



The Doubly Discriminated

Disability Rights for Arab Persons in Israel

A Position Paper

Prepared by

Al-Manarah

The Association for Arab Persons with Disabilities

Edited by Advocate Abbas Abbas

November 2013



Supported By The EU

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This position paper presents the legal and social status of persons with disabilities in the Arab society who are doubly discriminated against, because they are part of the Arab minority in Israel, and because they are disabled.

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Al-Manarah - The Association for Arab Persons with Disabilities

Contents

Introduction	8
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CHAPTER ONE

Definition of Disability	10
Critical Disability Theory	11
i. From Inherent Difference to Social Construction	11
ii. From Medical Pathology to Human Diversity	12
iii. From Correcting the Individual to Correcting Society	12
iv. "Nothing About Us Without Us"	12
Definitions of Disability According to Israeli & International Laws	13

CHAPTER TWO

Persons with Disabilities in the Arab Society in Israel - The Challenges

Background	15
Exclusion in the Educational System: the "Inclusion Law"	16
The Arab Society in Light of the Inclusion Law	16
Arbitrary Integration in Education	18
Unstable Arab Local Authorities (Shortage of Services by the Local Authorities): Reality on the Ground	20
Local Authorities Systematically Overlook Persons with Disabilities	21
Discrimination in Employment	23
Affirmative Action	25

Participation of the State in Funding Accommodations in Workplaces	27
Absence of Protected Employment Frameworks	31
Employers' Prejudice: Barriers to Hiring Academics with Disability in the Job Market	34
Environmental Accessibility and Access to Information	35
Accessibility to Services Regulations	38
Lack of Services to Persons with Disabilities	40
Lack of Housing Services for Adults	41
A Minority within a Minority: Social Exclusion and Marginalization	42
Women with Disabilities in the Arab Society in Israel - Triple Exclusion	
Background	44
Women and Abuse	44
The Legal Framework	45
Arab Women With Disabilities - Population Size	46
Education and Employment of Women with Disabilities	46
From General Considerations to the Specific Conditions	47
The Challenging Stories of Women	48
Children with Disabilities in the Arab Society	
Background	49
The Legal Framework	50
Severe Shortage of Services for Children with Disabilities	53
Children's Dependency on their Parents in Later Life	54

CHAPTER THREE	
<hr/>	
Recommendations and Suggestions to Promote the Status of Arab Persons with Disabilities	
Ministry of Education	55
Ministry of Finance and Ministry of Welfare & Social Services	58
Interior Ministry and Other Relevant Offices	60
<hr/>	
About Al-Manarah	
<hr/>	
Vision	62
Our Multi-Use Center	64
Al-Manarah's Programs and Projects	64
 Bibliography	 65
 Acknowledgment and Clarifications	 68

Introduction

Al-Manarah - The Association for Arab Persons with Disabilities, has initiated a public campaign to address the harsh reality of life for many people with disabilities in the Arab society in Israel. The campaign, entitled 'Disability Rights for Arab Persons in Israel', is in partnership with the Arab Association for Human Rights, and is sponsored by the European Commission. This position paper is produced as part of that campaign, and in particular in response to the State of Israel's 2012 ratification of the UN Convention on the Rights of Persons with Disabilities (UNCPRD) (2007). By ratifying the Convention, the Israeli government has given disability rights' advocates a stronger position to advance the rights of disabled persons in Israel. Therefore, we feel that the timing of the campaign and of this position paper is particularly appropriate because disability issues are gaining greater prominence within the country.

Al-Manarah wishes to recruit a wider spectrum of the public to the campaign, which will lead to the realization of the human rights of the disabled in order to integrate them into society in an equitable manner without social exclusion, stigmatization or prejudice. It can be observed that in many fields, there exists a huge discrepancy between the status of persons with disabilities in the Arab society in Israel and the status of persons with disabilities in the Jewish society.

This position paper will examine the current situation for disabled persons in Israel, and particularly that of disabled persons within the minority Arab population: a minority within a minority. The paper will also review the implications of the ratification of the UNCPRD by the State of Israel, the potential impact on the community of disabled Arab persons, and the proposals for action by the State to improve the lives of this community, in light of the State's 2012 ratification.

1 Chapter One

Definition of Disability

Understandings of disability encompass many subjective and objective definitions. In other words, definitions of disability are contextual, and so it is important to understand not only how society perceives the disabled, but also how people think of their disabilities, and whether they even perceive themselves as disabled.

In academic literature, we can find two major models that define disability. Firstly, there is the Medical or Individual Model, which states that disability consists of a functional problem on the individual level. Within the framework of this model, studies usually focus on the rehabilitation of the functional issues of the person. Secondly, there is the Social Model, which emphasizes society's responsibilities and predispositions regarding the disabled, proposing that discrimination and prejudices are the judgmental factors behind the characterization of a person's ability as a "disability."

In recent years, we have witnessed a notable change in the general approach regarding the issue of disability. In fact, we are facing a revolutionary process in which the Social Model is overcoming the Medical/Individual one. Disability is no longer considered as a defect that needs to be fixed; rather, society as a whole is seen as defective due to its inability to integrate disabled persons within it.

Critical Disability Theory

The Critical Disability Theory suggests that disability is a product of cultural as well as environmental factors that shape the living conditions and social relations in which human activity is rooted.¹ The major premise of such an argument considers disability as a social-political phenomenon that is socially structured and context sensitive. Dr. Sagit Moore suggests four complementary themes that define the principles of this theory. These are:²

i. From Inherent Difference to Social Construction

This approach moves from an objective consideration of disability as a basic and natural character of humans that exists in the world, and so justifies the treatment of the disabled as different, to an approach that considers disability as a product of dynamic interactions affected by power relations within society. So, it is society that creates the social and environmental obstacles that impede persons with disabilities from participating, obtaining and exercising their rights.

1 Rosemarie, and Simi Linton, *Claiming Disability: Knowledge and Identity* 134-142 (1998) and Garland Thomson, *Integrating Disability, Transforming Feminist Theory*, 14 NWSA J. 1, 5 (2002).

2 Moore, Sagit, «Employment of Persons with Disabilities: From Correcting the Individual to Correcting Society» , *Law Review* 30, 2012, p. 7. (Hebrew).

ii. From Medical Pathology to Human Diversity

This approach begins at a standpoint that considers disability as a deviation from the notion of the norm, as defined by the various disciplines of medicine, rehabilitation and other therapeutic professions that are in charge of finding linguistic physiological definitions. It moves to a position that considers disability as another expression of the diversity and multiplicity that exist in society, and so persons with disabilities ought to be treated as equals.³

iii. From Correcting the Individual to Correcting Society

This approach considers a shift from the understanding that individuals adjust themselves to meet accepted social norms, to the understanding that society must adjust itself to the person whose needs it has previously ignored. Accordingly, the social norms are to be modified, as well as the cultural conceptions, the organization of the environment and the job market structure, etc. This theme became a cornerstone in the struggle for social change within the context of disabilities.⁴

iv. “Nothing About Us Without Us”

Originally from the Latin “Nihil de nobis, sine nobis,” this has become a slogan that serves as a common ground for groups that advocate

3 Paul Abberley, *Disabling Ideology in Health and Welfare - The Case of Occupational Therapy*, 10 *Dis. & Soc.* 221 (1995); Wendell.

4 Moore, *ibid.*, p.8. (Hebrew)

for the rights of persons with disabilities.⁵ The underlying idea of this slogan is that persons with disabilities are to be given the right to make their voices heard, as well as decide and influence all issues related to them, including legislations affecting their personal lives, policy making, organizing and carrying out studies, etc. The historical background of the slogan demonstrates the perceptions that not only were the preferences of persons with disabilities ignored, but also that these persons were perceived to be people who could not express preferences, and thus their position did not have any weight because of their disability.

