

Persons with Disabilities under the Covid-19 Pandemic

**Special report on Protection Mechanisms for Persons with Disabilities
under the Covid-19 Pandemic**



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Introduction

The coronavirus (Covid-19) pandemic has had a negative impact on all aspects of life, especially on persons with disabilities, who were the most affected group by the pandemic particularly in the Gaza Strip as the preventive measures imposed by the Gaza's authorities to curb the outbreak of Covid-19 took its toll on them, including the closure of health, educational and service institutions, closing border crossings and denying persons with disabilities' access to them, and depriving them of enjoying basic services recognized by the International Convention on the Rights of persons with disabilities and ensured by the Palestinian Disability Law No. 4 for 1999.

Due to these preventive measures, Gaza's persons with disabilities, who live in difficult economic and social conditions due to the Israeli-imposed closure and the internal division in the light of the absence of law No. 4 (1999), after 21 years of its promulgation, receive poor services. Additionally, the preventive measures hindered persons with disabilities' access to hospitals in the Gaza Strip or abroad, noting that most of them have had medical referrals and appointments for treatment abroad. As a result, many persons with disabilities were denied access to physiotherapy and occupational therapy services, and were unable to obtain assistive medical devices, undergo surgeries and receive wound dressing care services. Additionally, the suffering of persons with disabilities in quarantine centers has doubled due to poor services and inaccessible facilities, in contrast with the standards recognized by the World Health Organization (WHO).

Furthermore, Gaza's persons with disabilities were unable to adapt with remote learning mainly because of their disability to receive lessons easily, bring their specialized teachers to their homes and reach their schools following the decision to resume at-school classes due to the compromised immune system among persons with disabilities with diseases. It should be noted that throughout the Covid-19 pandemic period, most of persons with disabilities were deprived of cash and in-kind donations as government institutions, private, and international organizations operating in the Gaza Strip downsized their services to the public.

The Palestinian Centre for Human Rights (PCHR) followed up the Covid-19 repercussions on economic and social conditions of Gaza's persons with disabilities and received many complaints from them regarding the deterioration of their conditions during the pandemic. The issuing of this report, which coincides with the International Day of Persons with Disabilities that is celebrated annually on 3 December around the world, aims at discussing intervention mechanisms to protect persons with disabilities during the Covid-19 pandemic, measuring the extent of the competent government bodies' commitment to meet the rights of persons with disabilities according with the Palestinian Authority's legal obligations, especially following its accession to the International Convention on the Rights of Persons with disabilities.

Report Summary

- The Covid-19 state of emergency and preventive measure deprived persons with disabilities of enjoying health and education services, cash and in-kind donations, in addition to other services recognized by the International Convention on the Rights of Persons with disabilities and ensured by the Palestinian Disability Law No. 4 for 1999.
- Gaza's persons with disabilities were denied access to physiotherapy services, and were unable to obtain medicines, medical supplies, and assistive medical devices, exacerbating their health and psychological conditions.
- The closure of Gaza's border crossings hindered the travel of persons with disabilities whose treatment is unavailable in Gaza's hospitals, and are in urgent need for receiving treatment abroad, including those who had medical referrals and appointments at hospitals abroad.
- Due to the suspension of health facilities and specialized medical teams' work, 354 persons with disabilities were denied access to hospitals and 779 others were denied access to physiotherapy services; meanwhile, 279 persons with disabilities were unable to obtain assistive medical devices and 223 others could not receive wound dressing care services; and 79 persons with disabilities were denied surgeries either at Gaza hospitals or abroad. Furthermore, 526 persons with disabilities could not access occupational therapy services.
- Persons with disabilities in quarantine centers suffered poor services and inaccessible facilities, in contrast with the standards recognized by the World Health Organization (WHO).
- Persons with disabilities and institutions responsible for their rehabilitation and care were not within the Gaza's Covid-19 National Emergency Committee, noting that the committee did not consider persons with disabilities' conditions and needs while making decisions and imposing operational measures.
- Gaza's persons with disabilities became unable to adapt with remote learning mainly because of their disability to receive lessons easily and the unsuitable electronic learning methods with their educational and cognitive needs.
- The suffering of Gaza's persons with disabilities has compounded by a decision to close Gaza's schools, including the two specialized schools for their education which provide educational service to them by special education teachers up to the 11th grade.
- Education sector encountered many challenges that have had a negative impact on persons with disabilities' educational attainment, including the disability of persons with disabilities to bring their specialized teachers to their homes or reach their schools following the decision to resume at-school classes due to the compromised immune system among persons with disabilities with diseases.
- Many workers, the breadwinners of persons with disabilities, lost their source of income, aggravating their suffering and their living conditions, as they became unable to meet persons with disabilities' needs, including medicines, diapers and milk.
- The Ministry of Social Development (MoSD) has allocated part of its financial aid for Gaza's persons with disabilities, which covered about 36,000 out of 127,962.
- Throughout the Covid-19 pandemic period, limited number of persons with disabilities has received food parcels and assistive medical devices distributed and funded by governmental, local, and international institutions in the Gaza Strip.
- Throughout the Covid-19 pandemic period, the MoSD distributed 4000 food parcels, 300 health packages for cerebral palsy and hydrocephalus cases, 1800 medical devices for persons with disabilities, 30 electric mobility scooters for persons with mobility impairment, noting that 35,000 persons with disabilities registered with the MoSD and need services and urgent relief.

