

Women With Disabilities

Between Norms and Rights



By Rawan Obeid

Women experience gender-based discrimination and violence in any place, regardless of their social, economic, or cultural backgrounds, yet women with disabilities suffer from multiple forms of discrimination: above all as women and furthermore because they are affected by disability. In patriarchal societies, where power relations within the community do not favor women, women with disabilities find themselves subject to even greater discrimination. In Palestine, moreover, their situation must be considered within the context of a developing country. Indeed, women with disabilities are largely invisible in the context of development, which includes development projects that contain gendered perspectives. Development programs barely tackle the

issues that women with disabilities face, although these women are subjected to marginalization and violence on a larger scale than women who do not suffer from disabilities.

Social exclusion is the main factor that dramatically prevents persons with disabilities from fully enjoying their fundamental rights, as social barriers originate from local culture and inter-individual behavior that consider disability to be a source of shame. Yet in Palestine the matter is further complicated for women with disabilities. Gender-based social construction defines women's social role based on the sex-based division of labor and commonly confines women's role to the private sphere within a household. Moreover, women's reproductive role is still perceived as their major social duty, even though many women actively participate in Palestinian political, economic, and public spheres. Duties associated

In an interview, Manal (not her real name), a 30-year-old single woman who has visual disability and holds a master's degree in gender studies, voiced this reality. She said that once she went to a doctor accompanied by her mother, and the doctor directed all his questions about her pain towards her mother, not asking Manal anything. Provoked, she told him: "I'm sick, and I'm unable to see, but I can definitely answer all your questions about me since that has nothing to do with my vision."

Postcard that focuses on women with disabilities, prepared by WCLAC for Women's International Day, 2013.



with reproduction are given priority, and women must perform that social function in order to be fully respected in society. As long as some women with disabilities cannot fulfill such a role, they are generally considered to be “deficient” or even “non-sexual.” This social perception remains strong despite the fact that many women with disabilities may be married and may have successfully fulfilled their “biological female function.” Cases of women with disabilities who have been able to marry and have children are perceived as individual success stories and are received with amazement.

disability and implies that persons who have disability are inferior, imperfect, or even incomplete human beings.

As a consequence of the presumed extreme vulnerability or even incapacity to cope with any public situation, families of disabled women do not favor their integration into society. This mindset frequently causes families to prevent their daughters or sisters from education and from work.

Indeed, the issue of education raises major concerns since it directly impacts women with disabilities’ participation in the labor market. Despite the fact

because universities do not fully acknowledge the recommendations of the 1999 Disability Act. This reality corresponds with the findings of the 2011 report on disabilities in Palestine, carried out by the Palestinian Central Bureau of Statistics (PCBS), which states that only 5.3 percent of surveyed persons with disability completed higher education. Furthermore, 35.1 percent of surveyed individuals with disabilities had never been enrolled in the education system, and 22.2 percent had left school because of their disability. The survey accordingly stressed the need for the school environment to implement adaptive measures in order to be able to receive pupils with disabilities on an equal basis.

Legal content comes as another major source of marginalization for women who must cope with disabilities in Palestine. Most Palestinian legislation is generally silent with regard to the rights of persons with disabilities, not to mention those of women with disabilities. In addition, legal texts that deal with the rights of persons with disabilities are controversial and often inconsistent or even contradictory. For instance, the 1999 Palestinian Disability Law and the provisions of the Palestinian Labor Law number 7 of the year 2000 require that a minimum of 5 percent of the workforce of any facility be drawn from persons with disabilities. However, the Palestinian Civil Service Law number 4 of the year 1998 states in its Article 24 that no civil servant should present with “illnesses, physical, or mental impairments which may ban him from fulfilling his tasks.” Moreover, although the 1999 Disability Law and 2000 Labor Law may promote the integration of persons with disabilities into the labor force, such texts come without any procedures to implement their provisions. The 2000 Labor Law mentions neither the right to receive professional training nor the need for specialized vocational training centers.

