

The Right to Employment for Persons with Disabilities



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In Palestine, many persons with disabilities are denied their basic rights by default; they are frequently severely marginalized and commonly live in extreme poverty, a situation that creates a fertile environment for abuse, ill treatment, and violations, and renders persons with disabilities extremely vulnerable. According to the latest survey conducted by the Palestinian Central Bureau of Statistics (PCBS) in 2011, persons with disabilities constitute 7 percent of the Palestinian population. However, it is believed that the collected data are an underestimate of the actual percentage. Many families fear social stigmatization and do not register family members as persons with a disability in civil-status records; thus many of them continue to live an invisible life, as if they do not exist, a situation that especially applies to girls and women. The Ministry of Health, on the other hand, applies a very restrictive definition of disability that relates to the minimal services it provides and the minimal compensation that is being paid. This phenomenon is illustrated, for example, by the fact that statistics gathered by the Ministry of Health in July 2014, indicate that there are 113,000 persons with disabilities in Palestine, a number which is less than half the number reported by the PCBS in 2011. This discrepancy in figures is due to the approach that each entity uses: whereas the Ministry of Health applies a medical approach to disability, restricting it to the services it can provide in terms of actual services and financial compensation, the PCBS addresses it from a rights-based approach, which is definitely more accurate.

An excessive number of persons with disabilities are denied their basic rights: education (they are excluded from the general

school system since schools are not equipped to handle the minimum accessibility requirements for most types of disabilities); employment; living independently in the community (which applies more rigidly to women as they face the cultural taboo that dictates that – whether disabled or not – women must live with either a husband or male relatives); freedom of movement (in most cases, the buildings and transportation systems in cities and villages are inaccessible); voting; participating in sports and cultural activities; enjoying social protection; accessing justice; choosing medical treatment (families of persons with disabilities are usually responsible for making such decisions); and entering freely into legal commitments (their families may impose such commitments on PwD and make decisions on their behalf with regard to an inheritance, for example, or to buying and selling property, thus violating their legal rights in broad daylight). Impediments may include, but are

According to a survey conducted by PCBS and the Ministry of Social Affairs in 2011, persons with mobility disability constitute 48 percent of the population, followed by 25 percent with learning disabilities, approximately 22 percent with memory and concentration disabilities, 21 percent with visual and communication disabilities, 14 percent with psychological disabilities, and 13 percent with hearing disabilities. Most of these lack access to adequate services and care, and are frequently denied their basic rights.

Kifah, a young woman with albinism, has been much happier with herself and with life in general since she has been employed by Palestinian local government. She has become a mentor and role model for other women with disabilities. Photo courtesy of Qabatia Municipality.



not limited to, the lack of awareness about disability needs and disability rights to education, employment, and legal representation, both among the disabled persons themselves and among their caretakers and the general public. There is a general lack of specialized health-care services, financial resources, sufficient and/or accurate data on disability, and efficient and effective policies and legislations to protect them. Poor implementation of existing legislation and policies can also constitute an impediment. According to the Palestinian Red Crescent Society, 34 percent of persons with disabilities are hindered by their inaccessible environment, 22 percent have had to drop out of school due to several barriers and obstacles, and 75 percent do not have access to public services.

Regarding employment, the PCBS disability survey of 2011 revealed that 87 percent of persons with disabilities are unemployed, 3.1 percent of whom are currently unemployed, and 1.2 percent have never been employed, whereas only 8.4 percent are employed. Notable in this context is that the private sector employs 64.8 percent, the public sector 22.7 percent, and the civic sector 3 percent, whereas 9.7 percent of PwD in the labor force work in Israel and Israeli settlements. Moreover, disability rates are reportedly higher

among males (2.9 percent) compared to females (2.5 percent). These numbers are not necessarily accurate, however, as many families deliberately conceal the fact that members of their family are females with disabilities. The survey indicates that 53 percent of PwD are illiterate, whereas 44.5 percent are married, yet these percentages do not accurately reflect the status of women: In male-dominated societies, men with disabilities have greater a chance than women to be educated and to get married because disabled men have the opportunity to marry a nondisabled person, whereas the opposite is not necessarily feasible.