Definitions of Disability According to Israeli & International Laws

According to Israeli law, under Article 5 of the Equal Rights for Persons with Disabilities Law of 1998 (hereafter the Equality Law), a “person with disabilities” is defined as follows:

“A person with a physical, mental or intellectual (including cognitive) handicap, permanent or temporary, by virtue of which his functioning in one or more of the central facets of his life is substantially limited”:

⁵ James I. Charlton, Noting About us Without Us - Disability Oppression and Empowerment (2000).

Any person who meets this definition is, according to Israeli law, a person with disability. The Equality Law is considered revolutionary in the field of disability legislation, because it is based on the social approach according to which disability is determined by society's degree of acceptance and inclusion of people with disabilities. Furthermore, the Equality Law is more advanced than the Israeli National Insurance Law, as the latter continues to preserve certain prejudiced attitudes, as well as paternalistic medical standards in defining disability.

Looking farther afield to the United States, legislation regulates that the 'disabled' include not only persons who have a current disability, but also those who have a record of disability. For example, a person who suffers from a long-term learning disability but has not been diagnosed, or a person who is considered by others as a person with disability, or is treated as such, is regarded by the law as a person with disability.

In September of 2012, the State of Israel ratified the United Nations Convention on the Rights of Persons with Disabilities - UNCRPD. Yet conversely, the Convention contains no explicit provisions defining disability. However, a broad definition can be inferred from Article 1, which states that:

"Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."

2 Chapter Two

Persons with Disabilities in the Arab Society in Israel - The Challenges

Background

In Israel, there are more than 1.5 million persons with disabilities. With respect to the Arab society in Israel, there are more than 450,000 persons with physical, sensorial, psychological and mental disabilities, who consequently suffer from social exclusion within the Arab society itself. As part of the Arab minority within the State of Israel, they are also subjected to institutional discrimination and limited resources which the State typically allocates to the Arab population. The overall percentage of people with disabilities in the Arab population in Israel is higher than that within the Jewish population (29% compared to 17%). Additionally, the percentage of adults with severe disability within the general Arab adult population is almost three times that among the Jewish population (14% compared to 5%). The percentage of persons with severe disabilities in the Arab population in the age group of 20 and over is double that of the Jewish population. In addition, the percentage of young persons with disability in the Arab population is higher than in the Jewish population (51% compared to 39% under the age of 45).

Exclusion in the Educational System: the “Inclusion Law”

On November 13, 2002, the Knesset passed Amendment 7 to the Special Education Law - 1988. The amendment in question added Chapter D1 of the law, 'Including a Child with Special Needs in Regular Educational Institutions'. The chapter is called the "Inclusion Chapter" and the amendment is called the "Inclusion Law." In accordance with the Special Education Law, every child between the ages of three and 21 has the right to be integrated within a suitable educational framework, as well as to receive primary medical care. Furthermore, the aforementioned amendment favours the integration of children with disabilities in the framework of regular education.

The Arab Society in Light of the Inclusion Law

Although the law states that children should undergo a review by a specialized committee in order to integrate them into the special education system, many schools in the Arab society do not effectively apply this regulation. As a result, children with disabilities, including purely physical ones, are placed in special education classrooms without the implementation of a thorough evaluation or monitoring by any specialized committee. Therefore, these children are not provided with the optimal educational framework and the appropriate tools to allow their academic development.

Moreover, the lack of funds in the Arab local authorities severely affects

the education system that is meant to support them. In this context of underfunded municipalities, the time designated to special education is being cut, as well as the special services that the authorities are legally obliged to provide, such as paramedical services, psychologists, and counsellors.

The Ministry of Education does not supervise the allocation of hours and services, including those by counsellors, special therapists and psychologists, designated to special education in Arab schools. Furthermore, there is an accepted lack of knowledge among the parents of children with disabilities in the Arab society with regards to their rights and entitlements in special education.

According to the National Academy of Sciences 2010 report, the assessment and evaluation system in kindergartens and elementary schools is fundamentally flawed. There are no mandatory nationwide indices and norms for the implementation of diagnoses, and the different systems that are currently used in the majority of schools are not adapted to suit school children in the Arab society. The existing diagnostic measures are not translated to Arabic, neither are they socially adapted to children in the Arab sector. As a result, school children may not be diagnosed properly, or different professionals may diagnose the same child with different interpretations, and so suggest different responses to meet that child's needs. Furthermore, the aforementioned report states that in the Arab society there is a significant shortage of profes-

sionals (primarily psychologists) who are permitted to diagnose and evaluate children.

There is no reliable information regarding the number of Arab pupils with learning disabilities; there is a shortage in qualified Arabic speaking professionals who can treat pupils with learning disabilities; there is a shortage of Arabic speaking psychologists who have a sufficient level of knowledge of learning disabilities; and there is a shortage in counselling hours available to disabled Arab children in need. The shortage amounts to more than 3,200 counselling hours in the Arab educational system.

This situation exists despite the right to education being one of the most important cornerstones of the UNCPRD, which sets the standards for the equality, full participation, inclusion, adjustments and integration into society of disabled persons, as well as their inclusion in decision-making. Indeed, according to Article 24 of the Convention:

"States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life-long learning ..."

Arbitrary Integration in Education

It should be noted that the integration policy in the Arab education

system is implemented in an arbitrary manner. In this haphazard application of educational policy, autistic children can be found in the same classroom as deaf ones, while children with mild learning disabilities are often in the same educational framework as children with severe learning disabilities. It should also be noted that the education system in the Arab society does not integrate persons with disabilities in the non-disabled education system appropriately and in accordance with Amendment 7 of the Special Education Law. This is especially the case for deaf and hearing-impaired children.

As a result of the above, persons with disabilities in the Arab society typically obtain a lower educational level than those in the Jewish society. For example, 19% of Arab children do not finish primary school (and some do not study at all), while only 5% of children in the Jewish society do not complete primary education. Furthermore, 53% of Arab students do not complete high school, compared to 18% of Jewish students.

With respect to post-secondary education, there exists a shortage in supplementary education programs, such as diplomas and baccalaureate programs, for disabled persons who do not attend school when they are young. Additionally, it is very difficult for persons with disabilities in the Arab society to integrate into higher education due to their lack of awareness of the existing opportunities. This situation continues, despite Article 24 of the UNCPRD legislating for balanced integrated education by stating that:

"In realizing this right, States Parties shall ensure that:

- a. Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;*
- b. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;*
- c. Reasonable accommodation of the individual's requirements is provided."*

Unstable Arab Local Authorities (Shortage of Services by the Local Authorities): Reality on the Ground

During the period between November 2012 and July 2013, Al-Manarah conducted interviews with 15 heads of Arab local authorities, out of whom four were mayors of major Arab cities: Nazareth and Shefa-Amr in the north; Umm al-Fahm in the Triangle Area; and Rahat in the Naqab. From the responses to the interviews, it can be observed that the mayors were unaware of the needs and challenges of the persons with disabilities in their own towns, while the majority still adhered to a traditional medical approach in their treatment of persons with disabilities, whereby they considered their issues on an individual

level as opposed to considering the changes that needed to be made on a societal level. The interviews also show that there is no clear planning within the local authorities to systematically deal with the needs of persons with disabilities and that governmental bodies or civil society organizations usually conduct the programs that do exist. The most prominent approach among those interviewed was to abdicate responsibility, with a tendency to place responsibility on the government, including the Ministries of Welfare and Finance. It can also be observed that disability issues do not have a prominent place in the priorities of decision makers in the local authorities which is predominantly owing to their lack of awareness of the issues, as mentioned above, as well as the tremendous lack of funding from the government for Arab municipalities.