Palestinian ratification of the International Convention on the Rights of Persons with Disabilities has to be considered a turning point in the way disability is perceived and dealt with in Palestine. Nevertheless, the ratification must be reflected on the ground through the adoption of more gender-sensitive policies and developmental programs to protect and promote the rights of women with disabilities.

In reality, the implementation of positive action measures such as the 5 percent quota has never been monitored. Neither has Article 16 been enforced, which prohibits any discrimination in the terms and conditions of employment in the Palestinian territories.

Regarding violence, the Jordanian Penal Code of 1960, still applicable in the Palestinian Territories, provides sanctions for cases of sexual abuse against women with disabilities. Article 293 specifically mentions that “whoever has sexual intercourse with a woman – other than his wife – who could not resist because of a physical or emotional or mental limitation shall be punished by temporary imprisonment with forced labor for a period not less than ten years,” whereas the regular sanction for cases of sexual abuse is respectively “not less than five years.” The main problem with this law is that it assumes the woman will report the incident. But women in such situations are afraid to file a complaint, especially in cases when the claim is against a family member – who is their first care-



Scoring at a basketball game. Photo by Samar Abu al-Oof.

Hence, gender-based discrimination complements disability discrimination. Men with disabilities usually have more opportunities to participate in and integrate into society than their female counterparts. Families of women with disabilities believe that they are more vulnerable and are not able to put up resistance. Here, societal perceptions are suffused with the popular saying “a healthy mind in a healthy body” that clearly normalizes the stigmatization of

that several Palestinian legal texts have reaffirmed the right of the child to education, specific legislation that guarantees appropriate access for children with disabilities is lacking. Improved education policies must strengthen the control over schools’ procedures on dropout and should hold the parents accountable for not sending their children to school, especially to primary and elementary schools. Similar issues affect higher education

provider. Thus, the ratification of the 1999 Law on the Rights of the Disabled may have been considered a prominent achievement of the Palestinian disability movement, yet it requires urgent implementation policies and specific awareness-raising programs.

Civil society organizations, especially human rights organizations, play a role that is complementary to that of official Palestinian organizations in addressing the rights of persons with disabilities, and again, especially those of women. Whereas some of their programs and activities focus on these rights, more attention is required to ensure the mainstreaming of gender and disability rights into all their programs. Women's organizations that address gender-based violence, for example, still need to give further attention to the specific forms of violence faced by

women with disabilities. The Ministry of Development, in cooperation with women's organizations, should provide adequate support and protection to women with disabilities who are victims of gender-based violence. This requires consolidated efforts between official and nongovernmental institutions and the allocation of financial and material resources by official institutions to ensure the provision of proper services to women with disabilities. Women with disabilities must benefit from continued awareness-raising programs, and general awareness-raising and training activities should not only address the need for change in the generally discriminatory culture but also give double attention to the situation of women with disabilities.

The intersection between concepts of gender and disability must be properly

acknowledged when implementing development policies and programs, especially when these aim to promote human rights. On that account, the State of Palestine took a qualitative step by ratifying the Convention on the Rights of Persons with Disabilities. Incorporation of the convention into local practices will shed light on the challenges that women with disabilities face and will help to combat prejudices and exclusion. Although this will not be an easy task, nevertheless, the State of Palestine must be committed to transpose the international convention into the national law. The ratification must be reflected on the ground through implemented policies in order to promote and protect the rights of women with disabilities.

Guaranteeing citizens with disabilities full access to equal rights can only be

done under national law. All ministries should accordingly be committed to adopting ongoing, coordinated legal measures to institutionalize such rights. Meanwhile, the need for legal reform as well as the necessity of sustained implementation must be properly addressed. Adequate legislation should be the way forward in order to enhance a culture in which women and men are equal, women are protected from violence, and citizens are protected from all forms of discrimination.

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