



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Israel\*

#### A. Purpose and general obligations (arts. 1–4)

##### General obligations (art. 4)

1. Please provide information on:

(a) Measures taken to incorporate the provisions of the Convention into national law, and complete the process of enacting secondary legislation of the Equal Rights for Persons with Disabilities Law with specific steps and the time frame for this process;

(b) Measures to harmonize legislation, policies and practices with the human rights model of disability enshrined in the Convention. Please explain the concepts of “dual disability” and “rehabilitative-ecological model” and their compatibility with the Convention;

(c) Steps taken and time frame adopted to overcome the challenges to implement the Convention (CRPD/C/ISR/1, see paras. 352–357);<sup>1</sup>

(d) Measures taken to fulfil the obligations of the State party under the Convention towards persons with disabilities in the Occupied Palestinian Territory, including East Jerusalem;

(e) Mechanisms to consult with and involve organizations of persons with disabilities in public decision-making, across all sectors and levels of administration, not only at the Commission for Equal Rights;

(f) Steps taken to remove the reservation to article 23 (1) (a) of the Convention, and steps taken to ratify the Optional Protocol to the Convention.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

2. Please provide information on:

(a) The measures taken to guarantee to all persons with disabilities, including those from ethnic, linguistic or religious minorities, particularly Arab minorities, equal and effective protection against discrimination on all grounds, and to promote their inclusion in society;

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\* Adopted by the pre-sessional working group at its fourteenth session (7–18 September 2020).

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the initial report of the State party.



(b) Measures to promote reasonable accommodation in all areas, and to recognize the denial of reasonable accommodation as a form of disability-based discrimination in all spheres of life, not limited to the employment process;

(c) Available remedies and redress for all persons with disabilities in cases of discrimination, including in cases of discrimination by private actors.

**Women with disabilities (art. 6)**

3. Please inform the Committee about:

(a) Gender equality legislation and policies that mainstream the rights of women and girls with disabilities, and specific legislation, policies and administrative measures for empowering women with disabilities in all areas of life, and for realizing their rights;

(b) Measures taken to address direct and indirect discrimination against women and the impact of gender neutral legislation, public policies and practices (para. 328), and measures to eliminate multiple or intersectional discrimination against women and girls with disabilities in all spheres of life.

**Children with disabilities (art. 7)**

4. Please provide information on age-appropriate measures taken to ensure the full and effective participation of children with disabilities, regardless of residence status, in policy processes, including the monitoring and evaluation of issues that affect them.

5. Please provide information on the measures taken to address the significantly high rates of mental distress and psychosocial disabilities among children and adolescents resulting from the reported ongoing violence, occupation and conflict.

**Awareness-raising (art. 8)**

6. Please provide information on the measures taken to:

(a) Promote persons with disabilities as independent and autonomous rights-holders, particularly with the aim of changing negative perceptions about women and children with disabilities;

(b) Eliminate stigma, stereotypes and prejudice against persons with disabilities, particularly affecting persons with psychosocial or intellectual disabilities, in all spheres of life, and to address harmful practices, hate crimes, bullying and discriminatory language.

**Accessibility (art. 9)**

7. Please provide information on:

(a) The legislative and other measures adopted to make information and communications technologies fully accessible to persons with disabilities, particularly on the accessibility requirement policy in the public procurement procedure;

(b) The status of the regulations pending promulgation, and the review mechanisms for any regulations adopted prior to ratification of the Convention.

**Right to life (art. 10)**

8. Please provide information about measures to protect the right to life of persons with disabilities, in the context of reported violence and conflicts, during public demonstrations or at border controls conducted by the military.

**Situations of risk and humanitarian emergencies (art. 11)**

9. Please provide information on the measures taken to:

(a) Strengthen the protection and safety of persons with disabilities during emergencies and in humanitarian response, and the coverage of the relevant policies, including disaggregated numbers by age, sex and area of residence;

(b) Set up accessible warning systems and provide official information about emergency services, including the “red alert”, in all formats.