Local Authorities Systematically Overlook Persons with Disabilities

Municipal elections in Israel were held in October 2013. According to Al-Manarah's overview of the candidates, not a single person or party included in their platform the promotion of the rights of persons with disabilities. In this context, Al-Manarah initiated a media campaign in order to warn of the consequences of such degrading positions.

Local authorities have legal obligations regarding the welfare of residents. However, in reality this is hampered by limited funds. With State authori-

ties cutting funding to the local Arab councils, there is no clear plan for raising financial resources. As a result, the Arab councils continuously suppress the question of persons with disabilities, seeing it as either a responsibility of the State, or not an issue prominent enough in the concerns of their electorate.

In contrast to this, Article 4 of the UNCRPD holds that the authorities and state institutions are to ensure the realization of the rights of persons with disability in accordance with the Convention's spirit, particularly with regard to the realization of legislation:

"States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

a. To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

[and]

d. To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention."

Discrimination in Employment

Article 8 of Israel's Equality Law refers to the issue of equality and employment. It states that it is prohibited by law to discriminate against a person because of disability during recruitment processes, in work conditions, in job promotion, and in dismissal, etc., so long as they are qualified for the position.

Inspired by the Americans with Disabilities Act (ADA) in the United States, Article 8 of the Israeli law contains a novelty in its definition of "discrimination" which includes cases such as the non-implementation of the necessary measures that will enable the employment persons with disabilities due to his or her special needs. In particular, this law deals with provisions for physical and structural barriers, therefore creating the appropriate conditions that allow the inclusion of persons with disabilities in the job market, which is organized and designed to take into account their needs and life experience.

For the same purpose, Article 27 of the UNCPRD states the following:

"States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to:

a) Prohibit discrimination on the basis of disability with regard to

all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions."

The employment section of Israel's Equality Law addresses all of the UNCRPD's requirements, so it is considered revolutionary in the protection and promotion of the rights of persons with disabilities against discrimination and worsening conditions. Additionally, it protects the rights of persons with disabilities against any harassment on the part of the employer by establishing penalties against anyone who breaks the law. Thus employers are deterred from discriminating between persons with disabilities and others.

The law states that employers must "protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment and the redress of grievances".

However, despite the abovementioned law and the spirit of the UNCRPD, employers in Israel do not typically accommodate persons with disabilities due to prejudices and unfounded fears of damaging their business. It should

be noted that the employment rate for disabled Arab persons does not exceed 21%, while 73% are outside the labour force. However, the employment rate for disabled persons in the Jewish society stands at 49%. Moreover, the Arab society in particular suffers from an evident lack of experience with respect to employment of persons with disability, as well as employment proficiency, higher and vocational education, and motivation to work under existing conditions. As a result, Arab persons with disabilities remain outside of the job market.

Affirmative Action

Currently there is no affirmative action policy in the employment of persons with disabilities in public institutions, particularly in the academic institutions. Furthermore, the Arab society suffers from a shortage of employment services for persons with disabilities when compared to the Jewish society, and the services that do exist are usually provided by civil society organizations. In addition, employers tend to hire people with mild disabilities in order to avoid meeting more detailed obligations that would result from the employment of persons with moderate to severe disabilities.

However, the employment rights of disabled persons in Israel could yet be affected by the Mandatory Tenders Bill Amendment: Obliging Appropriate Representation of Persons with Disabilities, 2013, which has not been approved yet by the Knesset.

Article 9b of the Employment Chapter of Israel's Equality Law promotes the employment and promotion of persons with disabilities who are eligible for certain positions, and who hold similar skills and qualifications as the other candidates. In a ceremony held in December 2012 at the Israeli President's house, an inter-sector partnership was launched for the promotion of the employment of persons with disabilities. The initiative was the product of meetings between the representatives of the different sectors in the country, as well as the government, the Manufacturers Association, the Histadrut (Federation of Labour), organizations that work with persons with disabilities (Al-Manarah was the only organization representing the Arab society), and the American Jewish Joint Distribution Committee (JDC), who together signed the inter-sector convention. This initiative is based on the commitment of Israeli society, citizens, civil society organizations and government institutions to promote the right to employment as a fundamental right for persons with disabilities, in accordance with their qualifications and inherent potential toward their full integration in society and the jobs market in Israel.

The partnership's objectives include: increasing the employment rate among persons with disabilities, increasing the number of employment offers and their integral quality; removal of major barriers between employers and persons with disabilities, and changing attitudes and behavioural norms among the public in general, employers and persons with disabilities with regard to the employment of the disabled. Neverthe-

less, two years have passed since this initiative was launched, but there has been no notable progress in the employment rate of persons with disabilities in the Arab society, who are still at the bottom of the employment scale.

According to Article 27h of the UNCPRD, States Parties are obliged to:

“Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programs, incentives and other measures.”

This emphasizes the importance of the principle of affirmative action. Unfortunately, there has not been any legislation or clear policy to guarantee the employment of persons with disabilities in the job market.

Participation of the State in Funding Accommodations in Workplaces

In order to promote the integration of persons with disabilities into the job market, as well as encourage employers and small businesses to accommodate persons with disabilities, the State funds adjustments to workplaces, as regulated under the Equal Opportunities for Persons with Disabilities Regulations (2006). The obligation to install such adjustments was anchored in the Equality Law. According to the regula-

tions, any employer who wishes to employ persons under certain conditions can request the State to partially finance the installations. As such, it is the responsibility of those who run the workplace to adapt the conditions to the special needs of the individual employee or the person with a disability.⁶ In addition, the regulations include not only physical accommodations, but also changes to the job requirements. However, the vast majority of persons with disabilities in the Arab society are unaware of the existence of such regulations, and are therefore unable to push for them for their own benefit. Instead they often find themselves out of work and made to feel inadequate because it is considered to be their responsibility to adapt.

Article 8 of Israel's Equality Law aims to create a balance between the right of the person with disabilities not to be discriminated against on the one hand, and the legal obligation imposed on the employers to accommodate them in the workplace, on the other hand. For that purpose, the same article explains the legal obligation by taking into account, among other things, the cost and benefits of the accommodations, as well as the size of the workplace, its structure and other relevant criteria. The balance is therefore dependent upon the specific characteristics of the potential workplace. As a general rule, the bigger the workplace and the more numerous its resources, the larger the

6 R.L. Burgdorf, *The Americans with Disabilities Act: Analysis and Implications of a Second-Generation Civil Rights Statute*. 26 HARV. C.R.- C.L.L. Rev., 413 (1991).

expectation according to the law to perform the necessary accommodations.⁷ Resource Evaluation Tests are used to avoid situations in which businesses (specifically the small ones) cannot implement certain accommodations due to the disproportionate relation between the costs and the business' size and structure. In this way, the economic survival ability of business will remain intact. Israel's Equality Law legitimizes the imposition of the obligations, and an accurate reading of the law shows that employers are exempted only from "too heavy a burden." The challenge, in this context, consists of making not only the State understand that "human rights may cost money,"⁸ but also private entities as well.⁹

In this context, Article 2 of the UNCRPD, which defines relevant terms, describes "reasonable accommodation" as follows:

"Reasonable accommodation' means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to

7 See also: Mark Weber, Unreasonable Accommodations and Due Hardship, Fl. L. Rev. (forthcoming, 2010).

8 See Supreme Court decisions: בג"ץ 7081/93 בוצר נ' מועצה מקומית מכבים (1996); בג"צ 4541/94 אליס מילר נ' שר הבטחון, פ"ד מט(4) 94, רעות, פ"ד נ' (1) 19 (1996); (ראו מצא, פסקה 19, וכן שטרסברג-כהן, פסקה 15 (1995)). (Hebrew)

9 Here, of course, we are dealing with a deviation from the classical liberal analysis. See *ibid*, chapter a.4.b, in which the responsibility of the state is discussed. See also משה כהן-אליה "החירות והשוויון בראי החוק לאיסור הפליה" (2003) 15 (1) 3 משפט (Hebrew).

persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedom."

