



Convention on the Rights of Persons with Disabilities

Distr.: General
9 October 2023

Original: English

Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Israel*

I. Introduction

1. The Committee considered the initial report of Israel¹ at its 666th and 667th meetings,² held on 23 and 24 August 2023. It adopted the present concluding observations at its 683rd meeting, held on 5 September 2023.
2. The Committee welcomes the initial report of Israel, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies³ to the list of issues prepared by the Committee.⁴
3. The Committee expresses its appreciation for the constructive dialogue held with the delegation of the State party, which covered a wide array of issues and included representatives of relevant government ministries, the Commission for Equal Rights of Persons with Disabilities under the Ministry of Justice, the Israel Police and the Israeli Defense Forces.

II. Positive aspects

4. The Committee welcomes the measures taken by the State party to implement the Convention since ratifying it in 2012.
5. The Committee welcomes in particular the legislative and policy measures taken to promote the rights of persons with disabilities, namely:
 - (a) The adoption, in 2022, of Amendment No. 23 to the Equal Rights for Persons with Disabilities Law of 1998, which entered into force in 2023 and grants the Commission for Equal Rights of Persons with Disabilities the authority to impose administrative fines on private and public sector entities, including government agencies, for violations of accessibility provisions;
 - (b) The adoption, in June 2022, of the Social Services for Persons with Disabilities Law;
 - (c) The entry into force, in 2019, of the regulations of Law 5766-2005, on investigation and testimony procedures (Adjustments for Persons with Mental or Intellectual Disabilities Law), concerning the appointment of and specific training provided to special investigators in prosecutions involving persons with intellectual disabilities and autistic persons;

* Adopted by the Committee at its twenty-ninth session (14 August–8 September 2023).

¹ CRPD/C/ISR/1.

² See CRPD/C/SR.666 and CRPD/C/SR.667.

³ CRPD/C/ISR/RQ/1.

⁴ CRPD/C/ISR/Q/1.



(d) The ratification, in 2017, of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;

(e) The entry into force of Israeli Standard 5568 relating to the Web Content Accessibility Guidelines of the World Wide Web Consortium;

(f) The adoption, in 2016, of Amendment No. 18 to the Legal Capacity and Guardianship Law of 1962, which introduced two alternatives to guardianship, namely supported decision-making and enduring power of attorney.

6. The Committee welcomes the State party's efforts to improve its institutional and policy framework for the implementation of the Convention, in particular:

(a) The establishment, in 2017, of the Disabilities Administration, which is tasked with the development of personalized services in the area of disability, and the Advisory Forum thereunder, which provides a platform for consultations with persons with disabilities and other civil society organizations in implementation of the Convention;

(b) Programmes adopted by the Ministry of Foreign Affairs, through the Agency for International Development Cooperation of Israel, relating to rehabilitation, mobility devices, training and capacity-building, with the aim of promoting the rights of persons with disabilities in international cooperation efforts.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

7. The Committee notes with concern:

(a) The State party's reservation to article 23 (1) (a) of the Convention with regard to the provisions concerning marriage, on the basis that its laws on personal status, which are binding on the various religious communities in the State party, are not consistent with those provisions. The reservation to article 23 (1) (a) is incompatible with the object and purpose of the Convention, as it undermines the principle of non-discrimination, the equality of persons with disabilities before and under the law and the obligation of States parties to prohibit all discrimination on the basis of disability;

(b) The lack of incorporation of the Convention into the domestic legal order and the fact that the provisions of the Convention cannot be invoked before or directly applied by the courts, other tribunals or administrative authorities;

(c) The delay in adopting legislative measures to implement the Convention, including subordinate regulations to give effect to the provisions of the Equal Rights for Persons with Disabilities Law of 1998;

(d) Discriminatory legislation, policies and practices, including the Welfare (Treatment for Persons with Intellectual-Developmental Disabilities) Law of 1969 and the Treatment of Persons with Mental Disabilities Law of 1991, and gaps in the Social Services for Persons with Disabilities Law;

(e) The absence of legislative and policy measures to address the situation and rights of persons with disabilities, including children with disabilities, in the Occupied Palestinian Territory, in particular in the West Bank, including East Jerusalem, and Gaza, and the State party's consistent position that the Convention and other international human rights treaties do not apply beyond its territory;

(f) The lack of disability mainstreaming across public policies and the fact that public policies and programmes in areas such as education, health and housing are based on the medical approach, reinforcing negative stereotypes of persons with disabilities as passive recipients of care who are dependent on rehabilitation and welfare;

(g) That disability assessments based on diagnosis continue to prevent persons with intellectual and/or psychosocial disabilities from being recognized in the social security

system and accessing individualized support to live in the community and in the areas of education, health, including health insurance, and employment.

8. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Review its reservation to article 23 (1) (a) of the Convention with the aim of withdrawing it within a set time frame;**

(b) **Incorporate the rights enshrined in the Convention into its domestic legal order and strengthen judicial training on the nature and scope of its obligations under the Convention and on the justiciability of the Convention;**

(c) **Establish a process to identify the remaining gaps in subordinate regulations and enact, within a reasonable time frame, the provisions necessary to give effect to the Convention in all areas of life and for all persons with disabilities. The State party should adopt a mechanism to expeditiously review draft subordinate regulations and ensure their compatibility with the Convention and the human rights model of disability;**

(d) **Conduct a review of legislation, policies and practices to identify those that discriminate against persons with disabilities directly or indirectly and amend or repeal them to meet Convention standards;**

(e) **Adopt measures to give effect to the Convention and to address the situation of persons with disabilities, including children with disabilities, in the occupied territories over which it exercises jurisdiction or has effective control, review discriminatory legislation affecting Palestinian persons with disabilities and facilitate the exercise of their rights, in accordance with applicable international law;**

(f) **Adopt a comprehensive strategy and action plan for implementing the Convention, establishing a reasonable time frame, benchmarks, indicators of progress at the national and municipal levels and accountability mechanisms, and ensure that disability is mainstreamed across sectoral policies in line with the Convention. The State party should aim to eliminate attitudinal and environmental barriers in all areas of life, with a human rights-based approach, and uphold the autonomy of all persons with disabilities;**

(g) **Ensure that disability assessments meet Convention standards, in particular that accessible information about assessments is available, that assessments identify the requirements, will and preference of persons with disabilities and are focused on the elimination of barriers and that organizations of persons with disabilities are involved in monitoring assessment systems.**

9. The Committee notes with concern:

(a) **The lack of accessible, systematic and structured consultations with persons with disabilities across different sectors of policymaking and the fact that their opinions are not reflected in the decisions adopted;**

(b) **The lack of measures to recognize organizations of persons with intellectual disabilities and involve them in decision-making forums;**

(c) **The fact that participatory forums for consulting persons with disabilities are sometimes dominated by academics, service providers and families as opposed to organizations constituted of and governed by persons with disabilities;**

(d) **Limits to participation and the obligation of civil society organizations that receive funds from foreign donors to undergo assessment.**

10. **Recalling its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, the Committee recommends that the State party:**

- (a) Establish criteria for close consultation with and the active involvement of persons with disabilities, through their representative organizations, provide for the accessibility of information and methodologies of engagement, including information on discussions in the Knesset, and establish adequate time frames for consultation and accountability mechanisms that ensure that the opinions of persons with disabilities are given due weight and genuine consideration, including by the Shapira Committee under the Ministry of Education;
- (b) Take measures to recognize and support organizations of persons with intellectual disabilities and mechanisms to ensure their participation and involvement in decision-making forums;
- (c) Ensure the participation of persons with disabilities, through their representative organizations, and also ensure that their opinions are prioritized in all matters concerning them;
- (d) Ensure the participation and involvement of organizations of persons with disabilities and other civil society organizations and strengthen their ability to seek and obtain adequate funding, including from international actors.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. The Committee notes with concern:

- (a) Gaps in legislation addressing discrimination on the basis of disability, including its intersection with other grounds, in all areas of life;
- (b) The fact that the Commission for Equal Rights of Persons with Disabilities is prevented from filing lawsuits against government authorities in its own name, in all areas of life.

