



## Conference Final Report

### Disability and Gender-Based Violence against Females with Disabilities:

*Reality and challenges in accessing protection programs and services on the level of policies, procedures, programs and institutions*

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On 4 September 2019, QADER for Community Development, in partnership with the Palestinian Disability Coalition and the Palestinian Non-governmental Organization for Combatting Violence against Women, organized a national conference on violence based on disability and gender in Palestine. This conference is considered the first of its kind in Palestine in terms of the issues it addressed, the level of issues raised and the size of stakeholders involved, both directly and indirectly.

### **Main objectives the conference:**

1. To contribute to creating a momentum in the protection sector, justice institutions, human rights organizations and organizations that work with persons with disabilities; promoting a clear and mutual understanding of the reality and challenges confronted, and carefully thinking about steps that respond to this reality at the various levels.
2. To contribute to promoting public awareness about issues confronted by females with disabilities, their exposure to violence, and their right to access various prevention and protection services.
3. To contribute to putting the issue of disability and gender-based violence priority at the level of policies, programs and services for all relevant stakeholders.

### **Conference Highlights**

#### **Opening session:**

The event was inaugurated by representatives from QADER for Community Development: Mr. Ziad Amr, Chairman of the Board, and Mrs. Lana Bandak, General Director. Both keynotes addressed the objectives of the conference and its expected outputs; highlighting the reality of persons with disabilities in general and disability and gender-based violence against females with disabilities in particular. Dr. Ahmad Majdalani, the Minister of Social Development, and Dr. Amal Hamad, the Minister of Women's Affairs, also delivered speeches stressing their commitment to responding to the needs and requirements of persons with disabilities in terms of enjoying equal rights in the community, and expressed their strong commitment to the conference recommendations and the necessary procedures to be undertaken.

#### **Session One:**

The first session featured working papers and feedback that depicted the reality of the exposure of females with disabilities to all forms of violence in Palestine, especially those that are based on disability.

## The most important issues addressed during this session

- Persons with disabilities are exposed to different forms of violence within care institutions – i.e. beating, intimidation and isolation, to name a few. This is due to the absence of regulations and controls set forth by the government to monitor and follow up on these institutions and hold them accountable.
- Highlighting a set of findings of the study conducted by QADER for Community Development on disability and gender-based violence. This study highlights various forms of violence including physical violence - beating, cigarette burning, hysterectomy (legitimizing the use of violence and dispossessing the right of girls to bear children); verbal violence (with the intention to offend and harm); sexual violence (cannot be separated from the reality of females with disabilities and their less-likely chances to marry or form intimate relationships. This type of violence also involves forcing girls to have sex for money, which is a form of economic violence); economic violence (confiscating the right of females with disabilities to have authority over their resources, depriving them of their right to work, and giving them low wages); and psychological violence (tension, lack of self-confidence and trust in others, and death wishes as an escape). The aforementioned types of violence are all disability-based, and involve depriving females of assisting tools, including isolation, neglect, marginalization, disregard, lack of privacy and deprivation from enjoying all forms of rights. The most important reasons why females with disabilities become exposed to violence include the following:
  - Stereotypes among family and society, whereby females find themselves at the bottom of the social pyramid, if not lower. As a result, they develop a feeling that they deserve all the violence, isolation and neglect they undergo. This situation disempowers them and deprives them access to services or the ability to be heard or submit complaints.
  - Dependency and the need for others, which exposes females to further exploitation.

In this context, it is important to point out that many females with disabilities victims of violence who were interviewed are registered at the Ministry of Social Development. Despite the fact, these females never received rehabilitation services- indicating the absence of coordination mechanisms between programs implemented at the ministry, and the negligence of disabled persons by the General Administration for Persons with Disabilities.

- It is important to remind ourselves that the causes of violence are related to the local social culture and the division of roles, whereby men are powerful and women are weak. Based on this culture, disability becomes a reason for excluding females with disabilities from the roles already assigned to women, such as childbearing and house chores. Males with disabilities, on the other hand, will not experience this misfortune; calling upon the need to

readjust cultural norms that exclude females with disabilities, to ensure adherence to what necessitates inclusion and fosters respect.