In comparison to Israeli law, we can observe how the UNCRPD provides a wider scope to the meaning of the term "burden" and to when it can be considered as disproportionate or inappropriate.

Despite the ratification of the UNCRPD and the State's aims to legislate accommodations into the law, a large percentage of persons with disabilities in the Arab society are unaware of their rights to integration as equals in the job market. In addition, large businesses, to which the law ostensibly applies, are usually found in Israel's central and southern regions. There are very few large businesses in the north of the country where there is a large Arabic community, which is why the issue of integration of persons with disabilities in Arabic communities is being swept under the carpet.

As an extension to the policy of promoting employment among persons with disabilities, Israel's Ministry of Finance published in 2012 a number of booklets in Hebrew designed to promote the employment of persons with disabilities. The publication series includes a guide for the employer on how to absorb persons with disabilities into the workplace, and another for persons with disabilities on job searching. Al-Manarah has made a petition to the Ministry that the publications should be translated into Arabic so that they can be distributed in the Arab society.

Absence of Protected Employment Frameworks

'Protected Employment' is an employment framework which is designed to support the rehabilitation of persons with physical, cognitive and psychological disabilities, providing them with specific job opportunities and helping them overcome the demands of the free market. It is also a framework for those who are interested in integrating into the job market in the future but are in need of developing required vocational skills. Yet despite the intention of integration, there are many cases in which a protected employment framework serves as a permanent workplace for years, holding back disabled persons rather than helping them develop and participate in society; protected workplaces cannot and should not serve as a substitute for a just employment.¹⁰

Protected workplaces in Israel have a double goal; to provide a framework that prepares employees for the free market whilst also assisting employees to continue working within it.¹¹ We can notice a significant increase in the placement of persons with disabilities within the framework of protected employment in Israel. There are 3.4 Arab persons with disabilities per 1,000 employed persons as part of this framework, while 10,290 inhabitants have worked within this framework

10 Rimmerman, Eric (1994). Protected Employment for Persons with Disabilities in the United States. Social Security 42, p. 118-128.

11 Rimmerman, Eric and Sherry Katz. Protected Employment Policies for Persons with Severe Disabilities in Western Countries and Israel. Review and Debate. (Hebrew)

since 1998.¹² Protected employment is on the margin of the Israeli rehabilitation system, which is why the National Insurance Institute considers the protected workplaces as a framework for those who would otherwise lack any chance of rehabilitation and inclusion into the job market.

It should be noted here that there is a lack of organized vocational training, as well as professional placement exams, for persons with disabilities, especially in the private sector. In addition, economic leadership and initiatives are almost non-existent among persons with disabilities and their families.

This situation, therefore, is contradictory to Article 27, paragraph k, of the UNCRPD, which states that:

"States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to ... Promote vocational and professional rehabilitation, job retention and return-to-work programs for persons with disabilities."

To illustrate this, Al-Manarah's legal team became involved in a case relating to work placement for disabled Arab persons. The legal team

¹² The National Insurance Institute, Ministry of Welfare and Social Services, Joint Israel.

visited a protected work placement shelter in Umm al Fahm in northern Israel where they found that disabled persons at the centre were subjected to violence by the management and that sanitary conditions were so poor that they seriously affected the health of those who attended the centre. The government-run scheme offered little support or assistance for the disabled persons it was supposed to help, and a large number of the disabled attendees felt their sense of self-worth was being destroyed, while they learnt nothing to become integrated into the labour market. Al-Manarah acted, not only to help disabled Arab persons, but also to challenge and change an institution that was doing the very opposite of its intended role, to help disabled persons into employment.

In response, Al-Manarah undertook a project with the following actions. Al-Manarah staff travelled to Umm al-Fahm to meet the staff and attendees of the shelter. They took a tour of the institute to record the dangerous and unsanitary conditions in which disabled persons were expected to work. The client group visited Al-Manarah and lawyers took statements to prepare three legal letters that the legal team sent to the Ministry of Welfare, The Commission for Equal Rights for Persons with Disabilities, and the municipality of Umm al-Fahm. In an encouraging reaction, the National Supervisor for sheltered work placements, Dr. Nurit Segev of the Ministry of Welfare, responded to the project's calls for action, and made an ad hoc spotcheck of the facility. Once there,

she became aware that all the facts presented by the legal team were correct. The municipality was then required to urgently appoint a social worker to address the concerns of the disabled attendees, and to form a point of contact with the project in addressing the concerns.

Unfortunately, this instance of denial of rights and entitlements for disabled Arab persons in the work place is not an isolated case. Although the UNCRPD and Israel's Equality Law call for the integration of persons with disabilities into the free market, the vast majority of Arab persons with disabilities are obliged to work in protected placements and not the free market. Moreover, the Centre for the Integration of Persons with Disabilities, which was established by the Ministry of Economy in order to promote the right to employment of persons with disabilities in Israel, as well as the implementation of the Equality Law, systematically evades the promotion of this right in the Arab society.

Employers' Prejudice: Barriers to Hiring Academics with Disability in the Job Market

Employers in the Arab society are not convinced that persons with disabilities have the capacity to be integrated into the job market. According to our conversations with dozens of employers in the Arab society, the majority think that persons with disabilities in general, and especially persons with a sensory disability, function in a significantly inferior manner when compared to the non-disabled. Businessmen

usually show enthusiasm when they know about persons with disabilities who hold an academic degree. However, when it comes to their employment, Arab businessmen's attitudes change radically; for them, hiring persons with disabilities constitutes an economic burden for their business, and therefore they evade their hiring in a systematic manner. For example, we spoke to a leading businessman who took exaggerated pride in his business as a socially-responsible enterprise that encouraged the employment of disadvantaged populations. However, he was shocked by our assertion that a blind person can function in an independent manner by using special technology subsidized by the State. Given this state of affairs, it is difficult to find a person with disability who is integrated in the job market in the Arab society.

It should be emphasized that in view of this reality, as well as the lack of employment opportunities, academics with disabilities in the Arab society have developed poor self-esteem. As a result, the majority of academics with disabilities are either content with the kind of jobs available in protected work placements, or they remain unemployed and frustrated, whilst their academic skills should in fact allow them to fully integrate in the free and open jobs market.

Environmental Accessibility and Access to Information

A person with a disability is entitled to have access to public spaces and services, such as courts, government agencies, museums, welfare

offices, etc. The UNCRPD deals extensively with the issue of accessibility when compared to the Israeli Equality Law for Persons with Disabilities. According to the UNCRPD, the concept of "accessibility" is not only limited to public places and services and neither is it reduced to the physical environment and transportation. Rather, it should also include other equally important services that are provided to the public, such as information, media, technology and information systems. In addition, the UNCRPD extends accessibility requirements to include entertainment venues so that persons with disabilities can live a normal, comfortable and independent life. By comparison, Chapter 5 of the Israeli Equality Law deals with persons with disabilities' right to have access to public transportation services in accordance with their disability.

However, we can observe a severe shortage in available and accessible transportation in the Arab towns, which forms part of a greater problem that stems from a lack of sufficient funds to the Arab local authorities. Additionally, it should be noted that Nazareth is the only Arab town that has public transportation. Therefore, the problem of mobility in the Arab towns is a general one and is not limited to persons with disabilities.

