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“The Right of Work and social protection for Women with Disabilities in Palestine”

The study comes as a conclusion of many activities which were implemented by Stars of Hope Society in order to support the rights of women with disabilities (WWDs), that recommended that the right of decent work is one of the most important rights by which increase the empowerment of WWDs and activate this right by the government and the community which significantly contributes to improve of the economic situation of WWDs, especially that the majority of women with disabilities are poor, as well known, the poverty is the main obstacle facing the members of the community to access to health services, education and mobility.

Accordingly, this study comes to address the right of decent work for people with disabilities (PwDs) from the perspective of national legislation and the International Convention on the Rights of Persons with Disabilities, as well as government policies, plans and strategies in addition to meetings with stakeholders from the ministries, institutions and individuals.

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Table of Contents

■ Preface

Introduction (Right to work is part of human rights)	5
Peculiarity of the Right of Persons with Disability to Decent Work	5
Right of Persons with Disabilities to Work and Social Protection	7

■ Chapter One

International Protection of the Right of Persons With Disability to Decent Work	8
Convention on the Rights of Persons with Disabilities and Right to Work	8
Convention on the Rights of Persons with Disabilities and Right to Social Protection	13

■ Chapter Two

National Legislation and the Right of Persons with Disabilities to Work	14
Constitutional Protection of Right to Work	14
Law on Rights of Persons with Disabilities and Right to Work	15
Bylaw of Disabled Rights Law	16
Law of Labor and Right of Persons with Disabilities to Work	16
Law of Civil Services and Right of Persons with Disabilities to Work	17
Bylaw of Law of Civil Services and Right of Persons with Disabilities to Work	18

■ Chapter Three

General policies related to Right of Persons with Disabilities to Work	19
National Plan and Strategies of Ministries concerned with the implementation of the right of Persons with Disabilities to Work	21
National Plan and Implementation Monitoring regarding right to work (National Development Plan 2011-2013)	21
Chart of Social sector national targets	23
Economy sector national targets	24
Summary of Planned National Development Expenditure	24
Economic sector	28





Bi-annual National Development Plan Monitoring Report 2013	31
Current interventions	34
Ministry of Social Affairs Strategic Action Plan 2011 - 2013	36
Evaluation and Conclusions	36
Services and assistance for persons with disabilities	37
Ministry of Labor Plans and Strategies (articles related to the right of Persons with Disabilities to work)	41
Ministry of Labor Work Plan (2011)	41
Ministry of Labor Work Plan (2013)	41
General Personnel Council Strategic Plan 2013-2015	43
Interviews with bodies concerned with the right of Persons with Disabilities to work	43
The Ministry of Affairs role in the activation of the right to work	44
Role of Ministry of Labor Directorates' employment offices	45
Stars of Hope Society role in activating the right to work	46
General Federation of Persons with Disabilities role in activating the right to work	49
Mechanisms of Recruitment and Employment according to field the study carried out by the Independent Commission for Human Rights.	51
Conclusions	52
Recommendations	57
References	59



Introduction

Right to Work is one of Human Rights

The right to work is a fundamental right of human rights as affirmed in the Universal Declaration of Human Rights which states " Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment." (Article 23, par 1)

To realize other human rights, right to work is a basic issue which is considered an integral part of human dignity and deep-rooted in it. Typically, work provides the livelihood for individuals and their families, and it also contributes to their development and recognition within their community as long as they are freely able to accept or choose their work.

Right to work as a basic human right has been stated in many legal international protocols of which Convention on the Rights of Persons with Disabilities and Optional Protocol is a detailed one. (See Article 27). In addition, the International Covenant on Economic, Social and Cultural Rights generally addresses the right of work.(Article 6). The Covenant clearly emphasizes the individualistic dimension of right to work by recognizing the right of everyone to the enjoyment of just and favorable conditions of work which ensure safe and healthy working (see Article 7). The Covenant has also dealt with the right of everyone to form trade unions and join the trade union of his choice, and the right of trade unions to function freely.¹

Peculiarity of Right of Persons with Disability to Decent Work

Right to work is distinguished by the fact that it contributes to providing income sources for people with disabilities in order to help them overcome other obstacles, where the individual is empowered economically and enabled to head into other rights, such as health and education by himself, in case the State ,by law, fails to endow these rights. The Palestinian Basic Law stresses that "Every citizen shall have the right to work, which is a duty and honor. The Palestinian National Authority shall strive to provide work for any individual capable of performing it."²

Conversely, persons with disabilities seriously suffer from insufficient government allowances assigned for enacting their lawfully protected rights. These people, alongside the other citizens, also endure the country limited resources, as well as pitiable distribution of resources in government budgets. It is noted that certain sectors are excessively spent on while others are deprived from sufficient funding. Apparently, this trend is associated with the prevailing culture among decision makers, where the concept of sustainable development, in particular the human resources development, is largely missing in the decision-maker's thinking.

1. Thematic Study on Work and Employment of Persons with Disabilities- OHCHR report

2. The Amended Basic Law 2003, Article (25)

The insufficient employment opportunities, the limited income and lack of allowances assigned for persons with disabilities to ensure that they practice their rights exacerbate the problem. Thus, the right to decent work for people with disabilities is one of the most important rights to be cherished by the State, taking into account the fact that enacting these rights calls for the realization of other rights such as right to education and right to movement.

According to Palestinian statistical estimates in 2004³, women constitute 49% of the Palestinian four million populations. As a matter of fact, the women with disabilities encounter many challenges similar to those women generally face. For example, inequality of job opportunities, harassment in workplace, and absence of equal pay are among the challenges women come across.

However, women with disabilities face challenges related to the difficulty of getting a job and carrying out additional tasks associated with disability, and their missing of control over their possessions or their money due to the existence of arbitrary laws on their legal capacity. Such a situation significantly worsens their positions in work. Generally, women have consistently been underrepresented in all labor categories, alongside the fact that their administrative posts are dramatically low.⁴

A rough definition of disability claims that the percentage of disability in the Palestinian territories is about 7% with the same percentage in both the West Bank and the Gaza Strip. On the other hand, the narrow definition indicates that the ratio in the Palestinian territories is 2.7% of which 2.9% the West Bank and 2.4% in the Gaza Strip, with 2.9% males and 2.5% females.⁵

In their 2011 Disability Survey, the Central Bureau of Statistics and the Ministry of Social Affairs results showed that 87% of people with disabilities do not work. However, the survey failed to show the percentage of unemployed women. A report of the United Nations High Commissioner for Human Rights believes that this percentage is higher in women compared to men, as this report on work and employment of persons with disabilities shows that work data in the few countries which is distributed by disability, gender and the type of work, confirm that women have consistently been underrepresented in all labor categories, alongside the fact that their administrative posts are dramatically low.

Moreover, national indicators have demonstrated the weakness of women's participation in the public field such as labor market, participation in the components of political life, increase of frequent violence against them, and their weak contribution in the development process. These obvious weaknesses can be attributed to several factors: the masculine culture community, weakness of national policies and programs for gender issue, absence of gender equality legislation, and underestimating the woman's reproductive role.

3. Study on the right of persons with disabilities in Palestine to decent work. p 105

4. Thematic Study on Work and Employment of Persons with Disabilities- OHCHR report p9

5. Palestinian Central Bureau of Statistics and Ministry of Social Affairs. Disability Survey 2011, Main Results report, Ramallah Palestine p.19.

In 2013, the Independent Commission for Human Rights conducted a field study on the Right of Persons with Disabilities to Decent Work in Palestine. The study is considered the first of its kind to monitor right to work for people with disabilities; it also includes data on women with disabilities and their right to work. The study Executive Summary presents a brief information on the work of women with disabilities in which it has been found that the percentage of women's participation in the labor sector is 17% of 1520 women with disabilities who form the study target population. In addition, it has been noted that women with disabilities are less likely to get jobs than men with disabilities, and they are also less fortunate compared with women without disabilities. Furthermore, the percentage of women who did not work at all, among the study target population, is 73%, while the percentage of those who are working at the moment is 14%, and the percentage of 12% had previously got jobs, but they are unemployed now. The study has also showed that women with disabilities work is largely in the non-government sector, where the percentage is 37%, while in the public sector the figure is 26% and the private sector is 21%.

The study has noted that women with disabilities work in the public sector is mainly focused in clerical and administrative jobs, while women with hearing and mental disabilities have not joined any work in the government sector at all. It has also been observed that the public sector tends to recruit illiterate women with disabilities. As for the nature of the jobs assigned to women with disabilities in the three work sectors, it was primarily administrative and clerical, followed by vocational jobs such as sewing, in production lines, and packaging.⁶

【Right of Persons with Disabilities to Work and Social Protection】

Social protection for persons with disabilities is very significant as these people are mostly fall within the abject poor categories. In addition, they have the highest unemployment percentage which is, according to disability survey, 87%. Therefore, the lack of social protection may be considered a major reason that discourages the disabled to engage in the labor market, which definitely exacerbates the unemployment problem. Also, there may be a correlation between disabled low salaries and the financial assistance from social affairs.

In some countries, the poor are classified in terms of poverty levels, which force these countries to put strict conditions for granting assistance to the poor. One of these conditions, for example, is to give the poor person the free choice between receiving financial aid or getting a job. According to a United Nations report on the work and employment of persons with disabilities, some countries have taken measures to facilitate the shift from receiving aid to getting jobs. In some countries, for example, people with disabilities are encouraged to go to work after requesting employers to provide occupational health services and work incentives for the disabled.

6. Field Study on The Right Of Persons With Disability To Decent Work In Palestine. p 18



Some countries have taken certain transitional arrangements that would allow persons with disabilities who get jobs to benefit from social protection until they reach a certain level of job payment, and to receive assistance in case of losing job. In addition, the right to benefits for the disabled who lose jobs shall be retained, such as health care for a certain period, after consulting the opinion of persons with disabilities and their representing organizations, as these two parties are fully aware of their interests.

The Convention on the Rights of Persons with Disabilities affirms the right of persons with disabilities to social protection, without discrimination because of disability. It also obliges States Parties to take appropriate steps to safeguard and enact this right through taking measures that ensure that persons with disabilities, especially women and girls and the elderly, benefit from social protection programs and poverty reduction programs (Article 28. par 2-b).

■ International Protection of Right of Persons With Disability to Decent Work ■

There are many international conventions that affirm right to work, including the International Labor Organization of 1998 Declaration on Fundamental Principles and Rights at Work and ILO Declaration on Social Justice for a Fair Globalization in 2008. ILO has clarified the concept of decent work on the basis that work is a source of personal dignity, family stability, peace in society, and democracies that would serve its nations, in addition to the economic growth that would increase opportunities for productive work and promote projects.

Besides, the Committee on Economic and Social Rights has elaborated more on its understanding of right to work in its General Comment No. 18-2005. It stressed that decent work shall take into account the basic human rights of individuals and shall provide income that allows workers to finance themselves and their families. It also includes respecting the workers' physical and mental health safety in work.

■ Convention on the Rights of Persons with Disabilities and Right to Decent Work ■

The Convention on the Rights of Persons with Disabilities unprecedentedly confirmed the right to work and gave detailed points on this issue. Accordingly, States parties are obliged to protect the rights of persons with disabilities, on an equal basis with others, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances⁷. This article applies to all forms of private or public, or any form of work.

However, the right of equal pay for equal work is still absent, where, in many cases, the people with disabilities are paid less than the common wage; in addition, women with disabilities are paid less than men with disabilities. Such a situation greatly multiplies the violation of the rights of women.⁸

7. Convention on the Rights of Persons with Disabilities-Article 27.par b

8. World Health Organization and World Bank- world report on disability 2011- p239.

As for the safe and healthy working conditions, they form a commitment of the public and private sectors that should include protection from discrimination and harassment while meeting the need to facilitate mobility and accessibility, provide social protection and accountability mechanisms.

In Article 27 par. 1-b, the Convention has also dealt with the issue prohibiting discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement, and safe and healthy working conditions.