10. In accordance with the State party’s obligations under international human rights law and international humanitarian law, please provide information about:

(a) Measures to ensure the protection and safety of persons with disabilities in the Occupied Palestinian Territory, including East Jerusalem, to improve their living conditions, and to ensure their freedom of movement, access to humanitarian assistance, and access to services and goods in the community, including water supply, electricity, health care, education, rehabilitation, housing, and work and employment, particularly in the Gaza Strip;

(b) Measures to ensure the safety of the medical mission and to prevent attacks on hospitals, rehabilitation centres that are part of civilian infrastructure, ambulances and ambulance staff, including while assisting persons with disabilities injured in situations of violence, and to also prevent armed operations in the Occupied Palestinian Territory, including East Jerusalem.

11. Please provide information about measures to establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the coronavirus disease (COVID-19) pandemic, including in the Occupied Palestinian Territory. In particular, please advise on measures to provide persons with disabilities with accessible information concerning the scope of the pandemic and the prevention of the spread of the virus; to ensure continuous access to support and mainstream community services, including in-home care and personal assistance; to provide equal access to health care, including life-saving measures; and to ensure that disability pensions and social benefits are guaranteed at all times.

#### **Equal recognition before the law (art. 12)**

12. Please advise whether Amendment No. 18 to the Legal Capacity and Guardianship Law includes measures to recognize and restore the legal capacity of persons with intellectual or psychosocial disabilities deemed “legally incompetent”, and of persons with high support requirements. Please also provide information on the measures taken to:

(a) Fully realize the newly introduced measures to provide support in decision-making (paras. 94 (b) and 355);

(b) Implement measures to eliminate guardianship, and to withdraw existing and new appointments of guardianship, including information about monitoring of these processes, and timelines of any plans to accomplish them.

#### **Access to justice (art. 13)**

13. Please provide information on:

(a) Age-appropriate and procedural accommodations, particularly for persons with intellectual or psychosocial disabilities, and update the Committee on the current status of the regulations of Law 5766-2005, on investigation and testimony procedures (Adjustments for Persons with Mental or Intellectual Disabilities Law);

(b) Training programmes on the rights enshrined in the Convention for the personnel and officials working in the judicial system, law enforcement agencies and the military, including military personnel working in cross-border areas;

(c) Complaint and investigation mechanisms, remedies and reparations, including compensation for persons with disabilities, in cases of violations of their rights, including in the context of military operations conducted in the Occupied Palestinian Territory, including East Jerusalem.

#### **Liberty and security of the person (art. 14)**

14. Please provide information about:

(a) The percentage of appeals and decisions taken by the district psychiatric committees and the district courts, concerning involuntary hospitalizations of persons with intellectual or psychosocial disabilities, since 2017;

(b) Steps taken to repeal the Treatment of Persons with Mental Disabilities Law; to eliminate involuntary hospitalization on the basis of impairment and the use of restraints in psychiatric hospitals, residential institutions or care homes; and to prevent and respond to abuse against persons with disabilities in such places;

(c) Measures to ensure the due process of law in criminal procedures where persons with intellectual disabilities are suspected of having committed criminal offences, and to prevent their detention in the Neve Menashe Institute (a closed facility) for longer periods than those imposed on defendants who have been sentenced as a result of a trial, sometimes indefinitely.

15. Please provide information on the number of persons with disabilities in detention facilities, disaggregated by age, sex, nationality and minority status, and the measures taken to ensure access to health care and rehabilitation in detention settings. Please also provide information on the visiting regime, the provision of reasonable accommodation and access to legal support in detention centres, including for Palestinian persons with disabilities.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

16. Please provide information on the measures taken to:

(a) Protect persons with disabilities from torture or cruel, inhuman or degrading treatment or punishment, and any resulting injuries in all settings, including prison settings, and interrogation centres, and address conditions in prisons, including access to health services;

(b) Ensure that any medical treatment is based on the free and informed personal consent of persons with disabilities, including psychiatric treatments;

(c) Increase the visibility of the Convention among law enforcement officials, the judiciary and legal profession, and ensure that the absolute prohibition of torture is applied and upheld throughout administrative or judicial procedures, and in court decisions involving persons with disabilities;

(d) Available complaint and redress mechanisms for all persons with disabilities, including Palestinian persons with disabilities in cases of ill-treatment and torture during all forms of detention, including during interrogations, and in psychiatric hospitals.

