbs.gov.ps/portals/pcbs/PressRelease/Press En Preliminary Results Report-en-with-tables.pdf](http://www.pcbs.gov.ps/portals/pcbs/PressRelease/Press%20En%20Preliminary%20Results%20Report-en-with-tables.pdf)

⁹ ICRC (2010), <https://www.icrc.org/en/doc/resources/documents/update/palestine-update-140610.htm>

¹⁰ UNCT (2012), <https://www.unrwa.org/userfiles/file/publications/gaza/Gaza%20in%202020.pdf>

¹¹ Gisha (2020), <https://gisha.org/en-blog/2020/01/01/the-un-predicted-gaza-would-be-unlivable-by-2020-they-were-right/>

¹² OCHA (January 2020), https://www.ochaopt.org/sites/default/files/hrp_2020.pdf

¹³ OCHA (2017), <https://www.ochaopt.org/content/gaza-people-disabilities-disproportionately-affected-energy-and-salary-crisis>

¹⁴ UK Aid (2019), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818130/quer-y-12-Gaza-mapping.pdf. UNRWA also cited in 2016 that in Gaza, only 3,127 (11%) people with disabilities over 18 years of age were in the labour force, <https://www.unrwa.org/resources/about-unrwa/supporting-persons-disabilities>

7. Limited electricity supply and frequent power cuts impede the rights of Palestinians with disability in Gaza, for instance preventing those with physical disabilities from using lifts to exit their homes and charging electrical wheelchairs. Those with hearing impairments also find it difficult to charge their hearing aids, limiting their ability to communicate with family and friends.
8. **What steps has the State Party taken to remove barriers to the full realisation of the rights of people with disabilities, as enshrined in the CRPD, in the oPt, including Gaza?**
9. **What steps has the State Party taken to lift the closure and blockade on Gaza with immediate effect, as recommended by the UN Commission of Inquiry into the Gaza protests, UN treaty bodies, and most recently the UN Special Rapporteur for Human Rights in the Occupied Palestinian territory in his report on collective punishment?¹⁵**

IV. Inadequate protection during hostilities and excessive use of force

10. During its military offensive on Gaza in 2014, Israel failed to take *“all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict”* as per its obligations under international humanitarian and human rights law as outlined in Article 11 of the CRPD. During the offensive, Palestinians with disabilities – including those with mobility restrictions, hearing and visual impairments – had severe difficulty evacuating civilian buildings under attack, increasing their risk of injury and death. When preliminary warnings were given by Israel, these were not effective or advanced enough for individuals with disabilities to evacuate safely. In some circumstances people with disabilities had to be left in their homes, as family members were unable to evacuate them. One of MAP’s beneficiaries, a 17-year-old girl with a physical disability, died from smoke inhalation after being unable to be safely evacuated from her family house during an Israeli military attack on Gaza’s Middle Area on 13 August 2014. She died in hospital four days after the attack.¹⁶
11. According to the Disability Representative Bodies Network, during the 2014 military offensive on Gaza, Israeli forces killed 23 people with disabilities and injured approximately 50, and 2,204 Palestinians with disabilities were forcibly displaced. Five centres for people with disabilities were attacked, leaving them partially or completely destroyed.¹⁷ The Mebarret Palestine Centre for People with Disabilities, a care centre supporting people with complex cognitive and intellectual impairments, was one of scores of health sector buildings

¹⁵ OHCHR (2020), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26111>

¹⁶ Information provided by the family to MAP’s staff and partners in Gaza

¹⁷ Disability Representative Bodies Network (2015), The Suffering of Persons with Disabilities From The Violations Of Israeli Occupation Forces During the Operation Protective Edge (pdf of report attached with submission)

destroyed during the 2014 offensive. During the attack on 12 July 2014, two women with disabilities were killed and three residents with disabilities and a care support worker were severely injured. One of the women killed, Suha Abu Saada, had lost a leg as a child when her room was hit by Israeli shelling.¹⁸ Israel’s Military Advocate General decided not to open a criminal investigation into the attack, and there has thus been no accountability or justice for its victims.¹⁹