Disability Definition and Gaza Strip Disabled Population

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United Nations General Assembly defines a person with a disability: “any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities.”¹ Also, the International Convention on the Rights of Persons with disabilities defines persons with disabilities as: “those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various attitudinal and environmental barriers, hinders their full and effective participation in society on an equal basis with others.”²

With respect to the Palestinian Disability law for the year 1999, it defines persons with disabilities as: “Any person suffering from permanent total or partial disability whether at birth or otherwise affecting any of his senses, or physical, psychological or mental capacities to the extent of limiting his ability to respond to his living needs under the same circumstances as lived by the non- disabled”.³

The Palestinian Central Bureau of Statistics defines a person with a disability as: “A person who suffers from any problems not encountered by others of his age, whether motor, audio, speech, visual, mental, etc., which prevent or impede his access to the services provided to others in all aspects of life.”⁴

Disability has multiple types, including:⁵

1. Mobility impairment: it is a disability resulting from dysfunction of nerves, muscles, bones, and joints, which leads to the loss of the body’s motor planning due to amputation, spinal cord injuries, muscle dystrophy, muscle relaxation and death and rheumatism.
2. Sensory impairment: it is disability resulting from injury to the nerves of sensory organs; eye, ear, and tongue, causing a sight, hearing or speech impairment.
3. Intellectual disability: it is disability resulting from disorders of higher brain function, such as concentration, counting, memory, and communication with others, and causing learning disabilities and difficulties or behavior disorders.
4. Psychiatric disability (or mental illness): it is disability resulting from mental health disorders, hereditary diseases or cerebral palsy caused by lack of oxygen on the brain, genetic diseases or everything that hinders the mind from performing its known functions.
5. Multiple disabilities: one person has simultaneous occurrence of two or more disabling conditions.

The number of persons with disabilities in the Gaza Strip is 127,962, i.e. 6.8% of the total Gaza Strip population. The statistics indicate that Gaza City has the highest number of persons with disabilities, estimated at 38,878 while the northern Gaza Strip has 31,459 followed by Khan Younis with 25,392 and then central Gaza Strip with 19,175 and Rafah with 13,058 persons in a row.⁶

Other than the social, environmental, and family-related causes of disability, its high percentage increase in the Gaza Strip is largely caused by the continuous Israeli attacks against Palestinian civilians. During the First Palestinian Uprising (Intifada) in December 1987, the number of persons who suffered permanent disabilities reached 2525, while during the Second Palestinian Uprising (Intifada) from September 2000 to 2005, 6000 persons have become with permanent disabilities. Also, during the 2008-2009 Israeli offensives on the Gaza Strip, the number of persons who suffered permanent disabilities reached 600 while in the 2012 Gaza Strip offensive 167 sustained disabilities.

¹ United Nations, A Compilation of International Instruments, Declaration on the Rights of Persons with disabilities, vol. I (Part Two), 1993, p.760.

² Article No. (1) of the International Convention on the Rights of Persons with disabilities .

³ Law No. (4) of 1999 regarding the rights of persons with disabilities .

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The Ministry of Social Affairs and the Palestinian Central Bureau of Statistics, 1997, a study on the Development of rehabilitation services at the intermediate level in the West Bank & Gaza Strip: The third report: The governorates of Gaza. Ramallah - Palestine, p. 17.

⁵ Report on the Reality of the Rights of Persons with disabilities in the Gaza Strip, the Palestinian Centre for Human Rights, August 2007.

⁶ Palestinian Central Bureau of Statistics, Preliminary Results of the Population, Housing and Establishments Census in 2017, February 2018, P. 37.

⁷ PCHR, 2012 Annual Report page 36.

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The number of persons with disabilities increased due to Israeli attacks against Palestinian civilians participating in the GMR, which started on 30 March 2018, in eastern Gaza Strip border area. The IOF used excessive force against the protestors, who were present 300 meters away from the border fence and did not pose threat to the soldiers' lives. The IOF's excessive use of force and shooting at the protestors participating in the GMR from 30 March 2018 to 30 September 2019 caused 196 to become with permanent disabilities, including 28 children. Cases of disabilities were distributed according to the nature of the injury; 158 with motor disabilities; 27 with sensory disabilities; 9 with sexual disabilities and 2 others divided into 149 amputees; 21 upper limb amputations; 23 with vision impairment; and 3 hearing impairment.⁸

Gender distribution of persons with disabilities in the Gaza Strip

The number of male persons with disabilities in Gaza's governorates is 72,425, i.e. 56.6% of the total number of persons with disabilities in the Gaza Strip, while the number of female persons with disabilities is 55,537, i.e. 43.4%.

The distribution of male and female persons with disabilities in Gaza Strip's governorates was as follows: Gaza governorate: (22,222) males and (16,656)females; northern Gaza Strip: (17,978) males and (13,481) females; Khan Yunis: (14,385) males and (11,007) females; Central Gaza Strip: (10,656) males and (8,519) females; and Rafah: (7,184) males and (5,874) females.⁹

I. Legal Obligations for the Realization Of Persons With Disabilities' Rights in Palestine

Law No. (4) of 1999 and its executive regulations obliged the PA's ministries to realize the law in order to ensure that persons with disabilities are enjoying decent life like others. Following are the PA and its institutions' obligations under Law No. (4) of 1999 and its executive regulations, and in coordination with the Ministry of Social Affairs (Ministry of Social Development):

The Palestinian Legislative Council

The Palestinian Legislative Council plays key role in overseeing the executive authority's works, especially in the field of realizing Persons with disabilities Act, developing it, and amending it in accordance with international standards, as well as holding the executive authority to account for any failure to enforce the law.

Ministry of Social Development

In its application, Persons with disabilities Act is based on the Ministry of Social Affairs for the care and rehabilitation of persons with disabilities in the following areas:

- Provide special services to persons with disabilities in the areas of care, relief, training, and education while giving them priority in family development programs.
- Provide social care and accommodation services for persons with severe disabilities, who have no guardian.
- Provide support to the rehabilitation reserves programs.
- Issue disabled card: a card specifying the package of services that a disabled is entitled to within an organized program.
- Diagnose and classify the degree of disability.
- Prepare qualified technical staff to work with the different disabled groups.