The labor force survey results during the first quarter of 2013 indicates that women participation in the labor force is very low compared with men, where it is up to 17% women compared to 69% men.⁹

Most of working women in the different sectors are employed in administrative and clerical jobs, where 47% of women with disabilities out of 1520 targeted in the study, who work in the government sector have these jobs, while 22% are employed in vocational jobs, 8% in maintenance, and 24 % in other areas such as teaching, cleaning and reception. On the other hand, 46 % of women with disabilities employed in the private sector work in clerical work, 9 % in vocational jobs, and 45% in other works , including teaching , sewing and packaging in factories. Similarly, 59 % of women with disabilities employed in the private sector in clerical work, 22 % in vocational jobs, and 19 % in other jobs that include cleaning and teaching.

In Article 2, Convention on the Rights of Persons with Disabilities defines discrimination on the basis of disability as any distinction, exclusion or restriction which has the purpose or effect of impairing or nullifying the recognition of human rights and fundamental freedoms, enjoyment or exercise, on an equal footing with others in the political, economic or social, cultural or civil or any other field includes all forms of discrimination, including denial of reasonable accommodation. It is well known that States Parties can gradually apply the economic, social and cultural rights, including the right to work for economic reasons; nevertheless, banning discrimination should immediately be applicable.

In addition, United Nations report on the work and employment of persons with disabilities has mentioned many areas of concern for the disabled. For example, recruitment procedures, recruitment criteria, and appointment decisions as well as the terms and conditions of employment, including wages, working hours and holidays, promotion, in-service training, termination, abuse, harassment, safe working conditions, and health. Nonetheless, the Convention draws the attention that persons with disabilities may be subjected to multiple forms of discrimination. It also ensures that persons with disabilities have the right to exercise their labor and trade union rights on an equal basis with others (Article 27, par. 1, c).

9. The Right Of Persons With Disability To Decent Work in Palestine p106

The participation of persons with disabilities and their mainstreaming them in society is considered a general principle of the Convention on the Rights of Persons with Disabilities and a fundamental obligation of States parties' obligations. The Convention calls for the full and effective participation and obliges States Parties to closely have consultation with persons with disabilities and their representative organizations on the development and implementation of legislation and policies to implement the Convention, and in the decision-making processes on matters that concern them, and them to participate actively in it (Article 4, par. 3). These concerns apply to labor and employment as well.¹⁰

The ILO Convention no. 159 on vocational rehabilitation and employment calls for consulting the disabled and their representative organizations on putting forward the national policy of vocational rehabilitation and the employment of the disabled. (Article 5). Also, Article 27 -1.d of Convention on the Rights of Persons with Disabilities obliges States Parties to enable persons with disabilities to have effective access to general technical and vocational guidance programs, placement services and vocational and continuing training. Given that fact that the right to education is essential for getting a job, failure to do so may be viewed as a serious obstacle for getting decent work.

In a field study on 1520 women with disabilities conducted by the Independent Commission for Human Rights, results have shown that work of disabled women in different sectors based on educational level is classified as follows: 58% working in private sector are first university degree holders, 14% higher education degree holders, 16% secondary certificate holders, 12% primary education, 8% diploma holders, 4% vocational degree holders. On the other hand, the percentages of women with disabilities working in government sectors are: 24% are first university degree holders, 35% secondary certificate holders, 12% diploma holders, and 5% illiterates. As for non-government concerning the work of disabled women based on educational level, it has been noted that this section considers education level as a significant element for recruitment.

In fact, the educational level of women and men with disabilities is important asset and incentive for employment, in particular in the non-government sector.¹¹

In addition, the Thematic Study on Work and Employment of Persons with Disabilities of UN OHCHR has designed procedures for the States parties to be employed for establishing an effective training system including enacting new legislation or amending current ones as follow:

- Legally recognize the right of persons with disabilities access to programs and services for technical and vocational guidance on an equal basis with others.
- Ensure non-discrimination against persons with disabilities in prevailing vocational training programs, be fully accessible to persons with disabilities, and provide reasonable arrangements in technical and vocational training offered.

10. Thematic Study on Work and Employment of Persons with Disabilities- OHCHR report p18

11. The Right Of Persons With Disability To Decent Work in Palestine p115

- Consider mainstreaming of disability issues in technical and vocational training programs in order to create an inclusive environment for all that promotes diversity and ensures that the rehabilitation programs adequately fit to the needs of persons with disabilities.
- Promote employment opportunities and career advancement for persons with disabilities in the labor market, as well as assistance in finding, obtaining, maintaining and returning to employment (Article 27 , par 1, e). This can be achieved by getting proper education, training and vocational rehabilitation ,and return to work programs.

ILO Vocational Rehabilitation and Employment (Disabled persons) Convention (No. 159) defines the purpose of vocational rehabilitation as being a means to enable a disabled person to secure, retain and advance in suitable employment and thereby to further such person's integration or reintegration into society. (Article 1, par2). The issue of returning to work can be treated through issuing legislations that ensure the rights of those who get disabled to retain the same work or return to it after a while.

Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business (Article 27, par 1). Persons with disabilities often resort to self-employment being one of the options available because of the obstacles these people face. At this stage, there will be a problem of obtaining funding for these projects, such as the difficulty of obtaining employment loans to persons with disabilities in the public sector (Article 27 par. 1 g).

Although people sometimes consider the employers belong to private sector entities, governments, in many countries, especially developing countries, are the preferred and the largest employer . Therefore, government can be a model emulated by private sector employers as long as the Convention requires governments to provide reasonable accommodation to run more disabled job seekers at all levels.

Many countries follow some sort of quota system for the employment of persons with disabilities , at least in public sector jobs . The quota ranges between 2 and 7%. However, compliance rate of with these systems is generally low, ranging between 50 and 70%. The quota systems usually apply to medium and large institutions, some of which can be fined in case they fail to comply with their laws . While this failed to improve rates of compliance, the fines provide additional funds which are spent mostly on programs related to the employment of persons with disabilities. The States Parties, then, could benefit from the establishment of temporary programs for people who are transferred from the social welfare projects to the open labor market.¹²

12. Handbook for Parliamentarians on the International Convention on the Rights of Persons with Disabilities.p79

Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programs, incentives and other measures (Article 27 par 1, h). Countries face challenges in the development of efficient measures that effectively provide enough equal potential for people with disabilities to participate in work. A matter of concern in this respect is that taking these measures may send a negative message that implies that persons with disabilities are employed because of their disabilities, which could lead to stigmatizing them and denying their role as professionals. As a result, it is important that states design positive measures with minimal potential negative impact. These programs should aim to increase recognition of the value of diversity in the workplace and equality in career development for all. In addition, the programs that focus on promoting the employment of persons with disabilities should include the entire category, specially women and young people with disabilities, people with mental, or social disabilities and other potential vulnerable groups.¹³

In the Independent Commission for Human Rights field study on women with disabilities, results of work of disabled women in non-government, government and private sectors have shown that the highest rate of employment of women with disabilities is in the non-government sectors, while similar percentage has been recorded in the other two sectors. But, the figure dropped in self-employment and private enterprise. This may be attributed to the prevailing community culture which supports gender-based labor. Therefore, giving the fact that the highest percentage of work is in the non-government sector shows a high level of awareness of the rights of women with disabilities, and adopting special projects and programs on gender in this sector.¹⁴

Percentage of work of women with disabilities in labor market (target population: 1520 women:)

Women with disabilities working in non-government sector	37%
Women with disabilities working in personal private projects	8%
Women with disabilities working in government sector	26%
Women with disabilities working in private sector	21%
Women with disabilities working in other jobs	8%

Ensure that reasonable accommodation is provided to persons with disabilities in the workplace (Article 27, 1, i).

According to the Convention, employers, service providers and others have legal obligation to provide reasonable accommodation for persons with disabilities. The law should state that employers in the public and private sectors are responsible for providing reasonable accommodation to individual employees with disabilities. Governments should develop policies that promote and regulate flexible working arrangements and alternative reasonably accommodate the individual needs of employees with disabilities. It should be for such policies to

13. Thematic Study on Work and Employment of Persons with Disabilities- OHCHR report p13

14. The Right Of Persons With Disability To Decent Work in Palestine p111-112

include, inter alia, adjustment and modification of machinery and equipment and modification of the job content, working time and work organization, and the adaptation of the work environment to provide access to the place of work, to facilitate the employment of individuals with disabilities.¹⁵

Convention on the Rights of Persons with Disabilities (Article 27, par 1, j) calls for promoting the acquisition by persons with disabilities of work experience in the open labor market. It confirms that the primary focus of recruitment strategies must be on equal opportunities in productive employment in an open labor market, with the realization that, in a particular case, there should be efforts to create jobs in a protected environment that takes into account that this is a transitional arrangement only to those who may not be able to move to the open labor market for different reasons.

Convention on the Rights of Persons with Disabilities (Article 27, par 1, k) calls for promoting vocational and professional rehabilitation, job retention and return-to-work programs for persons with disabilities. It confirms that employees who get a disability should have access to vocational rehabilitation, and there should also be programs on return to work in order to mitigate the challenges facing them when returning back to work. This can be done through legislations that enable them to retain or continue to work at the same institution with the possibility of being transferred to another job within the institution itself.

■ **Convention on the Rights of Persons with Disabilities and Right to Social Protection** ■

- (A) The Convention (Article 28, par 2) affirms the right of persons with disabilities in social protection by obliging States Parties to recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, and shall stipulate several measures to address basic provisions which can be linked to the right to work.
- (B) Paragraph 2 of the same Article identifies the right to access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability related needs. And par 2-b stipulates to ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection program and poverty.
- (C) Paragraph 2-C: To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability related expenses, including adequate training, counseling, financial assistance and respite care.
- (D) Paragraph 2-D: To ensure access by persons with disabilities to public housing programs;
- (E) Paragraph 2-E: To ensure equal access by persons with disabilities to retirement benefits and program.

15. ILO, Managing disability in the workplace: ILO code of practice, (Geneva, 2002), p. 3, sect. 1.4

■ National Legislation and the Right of Persons with Disabilities to Work ■

Although the State of Palestine has not ratified the Convention on the Rights of Persons with Disabilities, the Palestinian Constitution (the Basic Law) has affirmed that Palestinian National Authority must respect all international standards of human rights and shall work without delay to become a party to regional and international declarations and covenants that protect human rights.¹⁶ Also, on the occasion of International Day of people with disabilities, the Independent Commission for Human Rights issued a statement demanding that the State of Palestine join the International Convention for persons with disabilities. Although the Commission welcomes the progress made by the Palestinian National Authority in terms of the realization of the rights of persons with disabilities through the Presidential Decree to reform of the Higher Council of Disability as a national mechanism to protect and promote the rights of persons with disabilities, it is looking forward to further steps to realize the plans and policies into practical reality that could be felt by the concerned, especially fulfilling PNA's pledge of the employment rate of 5 % stipulated by law. However, the Commission believes that data available indicates that the percentage of work of the disabled in the public sector does go beyond 3%. The Commission urges the State of Palestine to join the International Convention on the Rights of Persons with Disabilities in accordance with the Basic Law (Article 10), to ban all forms of discrimination against persons with disabilities on the basis of disability with issues inter alia, all forms of employment, including conditions of recruitment, hiring and employment by removing all legislative, policy, environmental, social obstacles, and to improve the likelihood of getting job and career advancement in the labor market with the activation of legislation and modification of any discriminatory ones that do not meet the international standards of human rights, especially the International Convention on the Rights of Persons with Disabilities, including the right of access to decent work.

■ Constitutional Protection of Right to Work ■

The Basic Law states that "Every citizen shall have the right to work, which is a duty and honor. The Palestinian National Authority shall strive to provide work for any individual capable of performing it. Work relations shall be organized in a manner that guarantees justice to all and provides workers with welfare, security, and health and social benefits."¹⁷

This Article emphasizes the importance of equality in the right to work for all citizens and highlights that labor relations must be regulated to ensure the rights of workers and employers in the private sector or the government. As for the issue of social protection, the article is consistent with what is stated in the Convention, Article 27, par. 1, b.

The Basic Law (Article 9) also stresses that Palestinians shall be equal before the law and the judiciary, without distinction based upon race, sex, color, religion, political views

16. Palestine Basic Law- Article 10

17. Amended Basic Law, Article 25

or disability. In addition, Article 22 of the Basic Law calls for the need to legislation concerning maintaining the welfare of families of martyrs, prisoners of war, the injured and the disabled as a duty that shall be regulated by law, and the National Authority shall guarantee these persons education, health and social insurance.

