Date: 20 June 2021

10 Tamuz 5781

To: Mr. Gerard Quinn, Special Rapporteur on the rights of persons with disabilities

Subject: **The State of Israel's Submission to the Special Rapporteur on the Rights of Persons with Disabilities' Report on Armed Conflict**

The State of Israel respectfully submits its contribution in relation to the above-mentioned questionnaire.

**Protection in the Context of Armed Conflicts**

The *Equal Rights for Persons with Disabilities Law* 5758-1998 (hereinafter: "the Law") stipulates the rights of persons with disabilities (hereinafter: PWD) in Israel. Pursuant to Article 11 of the Convention on the Rights of Persons with Disabilities (hereinafter: CRPD), regarding the obligation to protect PWD in the context of armed conflict, Mark J (Emergency Services - Accessibility) of the Law defines the provisions of accessibility during times of emergency.

The Provisions in this Section of the Law shall be implemented by Ministry of Defense Regulations. The forthcoming Regulations will cover a variety of issues, *inter alia*, specialized services, evacuating and absorbing PWD, maintaining the continuity of medical treatments and other general services during times of emergency and creating an information database for municipalities to use in this context. The Ministry of Defense is in the process of enacting these regulations.

On 7 January, 2021*,* the *Rights of Persons with Disabilities Regulations (Accessibility to Emergency Services in Frameworks for Persons with Disabilities)* 5780-2020 were promulgated. These Regulations define that services designated for persons with disabilities (such as out-of-home care, geriatric or psychiatric hospitalization, housing services, rehabilitation, employment and education services, and day-to-day services), have to make an emergency plan.

Section 14(d) of the *Civil Protection Law* 5711-1951 stipulates the obligation that shelters in homes, factories and other buildings, as well as both public shelters and public protection covers built with permits given after April 2007 be made accessible, including the attached access paths, as shall be further defined by the Ministry of Defense Regulations. On 27 June, 2016, the *Civilian Defense (Specifications for Construction of Shelters) (Amendment) Regulations* 5776-2016, and the ***Civilian Defence (****Accessibility Adjustments in Shelters)* ***Regulations*** 5776-2016, entered into force. The first set of Regulations stipulate that programs for building new shelters shall only be approved if they include accessibility adjustments for PWD. The second set of Regulations include accessibility instructions for PWD, such as concerning the signage of the access path to the shelter and the shelter itself, the need to install accessible chemical toilets, and accessible showers.

**Governmental Body Responsible for the Implementation of the CRPD**

In order to promote the implementation of the *Equal Rights Law*,and pursuant to Article 33 of the Convention, the Israeli Government designated the Commission for Equal Rights of Persons with Disabilities (hereinafter: the "Commission") as the entity responsible for incorporating and supervising the implementation of the Convention. The Commission is charged with promoting and enforcing the *Equal Rights Law*, as well as other laws that concern PWD, to promote equality and abolish discrimination, to promote inclusion and active participation of PWD in Israeli society.

The Commission works with Government Ministries on a variety of subjects, including the Ministry of Defense regarding the aforementioned Regulations, the Israel Defense Forces (IDF) and other emergency bodies, to ensure that PWD are taken into account in all emergency provisions.

For example, in May 2021 during Operation 'Guardian of the Walls', the Commission worked with the Home Front Command to ensure alerts of incoming missiles be made accessible to persons with hearing disabilities, published accessible information to the public regarding safety guidelines, and participated in an inter-ministerial round table discussion with both State and civil society representatives on this subject following the Operation.

The Commission's work is conducted routinely, as well as in times of emergency.

**Criminalization of Acts Targeting PWD**

PWD are protected by the *Penal Law* 5737-1977 from abuse, violence and exploitation as any other persons, without any discrimination. In some violence and sex offences, there are aggravating circumstances if the victim is a "helpless person". Measures for protection of PWD are defined in Section 368A of the *Penal Law.* This Section defines"helpless person" as a person who because of her/his age, illness or physical or mental disability, or any other cause, cannot provide for the needs of her/his livelihood, health or welfare.