- In the Gaza Strip, the paper presented indicated that the most common forms of violence experienced by females with disabilities include psychological violence (underestimating their capabilities and seclusion); verbal violence (using degrading and insulting words against them); physical violence (a study conducted in 2015 revealed that 65.3% of females with disabilities were exposed to physical violence by one of their family members); sexual violence (harassment, exploitation and rape, where it is taken for granted that females will not disclose or report the perpetrator. Public taxi drivers also practice forms of violence against females with disabilities). Other forms of violence practiced against females with disabilities include vulnerability and depriving females of their right to marry and form a family, stemming from the latter's mentality that they are incapable. Most interviewed females were unmarried, and those who got married were forced by their parents and went into their marriages as second wives or were married off to inappropriate spouses.
- In the same context, the paper revealed that after 2014, approximately 114 women were suffering from disabilities following the aggression on the Gaza Strip. Many of these women were either divorced or their husbands took second wives. Thus, we may emphasize that the occupation is the number one violator against Palestinians in general and Palestinian women in particular, and considered the number one threat against the right to life and the right to living in dignity. Other violations committed against women with disabilities include depriving them of their right to access medical services and assisting tools.
- Other forms of violence include deprivation from resources and opportunities, the right to work, and the absence of accessible spaces. Various forms of violence also exist at the workplace and practiced by colleagues and managers, including insults or dismissal from tasks and responsibilities. The family is the source of greater danger at a time when it is expected to be the source of comfort and protection.
- Extensive discussions revolved around the many challenges that impede the access of females with disabilities to prevention and protection programs, whether in the absence or limited accessibility or the absence of visual aids at relevant institutions, including women's organizations and courts. Other challenges include the cloudy role of reformation committees and the question marks placed around the sensitivity of decisions issued by these committees towards disability and the extent of commitment to punishing perpetrators before sending females back to their homes.
- In general, violence is globally defined as a behavior that threatens the physical and mental health of human beings. Refraining from the provision of protection is violence. Failing to

provide health, educational and other services represents 90% of violence cases - which represents the root of the problem, and rarely addressed by the media. Only 1% of female violence cases were followed up in Palestine. The existence of one disability means that one out of 500 cases of violence are noticed and handled. It is important to note that cases of violence against females with disabilities with chronic mental illnesses are not taken into serious consideration, and therefore, the violence inflicted might be due to the absence of sufficient awareness about managing situations, and the challenges or the burden of responsibilities. There are also misconceptions and misunderstandings about persons with disabilities, as oftentimes, many members of the community magnify the issue of disability – a situation that calls upon us to reconsider our perception about females with disability and viewing them, first and foremost, as human beings.

## Session Two:

Policies and procedures: two papers were presented addressing international conventions and standards, as well as national policies, regulations and processes that regulate the protection sector. The presentations were followed by commentary and remarks by representatives from the Ministry of Social Development, the Ministry of Women’s Affairs and the Public Prosecution, particularly the Family Protection from Violence Prosecution.

### **The most important issues addressed during the session**

- The compatibility of national laws with relevant international standards, whereby a set of issues were addressed:
  - The importance of understanding complex forms of violence practiced against women and girls with disabilities in light of a set of conventions and agreements, such as the Convention on the Rights of Persons with Disabilities, the Child Rights Convention, the Convention Against the Elimination of All Forms of Discrimination against Women, all of which represent and continue to be the framework for the United Nations Committee for the Rights of Persons with Disabilities in dealing with issues of violence against women and girls with disabilities.
  - There is also an urgent need for understanding disability and gender-based violence perspective on a set of important concepts, such as discrimination, discrimination in conjunction with reasonable accommodation, structural discrimination and systematic discrimination, considering their importance in the processes of monitoring, documentation, analysis and understanding, followed by planning, response, follow up and evaluation.