According to a more recent field study on the rights of persons with disabilities, conducted in 2013 by the Independent Commission for Human Rights (ICHR), 78 percent of males with disabilities were unemployed, 59 percent of whom had never been employed, whereas 19 percent were currently unemployed but had been previously employed, and 22 percent were employed. On the other hand, 87 percent of females with disabilities were unemployed, 73 percent of whom had never been employed, whereas 14 percent were currently unemployed but had been previously employed, and 13 percent were employed in the labor force.

Employment status (%)	Women	Men
Employed	13	22
Unemployed	87	78
Never been employed	73	59
Currently unemployed	14	19

Figure 1: Percentages of men and women with disabilities in the labor force

Whereas these percentages reflect slightly higher employment opportunities for males with disabilities than for women with disabilities, the unemployment rates remain quite

high due to several factors: lack of vocational skills, lack of rehabilitation programs, employment discrimination against persons with disabilities, inaccessible workplaces, lack of

accessible transportation, and the provision of disability benefits that suppress the motivation to venture into the workplace.

According to the 2013 ICHR survey of a sample of the working population with disabilities, 22 percent were employed in the public sector, 23 percent in the private sector, 19 percent were self-employed, 18 percent were employed in the civic sector, and 18 percent were documented as other, which includes farmers and flea-market vendors and laborers working in Israel.

As can be seen in both surveys, unfortunately, women with disabilities have suffered the most to date. In Palestine, they carry a double burden: being a woman and being disabled. According to the PCBS, the total number of disabled Palestinians is 46,063, 18,148 of whom are females. Despite their significant number, these women are the most vulnerable among people with disabilities, yet the least protected.

Many women with disabilities are hidden and silent, their concerns are unknown, and their voices remain unheard.

This situation calls for the better application of the existing legislative framework. Article 9 of the Palestinian Basic Law stipulates that Palestinians are equal before the law and the judiciary, and there may be no discrimination based upon race, sex, color, religion, political views, or disability. Article 25 stipulates that every citizen has the right to work. Furthermore, article 10 of the Palestinian Disability Law mandates governmental and nongovernmental organizations to mainstream a quota of at least 5 percent of employees with disabilities, and article 16 bans any

discrimination in work conditions in the Palestinian territories. The existence of this legislation is an honor and constitutes an obligation towards persons with disabilities, as it is their given right. The Palestinian National Authority must strive to provide work for any individual capable of performing it.

Palestinian President Mahmoud Abbas on April 1, 2014, signed the international Convention on the Rights of Persons with Disabilities.

Even though over the last few decades several initiatives have been taken to improve the situation of persons with disabilities and to mainstream them into the workforce, such initiatives remain fragmented. Furthermore, gender-based policies for persons with disabilities are not adequately included in existing legislation. And though, notably, some progress has been made regarding access to education and the labor force, discrimination is not eradicated in terms of opportunities and salary. Women with disabilities are not targeted by stakeholders, and the 5 percent employment quota, imposed by law, is not gender-specific and not respected by all employers, be they private or public. Thus, most active women with disabilities work in disability or charitable organizations.

Efforts to increase employment opportunities for persons with disabilities remain insufficient and nonobligatory because the legislative framework is not enforceable, which constitutes a grave shortcoming in terms of implementation methods. Palestinian society should consider it a shame that approximately 60 percent of men with disabilities and over 70 percent of women with disabilities



have never been employed. Keeping these persons idle instead of making use of their skills and talents is not only a loss to production on a national level, but also a grave violation of the rights of PwD.

Persons with disabilities, embrace your strength, take matters into your own hands, and create your own future! Form coalitions and networks, and fight for equal treatment and the implementation of your rights that are stipulated by international conventions and Palestinian national law!

As it is evident that no one will hand these rights to persons with disabilities, they should take matters into their own hands and create their own future. Persons with disabilities need to break away from the stereotyped role as victims and must become active agents of change. They are able to break the glass barriers and stand up for themselves. Persons with disabilities are strong-willed and able to use lobbying and advocacy to their advantage. There exist many disability-affiliated organizations; it is time to join

forces, form coalitions and networks, and create a hub that serves the needs and rights of persons with disabilities. Only by creating a body that represents, mentors, and supports persons with disabilities through lobbying, advocacy, partnerships, and networking will persons with disabilities attain their rights. Such a body must address the needs and rights of all persons with disabilities through a strategic plan that must be mainstreamed into the national strategic plan, thus rightfully treating persons with disabilities as first-class citizens in line with the Palestinian Basic Law and international standards and conventions.

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