**The Special Rapporteur on the Right to Adequate Housing.**

In the Occupied Palestinian Territory, the Israeli occupation has undermined the organization's policies shelter needs of the Palestinian people. The mass displacement became a growing concern. Since the beginning of the year 2016, about 137 houses has been demolished, under the pretext of lack of permits, resulting in the displacement of 670 Palestinians.

As in Gaza Strip, a close up to 13 thousand units per year of residential units, and that the shortfall does not include the result of what was destroyed by the Israeli aggression in the year (2014), in the latest statistics, where the deficit became about (71) thousand residential unit, The housing sector may need up to 100 thousand units.

The damage of the housing units, during the Israeli aggression, through 2014, led to the destruction of (169540) housing units, between total destruction and partial. The number of destroyed houses in whole or which are no longer habitable is (23715) housing units, 10 thousand housing units were devastated and destroyed. The number of housing units affected, and are subject to restoration is (145,825) thousand units, while the repair is up to (79000) housing units, and remained (66,000) housing units without reform.

**Q1: Please explain how the right to housing of persons with disabilities is guaranteed in domestic law, including constitutional law provisions and human rights legislations.**

* The amended Palestinian Basic Law of 2003 explicitly refers to the right to housing for all citizens, without limiting the right to a specific category. Article (23) stipulates that: "**Adequate housing is the right of every citizen. Which applies to persons with disabilities without discrimination, as do the rest of society.**
* The right to adequate housing for persons with disabilities, is uncovered in the Palestinian Disability law no 4 of 1999, and sufficiently the law refers to the necessity of adapting public places to the needs of persons with disabilities, in order to facilitate their jobs and to participate in public life freely ,independently and with dignity
* The Palestinian legal system did not overlook the organization of the right of persons with disabilities and special needs to adequate housing.

In article (94) of the Building and Organization Law No. (5) For the year 2011, stipulated that multiple residential buildings and office buildings should be harmonized with the need of people with special needs, especially their entrances and corridors.

* The 1999 Law on the Rights of Persons with Disabilities, in Chapter 3, guarantees that public places should be adapted to the needs of persons with disabilities in order to achieve a suitable environment for persons with disabilities to ensure easy mobility and safe use of public places. In addition to this, article (15) stipulated that: "**In coordination with the concerned authorities, the Ministry of Local Government shall be responsible for complying with the governmental and private bodies with the technical, engineering and architectural conditions and specifications to be met in the old and new buildings and public facilities for the disabled."**
* The amended Palestinian Children's Law of 2004, refers in articles 29 and 30 on the right of the child to spend on food, clothing, housing, education and medicine, and the duty of his father or caretaker to spend on him, in addition to his right to an adequate standard of living. As in article 31 that includes the right of children with disabilities to receive social assistance from other categories of children.

**Q2: Please provide any useful indicators, analysis or reports regarding housing condition of persons with disabilities, the extent of homelessness and discrimination, (including failure to provide reasonable accommodation) in the private or public sectors. Please also provide references to any documentation (written, visual or otherwise) of the lived experiences of the housing conditions of people with disabilities.**

* On the legislative front, the Palestinian amended Basic law ensures non-discrimination and stipulates that the government shall guarantee to persons with disabilities, education, health and social insurance.
* The Disability law of 1999 was enacted, providing a basic set of rights for persons with disabilities, including, for example the creation of a disabled card providing access to services for persons with disabilities, providing rehabilitation, ensuring accessibility, establishing centers which are designated for rehabilitating, sheltering, and employing those disabled suffering from severe mental disabilities. The law also stipulates that government and non-governmental organizations must employ a number of persons with disabilities provided that the number is not less than 5% of the number of staff in each organization. A committee was established a few months ago to ensure full compliance with this provision of the law.
* Other laws also evoke the specific needs of persons with disabilities, including the labor law of 2000 and the civil service law of 1998.
* At the national strategic level, Palestine elaborated a national strategic plan for the disability sector in August 2013 that constitutes, couples with statistical indicators dedicated to persons with disabilities, an important guide in terms of assessment and identification of necessary reforms. The translation of this plan into reality would be a decisive step towards promoting, protecting and ensuring full and equal enjoyment of human rights by all persons with disabilities, despite the grave challenges faced in this regard by the Palestinian people due to systematic human rights violations by Israel, the occupying power.
* In some of its aspects, the law reflects an outdated vision of people with disability and their rights that must be modernized. It is the role of the society to provide for the specific needs of persons with disabilities. But it is also its duty to create an environment in which they are able to fully contribute to progress and prosperity of the society as a whole, not only as beneficiaries of protection, rehabilitation and support but also as actors within this society.
* The amended Palestinian Children's Law of 2004, stipulates in Article 3 that: ” 1**. Every child shall enjoy all the rights set forth in this Law without distinction as to race, color, nationality, religion, language, national, religious or social origin, wealth, disability, birth or parents, or any other type of discrimination. 2. The State shall take all appropriate measures to protect children from all forms of discrimination with a view to ensuring de facto equality and the enjoyment of all rights contained in this Act.”**
* In terms of implementation, the State of Palestine works with its various institutions, to eliminate various forms of discrimination against persons with disabilities and to overcome cultural factors that sometimes constitute discrimination.