- The importance of reviewing and amending regulations, and the dire need for qualified staff at protection centers, who have the required knowledge, skills and expertise to receive females with disabilities who were victims of violence.
- The importance of establishing networks for protecting and supporting persons with disabilities, similar to networks that protect the rights of women and children.
- There are females with disabilities who were received by protection centers, despite the fact that these centers are not ready to receive all these females- taking into consideration that we are all confronted with budget issues.
- The representative from the Family Protection from Violence Prosecution pointed out that their primary reference is the Code of Criminal Procedure, which grants them the authority to investigate cases. Public Prosecution is an entity that investigates and represents public right. The most significant cases identified include rape, indecent assault (honor) and soliciting, to name a few. It is important to take into consideration that females with disabilities represent a sector within society that requires extra effort, procedures and measures, or actions. Eventually, the Public Prosecution is required to submit a strong investigation file that includes all the evidence, and we have not reached a higher stage in investigating issues of violence against females with disabilities. The representative from the Public Prosecution stated that her office never met with organizations working with persons with disabilities except in the incidence of a violence case that received considerable media attention.
- There is an urgent need to provide the Public Prosecution all the time and information required to conduct the investigation of violence cases, especially cases of sexual violence.
- The Ministry of Health established a program for combatting violence, and created a manual for dealing with cases of violence and referrals, based on the gaps observed in the protection system. The ministry also held several training courses to further qualify its staff in dealing with such cases, including monitoring violence, protecting evidence, and the national referral system for females survivors of violence.
- **The following set of problems need to be addressed:**
  - Problems that impede the procedures for purchasing services from civil society organizations, as in the same day of the conference a women with disabilities was discharged from one of the protection organizations in Hebron due to that problem.
  - Administrative issues related to the job descriptions of staff in the health sector and the extent to which they incorporate responsibilities connected with the process of monitoring violence and referring victims.

- One of the participants with a physical impairment stated that she has many female friends who complain about being subjected to violence but are unable to resist or leave their homes. She also stated that one of these friends died, and there was no intervention or response from the police or any organization. Another participant stated that the government practices the larger chunk of violence against females with disabilities because it lacks respect for human rights, fails to enforce them or follow up on their implementation.
- **Other issues addressed:**
  - The lack of content within the curriculum of the faculties of medicine on dealing with persons with disabilities.
  - The importance of devoting attention to families of persons with disabilities, because they carry the bigger burden, despite the fact that they are the number one source of violence, which is oftentimes derived from this responsibility.
  - The issue of categorizing disabilities based on the criteria adopted and approved by the Ministry of Health, thus, posing a negative impact on service packages and benefits.
  - The connection of the legal system with the complaint, whereby no case is handled without filing an official complaint – posing a question mark on disability cases, especially in the instance of widespread fear, lack of trust and access-related challenges.

### Session Three: National and International Advocacy Mechanisms

This session featured two papers on national and international advocacy mechanisms, followed by key note speeches by two commentators.

#### **The most important issues addressed in this session:**

- According to Article (9) of the Basic Law, disability-based discrimination is a constitutional crime, and it is important to ensure that disability and gender-based violence are firmly based on discrimination.
- Advocacy is a tool for change and need clear identification of the problem. It is important to acknowledge that the issue of violence is extremely complicated because it involves many levels. During this attempt, it is important to select the methodology to be followed while planning lobbying and advocacy campaigns.
- The components of advocacy and its process require identifying the problem, drawing the goal, understanding and analyzing the general space/context of the campaign at the official

and community levels, identifying a set of strategies, and drawing the action plan. Any shortfall in analyzing the problem will undoubtedly create further problems that would have an impact on all the other steps, thus, leading to the failure of the advocacy effort.

- It is extremely imperative to prompt and ensure the engagement of persons with disabilities in general and women and girls with disabilities in particular, whether directly or indirectly, in all processes related to the creation of relevant legislations, strategies and interventions. This matter was stipulated in Article 3/4 of the Convention on the Rights of Persons with Disabilities, which Palestine ratified without any reservations. This leads us to inquire about the extent of participation of women and girls with disabilities in the process of making legislations, policies, strategies and programs directed towards the elimination of gender-based violence in Palestine.
- **The session also tackled priorities at the national advocacy level, most importantly:**
  - Raising awareness with the aim to promote positive attitudes towards women and girls with disabilities;
  - Aligning legislations in a way that guarantees the incorporation of deterrent mechanisms;
  - Targeting women and girls with disabilities with awareness programs related to their right to prevention and protection from violence;
  - Institutionalizing procedures for the protection of girls and women from violence, taking into consideration the specific issues of gender and disability.
  - There is a necessity for drawing an advocacy plans that engage all relevant institutions and organizations, including those working with persons with disabilities, women's organizations and human rights organizations, and assigning clear and systematic roles and responsibilities;
  - Reviewing and amending several policies and regulations that regulates the protection sector, such as the National Referral System for Women Victims of Violence and the protection centers system, taking into consideration the access of women and girls with disabilities to protection programs;
  - Developing a database that includes all the information about organizations that provide protection services accessible for women and girls with disabilities.
- It is important to note that the general recommendations that set measures and refute many concepts stipulated in the United Nations Convention on the Rights of Persons with Disabilities set out and refuted the concept of disability-based violence in a rather comprehensive and precise manner. It is therefore important to refer to the International Convention on the Rights of Persons with Disabilities in understanding and analyzing this

phenomenon. From another angle, it is necessary to point out that the aforementioned convention used the phrase “all forms of violence” instead of “compounded violence” in describing disability and gender-based violence.