⁸ PCHR, Special Report, Great March of Return: Israeli Attacks on Persons with disabilities (30 March 2018 – 30 September 2019).

⁹ Palestinian Central Bureau of Statistics, Preliminary Results of the Population, Housing and Establishments Census in 2017, February 2018, P. 37.

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- Guarantee access to rehabilitation facilities and vocational training centers in compliance with the laws and regulations in effect and the basis of equal opportunities and provide suitable vocational training programs to persons with disabilities.
- Oblige governmental and non-governmental organizations to absorb a number that is not less than 5% of its staff among persons with disabilities in a manner that is conform to the nature of activity in these organizations while making workplaces suitable for the use of persons with disabilities.
- Encourage recruitment of the disabled in private institutions by deducting part of their salaries from the income tax paid by these institutions.
- Disseminate information and data related to prevention with the objective of reducing the percentage of disabilities in the society.
- Disseminate general guidelines and awareness in the society, aiming at making the society members familiar with persons with disabilities and merging them with.

Ministry of Health

Under the Palestinian Disability Law No. 4 for 1999, the Ministry of Health is charged the following:

- Diagnose and classify the degree of disability.
- Guarantee access to governmental health insurance that is free of charge for the disabled and his family.
- Provide and develop services for early detection of disabilities.
- Provide necessary medical instruments and equipment to help persons with disabilities.
- Provide preventive and therapy services aiming to reduce the percentage of disabilities in the community.

Ministry of Education:

Under the Palestinian Disability Law No. 4 for 1999, the Ministry of Education and Higher Education is responsible for the following:

- Insure that persons with disabilities benefit from equal opportunities for enrollment in pedagogic and education institutions and in the universities within the framework of the curricula applicable in these institutions.
- Provide necessary pedagogic diagnosis to define the nature and degree of the disability.
- Provide adequate curricula, educational and educational means, and proper facilities.
- Provide education of all types and levels to the disabled according to their needs.
- Train professionals in rehabilitation of the disabled based on the nature of disability.
- Provide an environment that is adequate for the needs of the disabled in schools, colleges, and universities.

Ministry of Labor

Under the Palestinian Disability Law No. 4 for 1999, the Ministry of Labor is charged the following:

- Prepare qualified technical staff to work with the different persons with disabilities groups.
- Guarantee access to rehabilitation facilities and vocational training centers in compliance with the laws and regulations in effect and the basis of equal opportunities and provide suitable vocational training programs to persons with disabilities.
- Oblige governmental and non-governmental organizations to absorb a number that is not less than 5% of its staff among persons with disabilities in a manner that is conform to the nature of activity in these organizations while making workplaces suitable for the use of persons with disabilities.
- Encourage recruitment of the disabled in private institutions by deducting part of their salaries from the income tax paid by these institutions.

The Ministry of Local Governance:

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Under the Palestinian Disability Law No. 4 for 1999, the Ministry of Local Governance is charged the following:

- Creating an adequate environment for persons with disabilities that guarantees them easy and independent movement and mobility as well as safe use of public areas.
- Obliging governmental and private bodies to comply with the technical, engineering, and constructional standards and terms that must be applied in buildings, and old and new public facilities for use by persons with disabilities.
- Ensuring that governmental and non-governmental buildings are accessible to persons with disabilities.
- Considering that workplaces, markets, and shops are suitable for persons with disabilities, and this falls on the responsibility of the Ministries of Local Governance and Labor.

II. Intervention Mechanisms to Protect Persons with disabilities during Covid-19 Pandemic

Declaring Covid-19 state of emergency on 05 March 2020 in the oPt and imposing precautionary and preventive measures have led to closing health, educational and other services institutions, denying persons with disabilities' access to these institutions and depriving them of enjoying health, educational and other services recognized by the International Convention on the Rights of Persons with Disabilities and ensured by the Palestinian Disability Law No. 4 for 1999.

Moreover, the exceptional situations caused by the Palestinian internal division and the non-realization of the Palestinian Disability Law No. 4 for 1999 have led to a decline in the level of aid, cash and in-kind donations provided for person with disabilities.

These measures, including closing border crossings and allowing Palestinians' movement into and out of the Gaza Strip in a limited scale, hindered the travel of persons with disabilities, who are in an urgent need for treatment abroad, and have medical referrals and appointments for treatment abroad.

PCHR has closely followed the repercussions of these circumstances on the economic and social conditions of persons with disabilities in the Gaza Strip. PCHR also received many complaints from this category and their families about the deterioration of their conditions within the Coronavirus pandemic and demanded urgent action to improve their health conditions and to guarantee provision of educational services and cash and in-kind assistance in order to alleviate the impact of the pandemic on them and their families.

Below is a review of the level of services provided to the persons with disabilities and the challenges that have prevent them from enjoying their social and economic rights in light of the Gaza population's suffering due to the restrictions imposed by the Israeli tightening closure on the Gaza Strip, suspension of work at the General Authority of Civil Affairs (GACA) from 19 May to 22 November 2020 and the coronavirus pandemic preventive measures that have restricted their freedom of movement either internally or abroad for treatment.

Access to Health Services:

Persons with disabilities in the Gaza Strip faces difficulties in their access to health facilities due to the state of emergency that has forced these facilities and rehabilitation centers to close and hindered their travel to receive treatment abroad. Therefore, they were deprived of having their medicine, medical supplies and assistive medical devices and were denied access to the physiotherapy centers. All these circumstances combined have worsened their health and psychological conditions for fear of being infected with coronavirus as they already suffer immunodeficiency.