The Law defines a duty to report certain violence and sex offenses against those who are included in this definition. The duty to report is imposed according to Section 368D of the *Penal Law* on any person who has reasonable grounds to believe that such a crime was committed recently by a person in charge of a minor or a "helpless person". A professional (physician, nurse, educator, social worker, social welfare employee, police officer, psychologist, criminologist, paramedic, director or staff member of a residential facility or institution in which minors or persons under care live) has a duty to report if in the course of her/his professional activity or responsibility she/he has reasonable grounds to believe that such a crime was committed. The person who is in charge of the "helpless person" also has a duty to report in these circumstances. Violation of this duty constitutes an offence punishable by three (3) months imprisonment or six (6) months if the offender is a professional or has responsibility for the helpless person.

Acts and behaviors defined as torture may constitute offences under the Israeli *Penal Law*. For example, infliction of physical harm is criminalized in the *Penal Law* in the chapter on offences concerning harm and wounding.[[1]](#footnote-1) In addition, there is a positive duty to attend to the health and livelihood of persons defined as "a helpless person" (Section 322 in conjunction with Section 377 of the *Penal Law*), which applies to anyone responsible for a helpless person - that is, a person who is unable to provide for her/his own sustenance due to various reasons, including age, sickness, or mental disability.

**Mechanism for Investigating Complaints**

The Commission has the role of receiving complaints addressing discrimination and accessibility issues under the Law, and seeking to resolve them, as well as enforcing the implementation of Regulations according to the Law.

The IDF has multiple avenues for obtaining information regarding alleged misconduct by IDF soldiers. First and foremost, as an open and democratic society, Israel has a free press and an active community of domestic and international non-governmental organizations, which are a source of many of the allegations of misconduct. Such allegations may also come from victims, their family members, attorneys or witnesses of the conduct at issue. In fact, any person can file a complaint alleging misconduct by IDF soldiers at any civilian police or Military Police Criminal Investigation Division station, either by appearing in person or through written communication.

For example, Israeli commanders, soldiers, police, or other law enforcement officers who witness an offence being committed are required to report the incident. Under the *Military Justice Law* 5715-1955 any IDF “commander ... or soldier who knows or has reasonable grounds to believe that another soldier committed an offense” must prepare a complaint and present it to a competent officer. Indeed, a new Operational Standing Order came into force in July 2014 which extended the reporting duties of military personnel regarding incidents that occur during operational activity.

The State of Israel is committed to investigating allegations of violence or abuse against PWD in Israel brought forth in its numerous complaint mechanisms or that it is made aware of through other means.

**PWD Volunteers in the Military**

PWD are exempt from the mandatory draft to the IDF, however are encouraged to volunteer if they so choose. Military service in the IDF is an integral element of the Israeli experience, therefore the integration of PWD, with relevant adjustments, is of high cultural value. Service in the IDF offers life-skills and opportunities, and contributes greatly to the effective integration of PWD in both employment and social realms, as well as strengthens their independence. There are several civil service programs that assist PWD in this process. Additionally, PWD may volunteer in national civil service, which also offer programs to improve representation and assist PWD throughout their civil service.

The Military Enlistment Unit cooperates with civil society organizations with regards to PWD preparing to enlist in the IDF as volunteers. The organizations accompany them through every step of the draft process and assist them to integrate in their military service.

Accordingly, the IDF created adjusted and high-quality tracks for the volunteers, for the purpose of expanding the variety of the positions that are offered, as follows: The IDF adjusts trainings such as basic training to the needs of the volunteers, such as physical requirements adapted to their capabilities; volunteers are placed in positions that are adjusted in their requirements and the conditions of their service for volunteers. In addition, the IDF continues to expand the positions that persons with different disabilities will be able to fill; the IDF adjusts the duration of the military service of the different volunteers to their medical condition and their age, subject to the limitations and the exclusions related to the nature of the position.

The IDF has a system of volunteers that includes 1,059 volunteers with disabilities aged 16 to 60 who volunteer as civil volunteers in different units in the IDF.