Moreover, the Basic Law emphasizes the right to social protection as mentioned in (Article 23) which states that every citizen shall have the right to proper housing. The Palestinian National Authority shall secure housing for those who are without shelter. Although this article does not explicitly mention the right of persons with disabilities, it is consistent with the Convention (Article 28 , par 1,d).

■ Law on Rights of Persons with Disabilities and Right to Work ■

This law on the rights of persons with disabilities and right to work was issued in 1999, seven years before the issuance of the Convention. In case Palestine does sign and ratify the Convention on the rights of persons with disabilities, many provisions of this law must be modified.

The law on the rights of persons with disabilities has not included all mentioned in the Convention on the right to decent work despite the fact that there is inconsistency with some articles of the Convention, such as Article 9, which calls for the protection from discrimination on disability basis, and Article 4, on trade union rights though it lacks enough details. The law also addresses rehabilitation and vocational training in terms of preparing qualified technical staff and ensuring the right to enroll in rehabilitation and vocational training institutions in accordance with the laws based on principle of equal opportunities and provision of providing people with disabilities with vocational training programs.

The law has dealt with the rights of persons with disability regarding work; it affirms the need to "To compel government and non-government organizations to absorb a number of disabled individuals provided that the number is not less than 5% the number of staff in each organization. The absorption shall be consistent with the nature of work of these institutions, and the work place shall be suitable for the employment of these individuals"¹⁸

However, article text was supposed to read "commensurate with their qualifications and not with the nature of work in the institutions." Therefore, institutions have to adapt measures to remove the obstacles and not the other way round. It is noted that Palestinian legislator took the quota system in the public and private sector as a corrective plan in order to bridge the gap of the high prevalence of unemployment among persons with disabilities, but the law failed to provide text on prohibiting discrimination in employment conditions of recruitment, employment, continuation of work, and job advancement.

18. Law Number 4 for the Year 1999 Concerning the Rights of the Disabled, Article 10

【Bylaw of Law of Disabled Rights】

In 2004, bylaw of the Disabled Rights Law was issued, two years before the issuance of the Convention and five years after the Law. This bylaw stipulates that all government and non-governmental institutions accommodate the number of people with disabilities at least 5 % of the total employees number¹⁹ but repeated a text that says that stresses the proportionality of this with the institutions work. In fact, a 5 % is not fair, since the number of employees in private institutions is usually low. So, the text here should have requested the employment of one disabled in five persons, or address the reduction unemployment issue of people with disabilities. The abovementioned survey in 2011 shows that 87% of people with disabilities are unemployed, which calls for the government to seriously work on reducing this percentage. Unfortunately, the Disabled Law and Bylaw failed to mention several points guaranteed by the Convention concerning the right to work, including fair and appropriate working conditions, right of equal pay for equal work. The Law has not also mentioned anything about enhancing career advancement, or vocational rehabilitation programs, career retention and return to work in the event of disability incidents that may occur at work.

Qader for Community Development Organization has submitted a proposal study in 2011 on a full amendment of Disabled Rights Law in all its provisions. First, the study suggests work in the private sector be separated from that in the government sector, and impose punishment for those who do not abide by this amended law. But, punishment may work on private sector and not on the public sector, as the State cannot punish its ministries. In addition, this study also suggests that a special committee to follow up the work of persons with disabilities be formed; the committee will develop policies, regulations and implementation monitoring mechanism. However, these tasks are supposed to be carried out by the Higher Council of disability and could not enact in the law. The study also suggests equal pay and grade, which is, actually, consistent with the Convention. The study suggests a special fund for work be created. This idea is mentioned in the bylaw, but it must be provided for in law because bylaw cannot decide penalties that do not exist in law. In addition, the study suggests abolition of all the items that are inconsistent with the law on persons with disabilities, especially items on health fitness.

【Law of Labor and the Right of Persons with Disabilities to Work】

The Labor Law states " The employer is committed to employ a number of qualified disabled laborers in jobs appropriate to their disablements at a percentage not less than 5% of the establishment's labor size."²⁰ (This is an old law that uses the term 'disabled' instead of 'with disabilities'). The Labor Law repeated items related to the need to accommodate business with disabilities, and select the percentage of 5 % again.

19. Palestine Cabinet Decision (40) on Bylaw for the Disabled Rights Law 1999, Article 12.

20. Palestinian Labor Law No. 7 for the year 2000, Article 13

However, no bylaw for labor law has been issued in accordance with Article 139 of this law, which stipulates that the Cabinet, upon the recommendation of the Minister of Labor, is to issue the necessary regulations to implement the provisions of this law, although it was released in 2000, i.e. six years before issuance of Convention on persons with disabilities.

The Labor Law (Article 2) affirms that work is a right for every citizen who is able to do so. The Palestinian Authority works toward providing it on the basis of equal opportunities and without any kind of discrimination. Nevertheless, this law adopts a definition that considers a person with a disability as the one who needs care, rehabilitation and not from the perspective that the removal of barriers this person encounters in the environment should be done. Thus, the law discriminates against persons with disabilities.

The Labor Law states (Articles 6) that provisions contained in this Law represent laborers' minimum rights which should not be waived. This indicates that the 5% percentage allocated to employ persons with disabilities is minimal and protected, but not ideal.

In addition, Labor Law (Article 35, par 5) states that upon sustaining an illness or a disability which prevents a worker from work for more than a six month period in accordance with a medical report issued by the Medical Committee, in the absence of a job vacancy appropriate to his professional capacity and new health condition.

Section Nine 'Occupational Injuries and Diseases' of Labor Law affirms that the employer should insure all his laborers against occupational injuries, and should, upon the occurrence of an occupational injury, cover treatment expenses. In case the occupational injury renders the laborer unable to perform his job he is entitled to 75% of his daily pay at the time of the injury throughout the period of his temporary disablement. If total permanent disability arise from the occupational injury the, injured shall be entitled to a cash compensation equivalent to the pay of (3500) three thousand five hundred working days or 80% of the pay of the period remaining until his sixtieth birthday, whichever is higher. If a permanent partial disability is caused by the occupational injury the injured is entitled to a cash compensation equivalent to permanent disability percentage. If more than one permanent partial disability are caused by the occupational injury the injured is entitled to a cash compensation for the total of partial disability percentages provided that it does not exceed the compensation established for permanent total disability. The Law entitles the Medical Committee to estimate the disability percentage occasioned by the occupational injury. However, the Law mentioned nothing about injured worker's rehabilitation or his eligibility of returning to work, where the return to work is possible provided that there is a vacancy, and not the adaptability of workplace, fits his new health situation.

■ Law of Civil Services and the Right of Persons with Disabilities to Work ■

Although the Civil Services Law concerning the work in government sector -public jobs- has not specified any quota jobs for the persons with disabilities, it affirms " A portion of jobs is decided by the cabinet for the freed prisoners, the wounded who were injured in the resistance

operations and those whose states allow them to do those jobs. The decision also provides a description of the wounded mentioned and the rules of occupying those jobs."²¹ Conversely, the same law mentions that candidates for appointment should be "Clear of illnesses, physical and mental impairments which may ban him to do the job's tasks by a decision of the concerned medical committee. Notwithstanding that the blind, the one-eye blind, or those with physical disabilities can be appointed provided that these disabilities do not prevent them from the job they will occupy by the approval of the concerned medical committee and fulfilling the other conditions related to fitness."²² The major problem here is the criteria the medical committee follows, as many persons with disabilities deprived from work due the committee's decisions.

This law was promulgated in 1998, i.e. many years before the issuance of the law of the rights of the disabled and the Convention on the Rights of Persons with Disabilities. Therefore, the law has not taken into account discrimination against persons with disabilities or protected percentages in work which reduces prejudice towards people with disabilities. However, the law was amended in 2005 without considering the rights of persons with disabilities in spite of all the work carried out human rights activists. Now, a draft of law of civil services is being prepared. Yet, after reviewing this draft dated In March 2013, prejudice against right of persons with disabilities is still there, despite all the statements by the decision-makers on the rights of persons with disabilities and decent work. For example, article 21 of this draft states the same discrimination against these people, which is mentioned in the applicable law in Article 25.

■ **Bylaw of Law of Civil Services and the Right of Persons with Disabilities to Work** ■

The bylaw of the Civil Service Law , passed in 2005, i.e. after the disabled rights law was enacted and one year before the issuance of the Convention on the rights of persons with disabilities, has confirmed that « All government departments must abide by the 5 % limit for employment of the disabled when new appointments. The Council of Personnel has to retain 5% of the jobs that are announced to be filled by persons with disabilities." ²³ Although in the same law stipulates that "the Council of Personnel informs the concerned government department to guide the candidate for appointment to the Ministry of Health for a medical examination by the local medical committee , in order to determine the extent of the job candidate's medical fitness."²⁴ There is an obvious discrepancy between what is stated in the Civil Service Law , which mentions the cleanliness of disease, physical and mental disabilities , and the bylaw which merely used the term "medically fit". Also , it is necessary that the law be amended as there is a contradiction between the law and the bylaw.

Given that fact that the cabinet decisions are ranked lower than the laws and bylaws, the Cabinet decision on the work of persons with disabilities in government institutions oblige the ministries

21. Civil Services Law no.4 for the year 1998, article 23.

22. Ibid , article 24.

23. Cabinet Decision (45) for the year 2005, Bylaw for Civil Services Law number 4 for the year 1998, Amended in law -2005. Article 34

24. Ibid , article 27

and government institutions to abide by the law of the rights of the disabled and raise the proportion of workers in the public service to 5% . Therefore, Article 10 of the Law on the Rights of Disabled obliges private and public sector to be committed to that percentage, and bylaw Article (12) has clarified the penalty for violators . The labor law Article (13) obliges the private sector to the percentage of 5% of disabled workers, but no penalty on the violator is mentioned , and no bylaw for this law is set yet.

■ General policies related to the Right of Persons with Disabilities to Work]

The Palestinian Law on Rights with Persons with Disabilities and its bylaw has decided on the ministries involved in the implementation and realization of the rights of persons with disabilities. Basically, the Ministry of Social Affairs takes the coordination and follow-up tasks with other ministries, including the Ministry of Health, Education, and the Ministry of Labor, Local Government, Ministry of Transport and Communications and the Ministry of Communications . According to this Law « The state shall guarantee the protection of the rights of the disabled and shall facilitate their attainment The Ministry shall coordinate with the competent bodies to prepare an awareness program for the disabled a his/her family, and his/her local environment regarding the rights stipulated in this Law²⁵ » and also « Pursuant to a request by the Ministry, government agencies shall submit their annual reports and plans pertaining to the services provided by them to the disabled. »²⁶ In addition, article 10 of the Law clarified that t the Ministry of Social Affairs shall be in charge of coordination with all relevant and competent bodies to secure the welfare and rehabilitation of the disabled in the following spheres: social , health, education , rehabilitation and employment , recreation, sports and societal awareness with all details. The Ministry of Social Affairs coordinates the issue of granting licenses for the non-governmental sector related with disabilities issues. The Law states , "Pursuant to the provisions of this Law, and in coordination with the Ministry, the competent ministry shall issue and shall grant the technical licenses necessary for operating and practicing services, programs, and activities provided by the non-government sector to the disabled as well as to supervise them."²⁷ The bylaw in Article 3 has explained the supervision task of the Ministry of Social Affairs concerning enacting the disabled card and its services package it covers. The responsibility of the Ministry of Social Affairs in protecting the disabled rights, before the cabinet has been identified as follows: « The Ministry of Social Affairs as a responsible body before the Cabinet carries out follow-up and coordination tasks with all concerned to protect the rights of disabled people - public and private- and ensures accessibility of these rights."

Giving the fact that the Ministry of Social Affairs is the responsible body for the coordination and follow-up of all executive policies concerning the rights of persons with disabilities, including the right to work, a presidential decree has been issued to establish the Higher

25. Law Number 4 for the Year 1999 Concerning the Rights of the Disabled, Article 3

26. Law Number 4 for the Year 1999 Concerning the Rights of the Disabled, Article 7

27. Law Number 4 for the Year 1999 Concerning the Rights of the Disabled, Article 8



Council of Disability in 2004²⁸. The decree has only two articles: the first one is on formation of the Council and the concerned ministries, while the second article is related to decree implementation, its date and those involved in its implementation.