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Due to work suspension of the healthcare facilities and specialized medical care teams, around 354 persons with disabilities were denied access to hospitals and have the medicine necessary for their treatment while around 779 others were denied physiotherapy services. Moreover, 279 persons with disabilities were unable to obtain assistive medical devices; and 223 others could not receive wound dressing care services; and 79 persons with disabilities were denied surgeries either at Gaza hospitals or abroad. Furthermore, 526 persons with disabilities could not access occupational therapy services during the closure of the specialized medical centers for persons with disabilities.¹⁰

The Palestinian Ministry of Health (MOH) in Gaza attributes¹¹ the low quality of healthcare services provided to the persons with disabilities to the difficulty in communication due to the state of emergency and lockdown imposed on the Gaza Strip's governorates, including the challenges facing the medical personnel when accessing houses, particularly in the remote areas, in addition to the restrictions on the movement of persons with disabilities' and not allowing them to access the public health organizations and rehabilitation centers due to their weak immune system. Since the declaration of the state of emergency and preventive measures in the Gaza Strip, MOH's role was limited to provision of sanitizing items only to a very limited number of persons with disabilities, medicines to persons with chronic diseases, wound dressing care services, air mattresses and oxygen cylinders for those in need and whoever the MOH could reach.

Mustafa 'Aabed, Coordinator of the Palestine Medical Relief Society (PMRS) community rehabilitation program,¹² said to PCHR's fieldworker:

"The suffering of around 128,000 persons with disabilities in the Gaza Strip were compounded after the coronavirus preventive measures had been declared in light of the poor services of early detection, occupational therapy and physiotherapy, psychotherapy, entertainment and acute shortage of medicine, medical supplies and assistive medical devices. All these services were affected by the suspension of work at the public and private health organizations, UNRWA health centers, and rehabilitation centers for more than 3 months in addition to lack of funds to the rehabilitation centers necessary for implementing projects that provide support for persons with disabilities. 'Aabed emphasizes that health organizations and rehabilitation centers had to use phone calls and limited field visits to provide services to persons with disabilities, but that was inadequate because many cases require daily follow-up and daycare and needs high quality of services which are only available at the health organizations and rehabilitation centers. He also pointed out that the public, private and international specialized organizations, and rehabilitation centers did not play their expected role to support persons with disabilities and meet their needs. He added that the governmental organizations did not implement the affirmative action measures in favor of persons with disabilities to alleviate their suffering within these difficult and exceptional circumstances."

Persons with disabilities (10 persons, including 4 women and 6 men, according to the Social Development Ministry) kept in the quarantine centers suffered due to poor services and inaccessible facilities, in contrast with the standards recognized by the World Health Organization (WHO). This was accompanied with absence of persons with disabilities, their families and rehabilitation and care organizations in the National Committee to Combat Coronavirus Pandemic in the Gaza Strip, which started its work following the outbreak of the pandemic in the Gaza Strip; therefore, the Committee did not take in consideration the conditions and needs of the persons with disabilities when taking its decisions and executive measures.

PCHR's fieldworkers documented the suffering of persons with disabilities due to denying their access to treatment following the restrictions imposed on their movement and access to hospitals and healthcare and rehabilitation centers in the Gaza Strip under Coronavirus pandemic. Moreover, PCHR monitored the restrictions imposed on their travel to receive treatment abroad due to suspension of GACA's

¹⁰ An interview with PCHR's fieldworker with Jamal al-Rozi, Palestinian NGOs Network (PNGO) rehabilitation sector coordinator, 21 October 2020

¹¹ An interview with Sami 'Aweimer, Head of the Physiotherapy and Rehabilitation Department at MOH, 22 October 2020

¹² An interview by PCHR's fieldworker with Mustafa 'Aabed, Coordinator of PMRS community rehabilitation program in Gaza, 21 October 2020.

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coordination with Israel, Israeli closure, and lockdown due to outbreak of coronavirus although many of them received the medical transfers necessary for their treatment at the hospitals in the West Bank, including occupied East Jerusalem, Israel, Jordan, and Egypt.

Here follows are statements collected by PCHR's fieldworkers that show persons with disabilities' inability to access treatment due to the preventive measures imposed by the authorities in the Gaza Strip, including closure of healthcare organizations and the persons with disabilities' inability to access these organizations in light of the restrictions imposed on the areas where coronavirus spread and were classified as "red-marked zones." These statements also address the deterioration of health conditions among patients with disabilities for not accessing the assistive medical devices and medicine necessary for their treatment due to acute shortage of medicines in Gaza's governmental hospitals and their high prices at the pharmacies and private medical centers and being unable to purchase them.

The statements review the inability of patients with disabilities to access their doctors and obtain their medical transfers to receive treatment abroad. Also, they shed light on the suffering of persons with disabilities during their stay at the quarantine centers from the poor medical services and inaccessible facilities.

Health of a patient with disability deteriorated after being denied travel for treatment

'Abdel Karim Yousif Herzallah (58), from Khan Younis and father of Osama (22) who suffers Cerebral Palsy (CP), said to PCHR's fieldworker:

"My son, Osama, suffers from CP and vision and hearing impairment due to a medical error occurred to him 6 months after his birth. As a result, he needs constant medical follow-up and neuropathic medication to deal with the continuous seizures he has. Over the past years, we used to follow up with a medical specialist in the hospitals in the Gaza Strip and abroad and obtain the medicines necessary for his treatment; however, due to the restrictions imposed on movement and the closure of Gaza hospitals, we were unable to obtain the medication for my son. My eldest son and his wife were infected with coronavirus 2 months ago, so the MOH imposed a complete lockdown on the area where I live and restricted our movement for around a month. As a result, we could have access to the doctor or the hospital where my son is treated, and we also ran out of his medicine; this has aggravated his suffering and worsened his health condition. We tried many times to contact the MOH and the hospital in order to provide us with medicines, but we did not receive any response. My son suffered a lot as he had daily seizures and epilepsy all through the home quarantine, and we were not able to obtain the medicines and see the doctor until we finished the home quarantine and were allowed to go out and move."