12. Recalling its general comment No. 6 (2018) on equality and non-discrimination, the Committee recommends that the State party:

- (a) Adopt a comprehensive anti-discrimination law that protects persons with disabilities from direct, indirect, multiple and intersectional discrimination and denial of reasonable accommodation by State and non-State actors in all areas of public life. The State party should strengthen accountability mechanisms for State and non-State actors;
- (b) Strengthen its efforts to improve the enforcement powers of the Commission for Equal Rights of Persons with Disabilities;
- (c) Provide for different forms of reparations, including non-pecuniary reparations, and strengthen the human, technical and financial resources of the Commission for Equal Rights of Persons with Disabilities so that it can fulfil its mandate in respect of all persons with disabilities, including the most marginalized, and in all areas of life.

Women with disabilities (art. 6)

13. The Committee notes with concern that women and girls with disabilities experience multiple and intersectional discrimination on the basis of sex, age, lesbian, gay, bisexual, transgender, intersex or queer status, place of residence, migrant or refugee status and ethnic origin. It is concerned in particular about:

- (a) The absence of measures relating to women and girls with disabilities in disability-specific laws and policies and in legislation on the promotion of gender equality in areas such as work and sexual and reproductive health and rights;
- (b) The insufficiency of disaggregated information and data collection on women and girls with disabilities, including women living in the occupied territories and in relation

to areas such as participation in public and political life, access to land ownership and parental rights.

14. **Recalling its general comment No. 3 (2016) on women and girls with disabilities and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Recognize in its legislation multiple and intersectional forms of discrimination against women and girls with disabilities and adopt specific legislation and strategies that reflect a gender perspective and intersectionality;**
- (b) **Establish a consultation process with women and girls with disabilities and their representative organizations aimed at identifying gaps, mainstreaming the rights of women and girls with disabilities into all gender legislation and incorporating a gender perspective into disability policies and programmes, including the Equal Rights for Persons with Disabilities Law of 1998 and the Social Services for Persons with Disabilities Law of 2022, and their subordinate regulations;**
- (c) **Conduct gender and disability impact assessments of any proposed policy, legislation, regulation, budget, investment or other government action to introduce measures for the advancement of gender equality and the rights of women and girls with disabilities, including those still living in institutions;**
- (d) **Ensure systematic data collection and periodic studies on the situation of women and girls with disabilities, including in the occupied territories, with the aim of adopting comprehensive measures to empower women, promote their rights and guarantee their inclusion in society.**

Children with disabilities (art. 7)

15. The Committee notes with concern:

- (a) **The absence of specific measures to ensure the recognition and inclusion of children with disabilities and the insufficiency of measures to facilitate their participation in decision-making, including in relation to education, support, health and family matters;**
- (b) **Information on situations of marginalization and a heightened risk of poverty among Haredi, asylum-seeking and refugee children with disabilities and children in Arab communities and the lack of access of their families to child support benefits.**

16. **Recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities,⁵ the Committee recommends that the State party:**

- (a) **Implement a policy on the inclusion of children with disabilities in all areas of life, including family life and community life, by developing community-based inclusive strategies and programmes for children with disabilities in the State party and in the Occupied Palestinian Territory, in accordance with applicable international law;**
- (b) **Establish mechanisms that respect the evolving capacity of children with disabilities to ensure that they can form and express their views freely on all matters affecting them and that those views are given due weight, in accordance with the child's age and maturity, in the context of education and in administrative and legal processes;**
- (c) **Adopt mechanisms to recognize Haredi, asylum-seeking and refugee children with disabilities and children with disabilities in Arab communities and include them as beneficiaries of policies, including with regard to social security entitlements and allowances related to disability and for children in general.**

Awareness-raising (art. 8)

17. The Committee is concerned about negative stereotypes and the devaluing of persons with disabilities. It is particularly concerned about the prevalence in society of negative stereotypes of women and girls with disabilities, which portray them as asexual, limit their

⁵ See <https://www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations>.

access to information about sexual and reproductive health and rights and curtail their freedom to build relationships and start a family.

18. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, including organizations of children with disabilities and women and girls with disabilities:**

- (a) **Strengthen its awareness-raising programmes, including public campaigns aimed at combating negative disability stereotypes in society;**
- (b) **Ensure periodic training for public officials in all areas of government, the judiciary, the police and the legal profession on the Convention and the rights of persons with disabilities;**
- (c) **Adopt a strategy aimed at combating negative stereotypes about the rights of women and girls with disabilities to sexual and reproductive health and services, including through training for health personnel.**

Accessibility (art. 9)

19. The Committee notes with concern:

- (a) The delay in the adoption of accessibility provisions and the resulting impact on access to transportation, public housing, university campuses, schools and broadcasting services;
- (b) The legal exemptions from compliance with accessibility standards on the basis of undue burden, financial capacity, historical or ecological considerations or the number of persons who use a particular service open to the public, as described in the State party report;⁶
- (c) The limited measures in place to ensure the accessibility of information, including information and communications technologies;
- (d) The lack of resources and support provided to enable local authorities in Arab communities to comply with accessibility requirements.

20. **Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

- (a) **Adopt a national accessibility plan based on the principles of universal design with the aim of eliminating accessibility barriers in all areas, including transportation, roads and sidewalks, public housing, university campuses, schools, broadcasting services and information and communications technologies, within reasonable time frames;**
- (b) **Review and update regulations and standards that predate the Convention and consider the withdrawal of section 19M of the Equal Rights for Persons with Disabilities Law, which provides for exemptions from compliance with accessibility standards in buildings and services open to the public;**
- (c) **Require public and private service providers to provide accessible printed and electronic information and communications, in line with international standards, and adopt measures to ensure that persons with disabilities have affordable access to accessible information and communications technologies;**
- (d) **Prepare an assessment of accessibility requirements across municipalities, including in Arab communities, and allocate the human, technical and financial resources necessary to ensure accessibility across all municipalities.**

⁶ CRPD/C/ISR/1, para. 57.

Right to life (art. 10)

21. The Committee is concerned about:

- (a) Reports of deaths of persons with disabilities in the context of border checks by the security forces, public demonstrations and law enforcement operations and hostilities, including air strikes, and the risks faced by persons with disabilities in the context of public demonstrations against government judicial reform initiatives;
- (b) The application of section 5B of the Civil Wrongs (Liability of the State) Law 5712-1952, which excludes the liability of the State for damages, and decisions to close investigations;
- (c) The impact of triage measures on persons with disabilities in the context of critical health care, in particular with regard to the availability of ventilators during the coronavirus disease (COVID-19) pandemic.

22. **Recalling the recommendations of the Human Rights Committee,⁷ the Committee recommends that the State party:**

- (a) Prevent the unnecessary and disproportionate use of force, such as unwarranted lethal force by the security forces against civilians, including persons with disabilities, ensure that investigations are carried out to identify and bring the perpetrators to account and ensure that victims are provided with full reparations;
- (b) Ensure that persons with disabilities have access to effective remedies in cases of the unwarranted use of force and review legislation with a view to allowing the submission of complaints by persons with disabilities affected by acts or omissions of the occupying Power;
- (c) Expedite the inception of multidisciplinary crisis teams to intervene in cases relating to law enforcement operations against persons with psychosocial disabilities and ensure close consultation with and the active involvement of organizations of persons with disabilities in the context of the interministerial committee on the interactions of law enforcement and the security forces with persons with disabilities;⁸
- (d) Take measures to prevent injuries to and violence against persons with disabilities in the context of public demonstrations and ensure that the use of force complies with applicable international human rights law;
- (e) Ensure that, in emergencies, including those related to COVID-19, access to critical health care for persons with disabilities is based on human rights-based ethical decision-making principles and procedures.

Situations of risk and humanitarian emergencies (art. 11)

23. The Committee is concerned about the detrimental impact of the protracted occupation, hostilities, violence and insecurity on persons with disabilities living in the occupied territories, including in Gaza, measures restricting the movement of persons and goods and the destruction of essential services, which has resulted in a lack of food, electricity, water and sanitation services, essential health care and education.

24. **The Committee recommends that the State party comply with the Convention and international humanitarian law by adopting measures to ensure the protection and safety of persons with disabilities in the Occupied Palestinian Territory, including by:**

- (a) Ensuring that persons with disabilities are treated humanely and are protected against acts of violence and adopting measures to ensure adequate living conditions for persons with disabilities, including access to quality mobility aids, devices and assistive technologies and to food, clean water, services and goods in the community,

⁷ CCPR/C/ISR/CO/5, para. 27.