In 2012, an amended decree to presidential decree on the formation of the Higher Council for Persons with Disabilities in 2004 was issued. This six-article decree re-formed the Higher Council, defined its tasks and its dependency, canceled whatever contradicts it, and decided on the implementation date.

According to decree, article 1, the Higher Council was re-formed and its representing bodies were changed. The Council members include seven members representing ministries, with the Minister of Social Affairs as chairperson, seven members representing civil society, a representative of the private sector, a representative of the people with disabilities- without specifying how he/she is chosen, and the Independent Commission for Human Rights as an observer member. In Article (2) the subordination of the Council was confined to the Ministry of Social Affairs, as the ministry is responsible for coordination between governmental and non-governmental organizations. And the most important goal of the Council is "to coordinate government and non-governmental efforts to achieve a decent life for people with disabilities."²⁹

The decree ,Article 4, has listed the Council tasks, of which is observing the implementation of legislations and international treaties entered into by the Palestinian National Authority as indicated in Article 10 of the Basic Law , which enjoined the PNA to join the international conventions, including the Convention on the Rights of Persons with Disabilities. The above-mentioned article confirmed that the Council develop strategies and policies , monitoring plans and achievements of the various ministries, and evaluation of these achievements , whether in the government or non-government sector. Most important, the Council was entitled to put forward laws , or to propose legal amendments . The Council was also authorized to set quality standards for the development programs for people with disabilities, to establish committees, and to put forward the Council bylaws.

However, the Council has failed to fulfill its roles so far, as it has not worked on joining Palestine to the International Convention on the Rights of Persons with Disabilities. In addition, the issue of putting forward strategies and policies is incomplete. It is true that a national strategic plan for the disability submitted to the Higher Council for Disabled has been set, but no procedural mechanism has been developed so far.

28. Presidential decree no. 3 concerning the formation of Higher Council of Disability

29. Presidential decree no. 1 for the year 2012 on amending presidential decree of Higher Council of Disability

■ National Plan and Strategies of Ministries concerned with the implementation of] the right of Persons with Disabilities to Work

The national plan reflects the government strategy and policies for the years 2011-2013. It is possible to follow up the government's trends and determination during this period, through the stated provisions which are related to the right to work and the right to social protection.

The plan is complementary to the routine work of the ministries, as it is a development plan. It is also important to note that this plan is followed by monitoring reports prepared by the Ministry of Planning by collecting data from the ministries in order to monitor the implementation of the plan. Two reports have been issued on the plan: the first on the first year of 2011 plan and the second on the second year, but the third report on the year 2013 was not issued; instead, a biannual report was issued on November 25, 2013.

■ National Plan and Implementation Follow up regarding right to work (National Development Plan 2011-2013)

We should review the government strategic plans to know the government policy on the rights of persons with disabilities. The first of these plans is the national development plan and its implementation follow-up reports where the government has launched the National Development Plan 2011-2013 under the title: Establishing our State and Building our Future. As mentioned in the introduction under the title: Crossing the Finish Line, the national plan looks forward beyond the day we celebrate our independence. We are not complacent about the hard work ahead, both before and after independence, to guarantee our children a life free from poverty and inequality.

Under the subheading Social Development in the Executive Summary, our national policy agenda includes commitments to maintain a high level of access to education and health services, and provides essential social protection to alleviate poverty and protect vulnerable groups. The government will work in partnership with the private sector and civil society to ensure that social services are comprehensive, affordable and sustainable. In doing so, we will create more opportunities for women and young people to contribute to, and benefit from, the development and growth of our society and economy.

The social policy agenda in National Plan indicates that the government will work over the years (2011-2013) towards the consolidation of a system of social services that can help ensure a healthy, well-educated, cohesive and prosperous society in the State of Palestine, providing equal opportunities for all citizens and ensuring their active participation in the national development process. To achieve these aims, we will continue to increase progressively the proportion of the national budget allocated to social services, complete social safety net reforms that target and empower beneficiaries to become more self-reliant. We will also work through the implementation of the strategic social protection over three years on the development of the social security net and update legislation, which obliges



the government to provide adequate protection and support to citizens. The policy priorities in this over the three years are:

- Implement the reformed social safety net to ensure effective targeting of assistance to those most in need.
- Develop and promote economic empowerment programs targeting poor and vulnerable citizens and households to help them lift themselves out of dependency to self-reliance.
- Develop and strengthen tailored social assistance programs and community-level infrastructure to protect and empower the poor and other vulnerable groups (including women, children and the disabled).
- Establish a comprehensive legal framework to guarantee and regulate the provision of social assistance to future generations.
- Work with the private sector to establish a Social Responsibility Fund as an additional source of financing for the social safety net.

Chart of Social sector national targets

Aim: To support and empower the poor and other vulnerable citizens and their families

No.	Sector indicator	Baseline	Target 2013
1	Percentage of households living below the poverty line	22%	13%
2	Percentage of households that are food insecure	33%	27%
3	Number of households enabled to establish income generating enterprises	2,100	12,000

Aim: To promote the full participation and empowerment of women in society

No.	Sector indicator	Baseline	Target 2013
1	Proportion of women in the labor market	15.7%	17.5%
2	Ratio of women's average pay to that of men	82%	90%
3	Percentage of senior civil service positions occupied by women	2%	4%

The Plan claims that the government policy in combating unemployment focuses on programs aimed at providing job opportunities for the citizens in order to address the increasing rates of poverty, and unemployment. The Plan will now focus on building a capable workforce with the requisite skills and qualifications to drive the development growth.

In addition, the government has established a committee to examine the proposal on the incorporation of the Palestinian Employment Agency, which will be set to oversee a series of regional employment centers. These will provide information about job and vocational training opportunities, as well as career guidance to job-seekers. The priority policies in this respect over the three years include:

- Develop partnerships with the private sector and non-profit organizations to provide low-cost loans to promote investment and incorporate productive enterprises.
- Improve existing professional training programs and centers and develop new professional training programs in coordination with the private sector to ensure compatible professional training outputs with the labor market needs as well as to develop and refine trainers' skills.
- Launch the Employment and Social Protection Fund in partnership with the private sector and civil society organizations.

- Organize the labor market, protect workers, ensure that employers adhere to vocational health and safety standards, and promote oversight.
- Establish regional employment centers throughout governorates and build a database on the labor market to be utilized by both workers and employers.

Economy sector national targets

Objective: To ensure a vibrant labor market and combat unemployment

No.	Sector indicator	Baseline	Target 2013
1	Unemployment rate - Total	24.5%	15 %
2	Employment rate among vocational and technical training graduates	35%	70%
3	Proportion of labor force in public sector employment	23.3%	20%

Summary of Planned National Development Expenditure

Social Development Sector

National Sector	2011	2012	2013
Social protection and empowerment	21,200 (thousand USD)	40,300 (thousand USD)	51,600(thousand USD)

Economic Development Sector

National Sector	2011	2012	2013
work and worker protection	5000 (thousand USD)	8,700 (thousand USD)	17,300 (thousand USD)

Social protection and empowerment in the National Plan

The primary focus of planned development expenditure will be the economic empowerment of poor households in order to reduce the long-term cost of the social safety net. Our plans include expenditure of US\$ 56 million over the next 3 years, primarily in the form of small loans, to help poor households establish their own sources of income. Significant investment, amounting to US\$ 37 million, is also planned to transform the range and quality

of services for those with special needs, ranging from the moderately to severely disabled. There is also a range of planned initiatives, amounting to US\$ 18million for this purpose.

■ **Employment and worker protection in the National Plan** ■

The majority of development expenditure allocated to this sector, totalling US\$ 31 million, will be aimed at investing in vocational training facilities and employment centers that help the unemployed find productive work. There will also be significant investment ensuring health and safety in the workplace and combating child labor.

■ **First Annual National Development Plan Monitoring Report 2011** ■

This is first annual National Plan monitoring report which has been prepared through collecting data from various ministries. It includes monitoring and evaluating achievements and major challenges.

■ **Evaluation of Social Protection Sector in 2011** ■

Achievements in social protection and empowerment sector focused in continuing modernization and development in databases and systemized legal environment development of protection. Social services were provided for different target groups such as children, the elderly and women with disabilities. In addition, a national survey of persons with disabilities has been conducted during this year.

As for the issue of interventions for empowering families economically, the Ministry of Social Affairs has signed the second phase of the agreement of the economic empowerment, but this project has not been implemented in 2011.

Concerning the rights of persons with disabilities, various services were carried out such care services, shelter projects, loaning, building centers. The Ministry offered 50 new loans to individuals and families to enable them to establish income-generating projects. The Ministry has signed a special project agreement to establish micro projects for 300 people with disabilities, in addition to provide Center Sheikha Fatima with kits and receiving 50 beneficiaries to the Center.

Table: Developmental Expenditures distributed on partial sectors for the year 2011 (million dollars)

Partial Sector	National Plan Proposed budget (2011)	Financial Commitment	Actual spending (2011)	Percentage of actual spending from the budget	Percentage of actual spending from Financial Commitment
Social protection and empowerment	21.2	41.2	4.0	19%	10%

■ Social Protection And Empowerment In 2011 ■

The report reflects what has been accomplished in protection and empowerment sector where we find the following:

The report recalls the objectives of the activities of this sector as mentioned in National Development Plan where it is stated that the aim is to achieve the strategic goal of supporting the citizens, poor families and vulnerable groups and empower them. Then the report talks about the Cabinet approval in 2009 to merge two financial assistance programs , although the report is on the status of strategy implementation for 2011 .

Then, the report states that the policy priorities that will be worked on over the years 2011-2013 and re- stated what has been pointed out the National Plan without mentioning the achievements of 2011 .

Performance Indicators of social protection sector for the year 2011

Strategic Objective	Indicator	Line reference data	Base year 2009	Targeting 2011	Achieved value 2011
Poverty Reduction	Percentage of households living below the poverty line who received assistance	44.6%	-	53.8%	52.6%
Poverty Reduction	Number of households who achieved success from economic empowerment program	2100	-	4000	0
Care and empowerment of vulnerable groups	percentage of persons with disabilities who received rehabilitation, training, shelter and empowerment services	5.5%	-	5.7%	No Data

The Ministry of Social Affairs is the only body which offered cash assistance to a percentage of 52.2 % of poor families under the national poverty line. The Ministry does not have any data on other sources such as Zakat Societies or UNRWA.

As for the number of families that have achieved success of economic empowerment program, since the project did not begin until the end of 2011 , is zero , as shown in the table .

The Ministry has not submitted a percentage of persons with special needs , as designated by the report (PWD), who obtained training services , rehabilitation, shelter and empowerment. Instead, it gave a number of 1.108 who received no services other than cash assistance , so if these people are added, the percentage will be up to 9 % as the Ministry of social Affairs reports.

As for the indicators that address laws, an actuarial study of the social security system has not been completed. However, a national team has been formed for that purpose; similarly, a team was formed to deal with the pension system and the economic empowerment. Also, a survey on disability was conducted as first step for launching a disabled card.

Development expenditures in National Development Plan and the actual expenditures for social protection sector in 2011 (million dollars)

Intervention	National Plan Proposed budget (2011)	Financial Commitment	Actual spending (2011)	Percentage of actual spending from the budget	Percentage of actual spending from Financial Commitment
Family Economic empowerment	11.3	30.2	0.3	2.3%	0.8%
Disabled persons	3.8	2.30	0.4	10.5%	17.4%

Economic sector

Assessing labor sector and workers protection in 2011

Key achievements:

As for labor sector and workers protection, the Cabinet has approved a decision to support workers labor and social protection fund, in addition to developing labor market information system. Furthermore, in its efforts of institutional reform, the Ministry of Labor has finished the first phase of developing labor market information system, securing jobs programs and combating unemployment. The government has approved a decision on workers labor and social protection fund which was enacted in August 2011.