Moreover, basic access in Arab towns to public spaces or ones in which public services are provided is virtually non-existent, not to mention access to technology and information systems' services.

Beyond public institutions, persons with disabilities suffer from inaccessibility to their own households. According to polls, 36% of persons with disabilities in the Arab society reported experiencing difficulties in their household due to the large number of stairs, while in the Jewish society the number stands at 22%. In the case of the latter, most persons with disabilities live on lower floors or in buildings with elevators.

With respect to access to information, there is a shortage of brochures and information bulletins in Arabic, while those that exist are produced as literal translations from Hebrew and thus are incomprehensible and inaccessible to Arabic readers. There also exists a lack of Arabic language counsellors and service providers, because most people who provide this kind of service do not speak Arabic. As many persons with disabilities have reported, "neither the relevant public institutions nor the National Insurance Institute inform us of the rights we are entitled to."

Adding insult to injury, the official Internet websites of the relevant authorities, those that allegedly provide vital information for persons with disabilities, are not translated into Arabic. The website of the Commission for Equal Rights for Persons with Disabilities, which contains vital information, does not provide any information in the Arabic language.

In response, Al-Manarah issued a petition requesting the Commission to adjust its information dissemination policy in order to provide neces-

sary and sensitive information for the Arab society, as well as to translate the website into Arabic. To date and to the best of our knowledge, the Commission has not commenced any action in that direction.

Accessibility to Services Regulations

The regulations for Equality Rights for Persons with Disabilities (Accessibility to Services Amendments) came into force in October 2013. These regulations cover a wide spectrum as they apply to many bodies in all sectors of the Israeli economy: public, private and non-profit.

According to the regulations, all bodies that provide public services must adjust their work practices in order to guarantee that services are provided to persons with disabilities, who should be considered as part of the clientele and entitled to an independent, secure and respectful service. In this context, accessibility is implemented through adjustments to the services which are provided. The regulations' objective is to allow persons with disabilities - whether sensorial, mental, psychological or physical - to receive services that allow them full participation in society without being dependent on others. Such measures can lead to the integration of persons with disabilities in all walks of life by enhancing their dignity, and by building an empowering environment that will let them achieve complete independence.

The adjustment of services is designed to protect human dignity by ensuring that the rights of persons with disabilities are realized with regard to public

services, allowing them to be part of society as a whole.

These regulations are considered to be among the most advanced on the international level. Many countries have laws and regulations that guarantee accessibility to public spaces and services; however, the Israeli regulations are special in their capacity of specifying in detail how the adjustments can be implemented. These regulations can eventually lead to the empowerment of people with disabilities, as well as to the transformation of the obstacles of the past into the opportunities for the future. These regulations are inspired by Article 21 of the UNCRPD, which states that:

"States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in Article 2 of the present Convention, including by:

- a. Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;*
- b. Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their*

- choice by persons with disabilities in official interactions;*
- c. Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;*
- d. Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;*
- e. Recognizing and promoting the use of sign languages."*

Lack of Services to Persons with Disabilities

One of the acute problems persons with disabilities in the Arab society face is the lack of services designated to help them - services provided either by public institutions or non-profit organizations. The existing services are usually insufficient, and in a number of Arab towns, people with certain types of disability do not enjoy any services at all. In Nazareth, for example, which is the biggest Arab city in the north of the country, a Multi-Service Centre for the Blind does not exist. However, such a centre does exist in the nearby town of Nazareth Illit, whose population is mostly Jewish and half the size of Nazareth. Additionally, many parents of Arab children with disabilities (53%) stated that there was not a body or institution to which they could turn when problems arose with their children, while 73% stated that there was nowhere

which supplied information on the services provided. This data shows that children with disabilities in the Arab society receive fewer services when compared to the Jewish society in Israel. The number of services provided to children in the Jewish society is twice or three times the number provided in the Arab society.

Lack of Housing Services for Adults

The vast majority of persons with disabilities live in households in their communities (95%), while very few live in institutions (which are predominantly designed for the elderly, not the disabled). Among people with severe disabilities, the vast majority (75%) live in family households in their communities, while 18% live alone, and 7% share their household with others. Out of 72,000 persons with severe disabilities in the Arab society, less than half are aided by a salaried special assistant.

Predominantly, persons with disabilities live in smaller and more crowded apartments compared to the non-disabled. Many live in rented apartments, which they do not own (33% in the case of persons with severe disabilities). Compared to the non-disabled, persons with disabilities are less satisfied with their neighbours and living environment, and 37% of elderly persons with severe disabilities feel unsafe walking alone after dark in their immediate neighbourhoods (while that is the case of only 18% in the rest of society of the same age range).

With respect to services for adults with disabilities, it should be emphasized

that there exists a tremendous gap between housing services for persons with disabilities in the Arab and Jewish societies. This gap is particularly noteworthy with respect to community housing solutions. Only 9% of Israel's community housing solutions can be found in Arab towns, while the rest are in Jewish or mixed towns. Very few persons with disabilities in the Arab society live in sheltered housing/centres, and those who do, live in institutions that are isolated from the rest of society.

A Minority within a Minority: Social Exclusion and Marginalization

Persons with disabilities in the Arab society suffer from continuing discrimination inside their own communities, excluding them from the wider society and pushing them to the margin. The Arab society continues to preserve a rooted system of prejudice and stereotypes. Thus, the social interactions of Arab persons with disabilities are mainly with their families, and not friendship networks. Additionally, parents in the Arab society have a tendency to overprotect their children with disabilities and there is little encouragement for them to lead a life of independence. The Arab society deals with persons with disabilities in one or more of the following approaches:

- **Pity approach:** A disabled person's ability to develop favourable and appropriate social integration is limited;
- **Paternalistic approach:** A person with disability is considered to

be a burden to society that has to take care of his or her needs;

- Gender approach: The situation of women is even worse than that of men due to the patriarchy that reigns in the Arab society;
- Oppressive approach: Lack of awareness drives the oppression and inequality that hold back persons with disability, as manifested by denying their right to integrate in the job market, and by dismissing the persons' ability to live independently, raise a family and integrate in different social settings.

In relation to the above, and particularly the gender oppressive approach, Article 3 of the UNCRPD (General Principles) emphasizes the advancement of the right to equality for women and children with disabilities, which we consider to be of high importance:

"The principles of the present Convention shall be ...

g. Equality between men and women;

h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities."

Women with Disabilities in the Arab Society in Israel - Triple Exclusion

Background

Arab women with disabilities in Israel are discriminated against on three counts, because they are part of the Arab minority; because they are women; and because they are disabled. Women with disabilities constitute a group which until now has not been fully recognized and whose problems the State and other relevant institutions have not adequately addressed. The areas in which women with disabilities face problems vary and encompass all walks of their lives, such as health, employment, eligibility for benefits, sexual education and exposure to verbal, physical and sexual violence.

Women and Abuse

Studies conducted worldwide on this issue show a high incidence of abuse against women with disabilities. The abusers are usually men that the victim is familiar with, and the abuse usually takes place where the victim lives. However, unlike non-disabled women, those with disabilities are exposed to further abuse by therapists, health and welfare service providers and others on whom the women are dependent, such as transportation providers. In short, women with disabilities are more vulnerable to sexual abuse. According to a report prepared by

the Israeli Human Rights Centre for People with Disabilities, there is a lack of awareness in Israel on this issue, which results in a lack of professional knowledge in the treatment of women with disabilities who suffered from abuse. Additionally, the welfare system is not trained to provide support and advice to these women, especially women with intellectual and mental disabilities. It should be noted that the situation of Arab women is the most severe as they are more likely to be exposed to abuse by family members. As a result, it is difficult for these women to make public the violent or sexual abuse they have suffered. According to recent data, the percentage of women with disabilities who suffer from physical violence is more than four times that of non-disabled women (65% compared with 13%).