⁸ CRPD/C/ISR/RQ/1, paras. 50 and 51.

electricity, health services, rehabilitation, education and housing without discrimination;

(b) Ensuring the access of children with disabilities to non-discriminatory birth registration services, psychosocial care to address trauma and services in the community, such as playgrounds, recreation, leisure and learning activities and services to prevent family separation and ensure family reunification;

(c) Identifying and preventing the risks and harms faced by persons with disabilities during military operations and identifying their requirements in that context, preventing attacks on and damage to infrastructure and civilian premises, including hospitals, rehabilitation centres and ambulances, and protecting schools from military attacks;

(d) Facilitating the unrestricted provision of humanitarian assistance to adults and children with disabilities and the access of humanitarian actors.

25. The Committee is concerned about:

(a) The delay in adopting the regulations on accessibility in the context of population evacuation incidents and reception in emergencies, which had been due to enter into force in 2024, and the lack of national coordination of existing plans and programmes on accessible warning and evacuation systems, shelters and other emergency services for persons with disabilities;

(b) The impact of the COVID-19 pandemic on persons with disabilities, in particular persons still living in congregated settings, and information on other restrictions imposed during the pandemic that exacerbated isolation and segregation.

26. Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030, the Inter-Agency Standing Committee Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action and its own guidelines on deinstitutionalization, including in emergencies,⁹ the Committee recommends that the State party:

(a) Develop a national plan to address all aspects of situations of risk and humanitarian emergencies, including in relation to public health emergencies and disaster risk reduction and including in the Occupied Palestinian Territory;

(b) Adopt an overarching national plan to coordinate the implementation of programmes adopted to respond to pandemics and other public health emergencies, including a disability-inclusive COVID-19 response and recovery plan.

Equal recognition before the law (art. 12)

27. The Committee notes with concern:

(a) The extensive application of substitute decision-making mechanisms, in particular the fact that legal capacity can be removed from persons with intellectual and/or psychosocial disabilities, often on a permanent basis, and the large number of guardianship orders in respect of property and personal affairs (70,843 in 2022);

(b) The fact that decision-making supporters are appointed by the courts on the basis of the “best interests” principle and that the number of supporters appointed is low (1,500 as of May 2023);

(c) The limited number of reviews of guardianship decisions and the fact that current reviews do not encompass guardianship appointments made before the reform of the Legal Capacity and Guardianship Law in 2016.

28. Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

⁹ CRPD/C/5.

- (a) **Review and/or repeal laws and associated policies that have the purpose or effect of denying or diminishing the recognition of any person with disabilities as a person before the law;**
- (b) **Develop and implement a national supported decision-making framework that respects the individual choices, will and preference of persons with disabilities;**
- (c) **Establish a mechanism for the regular review of guardianship appointments, including those made prior to the adoption of Amendment No. 18 to the Legal Capacity and Guardianship Law in 2016;**
- (d) **Raise awareness of supported decision-making among persons with disabilities, their relatives, members of the judiciary, police officers, members of the legal profession and social workers and in the media and the community.**

Access to justice (art. 13)

29. The Committee notes with concern:

- (a) Gaps in the provision of procedural and age-appropriate accommodations for all persons with disabilities, such as the failure to provide justice intermediaries, in all proceedings that fall outside the application of Law 5766-2005, on investigation and testimony procedures (Adjustments for Persons with Mental or Intellectual Disabilities Law);
- (b) Attitudinal barriers among police officers and members of the judiciary that limit the participation of women with disabilities in judicial proceedings and the exercise of their rights as victims or witnesses, in particular in cases of gender-based violence.

30. **Recalling the International Principles and Guidelines on Access to Justice for Persons with Disabilities and target 16.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Expand the scope of measures to ensure procedural, age-appropriate and gender-sensitive accommodations within the justice system, including by establishing a cost-free system for the provision of justice intermediaries, video testimony, alternative and augmentative modes of communication, communication support persons, sign language interpreters and captioning for persons with disabilities in judicial and administrative proceedings in all areas of law;**
- (b) **Strengthen training programmes for judges, members of the legal profession, police officers and justice system personnel on access to justice for persons with disabilities.**

Liberty and security of person (art. 14)

31. The Committee is concerned about:

- (a) The involuntary hospitalization of children and adults with intellectual and/or psychosocial disabilities and their subjection to mental health treatment in psychiatric settings on the basis of their presumed dangerousness and as a result of decisions made by district psychiatric committees and district courts;
- (b) Psychiatric treatment orders and involuntary hospitalization orders in respect of persons with intellectual and/or psychosocial disabilities who have been declared by a court to be unfit to stand trial;¹⁰
- (c) The limited scope and substandard quality of the health care provided to prisoners with disabilities, in particular Palestinian prisoners with disabilities, and the lack of oversight of the health-care services provided within the Israeli prison system.