Development expenditures in National Development Plan and the actual expenditures for Labor sector in 2011 (million dollars)

Partial Sector	National Plan Proposed budget (2011)	Financial Commitment	Actual spending (2011)	Percentage of actual spending from the budget	Percentage of actual spending from Financial Commitment
Labor and worker protection	5.0	0.3	0.5	10%	176%

Performance Indicators of the labor sector and the protection of workers in 2011

Strategic objective	Indicator	Base year	Reference line	Target year 2011	Achieved value 2011
Provide appropriate environment for job opportunities	Unemployment percentage	2010	23.7%	No data	20.9%
	Percentage of participation in labor force	2009	41.5%	43.5%	45.8%
	Work market information system	2009	Not ready	Ready	Ready after updating

Second Annual NDP Monitoring Report 2012

This is the second annual National Plan monitoring report which has been prepared through collecting data from various ministries. It includes monitoring and evaluating achievements and major challenges.

Evaluating of social protection sector 2012

Development expenditures in National Development Plan for 2012 and the actual expenditures and Financial Commitment for social protection and empowerment_(million dollars)

Partial sector	National Plan Proposed budget 2012	Financial commitment	Expenditures in 2012
Social protection and empowerment	40.3%	No data	24.8

Performance Indicators of the social protection sector in 2012

Strategic Objective	Indicator	Line reference data	Base year 2009	Targeting 2012	Achieved value 2012
Poverty Reduction	Percentage of households living below the poverty line who received assistance	44.6%	-	54.1%	64.8%
Poverty Reduction	Number of households who achieved success from economic empowerment program	2100	-	4000	0
Care and empowerment of vulnerable groups	percentage of persons with disabilities who received rehabilitation, training, shelter and empowerment services	5.5%	-	7.19%	52.36 %

The Ministry of Social Affairs is the only body which offered cash assistance to a percentage of 64.8 % of poor families under the national poverty line . The Number of households who achieved success from economic empowerment program is zero because the program has not begin in 2012, due to the delay of donors financial support.

As for indicators of laws, the Ministry of Affairs legal affairs unit has not provided any data, therefore it was omitted. Similar to 2011 report, this report has not mentioned data on persons with disabilities.

Development expenditures in National Development Plan and the actual expenditures for social protection sector in 2011 (million dollars)

Intervention	National Plan Proposed budget (2012)	Financial Commitment	Actual spending	Percentage of actual spending from the budget	Percentage of actual spending from Financial Commitment
Family Economic empowerment	18.4	No data	0.6	No data	46%
Special needs	11.8	No data	1.1	No data	9.3%

In 2012, the achievements, which came within the institutional reform renovation, were updating the data of 31,000 families who benefit from cash transfer program in the northern governorates. In addition, a strategic framework for the disability sector in Palestine has been completed, and an action plan with clear objectives and activities for the year 2013 to 2015 has been developed.

As for the Ministry of Affairs care of persons with disabilities in 2012, the disabled card was not completed, while 358 persons with disabilities have received training and vocational rehabilitation, and 179 loans for people with disabilities were granted to finance income-generating projects. The number of current projects are about 41 projects, and 39 people from the center of Sheikh Khalifa were granted loans.

Economic sector

■ Evaluation of labor sector and workers protection ■

Nearly 8.7 million dollars has been allocated for the labor sector and the workers protection program. Also, five typical employment multi-purpose offices have been developed; technical education and vocational councils have been completed; a labor market information system project has been develop and launched; and secured employment project for graduates has been launched, where were 100 graduates of both sexes have been employed. However, there is no data on the employment of persons with disabilities.

Performance Indicators of the labor sector and the protection of workers in 2012

Strategic objective	Indicator	Base year	Reference line	Target year 2012	Achieved value 2012
Provide appropriate environment for job opportunities	Unemployment percentage	2010	23.7%	No data	23%
	Percentage of participation in labor force	2009	41.5%	45.5%	43.6%
	Work market information system	2009	Not ready	Operating partially	Ready after updating

Development expenditures in National Development Plan and the actual expenditures for Labor sector in 2012 (million dollars)

Partial sector	National Plan Proposed budget 2012	Financial commitment	Expenditures in 2012
Labor and workers protection	8.7	20.5	0.56

■ Bi-annual National Development Plan Monitoring Report 2013 ■

We hereby review the bi-annual National Development Plan monitoring report of 2013.

■ Evaluating Social Protection sector- 2013 ■

Expenditures and in key interventions Progress for social protection compared with National Development Plan Budget for 2013 (million dollars)

Intervention	National Plan Proposed budget 2013	Financial commitment	Percentage of Expenditures from the budget 2013
Economic Family Empowerment	21.1	0.42	2%
Special needs	19.7	0.066	0.5%

The second phase of the economic family empowerment project was launched. As for activities related to people with disabilities, the issue of disabled card system has been reviewed where amendments of stakeholders have been considered. Also, vocational training for 131 children with disabilities through rehabilitation centers for people with disabilities was provided, and 74 students were graduated from Central Sheikh Khalifa and Sheikha Fatima; 35 children 6 - 15 with intellectual disabilities have received rehabilitation from Casablanca center; and 43 students with visual disabilities-partial or total- first to tenth grade have received rehabilitation and academic education.

In addition, 68 projects, funded by the United Arab Emirates for new persons with disabilities beneficiaries to empower them, have been launched.

【Economic Sector in Bi-annual report 2013:】

Unlike previous reports, this report has not been addressed evaluating the labor and workers protection sector. It is likely to be in the forthcoming annual report, as the present report was issued on November 25,2013 i.e. two months before this study.

【Strategic National Plan for the disability sector in the Palestinian Territories 2012】

Following a review of the National Development Plan, which generally reflects the government course on the right to work and the right to protection, we here address this issue as stated in the policy of disability sector, which concerns all ministries, particularly the Ministry of Social Affairs as it is by law the responsible body which ensures the enjoyment of persons with disabilities of their rights.

In the introduction of the plan, it has been stated that the strategy aims to all stakeholders in the disability sector get involved in its planning and implementation process. A broad strategic framework to bring all has been developed , instead of getting into the operational details within a detailed plan of with complex activities.

In fact, this attempt has led to ambiguity over the duties of each towards specific rights without operational details and clear activities. Moreover, there is no specific responsibilities on each party when evaluating, for example, the commitment of the ministries; also, there is no terms of reference for the work of each ministry.

■ The Social Protection ■

Strategy for disability sector in the third strategic trend has handled the issue of a decent living for people with disabilities.

The poverty risk on persons with disabilities increases due to lack of their education, shortage of job opportunities available for them, absence of social protection for them, and absence of social security programs or system for them. This leads persons with disabilities to more vulnerable and susceptible to external factors, difficult living conditions, and political factors. It is obvious that the relationship between poverty and disability is reciprocal. While poverty increases the rate of disability in its interactive concept, disability plays a significant role in increasing poverty.³⁰

In policy intervention trend, entitled package of interventions, in order to ensure that persons with disabilities enjoy a decent standard of living, Strategy for disability sector has identified indicators of success as follows:

- High ratio of those included in social protection programs for cases of serious hardships.
- Significant increase of persons with disabilities included in economic and social empowerment programs.
- Raise the standard of living of the people who receive assistance from protection programs to decent living standard or near the poverty line.
- Effectiveness disability card programs and its services package.
- The number of people with disabilities included in the Social Security program.

30. Strategic National Plan for the disability sector in the Palestinian Territories 2012. p45.

Current interventions

- Expand social protection program to include all hardship cases to ensure interventions size that enhances the enjoyment of decent standard of living for persons with disabilities.
- Develop key principles work to ensure preservation of human dignity in interventions with the most difficult cases.
- Develop a special computerized program for classifying and evaluating persons with disabilities who meet the criteria of benefiting from the social protection program, provided that it is comprehensive, interactive-based social model, and legally approach disability.
- Develop clear mechanics and standards to ensure that persons with disabilities, especially women, youth and the elderly, benefit from economic empowerment programs, and to exchange information to guarantee comprehensive coverage to reduce duplication.
- Step up work on disability card from partnership perspective between the government and the various community institutions, provided that this card furnishes a human rights perspective that would lead to a dignified and decent living for people with disabilities.

The Strategy on the disability sector proposes the following future interventions:

- Formation of social protection nets at the governorate level so as to ensure an appropriate standard of living and social protection for persons with disabilities based on all institutions standards on rights, and in partnership with the private sector.
- Activation of monitoring, data collection and circulation mechanisms in order to ensure that persons with disabilities benefit from assistance provided by various government institutions, such as training, financial assistance and temporal care.
- Develop integrated empowerment programs that include all cycles of merit in order to ensure that persons with disabilities get appropriate and adaptive housing, and to ensure that these people are equal with other community groups in terms of job benefits, retirement programs and health care.
- Incorporate the rights of persons with disabilities into the social security system once approved, where the government takes over the responsibility of covering the persons with disabilities' contribution in the fund.

In intervention policy, entitled increase of job opportunities as a main key to improving economic security and well-being of persons with disabilities, Strategy for disability sector suggests the following indicators of success:

- Recoil of cases of violation of work quota law enforced in private and public institutions.
- Committees of human rights organizations established to monitor the process of recruiting persons with disabilities, and the institutions compliance with this process.

- Include indicators and cases associated with disability and persons with disabilities in the forms used by the Ministry of Labor inspection department.
- A list of health fitness alternative that adopt a holistic perspective on rights of disabled.
- The effectiveness degree of intersectoral database.
- A number of analytical studies on mainstreaming.
- A number of projects run a group of successful persons with disabilities.
- A number of feasibility studies prepared and ready for the benefit of persons with disabilities.
- A number of people with disabilities have professional skills in areas needed in the market.

Current interventions

- Implement the quota law of 5% jobs for people with disabilities through the adoption of measures at inspection and work level ensure its implementation.
- Monitor the implementation of the legal provision which obliges institutions to hire 5% of its staff from persons with disabilities by a neutral monitoring committees.
- Develop a tax system that takes into account providing a decent standard of living for people with disabilities and their families.
- Incentive system for the private sector to accommodate persons with disabilities.
- Raise awareness campaign for employers on advantages of hiring persons with disabilities; and prepare and secure smoothing accommodating of persons with disabilities without disability-based discrimination.
- Eliminate all laws and regulations that restrict the employment of persons with disabilities.

Future interventions

- Adapt rehabilitation and vocational training centers and programs to be environment friendly for people with disabilities.
- Expand and vary rehabilitation programs and vocational training centers of persons with disabilities to meet labor market needs.
- Provide capital necessary to establish income-generating projects for persons with disabilities.

Ministry of Social Affairs Strategic Action Plan 2011 - 2013

Following a review of both the National Development Plan(2011-2013) and the National Plan for Disability sector in 2012, it is important to explain how the concerned ministries realized these national trends, taking into account that the Ministry of Labor was developed in 2011, i.e. before development of any strategy on disability sector, though the Ministry of Affairs is the key player in this respect.

Based the Social Protection Sector Strategy 2011-2013, Ministry of Affairs presents this strategy as an integrated plan for the work and development of its efforts in all aspects,.

The second strategic objective of social protection sector is to promote care and empowerment of marginalized groups. However, the sub-objective is to promote the protection, care and empowerment of persons with disabilities.

Under this sub-objective, the strategy identifies and supports the following four major trends of social protection sector policies:

1. Promote policies and laws that guarantee the rights of persons with disabilities and their inclusion in society
2. Provide and upgrade appropriate services for persons with disabilities
3. Enable persons with disabilities to achieve economic independency and integrate in society particularly in the labor market
4. Strengthen disability organizations

In its description of the current position, the Ministry of Social Affairs Strategic Plan states that the families with children with disabilities get health insurance, receive cash assistance, and some equipments. Similarly, adults with disabilities get health insurance, cash assistance, and equipment, in addition to micro loans for people with physical disabilities. The Plan adds that there is few job opportunities allocated for people with disabilities and there is no services to provide support in housing.

Evaluation and Conclusions

It has been noted that there is weakness in managing public services delivery, as the focus is mainly on cash transfers, instead of providing services. In addition, the Ministry of Social Affairs services system for people with a disability is not updated, since the focus is on food aid and cash assistance programs. In spite of the importance of these programs in the short term, it does not secure societal development or mainstreaming persons with disabilities in the community in the long term.

As assessing individual needs of people with disabilities and planning to provide services at Directorates level, it is difficult to envisage the effectiveness of this process, due to the fact that there is inadequate social workers who would be busy managing the process

of emergency aid and cash transfers. Obviously, individuals who suffer from psychiatric disabilities have very limited alternatives and options available, since they have limited access to public services, either because the construction designs or the infrastructure.