The importance of this issue is anchored in the preamble of the UNCPRD, part q:

"Recognizing that women and girls with disabilities are often at greater risk, both within and outside the home of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation."

The Legal Framework

Despite the vulnerability of women with disabilities, the Israeli Equality Law does not treat them as a unique group deserving of greater protection,

because it only deals with general rights. Conversely, the general principles of the UNCRPD (Article 3) do emphasize protection for this group, with principle g being “equality between men and women”. This section addresses the exclusion that exists in the Arab society against women based on their gender, which is significant given that 55% of Arab persons with disabilities from the age of 20 and over are women.

Arab Women With Disabilities - Population Size¹³

The total number of disabled women in the Jewish society is 542,000, while the total number of disabled women in the Arab society is 167,000. Overall, the percentage of persons with disabilities in the Jewish society is 19%, compared to 29% in the Arab society. The percentage of women with disabilities in the Jewish society is 18.4%, compared to 23.5% in the Arab society, and the percentage of women with severe disabilities in the Jewish society stands at 23%, compared to 37% in the Arab society.

Education and Employment of Women with Disabilities

The percentage of Jewish women with disabilities without educational qualifications is 37.6%, compared to 72.1% in the case of Arab women with disabilities, and 19.2% of Jewish women with disabilities hold baccalaureate certificates compared to 12.4% of Arab women with

¹³ The information is provided by the Israeli Ministry of the Economy, and concerns persons of ages between 2-0 and 64).

disabilities. Additionally, 43.2% of Jewish women with disabilities completed secondary education or higher, compared to 15.5% of Arab women with disabilities. This disparity in educational attainment is also translated into general life skills. For example, the percentage of Jewish women with disabilities who can speak English is 73.0%, compared to 46.4% of Arab women with disabilities, and the percentage of Jewish women with disabilities who are computer literate is 69.2% compared to 21.7% for Arab women with disabilities. Looking at comparative statistics on employment, the percentage of Jewish women with disabilities in work stands at 53.7%, while that of Arab women with disabilities stands at 14.9%.¹⁴

From General Considerations to the Specific Conditions

Arab women with disabilities comprise the most disadvantaged population in Israel, due to the marginalization they face because of their disability, their gender and their national background as part of the Arab Palestinian minority in the country. This triple discrimination poses many barriers for these women, starting from the denial of their status as “children with disability” from the moment of their birth to their exclusion from education and employment. This unsupportive environment creates difficulties in the physical and emotional development of the disabled female child.

¹⁴ Ministry of Economy, Employing Persons with Disability “Arab Women with Disability – Background and Employment”, By Beni Fefferman (Hebrew).

The Challenging Stories of Women

Stories told by women who participated in Al-Manarah's empowerment groups show that parents never acknowledged their children's human right to marriage and family. One of the participants spoke about how on the day of her brother's wedding, her mother declared in front of everyone present: "I am happy that finally all my children have gotten married!", thus ignoring her blind daughter and her right to enjoy her femininity and to build a family.

Another story is that of H., a woman with a severe physical disability, as her hands were amputated by an accident at a very young age. Despite all the difficulties she faced, H. completed her academic studies in psychology and became integrated into the job market. H. had dreamt of obtaining a driver's license, and in 2011, she became the first female arm amputee in the country to drive a vehicle using her legs. Unfortunately, the opaque bureaucracy regarding amputees and mobility allowances discriminated against H. on the grounds of her disability. Israeli law only legislated for supportive and subsidized driving costs for leg amputees; there was no legislation in place for those who were arm or hand amputee drivers. The Israeli law did not recognize her disability and her right to an adjusted vehicle, in addition to transportation benefits that will help her mobility. Al-Manarah is supporting H. in her struggle, and intends to work together with H. on all public and legal levels to ensure that she can realize her basic right to equality and dignity.

Children with Disabilities in the Arab Society

Background

The number of Arab children with disabilities stands at 321,000, of which 189,000 are in need of permanent therapy.¹⁵ The UN Convention on the Rights of the Child, adopted by the UN General Assembly in 1989 and ratified by Israel in 1991, and the Convention of the Rights of Persons with Disabilities, signed at the UN in 2007, have both defined a vision. The Convention on the Rights of the Child states that both society and government are committed to promote the best interests of children with disabilities and recognize their right to enjoy a full and fair life of equality in the community, in conditions which guarantee the discharge of their capacities through basic freedom, to express themselves independently and to ensure their active participation in society. Accordingly, a general policy is needed, which would provide appropriate solutions to the unique needs of children with disabilities and their families, preventing labeling and discrimination based on their disability, promoting equality and providing opportunities to formulate an identity and confidence in their personal capacities. Other necessary and basic measures include the transformation of all public spaces to become accessible to persons with disabilities,

15 Persons with Disabilities in Israel, 2011: A Statistical Annual Report, prepared by Equality Commission, and edited by Eliahu Ben Moshe, Leora Roffman and Yisrael Habar. (Hebrew)

as well as providing them with the necessary tools to administer their lives.¹⁶ In this section, we will present the principles that are defined by the international conventions and Israeli laws that deal with the rights of children with disabilities. In addition, we will examine the current situation and promote the desired one, therefore assessing whether these laws and conventions do ensure that children with disabilities can enjoy dignity and equality as full citizens in the State of Israel.

The Legal Framework

The need to give special protection to children has been defined in the 1924 Geneva Declaration on the Rights of the Child. In November 1959, the UN General Assembly adopted the resolution on the rights of the child. Children's rights are also referred to in the Universal Declaration of Human Rights, the International Covenant on Political and Civil Rights (in particular in Articles 23 and 24), the International Covenant on Economic, Social and Cultural Rights (particularly Article 10) and in the basic laws of special international agencies and organizations engaged in the welfare of children. In 1989, the UN adopted the Convention on the Rights of the Child, in which Article 23 provides a vision with regards to children with disabilities;¹⁷ the UNCPRD emphasizes a vision that is

16 Human Rights of Children with Disabilities in Israel at the Beginning of the 21st Century: Horizons and Reality, by Dr. Dina Feldman. (Hebrew)

17 Article 23 of the Convention, 1989.

based on the human rights and equality model.¹⁸ Those who drafted the conventions debated over the fundamental question of whether the outline defined by the Convention on the Rights of the Child was sufficient, or if it should also include certain aspects that specifically dealt with children with disabilities. Eventually, it was decided to incorporate the issue of children with disabilities in a separate article (Article 7: Children with Disabilities). The article outlines the following principles:

- 1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.*
- 2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.*
- 3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.*

18 Here we should distinguish between two “generations” of human rights. While the first one includes basic civil freedoms, such as the right to live, freedom, expression and religion, and whose source is the French Revolution, the second generation deals with basic economic, social and cultural rights, such as employment and education, and which were elaborated in the last ten years. (Ben Porat, 1996).

The Convention is concerned with the rights of the child in a unique manner and in other issues such as the prevention of discrimination based on age; the right to equality; respect of capacities and children's rights to shape their identity; fighting prejudice and increasing awareness on the issue in schools; the duty to respect the right of persons with disabilities; prevention of violence and abuse through prevention programs; treatment and provision of protection services; designing policies and protective legislation in order to protect children with disabilities; ensuring participation in cultural life; creation, entertainment and sports; and others. In addition, the preamble of the Convention has specific reference to the situation of children with disabilities:

"Recognizing that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child."

