

# The Rights of Persons with Disabilities Amid COVID-19

## *Joint guidance note by United Nations Human Rights oPt, the Ministry of Social Development and the Independent Commission for Human Rights*

In response to the spread of the Corona Virus (COVID-19) in the State of Palestine, Palestinian President Mahmoud Abbas declared a state of emergency on March 5, 2020 for a period of 30 days, extended for additional 30 days on 3 April 2020. This announcement was followed by a number of preventive measures and precautionary measures taken by the Palestinian Government as announced by Prime Minister Shtayye, including closures of schools and universities, movement restrictions, quarantine, and social distancing. Subsequently, the Palestinian President issued a Decree-Law on March 22<sup>nd</sup> 2020 regarding the state of emergency and the Minister of Social Development issued several decisions, the most important of which was the closure of nurseries and Resolution No. 2, and its appendix, on March 8, 2020. These decisions contain measures which impact on the situation of persons with disabilities and residential institutions.

The declaration of a state of emergency carries a number of obligations in accordance with the Palestinian basic law and the international human rights treaties to which the State of Palestine has acceded and is bound by. Derogations from certain rights are permissible under international human rights law if specific conditions are met, including: (1) derogations must be of an exceptional and temporary nature, and limited to the extent strictly required by the exigencies of the situation; (2) they must correspond to the State's constitutional and other provisions of law that govern such proclamation; (3) the exercise of emergency powers must be in accordance with its international obligations; and (4) measures taken must be non-discriminatory, and with sufficient attention given to vulnerable and marginalized groups such as persons with disabilities.

The state of emergency across Palestine and the imposition of home confinement, including extended restrictions to movement for all citizens renders persons with disabilities more vulnerable requiring additional protection measures. This exacerbates the existing barriers that negatively affect persons' with disabilities enjoyment of their rights, particularly in terms of accessing health care, education, and the labor market. Movement restrictions risk aggravating the social exclusion of persons with disabilities and – in particular for women with disabilities - may expose them to violence and abuse away from the public eye.

Below are specific recommendations on support and protection to be provided to persons with disabilities during the COVID-19 response, and to ensure that appropriate measures are in place to maintain their active participation as well as to avoid discrimination at all levels against them.



## Convention on the Rights of Persons with Disabilities (CRPD)

As per Article 11 of the CRPD, the Government of Palestine is to undertake, in accordance with its responsibilities under international law, including international humanitarian law as well as international human rights law, all possible measures to ensure the protection and safety of persons with disabilities who are in dangerous situations, including situations of armed conflict, humanitarian emergencies and disasters.

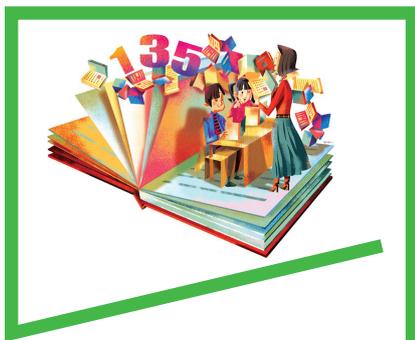
In addition, the Palestinian Disability Law 4/1999 in its Article 9 stipulates that the state will enact all measures and regulations to ensure the protection for persons with disabilities from all forms of violence, abuse, and discrimination.



## Meaningful participation

During emergencies, persons with disabilities have the right to participate in all decisions that affect them, including the assessment, planning, design and implementation of emergency-related measures, services and interventions. The state of emergency may obstruct the ability of disability rights organizations, including service-providers- to provide their crucial and ongoing services to persons with disabilities. In such case, specific measures are necessary to facilitate the continuation of these services through alternative means. Persons with disabilities, their families, and the organizations that represent them, have the knowledge and skills to play a valuable role as an important resource in shaping and supporting efforts to mitigate the impact of COVID-19.





## Children with disabilities

Children with disabilities are significantly affected as a result of the temporary closure of educational institutions and rehabilitation centres raising concerns over an increase in school drop-outs unless these children have access to professional assistance, educational materials, and guidance appropriate to their needs. This is very concerning as for the most vulnerable children such as those with disabilities, education not only provides safety and protection, it also instils hope for a better future.

Continuing education through alternative pathways, as soon as possible, must be a priority. The provision of the necessary information, and the use of telecommunication technology that uses accessible software, is essential to ensure effective and sustainable distance education. Relevant educational materials, including guiding principles, and (online) platforms should be made available as well as support for parents with a view to enable distance education. Such education platforms need to be accessible to students with varying types of disability. Moreover, specific measures need to be taken to reach children with disabilities in poor areas or without internet connection.

Medical and psychosocial services should continue to be available to boys and girls and adolescents with disabilities, including while confined to the home. Measures taken, such as social distancing, can be applied more leniently to meet the specific needs of persons with disabilities and their families.



## Protection measures and complaint mechanisms

Movement restrictions, isolation or quarantine measures should not lead to the neglect of persons with disabilities, especially those who depend on daily assistance from others. Accordingly, these measures should be implemented with caution and in a manner that ensures that persons with disabilities are not deprived of basic needs such as access to food, water, hygiene and regular medical care. In cases of prolonged home confinement, persons with disabilities, in particular women and girls as well as individuals with psychosocial disabilities, must be protected from violence, abuse and exploitation. Therefore, it is necessary to make available effective and confidential mechanisms through which persons with disabilities can file a complaint, including receiving legal assistance. The services provided to persons with disabilities must also be adapted to be able to meet the continued needs of persons with disabilities, for example by maintaining home visits by the Ministry of Social Development's councillors and other competent authorities for urgent cases which cannot be assisted otherwise, and by providing advice via the Internet or by phone. In parallel to this, it is necessary to raise awareness among persons with disabilities and the organisations that represent them about disability rights and the need to provide protection and support to persons with disabilities and their families.



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## Mental health, psychological and social well-being

The current state of emergency in the State of Palestine will affect the mental health of individuals and is likely to disproportionately affect persons with disabilities who already face significant logistical and societal challenges in normal circumstances. Consequently, it remains essential that the support services provided are able to meet the needs of persons with disabilities and their family members, on an equal basis with others, and in a manner that enables them to better cope with stress, anxiety and other pre-existing challenges.

**The Directorate General of the Persons with Disabilities in the Ministry of Social Development welcomes your inquiries, via phone number: 099-249888 and email: [jomar@mosa.gov.ps](mailto:jomar@mosa.gov.ps).**