Also, the government and ministries unwillingness to meet their needs by neglecting their needs when designing buildings, or even when providing public services. Furthermore, partnership and cooperation in addressing this issue is absent or weak at government bodies level.

In addition, there is no vocational training or adequate work programs for young and adults persons with disabilities. Definitely, this limits their ability to achieve economic self-independence that would enables them to integrate into society, especially in the labor market. Therefore, it is important to meet the need for vocational rehabilitation and employment opportunities that will positively affect persons with disabilities. Also, unemployment of persons with disabilities is five times compared to the ratio of the total population. So, if we intend to achieve real integration of these people in community, it is essential that the issue of unemployment of people with disabilities to be seriously addressed.

There is no doubt that the support provided to persons with disabilities through micro-lending programs is important; yet it must be emphasized that many don not find it as the right choice.

In this respect, the Ministry of Affairs offer small loans, with \$ 10,000 maximum, to persons with disabilities to help them develop their small businesses. This program has initially focused on providing loans for unemployed people with disabilities aged 18-60 years who are registered as hardship social cases. Then, the program has been expanded to include non-registered cases. In some cases, loans are granted to the family for the benefit of their children with disabilities. The loan beneficiaries usually receive training on business planning and management.

The Ministry of Social Affairs considers loan program as the most successful project .The loans are granted from a fund of one million dollars; and it has been expanded to have another \$ 5.5 million in order to expand loan project over the years 2011 - 2013. Up till 2011, the Fund has approved 300 micro-loans.

Services and assistance for persons with disabilities

Development Strategy: Promote the participation of employers and the private sector

Objective: To implement social responsibility programs in partnership with employers of large and medium businesses, and to support integrating persons with disabilities in the labor market.

Activities

- A system will be designed to provide tax revenue and wages interests.
- Granting licenses for the trainees who provide services for people with disabilities
- Drafting of appropriate legislation and a penal system for those who fail to comply with their legal obligations towards persons with disabilities.

Results:

- Facilitate access of persons with disabilities into jobs which lead them to greater empowerment and economic self-independence.
- Improve social integration of persons with disabilities
- Less need to pay costs of social assistance for persons with disabilities.

Timeframe: A plan will be developed for the above measures for the year 2012, and relevant legislation will be ratified in 2013.

Development Strategy: Support Social Integration

Objective: Guarantee that persons with disabilities have the same rights and opportunities like other citizens and ensure their right to participate in community life.

Activities:

- Detailed action plans on development of comprehensive community-oriented services to support people with a disability will be developed.
- Facilitating access to community services will be focused on.
- Implementing programs to assist persons with disabilities to live and work in their communities.
- Support services will be directed to individuals
- Encourage persons with disabilities to manage their lives and become independent
- An integrated society will be built in the long term.
- Long and short term action plans and strategies will be developed.
- Priorities and timeframes for achieving set out objectives will be determined.

The general action plan will include specific multi-dimensional plans on social integration to carry out the following:

- 1- Integration in the labor market.
- 2- Achieve self- independent living.
- 3- Self-reliance work
- 4- Prevention services and early intervention
- 5- Access to vocational training
- 6- Transportation services of people with disabilities

Results:

Action plans to stimulate social integration which will enable persons with disabilities to enjoy good life. They will have the same opportunities, like any person, and they will be in less need to invest in separate specialized institutions.

Timeline: Action plans will be prepared in 2011 and applied in 2012.

■ **Development Strategy: support integration in the labor market** ■

Objective: ensure equal employment opportunities of people with disabilities who aspire to work as laborers or as business people.

Activities:

Access to activities that generate financial income is an important element in integrating people process. So, an action plan will be drafted on the criteria for integrating persons with disabilities in the labor market which will focus on helping them mainstream labor market, rather than work in isolated workshops.

The action plan will focus on the following three trends:

- 1- Improve access to services supplied by the Ministry of Labor such as general training, work and employment.
- 2- Develop supported employment models, which help people with disabilities find and get jobs in the labor market.
- 3- Improved opportunities for the establishment of micro-businesses.

Results: people with disabilities will be more economically self-independent. Thus, they will become more self-reliance, contribute to Palestinian society, and become less dependent on social services and assistance.

Timeline: An action plan will be developed in 2011, and it will be implemented in 2012

■ **Development strategy: Support self-employment and self-initiative** ■

Objective: Encourage unemployed people with a disability to establish their own business

Activities: The unemployment rate in Palestine high, especially among young people, and the job competition will be high as well with fewer opportunities for people with disabilities, not only because of a disability, but due to the fact they lack education. Vocational training opportunities are also not available, which force them run small private businesses through the support of microloans. However, this alternative calls for necessary training and support in order to run the private projects professionally; otherwise failure is likely to happen. Therefore, an action plan for self-employment for people with disabilities will be developed, and plans to develop loans systems and training will be prepared as well.

Results: people with disabilities will become more economically independent self-reliant. This will lead them to be less dependent on assistance from the government.

Timeframe: Action Plan will be developed in 2011, and it will be implemented in 2012.

Development strategy: Improve access to vocational training

Objective: To improve opportunities for people with disabilities to join the labor market as employees or entrepreneurs by providing them with necessary knowledge and professional skills required by employers.

Activities:

- Acquisition of professional skills for people with disabilities is very important in competition in the labor market, since employers, who have negative preconception about the disabled, are reluctant to hire them. However, examples from other countries have shown that people with disabilities who receive proper training and adequate support are as efficiency and productive as others, and may be more motivated than others.
- Improving access to vocational training offered by the Ministry of Labor and civil society sector will increase job opportunities and ensure greater involvement of persons with disabilities calls for.
- Special training for persons with disabilities, in case general training programs are lacking, must be developed. It should be emphasized vocational training provides individuals with the skills required by employers, and it can improve job opportunities for persons with disabilities.
- Current training provides the out of date skills the job market does not need any more; therefore, development a plan will be formulated in coordination between the Ministry of Education and Ministry of Labor and other stakeholder.

Results: Improved opportunities provided to people with disabilities so that in their employment prospects are supported.

Timeline: The plan will be developed in 2011, and it will be implemented in 2012.

Development strategy: Review Social Assistance

Objective: To develop the beneficiary targeting process of social assistance that meets the additional requirements for individuals and families with disability members, and to arrange and remunerate the lack or absence of income due to disability.

Activities:

The social service system should follow the best targeting approaches, as the cash assistance program focuses on families and households as separate units, without considering the special needs of individuals with disabilities in these groups.

A more flexible targeting system should be adopted, so that it takes into account age, needs variety, and needs changing conditions.

Results:

- Develop a long-term action plan with regard to cash transfer strategy in Palestine
- Increase services for marginalized groups through social services and cash assistance so as that a continuous and steady development in the system of cash transfers is guaranteed.

Timeline: develop the strategy between 2011 -2013

Ministry of Labor Plans and Strategies: Articles on the right people with disabilities to work

Ministry of Labor Action Plan 2011

Ministry of Labor plays an important role in the right to work for people with disabilities, particularly employment in the private sector, as work in the public sector falls under the responsibility of the General Personnel Council. So, how has the Ministry of Labor materialized the National Development Plan for the years 2011-2013?

Plan Partial Objectives

To increase the participation rate in the labor force, including the participation of women, persons with disabilities and marginalized groups; to reduce the rate of unemployment, especially among young people, women, and new graduates, and to effectively integrate work with technical and vocational training.

However, the Plan has not addressed in detail the above objectives; instead the Plan was presented in brief.

Ministry of Labor Plan 2013

In the summary on achievements in the period 2011- 2012 in economic and human development, the following items have been presented:

Restoration and launch of work and social protection fund, in preparation for the adoption of a national committee for women employment by the Cabinet. Terms of reference paper, regulations, and a course of action plan have been prepared. Also, National Committee for women employment was formed with concentrated focal group in order to a survey of gender-based violence in the workplace.

The Ministry of Labor Plan 2011 has reiterated the above-mentioned objectives of the partial plan, which are related to the increase of participation rate of women and persons with disabilities in the labor force, and to reduce unemployment rate among them. However, these objectives were derived from the partial sectoral strategic plan of 2010.

■ Vocational Training General Management Plan for 2013 as set out in the Ministry of Labor Plan

Program	Program Strategic Objectives	Specific Objectives	Indicators	Activities	Cost (NIS)
Increase linkage between the vocational training outputs and the market needs	Develop of employment services, training; reduce unemployment, increase the participation rate in the labor force, especially the young, women and people with a disability	Increase the percentage of enrolled in training programs to 15% and increase integrating graduates into the labor market	Number enrolled in training programs and the number of graduates joined the labor market	1 -Increase training programs for women	1.000.000
				2 - Design programs suitable persons with disabilities	1.000.000

■ Technical Vocational Education and Training (TVET) Strategy 2010 ■

This strategy was developed in collaboration between the Ministry of Labor and the Ministry of Education and Higher Education, and with the cooperation of public and private sectors. Some of sub-objectives of this strategy are:

- Ensure equal access of women and people with special needs to TVET
- People with special constraints to properly engage in economic participation, such as people with disabilities, people from marginalized groups and other groups that have been marginalized in the labor market
- The system may include some form of quotas for women and marginalized groups, such as persons with disabilities and other marginalized groups. For social reasons some preference will be given to these and other relevant disadvantaged groups

General Personnel Council Strategic Plan 2013-2015

As mentioned earlier in this study, the right to work for people with disabilities is the duty of both the public and private sectors, and the State is the largest employer in Palestine. So, it is unfair the State obliges the private sector to revise its work position and commitment to hire a percentage protected by law in order to find a balance and reduce segregation of persons with disabilities, while the State itself fails to do so, particularly discrimination in employment of persons with disabilities in the public sector. However, the General Personnel Council is considered the most important body that is authorized for employment in the public sector. Despite the fact that there are positive statements about the commitment to employment of ratio protected by law, the numbers of posts for persons with disabilities designated by the government in the cadre is very low compared with the qualified number. The announced reason for that is the obstacle of medical examination reports.

In 2012, the General Personnel Council chairperson announced that the obligation to appoint the 5% of persons with disabilities in government institutions, according to the Basic Law, has begun. Accordingly, they will be given the right to equal opportunity, and that the Court has put action plans to enact the law in this respect.

It is estimated that the percentage of persons with disabilities employed in the public sector does not exceed 3.1%. Therefore, how is this issue reflected in General Personnel Council Strategic Plan? In fact, the Plan has not been provided any revision or adjustment to the status quo.

The Plan and the General Personnel Council Chairperson's speech have stressed that the Council is working on the development of the civil service law and its bylaws which governing it through his leadership of the committee set up by the Cabinet, which is going to finalize first draft prepared in March 2013. Nevertheless, there is no evidence of any amendments of articles that include discrimination against persons with disabilities, where it is stated the ratio of jobs only is to those who were injured as a result of the practices of the occupation without mentioning the other people with disabilities. And it is still a requirement to be "clean of physical and mental impairments in accordance of a medical reference decision" to get employed.

The Council Strategic Plan, on page 16, states that 40% of the total staff in the civil service are women, of which no more 11% work the upper levels. It also noted that this low proportion of 11% females as general managers is an evidence of discrimination against women in general, and against those with disabilities in particular. Unfortunately, there is no statistics about the working women with disabilities in the public and private sector.

Interviews with concerned bodies with right to work

To have first hand information about the way the right to work for women with disabilities is dealt with, interviews with the Ministry of Affairs and the Ministry of Labor and the General Federation of Persons with Disabilities were conducted.

The Ministry of Affairs role in the activation of the right to work

The approach followed by the Ministry of Social Affairs until 2005 has been providing assistance on individual-basis where any person or persons with disabilities was assisted individually. After that year, the focus shifted to families who were offered assistance as the families were considered social units that are dealt with. However, this problem will be overcome, once the disabled card program, which requires adequate budgets, is activated.

The cash assistance provided to families ranges between 750- 1800 NIS. The followed criteria in deciding this assistance is the families' income and their spending. The Ministry also helps in offering discounts on electricity bills where a family is exempted from payment up to 150 kilowatt, offers medical insurance, applies exemption from school fees, in addition to financial facilities for undergraduates. As for DEEP project for social empowerment, priority is given to persons registered as hardship cases the Ministry of Social Affairs records to obtain loans in order to establish small income-generating projects.