12. Across the oPt, Israeli forces regularly use excessive, disproportionate and indiscriminate force and lethal force against protected Palestinian civilians, including people with disabilities, in violation of Article 10 of the CRPD on the right to life. Israeli forces killed people with disabilities amid its widespread and systematic use of excessive force, including live ammunition, against protesters taking part in the 2018-2019 ‘Great March of Return’ demonstrations in Gaza. The UN independent Commission of Inquiry into the protests *“found reasonable grounds to believe that Israeli snipers shot ... persons with disabilities, knowing they were clearly recognizable as such.”*²⁰
13. In 2017, Al-Haq documented the killing of 10 Palestinians with disabilities by Israeli forces in the oPt.²¹ Al-Haq’s documentation shows that *“Israel rarely carries out genuine or impartial investigations into cases of killings involving Palestinians, thus fostering a prevailing culture of impunity.”*²² Israel’s failure to ensure effective access to justice for people with disabilities violates Article 13 of the CRPD.
14. Such killings reached international attention this year when Eyad Hallaq, a 31-year-old Palestinian man with autism and a mild learning disability, was fatally shot by Israeli police while on his way to the Elywn El Quds Occupational Training Centre in the Old City of East Jerusalem on 30 May 2020. Warde Abu Hadid, who worked with Eyad as a trainer at the Centre’s kitchen, witnessed his killing and told MAP:

“We usually start working at the kitchen around 6:30 am. I was walking at that time in the Old City, where our centre is located. Suddenly, I heard a number of soldiers shouting, and I looked behind and I saw Eyad running towards me and calling my name. The soldiers started shooting towards us. Eyad managed to reach me and he said “Ms Warde tell them I am with you” and then he was lying on his side and he was bleeding. I started screaming, in Arabic and in Hebrew “Stop he has a learning disability!”. A

¹⁸ MAP (2015), <https://www.map.org.uk/downloads/no-more-impunity--gazas-health-sector-under-attack.pdf> p15

¹⁹ MAP, Al Mezan & LPHR (2020) <https://www.map.org.uk/downloads/chronic-impunity-gazas-health-sector-under-repeated-attack.pdf> (p3)

²⁰ OHCHR (2018), <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24226&LangID=E>

²¹ Al-Haq (2019), <http://www.alhaq.org/advocacy/6108.html>

²² Al-Haq (2019), <http://www.alhaq.org/advocacy/6108.html>

group of soldiers approached us and asked us “Where is the gun?”. I said he is with me and we have no gun. Then three bullets were fired at point blank towards Eyad, who was already bleeding on the floor.

“I was in full shock. Eyad came to seek my protection, but I could not protect him. At that moment, tens and tens of soldiers rushed towards us. Two female women started aggressively inspecting my body looking for a gun. I was speechless. We had no guns. I was dragged to an investigation room, I thought they were going to shoot me. They just killed Eyad for no reason, and I thought they would kill me next. I was terrified. They kept me until noon at the interrogation, I told them what happened, and they let me out.”²³

15. The number of Palestinians in Gaza with a disability, whether physical and/or mental, has furthermore increased as a result of Israeli military offensives and use of force. During the 2014 offensive on Gaza, 11,000 Palestinians were injured, 10% of whom were physically disabled.²⁴ The Israeli military’s use of force against the ‘Great March of Return’ demonstrations has also caused high numbers of disabling injuries. Between March 2018 and October 2019, 7,996 Palestinians suffered limb gunshot injuries. Among those injured, 149 amputations were carried out, 24 people were paralysed due to spinal cord injuries and 15 people suffered permanent loss of vision as a result of injuries caused during the demonstrations.²⁵ An estimated 1,200 Palestinians still require extensive limb reconstruction treatment.²⁶ None of these individuals will ever recover to full functionality. Only in the longer term will we be able to say how many will endure significant loss of function and disability as a result of Israel’s use of force against protesters.
16. **Can the State Party evidence and explain the measures taken to ensure the protection and safety of persons with disabilities in situations of risk in the occupied Palestinian territory, including situations of armed conflict?**