The pandemic denied a patient with disability access to medication

'Abdel Dayem Moham

med al-Sha'er (28), from Khan Younis and father of 2-year-old Adam who has a disability, said to PCHR's fieldworker:

"My son, Adam, suffers from a mental disorder since his birth. He received treatment at Nasser and Gaza European Hospitals in Khan Younis for more than 50 days, during which he was in the Intensive Care Unit (ICU). We then obtained a medical referral from the Treatment Abroad Department, and he was referred to Tel Hashomer Hospital in order to be examined and do blood tests. He stayed there to receive medication and supplements for 20 days. I used to follow up with the medical specialist every 3 months and regularly get the medicines needed to treat him "neuropathic medications to control electrical disturbance in the brain" from

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Gaza hospitals; however, due to the coronavirus, movement restrictions and work suspension at hospitals, we were not able to see the doctor nor obtain medicines on a regular basis, particularly in light of the acute shortage of medicines in the MOH's warehouses in Gaza. As a result, I had to find medicines in private hospitals and pharmacies, but I could afford buying them as they were very expensive, so my son's suffering continued and his health status deteriorated."

A Female patient with physical disability could not obtain a medical referral for treatment abroad

Amani Fathi 'Ali (38) from Rafah City, who suffers from hemiplegia, said to PCHR's fieldworker that:

"Due to the coronavirus, the restrictions imposed on freedom of movement and the subsequent closure of health organizations in the Gaza Strip, I have been denied access to the hospital and the doctor who is following my health condition so I can obtain my medical referral which states I suffer from a physical disability and my health condition requires regular treatment and undergoing an urgent surgery abroad. As a result, the pains got worse and had complications, which would get worse by time as long as I do not get the medical referral to facilitate my travel through Beit Hanoun "Erez" crossing to receive medical treatment abroad."

A female patient with disability complains about the poor medical services and inaccessible facilities in the quarantine centers

(A. 'A.) (25), from Northern Gaza City, who suffers from physical disability, said to PCHR's fieldworker:

"I obtained a medical referral from the Treatment Abroad Department and was referred to a hospital in occupied East Jerusalem before the restrictions imposed on the Gaza Strip due to the outbreak of coronavirus. My mom accompanied me to the hospital, where I did tests and was examined by a medical specialist, who has followed up my condition for the last 2 years. The doctor decided a surgery, so I stayed at the hospitals for 2 weeks and then moved to a dorm. The doctor then allowed me to go back home, so I left with my mom and stayed in a quarantine center in the Gaza Strip. I was surprised that my room was inaccessible for the persons with disabilities and lacks the minimum health standards, including hygiene and sanitization. My mother and I hardly spent the determined quarantine period while the competent authorities did provide any services that meet our special needs."

1. Access to Educational Services

Coronavirus has negatively affected the education sector in Gaza; the Ministry of Education (MOE) and UNRWA closed all the educational institutions when the first coronavirus was detected inside the Gaza Strip in the first month of the school year. MOE and UNRWA launched remote learning as an alternative and exceptional plan and urged students to use the online education platforms. However, the Gaza population's economic conditions in general and the families of students in particular greatly hindered their engagement into the online learning, which is an emergency and new experience that students of the Gaza Strip are not used to. The most prominent challenges facing the online learning in the Gaza Strip were families' inability to provide their children computers to use in the remote learning, lack of internet in many houses in the Gaza Strip for families' inability to pay the internet subscription and the power outages that reach 8 hours daily.

These challenges have affected in particular those with learning and cognitive disabilities due to the inaccessible online education platforms and their failure to meet their special needs. This category's suffering increased after the two schools specialized for their education were closed: Sadeq al-Raf'ie High School for the Deaf, which accommodates all the deaf students in the Gaza Strip and offers them education until high school, and 5 consecutive groups graduated from it, including two which went and graduated from universities, while al-Noor and al-Amal School for the Blind, which accommodates students with "complete or partial blindness" and offers education to the eleventh grade for students with disabilities "down syndrome and autism" through 10 Special Education teachers and then they move to the MOE schools to finish the 12th grade.

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Since the closure due to the Coronavirus pandemic, teachers at al-Raf'ie School for the Deaf faced many challenges, including only being able to access 10 female students who could regularly receive their lessons and daily follow-up, while the teachers could not reach more than 100 female students. Moreover, using the remote learning and online classes in al-Raf'ie School was not the perfect solution for 2 reasons: students and teachers were not qualified or trained enough on remote learning so it was very difficult to use it with the hearing impaired students; also, most of these students and their families live in harsh living and economic conditions so they cannot buy computers nor pay internet subscriptions.

At the beginning of 2020-2021 school year, MOE received all students, including persons with disabilities, inaugurated resource rooms and assessed the new students with disabilities (around 500 male and female students, including those with mental disorders or learning disabilities) via specialized committees. Upon the latter's recommendation, MOE integrated 300 female and male students in the elementary schools across the Gaza Strip and continued offering its educational services for all those registered over the past years until schools were closed due to the coronavirus pandemic.¹³

Khaled Abu Feddah, Deputy Director of Special Education Department at MOE in the Gaza Strip, addressed the challenges facing MOE and negatively impacting the level of education attainment among persons with disabilities during the closure or re-opening of governmental schools. He said in this regard, "it is difficult for the MOE's special education teachers to reach persons with disabilities in their houses, particularly in the remote areas; also, it is hard for persons with disabilities themselves to access schools following the decision to resume at-school classes due to the compromised immune system among persons with disabilities with disease, and MOE cannot force any student to join school in light of the coronavirus risks." Abu Feddah added that education of students with disabilities require their presence in labs well-equipped and supervised by MOE, which takes in consideration their special needs in terms of hearing and touch devices which facilitate their learning in theory and practice. He said that the sudden closure prevented the adequate preparation for adapting the curricula, negatively affecting the educational attainment of people with disabilities increasing pressure on MOE.