As for persons with disabilities, there is a rehabilitation fund project where these people get cheap money upon the guidance of social workers or through a word of mouth from other people. This fund is the only available destination for persons with disabilities, since there are no employment programs in the Ministry of Social Affairs. To obtain a loan, women and men with disability have to meet the following conditions: unemployed, have low-income, a co-signer - usually civil servants- or any sponsor with bills of the loan amount, a recommendation letter from the medical committee on a disability rate of not less than 50%, aged between 18- 60 year, and submit a feasibility study of the project. The chamber of commerce and industry assist in the feasibility study, and in some cases village council provides such assistance. After that, the file is submitted to the Ministry of Social Affairs technical committee who discuss it and conducts a field research before the file approval is granted.

A maximum loan is of \$ 5,000 to be paid monthly installment of \$ 100 in banks with a grace period of six months payment.

In general, most of the applicants are men, and there are a small number of women who have applied to get a loan to establish a private productive project. For example, some successful projects for women with disabilities funded by loans include sheep breeding project in one of the villages of Nablus, a salon, and also a houseware shop project. But, there is a problem related to the payment of the monthly installments where many borrowers fail to pay, which negatively affects the possibility of granting new loans which are supposed to be covered from previous loan installments.

Role of Ministry of Labor Directorates' employment offices

As for the Ministry of Labor, it has been noted that a small number of women with disabilities go to the employment office. Also, the Ministry registers all job-seekers in the same programs-employing the unemployed programs, where each unemployed has to for job opportunity. These programs face the problem of private sector reluctance to communicate with such programs, under the pretext that this sector fears to be monitored by the Ministry on its commitment to labor law. In addition, many people think that the offices of labor and employment are supposed give aid and not to offer real work. According to the ministry, the law of 5 % quota for the disabled is fully implemented by the private sector where a there is small number of workers estimated between 5 - 10 people. In fact, the law does not impose any penalty on the private sector in case it fails to abide by it.

In a workshop held in collaboration with the General Union on the right of people with disabilities to work, the number of persons with disabilities who applied to the employment office of Nablus is 706 divided as follows:

- The number of women with disabilities who applied for jobs is 96.
- The number of men with disabilities recruited through the Directorate of Nablus is 13.
- The number of women with disabilities recruited through the Directorate of Nablus is 1.

Stars of Hope Society role in activating the right to work

Stars of Hope Society (SHS) has ardently worked to highlight the several rights of women with disabilities, especially the right to work, where the Society raised their awareness on their rights, empowered them and their capacity-building in several areas. In fact, this the Society's contribution to improve their hard living they suffer from, including marginalization, denial of rights, bad economic situation that does not meet the minimum humanitarian needs, and the absence of policies that support the rights of women with disabilities. All these tasks were carried out through the projects the Society has implemented, based on the needs of women with disabilities in the West Bank. The Society's mission is to "ascertain a sustainable system that grants women with disabilities full access to all aspects and areas of life in Palestine, and to work firmly in order to achieve equality and the full participation of women with disabilities. This can be achieved through education, partnership building, undertaking research, advocacy, resource development, and information technology and communication." In order to achieve integration of disability and gender, the Society is working on developing partnerships with those concerned in disability, women rights, and the concerned women in certain areas, such as micro-finance institutions.

In order to keep stakeholders and decision-makers at their responsibilities towards the right of women with disabilities to decent work, SHS has taken several steps. For example, SHS is working on empowering these women to the degree until they are able to join the labor market, through enlightening them of their rights to work. SHS also builds their capacities by giving them training courses on project management, financial management, computer, and marketing and communication skills. The Society aim to create a qualified generation of women with disabilities prepared to enter the labor market, and to work on changing their bad economic situation. These tasks are reflected in the Society's endless efforts to persuade the concerned public and private sector of women with disabilities qualifications and abilities, through advocacy campaigns, meetings and direct interviews with stakeholders, and media. In fact, SHS has employed media to emphasize the right of women with disabilities to work and to spot the hindrances of enacting the law until it is altered. The Society has worked on all the issues that will integrate them in the workforce, either by modifying the work environment or by providing the tools to help them access to their workplaces and their integration. In 2010, SHS has accomplished the following key achievements:

- Organize the first national conference for discussing the issue of the employment of women with disabilities. The conference was titled, "Women with Disability: Rights and Realities"
- The launch of a documentary film entitled "Forgotten Women" about the challenges of Palestinian women with disabilities in employment, education, marriage and access to public places.
- Organizing a workshop with women with disability, entitled "One step towards an independent life," which focused on the concept of independent living for them

In 2011 and 2012, SHS has carried out a project of providing small grants for 40 girls with disability in the various governorates of the West Bank, especially the marginalized areas, as these girls live in economic hardship in addition to denial of their right to work because they are both women and women with disability. The Society initially trained them and built their capacity for the establishment of successful micro- projects to help them improve their difficult economic situation, increase their participation and integration in society, their access to get jobs in the future. Although the grants were small, it was a good start for some , where their earnings- which are all theirs- make them feel financially independent. In addition, they could improve their projects through investing some of the revenue. The Society has continued to follow up these projects for a while just to ensure its continuity and success.

In 2012 and 2013 we have implemented two projects for the temporary employment of women with disabilities in the various governorates of the West Bank, largely in the marginalized areas. These two projects have employed temporarily 120 girls with disabilities in civil society institutions so that principle of participation, non- discrimination, and equal opportunity principle could be achieved. The Society initially trained them and built their capacity to integrate them in the labor market, to create appropriate work environment, to provide them with some kits that could enable them to engage in the market. Four girls have highly proved their ability to work; thus they were able to get well-paid permanent jobs, depending on their academic qualifications and abilities.

However, at the government level , we have pressured the government and concerned decision-makers , to apply with Palestinian Disability Law which affirms the ratio of 5% of people with a disability to get jobs in government and private institutions, through advocacy campaigns on the right to decent work for people with a disability, and by presenting stories of success of women with disabilities, who were able to integrate in the labor market and proved ability to attain achievements and success .

■ A point of view of a girl with disability who has benefited from the temporary employment project who received a permanent job at the end of the interim period:

I am a girl with visual disability, who holds a bachelor's degree in Social Service from Al-Quds Open University. Whenever applying for a job, I am rejected for health reasons, so I planned to pursue my higher studies to get MA. I thought that this idea would be in vain as long as I might not get a job because of my visual disability. Nevertheless, my family support helped me to take this step; and then I came to know about the temporary employment project for women with disabilities by SHS, where I was a member. The Society knew that I was looking for a job, and I was told look for a temporary work that best fits my abilities and my qualifications. So, I have chosen Al-Quds Open University computer lab for blind. As I was sincere and industrious in my work according to testimony of my bosses , I got a well-paid permanent job at the end of the interim period allotted by SHS.



I must say that this project enabled me to achieve the following:

1. It gave me the opportunity to get my right to work.
2. It gave me my right to be financially independent.
3. It helped me achieve my dream to complete my graduate studies.
4. It helped me to integrate more in the community and help to benefit other girls with disabilities.
5. It qualified me to be an active and productive member of society.

General Federation of Persons with Disabilities role in activating the right to work

The Federation has formed a committee for employment composed of Federation Nablus branch, a group institutions interested disability sector, and representatives of government ministries such as the Ministry of Social Affairs and the Ministry of Labor. The Committee has prepared a list of names of the Union members of men and women with disabilities who are looking for job, and collected their CVs . The committee also prepared a bulletin on the importance of right to work for people with disabilities and the legal background for this right.

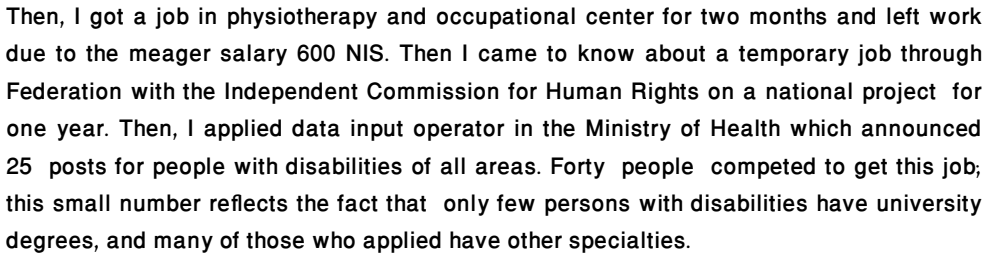
The Committee, then, organized meetings with private sector institutions and the media in order to encourage the employment of persons with disabilities; however, limited success has been achieved, where only four people with disabilities have been employed in the visited institutions, namely, North Electric Company and the Municipality of Nablus.

Recently, there are some institutions related with the Federation to get CVs of job seekers of persons with disabilities, which may be motivated by these institutions acceptance to hire persons with disabilities, or may be for other objectives.

The Federation announced that in the public sector, the Ministry of Health has recruited 25 people with disabilities, 11 of them in the north , including 7 women on. The reason why this number of women was given jobs is that they are university degrees holders in comparison with men. In addition, the medical committee for job fitness has considered disease clearance, not disability, as hindrance in accepting applicants for jobs. In fact, this is a good development, but not enough, where the examination is on medical fitness basis, not physical.

Point of view of a woman with disabilities regarding right to work

A woman member of the General Federation of Persons with Disabilities of Nablus branch since 2007 has talked about her experience in the labor market. She said it was her first time to get a job as a secretary in a contracting company in Nablus. She has got the job through personal contacts where worked only for three months when she decided to leave the job because of the low pay 350 NIS. In fact, she accepted the low-paid job in order to get work experience as a new graduate from An-Najah National University. The General Federation of Persons with Disabilities has helped to get a job as a secretary with a contracting company, where I have stayed for 6 months. Then, upon the end of my contract, I left work, and my contract was not renewed. I have faced problems, including the acceptance by the colleagues who became worried about losing their posts after they have noticed my hard work in the company.



Mechanisms of Recruitment and Employment according to field the study carried out by the Independent Commission for Human Rights.

Conducted on a target population of 1520 women with disability, the study concluded the following:

- Personal effort of women with disability was the main factor for employment in any government sector 32% and non-government sector 47%.
- A percentage of 25% of women with jobs have sat for job personal interviews , especially in the public sector, while the percentage in the private sector was 30%.
- A percentage of 13 % of women with disabilities got jobs through open competition and vacancy announcements.
- A percentage of 9% of women with disabilities got jobs in both government and private sectors through competition and equal opportunities, while the percentage in non-government sector is 8 %.³¹

31. Field Study on The Right Of Persons With Disability To Decent Work In Palestine. p 116

Conclusions

Conclusions at international protection level

The fact that Palestine has not joined the Convention on the Rights of Persons with Disabilities and the optional protocol has wasted a set of basic rights for people with disabilities, including the right to decent work and the right to social protection. This accession could have ensured the State obligation to submit periodic reports on the status of the rights of persons with disabilities, with consequent international obligation regarding taking serious steps on adjusting legislation and government policies, with both laws and legislation, with the Convention.

Conclusions at national legislation level

There is legal unsteadiness resulting in determining the legal status of individuals and projects caused by the conflict between national laws on the right to decent work and the conflict between the laws and bylaws.

Palestinian legislator employed the legal equality approach in the legislation, but this fairness remains unfulfilled. Following an examination of the legal situation in this respect, it has been found that there is low participation of persons with disabilities in various fields, including work in the private and public sectors, and an increase of discrimination against women with disabilities.

Conclusions at policy level as reflected in plans and strategies

Protection of the rights of persons with disabilities in fair and appropriate working conditions

Although the National Development Plan policy priorities have called for regulating the labor market, protection of workers, and ensuring employers' commitment with the regulations of occupational health and safety, with strict supervision, it has not addressed the working conditions appropriate for persons with disabilities, and has not developed action plans, allowing the concerned ministries to materialize the Plan into action plans, or as described: sectoral plans.

Right to work of persons with disabilities on an equal basis with others

In the social development sector, the Plan states that the government will work on an integrated social services system to provide equal opportunities for all members of society. The strategy of disability sector regarding development of social support pinpoints the right to ensure that persons with disabilities have the same rights and opportunities as other citizens, and ensure their right to participate in the community. So, support services will be directed to the individual and will encourage individuals with disabilities to independence and self-reliance. The strategy also pointed to the progress of support to integration issue in the labor market, and ensuring equal employment opportunities for persons with disabilities who aspire to work as laborers or business persons.