**Q3: Please provide data on the number of persons with disabilities living in residential institutions, and relevant information on the progress towards developing or implementing desinstutionalisation strategies, to facilitate a sustained transition from institutions to community based living arrangements.**

* According to the Palestinian Ministry of Social Development, the shelter service was provided up to **35** children with mental disabilities in the center of “Al Dar AL Bida’ ” and the provision of accommodation and education services for **10** people in the upper school for visually impaired people in Bethlehem and other marginalized groups.

**Q4: Please provide information on relevant legislation, policies or programmes that are intended to ensure equal access to and enjoyment of the right to adequate housing by persons with disabilities and provide an assessment of their effectiveness and shortcomings.**

* In 1991, the Palestinian Housing Council was established, with the aim of alleviating the hardship of low-income families, providing easy and long-term housing loans to these families, and contributing to improving the housing environment of poor and marginalized groups, in particular divorced women, widows and the elderly, special needs.
* As part of its strategic plans for recent years, the Palestinian Ministry of Public Works and Housing works to plan and implement several housing projects in order to provide decent, healthy and affordable housing to all citizens, especially families with income below average income, Including; poor families headed by women and widows.
* The State of Palestine, through its government ministries and institutions, has also made progress towards the implementation of priority policies for the strategic objectives of the social protection sector in the national development plan for the years 2016-2016. Which is to complete the construction of rights-based integrated social protection systems, through the delivery of quality services, which provide a decent life and equal opportunities for all people, especially the poor, persons with disabilities, children, youth, women and the elderly.
* Strategies of housing policies have addressed how to provide housing for people with special housing needs, including female-headed households, the poorest groups, and families with disabilities and disadvantaged families.

**Q5: Please indicate what programmes, policies and strategies are in place to: i/progressively close institutions; ii/protect the human rights of people with disabilities still living in institutions; iii/ to ensure that persons with disabilities can challenge their placement in institutions; and iv/ to ensure that upon leaving institutions persons with disabilities can access adequate housing and support services in the community. Please also provide any information on policies or programmes concerning reasonable accommodation and accessibility for persons with disabilities in relation to housing in both the formal and informal housing sectors. What measures have been taken to increase the number of “universally designed” flats or houses in the communities.**

* The Palestinian Ministry of Public Works and Housing has formulated national housing policies to promote the sector and define its general vision, strategic objectives and operational plans. There is no doubt that the most important objective of this national policy is to enable all citizens to obtain adequate housing through the development of strategies and implementation plans to achieve this goal, but it is accompanied by some obstacles that impede the implementation of these national policies. The most important impediments to the implementation of this policy are:
* **First:** The Israeli occupation policies of confiscating land, establishing settlements and bypass roads, and dividing the territory of the State of Palestine into areas A, B and C these policies constitute a heavy burden on the success of housing projects. The Israeli occupation has full security and administrative control over 60 of the land area of the State of Palestine, which is the area required for the urban expansion of the Palestinians, especially since the remaining area, which is 40% is a specific area and decreasing continuously compared to population growth rates.

This has led to a significant increase in land prices, which has increased the cost of building residential units that many segments of the Palestinian community cannot afford. This has negatively affected the government's projects, programs and plans to produce suitable and low-cost housing projects for large segments of the Palestinian community.

* Second: the lack and limitation of the financial resources available, plus the reliability of the State of Palestine on the external support in financing its budget, which barely enough to cover the salaries of its employees and to partially overcome this item, the study has developed a partnership strategy for the public and private sector of developers, contractors, housing cooperatives and investors to build residential units and the planning and implementation of infrastructure And services to enable citizens to obtain adequate housing. The study also developed a strategy for cooperation with donor countries to support housing projects and infrastructure.