Dr. Ahmed al-Hawajri, a consulting psychologist and expert,¹⁴ said to PCHR's fieldworker:

"Students in general suffered a lot due to suspension of work at the educational institutions in the Gaza strip following the outbreak of coronavirus pandemic and the state of emergency and its accompanying restrictions on movement. This have affected their educational attainment; however, persons with disabilities are the most affected category as they do not receive the special attention needed to consider their suffering." He added, " the educational institutions resorted to remote learning as an exceptional and urgent solution within these circumstances, but not the most perfect or effective one for the Gaza Strip population and the persons with disabilities due to the inadequate infrastructure to apply remote learning via different online platforms, including electricity, internet and computers, noting that persons with disabilities in such circumstances first need psychological support programs, then awareness-raising program for the students with disabilities and their families, supply them with computers and internet in light of their poor economic conditions and teaching them on how to use computers and remote learning platforms."

1. Cash and in-kind donations:

¹³ PCHR's fieldworker interview with Khaled Abu Feddah, Deputy Director of Special Education Department at MOE in the Gaza Strip, 22 November 2020

¹⁴ Interview with Dr. Ahmed al-Hawajri, a consulting psychologist and expert, 21 October 2020.

Persons with Disabilities under the Covid-19 Pandemic

Coronavirus pandemic has negatively affected workers, low-incomers, the poor, persons with disabilities and other categories that have been directly affected when the pandemic crisis intensified and preventive measures were imposed to curb the outbreak of coronavirus. As a result, production and industrial sectors shut down in the Gaza Strip, and workers there, including those supporting persons with disabilities, lost their sources of income. This has increased their sufferings and deteriorated their living conditions as they have become unable to meet the basic special needs of persons with disabilities, including medicine, milk, and diapers.

The preventive measures that affected the rights of persons with disabilities come along with high rates of poverty and unemployment in the Gaza Strip due to the Israeli-imposed closure and internal division as well as PA's non-compliance with its legal obligations toward persons with disabilities, who suffer serious deterioration of enjoyment of their rights along with non-application of the Palestinian Disability Law No. 4 for 1999 that guarantees their rights to healthcare, rehabilitation, care, education and employment.

Although the Ministry of Social Development (MoSD) allocated part of its cash donations to the cash transfer program for persons with disabilities, which targeted around 36,000 in the Gaza Strip to support those affected by the coronavirus pandemic; however, these donations did not cover all persons with disabilities in the Gaza Strip that are around 127,962; and were not distributed regularly on fixed dates determined by MSD every three months. Moreover, MSD paid checks for three times only in 2020 while the food parcels, assistive medical devices, mattresses, crutches, and wheelchairs that were distributed through governmental, local, private, and international organizations operating in the Gaza Strip and funded by MSD itself did not cover all persons with disabilities in the Gaza Strip.

Throughout coronavirus pandemic, MSD distributed only 4000 food parcels, 300 hygiene parcels for Hydrocephalus and cerebral palsy patients, 1800 assistive medical equipment for persons with disabilities, and 30 electric wheelchairs for persons with physical disability, while the number of persons registered at the MSD and in need for urgent relief and services is 35,000 persons with disabilities.¹⁵

Dr. Samir Abu Jayyab, Head of Society of Physically Handicapped People in the Gaza Strip,¹⁶ said to PCHR's fieldworker:

"Persons with physical disability in the Gaza Strip suffer from harsh economic conditions as they cannot meet their needs due to the coronavirus-imposed closure and the restrictions on movement; moreover, MSD's Poorest of the Poor Program does not suffice their needs, especially that it is not committed to fixed dates for handing the payments. Meanwhile, in-kind donations distributed to persons with disabilities only target 3% of them. In these circumstances, persons with disabilities fight to survive and combat the coronavirus and it is not the time to demand their rights that are guaranteed by law and not recognized by the official bodies. The Society of Physically Handicapped People, within its ability, provided food and hygiene parcels to 2800 persons with severe disabilities, who do not have any source of income, either quadriplegic or in coma, need special care and are most vulnerable to coronavirus."

Samir Mohammed 'Aweidah (55), from Khan Younis, who has a physical disability, said to PCHR's fieldworker that:

"I support a family of 5; one of them is a university student outside the Gaza Strip and needs monthly outgoings, and I have been through a financial crisis, making me unable to pay my apartment's rent. My crisis got worse during the coronavirus pandemic, as I have not received any assistance from any governmental, private, and international organizations for persons with disabilities despite my dire need for medicines which I cannot afford buying because MSD has suspended my salary that I receive every 3 months and the last salary was in August. MSD also did not deliver 4 annual payments, according to what was declared."

¹⁵ Interview with Ghassan Felfel, Director of the Rehabilitation Department for Persons with Disabilities at MSD in Gaza, 30 November 2020.

¹⁶ Interview with Dr. Samir Abu Jayyab, Head of Society of Physically Handicapped People in the Gaza Strip, 30 November 2020

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Qasem Soliman al-Brim (61), from Bani Suheila village and who suffers vision impairment, said to PCHR's fieldworker that

"I support a family of 7, and my wife and I have vision impairment. I do not have any source of income to support my family and wait for MSD's cash assistance every 3 month and the irregular in-kind assistance offered by persons with disabilities organizations. However, these donations do not suffice to meet my special needs and to support my family in light of the high prices and the medicines for me and my wife. I resorted to rehabilitation societies many times but in vain."