- There are three international conventions that intersect and assimilate, and we should deal with them as a single unit when identifying international advocacy tools and investing them: the United National Convention on the Rights of Persons with Disabilities, the Convention against Torture and the Convention on the Elimination of All Forms of Discrimination against Women. These three conventions should be adopted by all civil society organizations while advocating on the national and international levels, especially concerning important and sensitive issues like disability and gender-based violence. These organizations should hold the government accountable, whether towards the violence it directly practices against its citizens, or for not taking any measures to protect females with disabilities against violence. Since Palestine ratified the optional protocols of these conventions, individuals have the right to file complaints at the committee in charge of persons with disabilities in certain cases, including the exhaustion of all national remedies in Palestine to no avail, not to mention that in the instance of violence cases, it is possible to turn to the Special Rapporteur without exhausting all local remedies. In cases where the life of the victim is at stake, it is possible to file an urgent complaint and the committee immediately notifies the government.
- Many of the medical interventions that could be used proved to be ineffective and caused a great deal of harm and side effects. These include electric shocks, which have a negative effect on memory, and surgeries that involve torturous measures, so long that they are implemented without taking into consideration the right of a person to make a decision and the right to legal capacity, regardless of the severity of the disability. According to the Special Rapporteur for the Convention on the Rights of Persons with Disabilities in 2018, these measures are considered forms of torture and violence. The United Nations Sub-Committee against Torture has the right to visit all detention centers or shelters, conduct interviews and monitor cases of violence.
- All organizations working with persons with disabilities should follow up on the final recommendations issued by the Committee for the Convention on the Rights of Persons with Disabilities and participate effectively in the government plan in response to these recommendations.
- We still need to exert a great deal of effort before succeeding in breaking the silence. Violence comes in many forms and it is based on many principles, including gender, disability, place of residence, the practices of the Israeli occupation, asylum, remoteness from relevant centers, etc.

- This conference managed to conduct a deep diagnosis and analysis of the problem at hand. However, the information received by the Independent Commission for Human Rights indicate an increase in killings among women in general. This situation leads us to question such cases and whenever gender is coherent with the disability due to the limited, or rather absence, of accurate and comprehensive information about disability and gender-based violence. Governmental institutions are the first to be held responsible for failing to handle these incidents properly, followed by civil society organizations within the various sectors.
- From another perspective, it is important to question and pinpoint the extent of sensitivity among institutions towards their obligation to target and receive persons with disabilities in a just and equal manner and at all levels, including administrative and technical. The more important actors at the forefront of responding to the scene of the crime include the police, the paramedics and the civil defense.
- There is a dire need to target and expend all national mechanisms related to disability and gender-based violence issues, such as the Family Protection from Violence Prosecution, the Ministry of Women's Affairs and all systems charged with handling national complaints, including the Grievances and Human Rights Department, the police and the juvenile and family police. All the aforementioned should be utilized as domestic mechanisms before resorting to international mechanisms.
- In many cases, the government is responsible for violence committed against women and girls with disabilities, most importantly violence directly committed by government employees, negligence, failure and complacency in providing prevention and protection services, including legal protection.
- There is a need for popular activities and building the capacities of all staff working in the protection sector, including the police, the judges and duty bearers in general.

## Recommendations

It is important to point out that many of the interventions provided during the aforementioned sessions include several recommendations that may be considered directly or indirectly. We will avoid redundancy as much as possible and divide recommendations into three categories: policies/ legislations, programs and advocacy.