17. Please provide information on any government body that monitors places of detention, including residential institutions, prisons and police stations, in relation to torture or cruel, inhuman or degrading treatment or punishment.

**Freedom from exploitation, violence and abuse (art. 16)**

18. Please provide information on:

(a) The legal and policy frameworks to protect persons with disabilities, particularly persons with intellectual or psychosocial disabilities, against all forms of exploitation, violence and abuse, including gender- and child-focused legislation and policies;

(b) Systems or mechanisms in place to collect data on the prevalence of exploitation, violence and abuse against persons with disabilities, and whether such data are disaggregated by a range of factors, such as age, sex, area of residence and ethnicity.

**Protecting the integrity of the person (art. 17)**

19. Please provide information on the measures taken to revise laws and policies in order to prohibit forced sterilization, forced abortion, castration and forced use of contraception, and to ensure that substitute decision-making mechanisms are not viewed as personal consent.

**Liberty of movement and nationality (art. 18)**

20. Please provide information on:

(a) How the permit system and the border crossings operate and affect persons with disabilities in the Occupied Palestinian Territory, including East Jerusalem, and on measures taken to ensure their liberty of movement for education, medical care, rehabilitation, work or other purposes;

(b) The situation of migrant workers, refugees and asylum-seeking persons with disabilities, and legislative or policy frameworks to ensure their rights under the Convention and to protect them against statelessness.

**Living independently and being included in the community (art. 19)**

21. Please provide information about:

(a) Steps taken to ensure that all persons with disabilities can choose their place of residence, where and with whom they live on an equal basis with others, including those living in Kfar Tikvah, and other out-of-home placements in smaller housing arrangements, large institutional settings or chronic psychiatric wards;

(b) Measures taken to provide a range of community support services for all persons with disabilities to facilitate living in the community, and to prevent isolation or segregation from the community, particularly for children with disabilities. Please indicate the percentage of persons with disabilities hiring personal assistants;

(c) Measures to ensure that persons with disabilities have access to rent subsidies and assistance for housing adaptations, and the proportion of persons with disabilities accessing these subsidies vis-à-vis the number of applicants.

**Personal mobility (art. 20)**

22. Please provide additional information about:

(a) Measures to produce, maintain, repair or access new mobility aids, devices or assistive technologies for persons with disabilities, irrespective of type of disability, place of residence, and rural or remote area. Please also indicate any specific arrangements in place for the transfer of raw materials and technologies to facilitate maintenance of mobility aids and devices in the Occupied Palestinian Territory, including East Jerusalem;

(b) Measures to ensure that children with disabilities, throughout their development have access to quality mobility aids, devices, assistive technologies and services for personal mobility, particularly in rural areas or in the Occupied Palestinian Territory, including East Jerusalem;

(c) Data and statistical information in relation to the provision of mobility aids, devices and assistive technologies for persons with disabilities, disaggregated by location, including the Occupied Palestinian Territory, including East Jerusalem, and residential settings.

**Freedom of expression and opinion, and access to information (art. 21)**

23. Please provide information on the measures taken to:

(a) Ensure that private entities providing services to the general public, including via the Internet, provide information and services in accessible and usable formats for all persons with disabilities, including an extension of coverage on accessibility requirements in public procurement;

(b) Recognize Israeli sign language as an official language and increase the number of qualified sign language interpreters working in public and private sectors.

**Respect for home and the family (art. 23)**

24. Please provide information on the measures taken to:

(a) Ensure that children with disabilities are not the subject of separation from their parents that is based on a disability of either the child or of one or both of the parents, or of any member of the family, and indicate how the child protection system restores children with disabilities to families after removal;

(b) Provide appropriate and sufficient support for parents with disabilities and future and current parents of children with disabilities to exercise their parental responsibilities;

(c) Prevent concealment, abandonment, neglect or segregation of children with disabilities and to combat its root causes. Please indicate the number of investigations and convictions of perpetrators.