According to Section 9E of the Law, the IDF is mandated with meeting a target of at least five percent (5%) of its non-combat or combat support soldiers being volunteer soldiers with major disabilities, as defined by IDF orders. According to the official reports that the IDF delivers in accordance with the requirements laid down in the Law, as of June 2020 the rate of the soldiers in military service with major disabilities is six point twenty-nine percent (6.29%).

**Services Granted to Veterans with Disabilities**

The *Persons with Disabilities (Allowance and Rehabilitation) Law* applies to IDF soldiers in mandatory service, military reserve service, and military regular service with injuries or sickness during and due to their service. Currently, the Law also applies to those who serve in the Israeli Police, Israel Prison Service, Israel Security Agency, Israeli Secret Intelligence Service and the Knesset Guard. According to this Law, PWD are eligible to a number of living-benefits if they are unable to work, temporarily or permanently, due to their disabilities. Additionally, those who do not qualify under the conditions set by the Law, but have lost their capability to work, may request a special remuneration. There are also medical, rehabilitative, welfare, and housing benefits, including making housing more accessible, providing grants to purchase apartments, subsidized loans, assistance in funding the rent, etc.

Post-trauma Treatments Provided to Soldiers and Veterans

Soldiers exposed to traumatic events are offered consultation by Mental Health Officers alongside their personal commanders, and regular treatment if determined necessary. Soldiers who display erratic behavior or extreme reactions can be assessed by IDF's Mental Health Officers and referred to relevant treatments.

The Rehabilitation Branch of the Ministry of Defense assists veterans suffering from psycho-social trauma as a consequence of armed conflict and assesses them in order to grant disability-related rights. Additionally, IDF veterans who suffer from mental anguish related to their military services may request treatment from the IDF, which assesses and refers veterans to specialized treatment.

**PWD Services Branch of the Home Front Command**

The Home Front Command is charged with the important task of preparing the public for emergency situations, and includes a specialized branch for services for PWD in times of emergency. The branch works with other relevant ministries and agencies such as the Ministry of Labor, Social Affairs and Social Services and other service providers. One of the branch's stated goals is to assist PWD and their families, caregivers, friends, neighbours, acquaintances and professionals to prepare properly and act according to the safety procedures in emergency circumstances.

To that end, the Home Front Command has published specific accessible instructions for PWD on its website, as well as in a widely distributed pamphlet. The instructions are in easy-to-read language, and the website features instructional videos with demonstrations by PWD. The instructions on the website offer recommendations and specific instructions as well as information on available governmental services for persons with physical disabilities, persons who are visually impaired, persons who are deaf or hard of hearing, persons with limited mobility and with mental disabilities or autism.

In times of armed conflict, the Home Front Command alerts the public to incoming rocket-fire through a variety of measures in order to ensure inclusivity and the safety of PWD: sirens, television alerts, radio alerts and written warnings via their website or specially developed application which provides real-time text message alerts. A specialized application is being developed to provide written alerts during emergency situations, to replace the pagers that were provided to the deaf and hard of hearing populations in Israel. The Home Front Command hotline is also accessible via text messages.

Furthermore, in times of armed conflict, The PWD Services Branch of the Home Front Command also collects data regarding PWD during emergency situations, receives calls and develops provisions for specific needs.

Additionally, the Home Front Command conducts training sessions and exercises to improve the emergency readiness of out-of-home frameworks run by the Ministry of Labor, Social Affairs and Social Services and protected communities, as well as exercises for municipalities in offering services during emergencies.

**Military Engagement with Civil Society**

Israel views the participation of PWD and their representative organizations in decision-making as highly important, as these NGOs are key to protecting their rights and eliminating discrimination that they may endure. Israel strives to further protect and improve the current dialogue with PWD and their representative organizations at the national and international levels.

Therefore, the Home Front Command engages with civil society on various issues, among them: a forum on disabilities with participants with disabilities, civil society organizations and government representatives, routine consultations, outlining gaps in practices and how to address them. The consultations are motivated by both the military and civil society representatives.

1. "Harm with aggravating intent" under Section 329 of the *Penal Law*, "Grievous harm", under Section 333, "Wounding" under Section 334 and "Harm and wounding under aggravating circumstances" under Section 335. [↑](#footnote-ref-1)