Article 3, part h, of the Convention is also concerned with children with disabilities:

"Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities."

We can conclude, therefore, that the UN Convention on the Rights of the Child adopts an advanced approach that recognizes the rights of persons with disabilities, among other things, as well as the rights of children with disabilities. The UN Convention on the Rights of the Child promotes raising awareness of the special needs of children with disabilities, as well as the importance of their integration and the protection of their independence, equality, and dignity.

Severe Shortage of Services for Children with Disabilities

There exist considerable discrepancies in the number of services provided for children with disabilities in the Arab society when compared to the Jewish society in Israel. The following table illustrates the situation:

Service Provided	Percentage of Children with Special Needs Benefiting from Service Provided	
	Jewish	Arab
At least One service	90	49
Medical services	43	21
Paramedical services	39	9
Psychosocial services	21	8
Educational services	57	21
Support services	29	16
Family counselling services	14	3

Children's Dependency on their Parents in Later Life

In the Arab society, parents are overprotective of their children, especially if they are children with disabilities. In most cases, absolute dependence between children with disabilities and their parents is fostered from an early age. Disabled children are educated to be dependent on others, and this leads to the fostering of helplessness and the lack of motivation which prevent these children from taking responsibility for their lives and their decisions. This is a pattern that can develop into adulthood, particularly where society does not expect these individuals to make decisions. Parents' overprotection affects all aspects of a child's life, from their education to their economic independence; children are educated to rely on pensions and government benefits, which prevents them from being fully integrated into society and from realizing their potential.

In conclusion, we can observe how the patriarchal notions that reign in the Arab society are projected towards the status of children with disabilities. Many parents of children with disabilities in the Arab society consider their sons and daughters as an economic and social burden, and they thus seek institutions and funds to treat them. In addition, professionals who are supposed to help and empower these children are themselves unable to fulfill their vital tasks due to a lack of appropriate training. This often results in them treating each case as an isolated issue, without finding comprehensive solutions that can ensure the child's dignity, equality, and independence.

3 Chapter Three

Recommendations and Suggestions to Promote the Status of Arab Persons with Disabilities

We should first note that most problems in the Arab society are acute, whether relating to the fields of education, employment or accessibility. We should therefore not be deceived into thinking the solutions can be instant. What is needed is thorough and continuous work on all levels, the aim of which is the advancement of Arab persons with disabilities in Israel into a participatory and inclusive society. This will be carried out through the allocation of resources and comprehensive assessments of both the needs of and the services provided for Arab persons with disabilities on local and national levels.

Here are the major measures that we believe should be implemented by Israeli State institutions in order to achieve the desired changes:

Ministry of Education

- Creation of adjusted educational frameworks in the Arab towns that will integrate disabled children who are either not integrated at all in the education system, or are integrated in frameworks that do not suit their needs.

- Encouragement and integration of persons with disabilities in the general education system through the adherence to a singular education plan and the allocation of suitable resources for the employment of counsellors, support services, psychological services, paramedical services, individual hours, etc.
- Adjustment of the general education system in order to absorb children with different types and levels of disabilities through determining nationwide indices and norms for the performance of diagnoses exams that are to be adapted to the Arab society. This will prevent situations of inaccurate diagnosis, in which children are diagnosed in an arbitrary manner, or are diagnosed with different evaluation standards by different professionals.
- Training teams of Arabic-speaking professionals in the field of learning disabilities, as well as of qualified psychologists.
- Translation of diagnostic tests to Arabic, as well as their adaptation by Arab disability service providers.
- Increased supervision by the Ministry in Arabic schools on the designation of hours for special education, including counselling, speech therapy, psychology, etc.
- Promotion of secondary education for persons with disabilities in the Arab society, in addition to the creation of education programs (matriculation certificates and baccalaureate) for those who do not receive or complete education when they are young.

- Promotion of higher education for Arab persons with disabilities through the dissemination of information about the existing opportunities of financial support and relevant services provided by State institutions.
- Promoting the use of computers among Arab persons with disabilities through computer and internet training; disseminating information on the eligibility of Arab persons with disabilities to receive assistive technological equipment subsidized by the State, such as special computers and optimized auxiliary equipment, among others, in accordance with their type of disability.
- Articulating educational programs that will raise social awareness among youth on issues related to persons with disabilities in the Arab society in order to change existing and well-rooted prejudices. This can be done through school workshops, like those conducted by Al-Manarah for a number of years under the title "Accepting the Other." Such programs can form part of the school curriculum.
- In April 2013, the Minister of Education issued an instruction to employ more teachers with disabilities but this instruction has not been implemented in practice. Therefore, Al-Manarah recommends that the Minister of Education issue a standing order to make the instruction mandatory, pending the ratification of Article 13. of the Mandatory Tenders Law.

Ministry of Finance and Ministry of Welfare & Social Services

- Promotion and creation of employment opportunities for persons with disabilities in the Arab society through the implementation of affirmative action policies in both the public and private sectors.
- Raising awareness among Arab employers about the Equal Opportunities for Persons with Disabilities Regulations (State Participation in Funding Accommodations), 2006.
- Encouraging business initiatives among persons with disabilities in the Arab society through the creation of an office to provide business counselling, marketing counselling, elaboration of business plans, financial consulting, training courses, workshops, assistance and accompaniment in obtaining financing, etc.
- Translation to Arabic of all the brochures about employment promotion, as well as information guides that are directed at both persons with disabilities and employers.
- Conducting a comprehensive reform in the fields of protected employment, and increased supervision and control by the authorities of sheltered work placements to ensure they work for the benefit of disabled attendees, working towards their participation in the job market.
- Formulating a policy in which sheltered work placements are the last employment resort for persons with disabilities, serving only those

who choose it; being a "choice" is important here.

- Having the Ministry's Centre for the Integration of Persons with Disabilities take an active part in placing persons with disabilities from the Arab society into the job market, such as publicizing jobs and competitive bids in Arabic.
- Establishing an independent body, as recommended by the Auditor General, to oversee and organize the activities of the various bodies responsible for the welfare of persons with disabilities, and to coordinate between these bodies to improve their efficiency.
- Establishing direct and full coordination between the Rehabilitation Departments at the Ministry of Welfare and the National Insurance Institute, and also to establish a systematic procedure for sharing data related to persons with disabilities to facilitate potential rehabilitation with either or both bodies. This recommendation is a result of the findings in the Auditor General Report 46(d) relating to unplanned activities of the various governmental agencies which provide services to the disabled community. The Auditor General examination revealed that work links between the Rehabilitation Departments at the Ministry of Welfare and the National Insurance Institute - two bodies whose coordination is critical - were not well planned and that relevant data was not transferred.

Interior Ministry and Other Relevant Offices

- Requesting local authorities in the Arab society to incorporate into their annual work programs an agenda to promote the rights of persons with disabilities; this agenda should be prioritized on the level of professional action and resource allocation.
- Designating resources to Arab towns specifically to make roads, sidewalks and crossings accessible for persons with disabilities in accordance with Equal Opportunities for Persons with Disabilities Regulations (Accessibility to Buildings, Infrastructure and Environment), 2007, as well as the establishment of a supervisory system to monitor the implementation of accessibility programs.
- Designation of resources that will guarantee the accessibility of public buildings in the Arab society, such as the creation of parking spaces in accordance with the Equal Opportunities for Persons with Disabilities Regulations (Priority in Parking Spaces at Workplace), 2001.
- Raising awareness and the dissemination of information in Arabic to persons with disabilities about their accessibility rights in their own household.
- Ensuring access to information for persons with disabilities in the Arab society, such as the translation of information forms and leaflets produced by the relevant institutions into Arabic; in addition, these documents are to be made accessible for persons with disabilities, such as producing them using Braille for the blind, in accordance with the Accessibility to Services Regulations.