**Q6: Please indicate what national and sub-national institutions are primarily responsible for overseeing compliance with the right to housing of persons with disabilities, such as the National Human Rights, an office on disability issues; an ombudsperson or commissioner.**

* In the State of Palestine, it is becoming more difficult in the light of the Israeli occupation and its daily practices as obstacles, which complicate the development opportunities in light of its arbitrary measures and its control over land, borders, resources and wealth and its fragmentation of the Palestinian land, with illegal settlements and checkpoints.
* The State has the main responsibility for creating national conditions to the realization of the right to development and to contribute to the creation of an enabling environment and ensuring greater justice and equality in the realization of the rights of persons with disabilities by including issues in the policies and programs of ministries.
* Government institutions are one of the two main pillars (in addition to NGOs) for the disability sector. The legislative and executive institutions are responsible for the planning, formulation and implementation of policies and laws, and often lead coordination efforts by chairing coordination committees between different institutions in specific areas and areas, including disability, Such as the Supreme Council for Disability and the National Disability Card Commission, whom headed by the Ministry of Social Development.
* Various governmental institutions work to implement specialized programs or work on implementation of policy orientations related to persons with disabilities, each of these institutions according to their field of work. These programs vary in nature, although most of them are related to the provision of services. In contrast, there are programs that can be classified as, facilities and harmonization, empowerment and integration.
* The Council of Ministers issued a decision to form a national committee that includes all ministries and governmental bodies related to persons with disabilities and a decision to form the Higher National Committee for the program of persons with disabilities.

**Q7: Please explain whether and in what ways courts, national human rights bodies and/or independent monitoring mechanisms have recognized the right to housing of people with disabilities, including those who remain institutionalized. Please also indicate what judicial or other appropriate remedies have been required where violations have been identified and describe the extent to which these have been successfully implemented. Please provide links or documents relating to relevant jurisprudence.**

* The right to litigation is a constitutional right guaranteed by the **amended Basic Law for all, without distinction of any kind, as article (30) of the Basic Law stipulates that: "Litigation is a protected and guaranteed right for all people. Every Palestinian has the right to appeal to his ordinary judge. The law regulates the procedures for litigation. So as to ensure a speedy resolution of cases.** "
* As example, the Palestinian High Court of Justice decided in in case number 56/2005 on 6/5/2005 to obligate the Council of Ministers to implement the provisions of articles 12-15 of the Law on the Rights of Persons with Disabilities, concerning the harmonization of public places, and to take all measures to insure the implementation of these articles.
* The role of the Independent Commission for Human Rights (the Board of Grievances in the Protection of the Rights of Persons with Disabilities): the commission works to follow up and ensure the availability of human rights protection requirements in various Palestinian laws, regulations, and in the work of various departments and institutions in the State of Palestine and the Palestine Liberation Organization.

In addition, the NCHR monitors and ensure the availability of human rights protection requirements in various Palestinian laws and legislations, including the rights of persons with disabilities.

**Q 8:**  **Please refer to any innovative initiatives that have been taken at the local, regional or national level to promote and ensure the right to housing of people with disabilities and identify lessons learned from these. Please also identify ways in which your government or organization considers that the Special Rapporteur on the right to housing and other international human rights bodies or procedures could play a role in ensuring the right to adequate housing of people with disabilities.**

1. As a State under occupation, we ask the Special Rapporteur on the right to housing and other international human rights bodies, to focus in their reports on the Palestinian’s rights in general, and the rights of disabled Palestinians in specific. Specially those who became disabled, because of the Israeli’s assaults and attacks, and to uphold Israel, the occupying power, of its international responsibilities due to the international humanitarian law and international human rights law.
2. In addition, the State of Palestine asks the Special Rapporteur, to focus on the rights enshrined in the Conventions for people with disabilities and other conventions, like the right to access to education, health, and adequate food, and other essential rights, that Palestinian people in general, cannot exercise because of the occupation daily violations.
3. To Identify Palestinians with disability, and guarantee and follow up their access to the services, available according to their needs and situation and to enable people with disabilities to maximize their potential and be productive members in society.
4. The State of Palestine seeks to provide quality health, educational, social protection, cultural and recreational services and programs for people with disabilities residing within the Occupied Palestinian Territory (OPT). In order to achieve this goal, State of Palestine asks the special Rapporteur to advocates the development of a regulative environment that supports a modern system of social protection.