The right to equal pay for equal work

None of national strategies and plans has addressed the issue of equal pay for equal work. This gap is one of the problems that persons with disabilities in general, and women with disabilities face in the private sector. Low pay is also the major cause for quitting work. As for the public sector, there is no such a problem of equal pay; however, the problem is the lack of access to high-level positions, especially women. This point has been indicated in General Personnel Council strategy which shows that percentage of women in senior positions does not exceed 11%.

Ban of discrimination against persons with disabilities to right to work

National legislation, including the Basic Law stipulates the prohibition of discrimination. However, national plans and strategies have not included clear articles in this respect when it comes to discrimination against persons with disabilities to the right to work

Ensure persons with disabilities to have access to workers rights and union formation right

Law guarantees the rights of persons with disabilities- Disability rights law- the right to form unions and organizations. In addition, the Basic Law guarantees the right of all citizens to this right, but no plans or strategies mentioned anything about ensuring this right, or seeking to develop or support the existing union, or even to point to any cooperation or coordination with these unions in the planning process.

Consult with persons with disabilities when developing national policies

The national strategies and plans have not consulted people with disabilities during the development of national policies, with the exception of strategy disability sector which pointed to the involvement of all stakeholders in the disability sector in planning and implementation process. But this strategy is not clear about the manner each body bears its rights and duties, due to the absence of action specific details and clear activities; there is also no specific responsibilities to the concerned bodies. Therefore, when trying to assess the commitment of the ministries, for example, there is no reference that checks whether each ministry has carried out its required tasks or not.

Effective Vocational and Technical Guidance

The National Development Plan states that most of the development expenditure allocated to the labor sector and the protection of workers is geared towards vocational and technical training institutions, and employment centers which help the unemployed to get jobs, to develop new programs in coordination with the private sector to ensure the appropriateness of output with the market needs. However, the Ministry of Social Affairs strategy has pointed to the lack of required vocational and technical training, or adequate employment programs for people with disabilities, young people and adults, which limit their ability to achieve economic independence necessary to get them integrated into the community. This strategy also points to the need to develop policies and laws that guarantee the rights of persons with disabilities, and to promote their integration into society.



The disability sector strategy pointed to future interventions, including adaptability of rehabilitation programs and centers and vocational training to be a friendly environment for people with disabilities, expansion and diversity in these programs in the specialized centers for people with disabilities to meet the labor market requirements.

Assistance in finding work for people with disabilities

The national development plan pointed to the government's efforts to create more opportunities for women and young people to ensure their contribution to the development of society and economy. The Ministry of Social Affairs plan stressed that there is an urgent need for vocational rehabilitation through jobs employment opportunities which will positively reflect on individuals with disability where the rate of unemployed is five times higher than in the total population. Therefore, providing support through micro-loan programs is extremely important to support these people, though it is not the appropriate choice for many. In fact, the Ministry of Social Affairs grants microloans for people with disabilities to develop their small businesses.

The right to return to work for occupational injured workers

Neither the national legislation nor the national strategies and plans mentioned anything about the right to retain job for workers who have occupational disability, or the right to continue to work with the employer, or to return to work after a period of absence, or be given a new job within the workplace. However, the Law mentioned nothing about injured worker's rehabilitation or his eligibility of returning to work, where the return to work is possible provided that there is a vacancy, and not the adaptability of workplace.

Promote self-employment and entrepreneurship

The National Development Plan pointed to the partnership with the private sector and non-governmental organizations to provide soft loans for the establishment of productive projects, especially to the youth and women. The Plan has not mentioned the persons with disabilities in this respect. In addition, and the National Development Plan monitoring report states that the Ministry of Social Affairs has granted 50 loans in the year 2011 for people with disabilities to enable them to keep on their productive projects, and has signed an agreement to establish 300 new projects. In 2012, loans for 179 people with disabilities have been granted in order to finance productive projects, while the last report indicates that 68 projects in mid 2013 were granted to new beneficiaries.

The Ministry of Affairs offer small loans, with \$ 10,000 maximum, to persons with disabilities to help them develop their small businesses. This program has initially focused on providing loans for unemployed people with disabilities aged 18-60 years who are registered as hardship social cases. Then, the program has been expanded to include non-registered cases. In some cases, loans are granted to the family for the benefit of their children with disabilities. The loan beneficiaries usually receive training on business planning and management. The loans are granted from a fund of one million dollars; and it has been



expanded to have another \$ 5.5 million in order to expand loan project over the years 2011 - 2013. Up till 2011, the Fund has approved 300 micro-loans. The Ministry considers loan program as the most successful project.

Employment in the government sector

Employment in the public sector is still facing legal obstacles, including legal provision in the Civil Service Law, which requires a medical examination and physical fitness for employment. And, the employment rate has not reached the protected ratio despite the government decisions and promising statements.

Employment in the private sector

The private sector is not obliged to respect the law of 5% working quota for the persons with disability, due to the lack of penalty on those who violate the law, and the lack of inspection by a competent body on the law-abiding. The Disability Sector Strategy proposes the implementation of the legal provision which obliges institutions to hire 5% of its staff from persons with disabilities by a neutral monitoring committees, and the application of a motivational to take in persons with disability.

Under the objective of enhancing the participation of employers and the private sector, the Ministry of Social Affairs strategy refers to the implementation of programs of social responsibility in partnership with employers in the medium and large enterprises to support the integration of persons with disabilities in the labor market.

Ensure reasonable accommodation

The Law of the Rights of Persons with Disabilities- defined as Disability Rights Law- states the need of adaptability to make public places and workplaces suitable for use by persons with disabilities.

Accordingly, adaptability aims to create environment suitable for people with disabilities to ensure their smooth movement and use of public places. In fact, there is often a confusion between the concept of reasonable accommodation as an individual requirement and measures to facilitate accessibility, or as it is called positive action programs, as a general demand. Anyway, the strategies and plans have not addressed any of these concepts.

The right to social protection

In the social development sector of National Development Plan, the government will create an integrated system of social services where it provides equal opportunities to all members of society over the years 2011-2013. It will also launch the employment and social protection fund in partnership with the private sector and civil society organizations. The Ministry of Social Affairs has signed the second phase of the economic empowerment project which has not been implemented in 2011, according to a report in the same year;



the 2012 report stated that the project did not start due to delay in funding. However, the bi-annual report for 2013 stated that Ministry was launching the project second phases.

Provide services and kits for disability-based needs

Ministry of Social Affairs Strategic Plan states that the families with children with disabilities get health insurance, receive cash assistance, and some equipments. Similarly, adults with disabilities get health insurance, cash assistance, and kits equipment, in addition to micro loans for people with physical disabilities. However, in assessment and conclusions of the Ministry Plan, it has been noted that there weakness in supervision over public services delivery, as the focus is on cash transfers instead of services. In addition, the Ministry services system for persons with disabilities is not a well-developed, as the focus is on food and financial aid programs. Although these programs are important in the short term, they are not enough for ensuring community development and integration of persons with disabilities in the community over the long term.

Ensure access to social protection programs by persons with disabilities, especially women

National Development Plan confirms that the government will work to create many opportunities for women and young people to ensure their contribution to t society development, and will prepare social assistance programs in order to protect the poor and marginalized groups and empower them, including women, children and persons with disabilities. As for strategy on disability sector, it recommends to develop clear mechanisms and standards to ensure access to economic empowerment programs by persons with disabilities, especially women. However, nothing about special aid programs for women with disabilities is mentioned in the other strategies and plans.

Assistance in disability-incurred expenses

Strategy on disability sector pointed to the development of a process to target beneficiaries of social assistance that meets the additional needs of individuals and families with individuals with disabilities, to make compensation arrangements for the lack or interruption of income resulted from disability.

Ensure that persons with disabilities benefit from public housing programs

Strategy on disability sector proposes empowerment programs that would ensure access of persons with disabilities to adaptive and appropriate housing. However, the Ministry of Social Affairs plan clarified that housing support services is missing.

Ensure that persons with disabilities benefit from the retirement programs

Strategy on disability sector points to ensuring equal-based access to retirement programs by persons with disabilities with other community groups. However, nothing about this right is mentioned in the other strategies and plans.

Recommendations

International protection to right to decent work

It is very important that Palestine joins the Convention on the Rights of Persons with Disabilities and the optional protocol, as it the result of international efforts in order to ensure various countries carry out the best practices regarding the rights of persons with disabilities.

Legislative protection to right to decent work

- Amend articles contained in the Persons with Disabilities Law and other legislation that relates the right to work with the availability of suitable jobs. Also, emphasize that the right to work is a priority, and that job opportunities for people with disabilities from both sexes should be created.
- Amend the provisions of 5% jobs for the disabled, as most institutions are with fewer than 25 employees, which make the law inapplicable. So, it is preferable to link this issue with unemployment reduction for persons with disabilities, which is high, especially among women with disabilities.
- Eliminate conflict between the Civil Service Law and the bylaws regarding the employment rate of people with disabilities in government institutions, and modify the articles on physical safety and disability-free as conditions for jobs. The Civil Service Law states that absence of disease, physical and mental is required for employment, while the bylaw merely mentions medical fitness.
- Amend inconsistency between the law of the rights of persons with disabilities - called Disability Rights Law- and its bylaw in which fines are stipulated against those who violate the provision of 5%. Law should have been amended in its articles and legal texts.

Protection of right to work in government policies

- Create greater concord between the national development future plans and sectoral plans and ministries sectoral plans.
- Develop action plans by the bodies in charge of implementing the disability sector plan where this plan is significantly too general.
- Clearly include disability sector in the national plans and, especially the rights of women with disabilities.
- Include the right of equal pay in plans and strategies, as this issue is absent in the legislation and policies
- Include clear arrangements in the plans and strategies about discrimination against persons with disabilities, especially women with disabilities.
- Include clear arrangements in the plans, strategies to empower persons with disabilities to have access to labor and trade union rights.

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- Consult persons with disabilities in all matters related to their rights, and involve them in the planning, implementation, monitoring and evaluation process.
 - Include warranty for people with occupational disability while working for their right to return to work with reasonable accommodation.
 - Include serious steps in the plans and strategies of the bodies responsible for employment in the government sector concerning the implementation of the protected ratio.
 - Include plans and strategies with clear mechanisms that encourage the public sector to abide by protected employment ratio enacted by law.
 - Distinguish between reasonable arrangements and measures to facilitate access and attention in the plans and strategies in providing both by the private and the public sectors.
 - Create an integrated system of social services which provides opportunities for all members of the community.
 - Improve performance of the Ministry of Social Affairs concerning supervision on public services delivery, develop the current system, and focus on individuals with disabilities, not on families as the individuals' needs vary.
 - Provide more employment opportunities for women with disabilities, as they have been subject great injustice, high unemployment rate, and unsatisfactory interest in the strategies and plans of their right to work
 - Consider the rights of persons with disabilities, especially women in programs of public housing, retirement or social security, in case these programs become available.

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- **Thematic study on work and employment of persons with disabilities-** Report of the United Nations High Commissioner for Human Rights.
- **Convention on the Rights of Persons with Disabilities and the Optional Protocol**
- **World Report On Disability.** World Health Organization
- **Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities-** United Nations

National legislation

- Amended Basic Law
- Civil Service Law
- Bylaw of the Civil Service Law
- Disability Rights Law
- Bylaw of the Law of the Rights of Persons with Disabilities
- Labor Law
- Suggested study to amend bylaw for the Law of the Rights of Persons with Disabilities
- Suggested study to amend the Rights of Disabled Law
- Suggested study to amend the Civil Service Law

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- Ministry of Labor Plan 2011
- General Personnel Council Strategic Plan 2013-2015
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- **Palestinian National Authority Services Handbook on Persons with Disabilities in the West Bank.** Stars of Hope Society publications
- **Review of legislation relating to women with disabilities from a gender perspective in the areas of the Palestinian National Authority** -Ala Nazzal and Khadija Hussein - Stars of Hope Society publications
- **The Right of Persons with Disabilities to Decent Work in Palestine - a field study**- Islam Tamimi - Independent Commission for Human Rights publications.