V. Palestinians with disabilities disproportionately affected by COVID-19

17. Article 11 of the CRPD outlines that States Parties should take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including

²³ MAP (2020), <https://www.map.org.uk/news/archive/post/1125-map-demands-accountability-for-killing-of-eyad-hallaq>

²⁴ OHCHR (2015), http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColGaza/A-HRC-29-52_en.doc

²⁵ WHO (2019), http://www.emro.who.int/images/stories/palestine/documents/SitRep_Aug_2019_v0_SH_rev_GRO.pdf?ua=1

²⁶ MAP (2019), <https://www.map.org.uk/news/archive/post/1058-mapas-largest-limb-reconstruction-mission-to-gaza-yet>

situations of humanitarian emergencies. Article 25 of the CRPD outlines that States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services. Article 5 of the CRPD outlines that persons with disabilities are entitled without any discrimination to equal protection. Since the outbreak of COVID-19, however, Palestinians with disabilities have faced additional vulnerabilities due to pre-existing discrimination and barriers to the full enjoyment of their human rights. As OCHA has highlighted:

“People with seeing, hearing or mobility issues, already experience difficulty in accessing services and information in the oPt, now exacerbated as they seek to protect themselves from the outbreak. Many persons with disabilities depend on services that have been suspended and families report not having enough money to stockpile the specific food and medication.”²⁷

18. Across the oPt, poverty rates have worsened as a result of lockdown measures. COVID-19 movement restrictions have drastically reduced domestic economic activity and external trade. Palestinian Authority (PA) monthly revenues have declined to their lowest levels in two decades, with drastic consequences for public welfare, employment, and financial stability.²⁸ As their access to the workforce is already compromised, this situation will disproportionately affect people with disabilities, pulling them more rapidly into poverty. This was reinforced by a Palestinian man in Gaza who has a physical disability, who told MAP in May 2020:

“I’ve had no income during this crisis. Even though I’ve never had a stable income, I usually managed to get some cash by participating in trainings or short-term projects.

“I need medication on a monthly basis, and the organisation that usually provides me with this is closed. I now have to go to the pharmacy and pay for the medicine myself. I managed to do this for two months, but I don’t think I can afford it for a third month. I am scared of the potential discrimination against people with disabilities. In a normal situation, we are marginalised, so I don’t want to imagine what will happen in an emergency. Gaza’s health sector is in on the edge of collapse, so I fear if there is a widespread outbreak, we won’t be the priority for the hospitals [...] Generally, in Gaza we have an issue with repairing assistive devices or accessing new ones. I once spent three years looking for a new commode after mine broke. During this crisis, one of the wheels of my wheelchair broke, and I still can’t find anyone who can fix it.”

²⁷ OCHA (April 2020) <https://www.ochaopt.org/sites/default/files/covid-19-response-plan-inter-agency-opt.pdf> (p5)

²⁸ OCHA (2020), <https://www.ochaopt.org/content/covid-19-emergency-situation-report-12>

- 19. Can the State Party evidence how it has addressed the specific needs of people with disabilities in the occupied Palestinian territory to maintain their health, safety, dignity, and independence throughout the COVID-19 outbreak and related health emergencies?**