Persons with disabilities in the International Human Rights Law and International Humanitarian Law

Rights of persons with disabilities are mainly based on the general principles of human rights, which ensure equality and non-discrimination between citizens, where the principle of discrimination is considered as a major guarantee for all human beings to enjoy all the rights and freedoms mentioned in the international covenants and agreements. Thus, persons with disabilities have the rights to enjoy all the civil, political, economic, social, and cultural rights as other beings. Therefore, countries and governments are responsible to ensure social and environmental circumstances for them to practice equality.

Article (1) of the Universal Declaration of Human Rights confirmed that “All human beings are born free and equal in dignity and rights.” Also, Article (2) of the same covenant provides: “Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” These two articles were provided to prohibit discrimination between all human beings, and to guarantee the right of all people to enjoy their rights without distinction.

The declaration on the rights of mentally retarded persons which issued in 1971 is considered as the first UN declaration. Despite being issued for the mentally disabled persons, it opened the way to issue another declaration in 1974, which inclusive all persons with disabilities regardless of the type of the disability. This declaration emphasized the need to support persons with mental disabilities to enhance their capacities to facilitate their integration to the maximum extent with the normal life.¹⁷

In 1975, the UN General Assembly adopted the declaration of persons with disabilities, which guarantee a group of basic rights for them and ensure the enjoyment of their civil, political, economic, and social rights as well as their right to be protected against all exploitation and any discriminatory treatment. Moreover, the declaration also confirms their right to medical, psychological, and functional treatment, in addition to their access to obtain the needed medical devices, and their right to education and vocational training in order to recover and integrate them with the society.

On 13 December 2006, the UN adopted the Optional Protocol to the Convention on the Rights of Persons with Disabilities and was welcomed to be signed on 30 March 2007. It was considered as the first comprehensive treaty to promote and protect the rights and basic freedoms of persons with all types of disabilities in general, to practice their rights in all fields where their rights have been violated. On the other hand, the General Comment No. 5 of the persons with disabilities, issued by the Committee on Economic, Social and Cultural Rights (CESCR), emphasized that persons with disabilities have the same rights mentioned in the International Covenant on Economic, Social and Cultural Rights of 1966 and the Universal Declaration of Human Rights, and those rights must be implemented.¹⁸

The State of Palestine joined the Convention on the Rights of Persons with Disabilities (CRPD) of 2006 and prepared the first government for the Committee on Rights of Persons with Disabilities. At the time, the rehabilitation sector at the Palestinian NGO Network in the Gaza Strip and human rights organizations produced notes and clarifications on the report, including comment on how the report evades mention of the need for several measures in terms of legislations and policies which must be amended to comply with the Convention including naming Law No. 4 of 1999 on persons with disabilities right and the nature of rights that should be ratified and added, as well as the necessary monitoring and accountability mechanisms. The comments on the State of Palestine CRPD report highlighted that it lacked any reference to measures or procedures initiated by the State of Palestine as a State Party to the Convention, particularly legislative, judicial, administrative, and financial steps towards fulfilling its legal obligations

¹⁷ UN Declaration on the Rights of Mentally Retarded Persons, Human Rights, UNHCR ohchr.org/AR/ProfessionalInterest/Pages/RightsOfMentallyRetardedPersons.aspx

¹⁸ United Nations Documentation, E/1995/22, University of Minnesota's Human Rights Center www1.umn.edu/humanrts/Arabic

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under the Convention. Furthermore, it was found that the report produced false statistics about persons with disabilities in Palestine and missed the opportunity to highlight the deterioration of persons with disabilities' enjoyment of a dignified life, including their right to enjoy an adequate standard of living with their families. Also, the report did not highlight the customs exemption rule mentioned in the Palestinian law, which was only applied to persons with mobility disabilities; the report also failed to mention the need to link the national development plan with the fulfillment of legal obligations arising from the international Convention, including the rights of persons with disabilities and their integration in the Palestinian society.¹⁹

The international humanitarian law provides protection to all civilians, including persons with disabilities, as Article 3 (1) of the Fourth Geneva Convention of 1949 provides that: "Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria." Thus, the following acts are and shall remain prohibited at any time and in any place: "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; taking of hostages; outrages upon personal dignity, in particular humiliating and degrading treatment; the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples."

Article 16 of the same convention provides that: "The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect." And Article 53 of the same convention provides that: "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations."

Legal framework of the rights of persons with disabilities in Palestine

The extent of the rights of persons with disabilities are realized in the Gaza Strip is measured by the official authorities' commitment to laws and legislations pertaining to persons with disabilities applicable in the oPt. Also, the extent of persons with disabilities' satisfaction with the services they receive in all social, health, service, employment, education, and other fields.

Following are the Palestinian laws that regulate persons with disabilities' rights: Amended Palestinian Basic Law No.4 of (1999) on the rights of persons with disabilities; the executive regulations of Law No. 4 of (1999) regarding the rights of persons with disabilities; Civil Service Law No. 4 of (1998); Palestinian Labor Law No. 7 of (2000); Amendment Basic Law (2003); Palestinian Child Law No. 7 of (2004).

Amended Palestinian Basic Law (2003):

Article 9 of the 2003 of the Palestinian amended basic law, recognizes the right of all Palestinians to equality before the law and judiciary without distinction based on disability. Article 22 provided that

¹⁹ The first report of the State of Palestine regarding to the application of the international convention on the rights of persons with disabilities, prepared by the rehabilitation sector in NGO's network and human rights organizations in the Gaza Strip.

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social, health, disability and retirement insurance shall be regulated by law. Maintaining the welfare of families of martyrs, prisoners of war, the injured and the disabled is a duty that shall be regulated by law. The National Authority shall guarantee these persons education, health, and social insurance.

Law No. (4) of 1999 regarding the rights of persons with disabilities

The 1999 Law on the Rights of Persons with Disabilities contained four chapters including 20 Articles, to ensure the most prominent rights for persons with disabilities in Palestine, such as civil, political, economic, and social rights.