### **Recommendations – Policies and legislations**

1. There are many laws and regulations in dire need for review and amendment, taking into considerations several issues addressed to ensure that females with disabilities obtain and have access to all services and programs of protection from violence, including legal protection. The most important laws and regulations include the Penal Code, the Penal Procedure Law, the National Referral System for Women Victims of Violence, and the centers' law for the protection against violence. There is also a series of laws and regulations that require formulation and approval, such as the Family Protection Law, the new law for the rights of persons with disabilities, and the institutions' monitoring and accountability regulation concerned with persons with disabilities, including institutions that provide care and shelter services.
2. It is necessary to identify realistic legal remedies for the issues of legal capacity and the right to self-determination, especially in cases of violence against women and girls with severe disabilities. These remedies should take into consideration granting females the right to self-determination and legal capacity, unless all means for expression of will are expended.
3. It is necessary to integrate basic strategies with sector-related strategies in a comprehensive, coherent and cohesive manner to ensure the implementation of sector-specific strategies directly related to the concerns and needs of citizens and supporting these strategies with all the necessary budgets, decisions and resources.
4. There is a dire need for recognizing, creating and adopting a comprehensive understanding about disability-based violence in light of its association with gender or age, taking into consideration the general comments of the relevant committee stemming from the United Nations Convention on the Rights of Persons with Disabilities. It is equally important that all relevant, direct or indirect, regulations and systems, recognize all forms of disability-based violence as a crime that calls for monitoring, accountability and legal prosecution.
5. It is important to take all the necessary actions and measures to ensure the participation of females with disabilities in approving policy and legislative priorities, as well as the national strategies, especially those that directly address their issue and regulate the protection against violence sector. This is implemented through coordination with organizations for persons with disabilities and those that work with persons with disabilities, while ensuring complete, effective and real participation.

6. There is a dire need for restructuring the complaints systems in all relevant stakeholders in a manner that takes the following into consideration:
  - a. Appropriate accessibility measures that respond to individual differences between females in general and females with disabilities in particular.
  - b. That they are supported with monitoring mechanisms that are not limited to receiving complaints, but also seek to identify potential realities and settings where females with disabilities are exposed to violence.

### Recommendations - Program and Service

1. Hotlines should be accessible to everyone, and should not exceed three digits. They should also be designed to meet the needs of females with hearing and mental disabilities.
2. It is important to design and implement awareness programs and services that target persons with disabilities in general and females with disabilities in particular, about the rights, services, programs, tools, and national and international mechanisms they could utilize in the incident of their exposure to violence. In this context, it is important to stress that the design and implementation of such programs should take into consideration the type and level of disability to ensure the access of all females with disabilities to the necessary information without disregarding the disability type or level. In the absence of the aforementioned, which is the case in many contexts, it is possible to target some family members who meets necessary criteria for such programs and trainings.
3. The Ministry of Health, in consultation with females with disabilities, including institutions that work with persons with disabilities, should take all the necessary measures and accommodations to ensure that women and children protection programs are inclusive of children and females with disabilities.
4. Strengthening the role of child protection networks, developing monitoring indicators, and creating strategies and action plans that clarify the roles and responsibilities of all institutions in the fields of awareness, prevention, protection, ..etc.
5. Designing and adopting mechanisms and regulations that ensure integration between programs within the Ministry of Social Development and allow the access of citizens to a set of comprehensive services, regardless of the types of programs they are enrolled in. To a minimum, it is possible to consolidate monitoring and placement forms and introduce declared, circulated, consolidated and regulated internal referral mechanisms.
6. There is a need to develop monitoring and follow up mechanisms that aim to identify children with disabilities, both males and females, who are exposed to all forms of violence within mainstream schools.
7. It is important to design and promote awareness programs that aim to create a new social culture that fosters acceptance and respect for persons with disabilities in general and females with disabilities in particular, and promote the fact that disability and being

productive are not bound by any direct correlation or inverse association. These awareness-raising endeavors should be integrated in the curricula, the media and community awareness activities.

8. It is necessary to target females with disabilities with programs and interventions that exclusively address the issue of prevention and protection against violence. Such programs and interventions enable females with disabilities to defend themselves, accept themselves and understand the concept of violence and the importance of putting an end to it, whether through intensive awareness sessions, developing various manuals about the services available and how to access and obtain them, or by forming self-help groups, etc.

### Advocacy-based Recommendations

1. The importance of forming a follow-up committee that takes charge of planning and implementing lobbying and advocacy campaigns to combat gender-based violence in general and violence committed against women and girls with disabilities in particular. It is important to stress that this committee should include representatives from organizations working with persons with disabilities, women's organizations for combatting violence and human rights organizations.
2. It is important to plan, implement and evaluate advocacy campaigns at the community level, and foster effective participation of all stakeholders. These campaigns should aim to touch on the demands and requirements of females with disabilities, and should have the necessary tools, including data, evidence, defense capacities, sustainability and organized action to defend these demands.
3. Referring to international conventions and mechanisms to understand, analyze and plan national and international lobbying and advocacy mechanisms, on the level of policies or programs or those concerned with individual cases.