#### **Education (art. 24)**

25. Please provide information on:

(a) Strategies to transform the education system to fully inclusive education in mainstream schools, including the transfer of strategic resources from the special education system into inclusive education in a mainstream school to address physical, attitudinal and other barriers;

(b) Measures to ensure that all persons with disabilities have access to inclusive education, accessible materials, adaptive learning environments and reasonable accommodation in mainstream schools at all levels, including lifelong learning;

(c) The provision of inclusive education for children with disabilities in the Occupied Palestinian Territory, including East Jerusalem; the number of children enrolled in inclusive schools, disaggregated by age, sex and national origin; and technical resources and transport for children with disabilities in remote areas.

#### **Health (art. 25)**

26. Please provide information on:

(a) Sexual and reproductive health programmes available for persons with disabilities, and training programmes for medical staff on the rights of persons with disabilities, including their gender dimension, and on addressing negative attitudes towards persons with disabilities in the area of health;

(b) The availability and access by persons with disabilities in the Occupied Palestinian Territory, including East Jerusalem, to health-care services, including treatment of injuries in the context of reported violence and conflict between the State party armed forces and armed groups in the Gaza Strip;

(c) How section 19II of the Equal Rights for Persons with Disabilities Law adheres to article 25 (e) of the Convention;

(d) Measures taken to ensure equal access to health care, mental health and rehabilitation services for refugees and asylum seekers, including women asylum seekers involved in “survival sex”.

#### **Habilitation and rehabilitation (art. 26)**

27. Please provide information on the measures taken to promote comprehensive and community-based rehabilitation programmes for persons with disabilities, in particular children and older persons with disabilities, and indicate how organizations of persons with disabilities take part in these programmes.

#### **Work and employment (art. 27)**

28. Please provide information on:

(a) Measures taken to improve employment opportunities in the open labour market for persons with disabilities seeking employment or employees, and indicate how

women with disabilities and persons with intellectual or psychosocial disabilities benefit from job opportunities;

(b) Mechanisms to ensure that labour rights, including the right to equal remuneration for work of equal value, apply to all persons with disabilities, and provide redress to persons with disabilities who are deemed to not be part of a “worker-employer relationship” and who receive less than the minimum wage;

(c) Opportunities for entrepreneurs with disabilities to access financial support, technical advice, and technical and vocational guiding programmes outside of sheltered work.

#### **Adequate standard of living and social protection (art. 28)**

29. Please provide information on the measures taken to monitor and evaluate the effectiveness of social protection policies and programmes, and to identify outcomes for persons with disabilities, including women and girls with disabilities, children with disabilities, asylum seekers and refugees, Arab minorities and those living in the Occupied Palestinian Territory, including East Jerusalem.

#### **Participation in political and public life (art. 29)**

30. Please provide further information on:

(a) Measures taken to ensure accessible, secret voting procedures for persons with disabilities;

(b) Measures taken to ensure that persons with intellectual disabilities or psychosocial disabilities are able to exercise their right to vote, run in elections and join political parties;

(c) Strategies to ensure members of Knesset with disabilities can fulfil their parliamentary duties.

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

31. Please provide information about measures to remove barriers preventing persons with disabilities, including in the Occupied Palestinian Territory, including East Jerusalem, to access religious places and sites of cultural importance. Please also provide information about measures to facilitate the participation of persons with disabilities in mainstream sporting activities.

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

32. Please provide information on the measures taken to improve the breadth and focus of data collection and statistical information, including in the Occupied Palestinian Territory, including East Jerusalem, disaggregated by age; sex; and status as a minority, migrant, refugee or asylum seeker.

#### **National implementation and monitoring (art. 33)**

33. Please provide information on:

(a) Measures to establish an independent national human rights institution, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including a specific mechanism for monitoring and evaluating progress in the implementation of the Convention and that is able to receive, investigate and resolve complaints;

(b) Please provide information about how persons with disabilities and their representative organizations participate in the monitoring of the implementation of the Convention.