VI. Mental health in the occupied Palestinian territory

20. Israel's occupation of Palestinian territory and its blockade and closure of Gaza obstruct Palestinians' rights to the enjoyment of the highest attainable standard of physical and mental health, in violation of Article 25 of the CRPD. Common mental health disorders such as depression and anxiety, the severity of which for some sufferers constitutes a disability, have been found to be twice as prevalent among people living in poverty compared to higher income groups in international studies.²⁹ In Gaza, where approximately 80% of people are dependent on some form of aid, and nearly half live below the poverty line, depressive and anxiety disorders are respectively the second and seventh highest causes of disability in the oPt.³⁰
21. Israel's collective punishment of Gaza's population through 13 years of illegal closure critically undermines the population's quality of life and is a key driver of psychological distress.³¹ Restrictions on the movement of people and goods, deteriorating socio-economic situation, instability, protracted hostilities and Israel's use of force against demonstrators at the 'Great March of Return' events have all increased the need for mental health and psychosocial support for patients, their families and other vulnerable groups in Gaza.³² This has become a major humanitarian priority, particularly for children and adolescents, with significant gaps in terms of infrastructure, essential drugs and the availability of suitably qualified and experienced mental health professionals.
22. In 2017, the UN estimated that 25% of children in Gaza (290,000 children) still needed continuous psychosocial support.³³ This estimation precedes large-scale violence and casualties inflicted during the 'Great March of Return' demonstrations. In March 2019, 68% of children living in areas close to the Israeli perimeter fence had clear indicators of psychosocial distress, with the majority reporting that they had been severely affected by

²⁹ Patel and Kleinman (2003), <http://www.who.int/bulletin/volumes/81/8/Patel0803.pdf>

³⁰ Institute for Health Metrics and Evaluation (2015), <http://www.healthdata.org/palestine>

³¹ UN Commission of Inquiry (2019)

https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session44/Documents/A_HRC_44_60.pdf; MAP (2018) <https://www.map.org.uk/downloads/health-under-occupation---map-report-2017.pdf> (p19-26)

³² MAP (2018) <https://www.map.org.uk/news/archive/post/915-mapas-director-of-programmes-in-gaza-speaks-at-labour-party-conference>

³³ UNOCHA (2017), https://www.ochaopt.org/sites/default/files/hno_20_12_2017_final.pdf

the sounds of explosions and media images of conflict. More than half (54%) of children reported having no hope for a brighter future.³⁴

23. The WHO outlined key challenges to mental health in the oPt in their 2019 report to World Health Assembly:

“The mental health of Palestinians is affected by the exposure to violence and the context of chronic occupation, with mental ill health representing one of the most significant public health challenges. In the Gaza Strip, over half of conflict-affected children may be affected by post-traumatic stress disorder. Furthermore, an estimated 210 000, or over one in 10, people suffer from severe or moderate mental health disorders in the Gaza Strip. Overall, the occupied Palestinian territory has one of the highest burdens of adolescent mental disorders in the Eastern Mediterranean Region. About 54% of Palestinian boys and 47% of Palestinian girls aged six to 12 years reportedly have emotional and/or behavioural disorders, and the overall disease burden for mental illness is estimated to account for about 3% of disability-adjusted life years.”³⁵

24. Speaking to MAP in April 2018, Dr Yasser Abu Jamei, Director of the Gaza Community Mental Health Programme (GCMHP), underlined the burden placed on the mental health of Gaza’s population: *“The population in Gaza feels suffocated, beyond suffocation the mental health situation in Gaza is one that can be described as heavy with despair, feelings of frustration, and loss of hope.”* Dr Abu Jamei reports that GCMHP have *“observed some children we have been working with that have had PTSD ... are currently relapsing because the external environment does not aid their healing and treatment. Since these children remain in the same environment, exposed to these same levels of trauma triggers, then they will surely relapse.”³⁶* Frequent exposure to violence, means that there is no ‘post’ to post-traumatic stress disorder in Gaza.

- 25. Can the State Party evidence and explain the steps taken to fulfil and protect the right to the highest attainable standard of physical and mental health of Palestinians in the occupied Palestinian territory, including Palestinians with disabilities?**

³⁴ NRC (2019) <https://www.nrc.no/news/2019/march/gaza-childrens-mental-health-rapidly-deteriorating/>

³⁵ WHO (2019), https://apps.who.int/gb/ebwha/pdf_files/WHA72/A72_33-en.pdf

³⁶ MAP (2018), <https://www.map.org.uk/news/archive/post/831-map-raises-concerns-over-mental-health-impact-of-violence-against-gaza-protesters>