Chapter (1) provides general terms and definitions to assure that “The disabled have the right to enjoy a free life, dignified living, and various services in a manner equal to that of other citizens and he/she have the same rights and obligations that are within his/her capabilities. It is not permissible to prevent any disabled from enjoying these rights because of his/her disability.” The Palestinian law grants persons with disability additional privileges and rights as in Article 1 of Chapter 1. The disabled card specifies basic services that disabled persons are entitled to receive, within a planned program. Article 3 provides that “The state shall be responsible for the preservation of the rights of the disabled as well as facilitating access thereto; the Ministry shall coordinate with concerned bodies to prepare awareness programs for the disabled, his family and surrounding in all matters related to the rights set forth in this law.” According to Article 5, “The state must provide all forms of rehabilitation to the disabled based on the nature of the disability and the disabled shall contribute to no more than 25% of the cost”, and that “Any disabled because of resistance of the occupation shall be exempted of this contribution.”

Chapter 2 included the social, health, educational, rehabilitation and empowerment, and entertainment and sports rights of persons with disabilities. The social rights are rights to provide special services to the disabled in the areas of social care, relief, training, and education while giving the disabled priority in family development programs, and right to holding a disabled card. Health rights are guarantee access to governmental health insurance that is free of charge for the disabled and provide necessary medical equipment. The educational, rehabilitation and empowerment rights, such as oblige governmental and non-governmental organizations to absorb a number that is not less than 5% of its staff among the disabled.

Chapter 3 of the Palestinian Law aims to creating an adequate environment for the disabled that guarantees them easy and independent movement and mobility as well as safe use of public areas. Additionally, to comply with the technical, engineering, and constructional standards and terms that must be applied in buildings, old and new public facilities for use by the disabled. The Ministry of Higher Education must provide an environment that is adequate for the needs of the disabled in schools, colleges, and universities. The Ministry of Transportation shall endeavor to provide adequate environment to facilitate movement of the disabled. The Ministry of Telecommunication shall endeavor to provide the facilities necessary to enable the disabled use telecommunication equipment, apparatuses, and facilities.

Executive regulations of Law No. 4 of (1999) regarding the rights of persons with disabilities

The executive regulations of Law No. 4 of 1999, regarding the rights of persons with disabilities, were issued to explain and clarify the articles of law, and to outline and limit the duties of the concerned authorities.

1. Civil Service Law No. 4 of (1998)

On one hand, Article 23 of the Civil Service Law provides that percentage of jobs to be allocated to released prisoners and persons wounded in the course of resistance operations whose condition allows them to work shall be determined by Cabinet decision; the decision will classify the condition of the wounded and set out the terms of employment. On the other hand, Article 24.3 of the Law, requires job

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applicants to be free from disease, physical, and mental disability that prohibit them from fulfilling job duties as per the assessment of a specialized medical reference. Nevertheless, visually impaired persons or persons with physical disabilities, which do not impair the person from fulfilling the job requirements as per specialized medical report, may be hired provided they fulfil other health fitness conditions.

2. Palestinian Labor Law No. 7 of (2000)

Article 13 of the Palestinian Labor Law provides that “the employer shall adhere to employ a number of qualified disabled workers to perform work, which fit their disabilities .The percentage of such workers shall not be less than 5% of the total labor force in the installation.” However, Article 16 provides that “Discrimination in relation to the work conditions and circumstances between workers in Palestine shall be forbidden.”

3. Palestinian Child Law No. 7 of (2004)

Article 41 of the Palestinian Child Law:

- Affirms the right of children with disabilities to education and training in the same schools and centers designed for non-disabled students.
- In cases of exceptional disability, the State is obliged to provide education and training in special classes, schools, or centers; provided that such facilities are linked to the regular education system and are suitable for the needs of the child; close to the place of residence and easy to access; education should be suitable to a student’s needs; and providing qualified teachers.

Conclusion and recommendations

The report highlighted the impact of Covid-19 on persons with disabilities in the Gaza Strip, and the preventive measures that banned them from accessing the basic services that the International Convention on the Rights provided for persons with disabilities, which are guaranteed by the 1999 Palestinian Law No. 4 concerning the rights of persons with disabilities in Palestine.

The report also deliberates the decreased quality of services received by disabled in the Gaza Strip, who live in difficult economic and social conditions as a result of the Israeli closure, and internal Palestinian division, under the absence of the implementation of the Palestinian Law No. 4 of 1999, which was issued 21 years ago.

Thus, the Palestinian Centre for Human Rights:

- Calls upon governmental bodies and rehabilitation institutions to guarantee access of persons with disabilities to hospitals inside and outside the Gaza Strip, and provide medicines and supportive medical equipment, and reduce their sufferings resulted from Covid-19
- Calls for collaboration between the competent official institutions and the rehabilitation and care centers to guarantee adequate quarantine facilities for persons with disabilities
- Calls for conducting periodic medical checkups for persons with disabilities at their residences, and to provide specialized and trained staff to work with them
- Calls for providing sign language for those with hearing disabilities, and Braille language for the visually impaired in all instructions related to Covid-19
- Emphasizes the need to include persons with disabilities and rehabilitation and care institutions in the national plan to combat the spread of Covid-19
- Call upon governmental bodies and rehabilitation centers to adopt policies and programs to support the rights of persons with disabilities and meet their legally guaranteed needs, including in-kind and financial assistances in light of the difficult economic situation in the Gaza Strip
- Calls for involving rehabilitation institutions, persons with disabilities, and their families in developing programs and plans aimed at enabling persons with disabilities and their families to lead dignified lives; and
- Calls upon civil society organizations to monitor the work of official governmental bodies, particularly in relation to fulfilling the rights of persons with disabilities in light of the absence of accountability principles due to the Palestinian political division, and the dissolution of the Palestinian Legislative Council.