- Appointment of more Arabic-speaking counsellors and service providers in institutions dealing with persons with disabilities in the medical fields.
- Translation of the relevant government websites into Arabic, especially the websites providing vital information for persons with disabilities and that of the Commission for Equal Rights for Persons with Disabilities, in accordance with the Accessibility to Services Regulations.
- Designation of resources for the creation of an urban public transportation infrastructure in Arab towns, in addition to making bus stations accessible, in accordance with the Equality Regulations (Accessible Public Transportation).
- Creation of frameworks and centres that provide services for persons with disabilities in the Arab society, such as social services, medical services, psychosocial services, family counselling and others.
- Creation of housing frameworks for persons with disabilities in the Arab society that will enhance their skills in independent living, creating an environment supportive of an inclusive society, and so the chances of disabled Arab persons living independently within their communities.
- Having the Civil Service Commission, as well as the Ministry of Education, Ministry of Finance etc., increase their efforts to implement the law with respect to the adequate representation of persons with disabilities in the civil service, encouraging their employment and reserving employment positions for them.

About Al-Manarah

More than 450,000 Arab persons with disabilities live in Israel. They face a lack of essential public resources and services, and suffer widespread social exclusion and discrimination.

Al-Manarah, which in Arabic means "The Lighthouse", was initiated in 2005 by a group of grassroots activists led by Abbas Abbas, who is himself a person with a visual impairment. A licensed attorney and social entrepreneur, Mr. Abbas has transformed leadership, dignity and empowerment from simple ideas into ways of living. Al-Manarah aims to advance the status of Arab persons with disabilities in Israel and is the first Arab organization of its kind. Each year, thousands of persons with disabilities and more than 5,000 non-disabled persons from Arab communities throughout Israel benefit from Al-Manarah's services, trainings and activities.

Vision

With encouragement, guidance and the requisite technical resources, disabled persons of Israel's Arab community can develop skills to participate within society not as a disenfranchised minority, but as confident citizens offering distinct and vital contributions. Al-Manarah works to enable Arab persons with disabilities to set an agenda for their own learning, realize their full potential, and contribute within a vibrant

community of capable and determined peers. The result is an empowered cadre of Arab persons with disabilities that emerge as leaders within a strengthened and more diverse public sphere.

Al-Manarah works to empower persons with disabilities and helps them to become their own strongest advocates in order to change attitudes towards persons with disabilities in the Arab society. Our empowerment groups foster self-awareness and decision-making among persons with disabilities and our professional staff provide holistic support and rights' consultation through our phone-assistance line. Al-Manarah's Library for the Print-Disabled offers a broad range of Arabic-language audio, Braille, large-print and electronic resources to provide the print-disabled with essential tools of self-actualization and lay the foundation for a lifetime of personal and professional discovery. Through extensive workshops, seminars and the distribution of educational materials, Al-Manarah also works with families and the wider community of non-disabled stakeholders - including students, teachers, professionals, businesses, and the media - to open the Arab society to the world of persons with disabilities. Furthermore, Al-Manarah works to ensure accessibility and compliance with human rights laws through strategic legal advocacy and litigation on behalf of Arab persons with disabilities.

Our Multi-Use Center

In October 2008, Al-Manarah established its Multi-Use Center for Arab persons with disabilities in Nazareth, providing a dynamic space for life-skills training, educational seminars, and group empowerment activities. The Multi-Use Center features an accessible computer room, with two Braille printers, as well as ten computers adapted with screen readers and two Braille displays. In addition, the Multi-Use Center includes a recording studio for the production of professional-quality audio books.

Al-Manarah's Programs and Projects are:

- i. Empowerment and Skills Development Project**
- ii. Phone Assistance and Personal Consultancy Service**
- iii. Library for Persons with Print Disabilities**
- iv. Fostering Social Awareness**
- v. Legal Advocacy**

Bibliography

It is important to emphasize that there is lack of resources that address the social and legal status of Arab persons with disabilities in Israel and there is a need for more studies that can cover more aspects of this issue. Despite the lack of resources, all the information and data in this position paper are trusted and rely on the following sources:

- Reports that Al-Manarah receives from persons with disabilities and their families and findings we collect from various activities like workshops, lectures, seminars and study days.
- Center Bureau of Statistics: <http://www.cbs.gov.il/reader>
- Adults with disability in Israel - summary: <http://www.rudermanfoundation.org/disabilities/pdf/537-09-MASAD-ES-ENG.pdf>
- Persons with disabilities in Israel: facts and figures: http://brookdale.jdc.org.il/_Uploads/dbsAttachedFiles/Facts-and-Figures-2012--Poverty-in-Israel.pdf
- People with disabilities in the Arab society in Israel - An opportunity for social change: <http://www2.jdc.org.il/files/disability/publications/arabs-disability-heb.pdf>
- Arab persons with disabilities Portrait population and employment qualities 2002-2006: <http://www.economy.gov.il/NR/rdonlyres/F364AE70-C559-4D65-A404-E8B682317843/0/X9350.pdf>
- Persons with disability in Israel 2010 - Annual statistical report from

the Commission for Equal Rights of Persons with Disabilities, edited by Eliyahu Ben Moshe, Leora Rofman and Israel Hbar: <http://www.justice.gov.il/NR/rdonlyres/80641E5C-CC54-40D5-B8B1-086AF-0B7645E/29524/DohStatistiShnati2010.pdf>

- Annual activity report 2009 - the Commission for Equal Rights of Persons with Disabilities: <http://www.justice.gov.il/NR/rdonlyres/7515CCC9-59D3-4D28-B83F-AA11DE8ACA16/21354/DohPeilut2009.pdf>
- Women with disabilities from 60-18 - MYERS - JDC - Brookdale Institute: www.jdc.org.il/brookdale

The UN Conventions

- Assembly, U. G. (2006). Convention on the Rights of Persons with Disabilities. GA Res, 61, 106.
- Unicef "Convention on the Rights of the Child" (1989).
- Hoag, R. W. (2011). International Covenant on Civil and Political Rights. In Encyclopedia of Global Justice (pp. 544-545). Springer Netherlands.

Israeli Legislation

- The Equality Law for the rights for persons with disabilities
- Amendment 7 to the Special Education Law (chapter 3) Inclusion Chapter. 1988.
- Proposal law for the Mandatory Tenders Law (amendment on the obligation for equal representation for persons with disabilities). 2013.
- Regulations for the Equality Law for persons with disabilities (the participation of the state in funding accommodations). 2006.
- Regulations for the Equality Law for persons with disabilities (accommodation for access to services) 2013
- Regulations for the Equality Law for persons with disabilities (accessibility mentor for infrastructure, constructions and environment) 2007
- Regulations for the Equality Law for persons with disabilities (priority in parking at work places) 2001

Acknowledgment and Clarifications

It is important to clarify that this position paper was prepared in a relatively short period of time. Thus, it may contain linguistic inaccuracies and we request your consideration in this matter.

We would like to thank everyone who helped and contributed to the publication of this position paper, especially our dear friend, journalist and writer Shuki Stauber.

We would like to finish with the words of the deaf-blind writer and activist Helen Keller:

***“Life is either a daring adventure or
nothing at all, keep your face in the sun and
you will never see the shadows.”***

This position paper presents the legal and social status of Arab Persons with Disabilities in Israel following the Israeli ratification of the UN Convention on the Rights of Persons with Disabilities. Arab Persons with Disabilities are doubly discriminated against, because they are part of the Arab minority in Israel, and because they are disabled.

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