32. **Recalling its guidelines on the right to liberty and security of persons with disabilities,¹¹ the Committee recommends that the State party:**

¹⁰ CRPD/C/ISR/1, para. 154.

¹¹ A/72/55, annex.

(a) **Withdraw the provisions of the Criminal Procedure Law 5742-1982, the Treatment of Persons with Mental Disabilities Law and the Youth Care and Supervision Law 5720-1969 that provide for institutionalization on the basis of impairment and develop a system of support in the community for children and adults, including children and adults with intellectual and/or psychosocial disabilities;**

(b) **Amend and/or repeal legislation that denies to persons with disabilities the full protection enjoyed by other defendants in criminal proceedings, including the presumption of innocence, and that results in penalties or referrals to diversion mechanisms such as deprivation of liberty through involuntary hospitalization orders and involuntary treatment through psychiatric treatment orders;**

(c) **Transfer health-care services from the Israeli prison system to the national health-care system and implement specific strategies to meet the health-care needs of prisoners with disabilities, in particular Palestinian prisoners with disabilities.**

33. The Committee is concerned about reports of the excessive and disproportionate use of force, including arbitrary arrests, harassment and violence, against persons with disabilities by the Israeli Defense Forces, the Israel Police and private guards in the context of public demonstrations, law enforcement operations and night raids or searches, which affect Palestinian persons with disabilities and, disproportionately, Palestinian women with disabilities, and the lack of investigation of complaints.

34. The Committee recommends that the State party:

(a) **End arbitrary arrests and detentions, including administrative detentions of persons with disabilities, and ensure that persons with disabilities in detention have access to all guarantees provided for under international human rights law, as recommended by the Human Rights Committee;¹²**

(b) **Prevent the excessive and disproportionate use of force by the Israeli Defense Forces, the Israel Police and private guards, adopt gender-specific protections and safeguards during law enforcement operations and ensure gender-appropriate complaint and redress mechanisms for Palestinian persons with disabilities.**

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

35. The Committee is concerned about:

(a) Reports of coercive measures, including the use of chemical and physical restraints and solitary confinement, against persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities;

(b) Reports of ill-treatment of, sexual violence against, use of cage beds for, administration of psychiatric medication to and deaths of persons with intellectual disabilities in institutions, in particular “hostels” and boarding facilities, including the Bnei Zion and Beit Dafna residential facilities, and the lack of measures to provide reparations to survivors of violence and ill-treatment;

(c) The fact that persons with disabilities under guardianship are not protected by the legal requirement for freely given consent for medical or scientific experimentation.

36. Recalling its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State party:

(a) **Prohibit and end the use of coercive measures against persons with disabilities in all detention settings, including prisons, large residential facilities, group homes, “shared accommodation” facilities, day-care centres and special environments and ensure humane treatment and dignity for persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities;**

¹² CCPR/C/ISR/CO/5, para. 35.

- (b) **Implement the recommendations made in the report of the commission headed by the retired judge Sulamit Dotan, which was established to examine and develop management and operation protocols for residential facilities for persons with disabilities, phase out institutionalization on the basis of impairment, close all residential facilities in the State party, including the so-called “Meonot” (large residential facilities providing full care), “hostels” (group homes for approximately 24 persons) and “shared accommodation” facilities, and provide persons with disabilities who still live in institutions with emergency assistance to enable them to leave those residential facilities;**
- (c) **Provide remedies and reparations for persons with disabilities who are survivors of violence and ill-treatment at the Bnei Zion and Beit Dafna residential facilities and all other institutions in the State party;**
- (d) **Establish procedures to ensure that persons with disabilities under guardianship are not subjected to medical treatment or medical or scientific experimentation without their free and informed personal consent, with appropriate, accessible information and support for decision-making.**

Freedom from exploitation, violence and abuse (art. 16)

- 37. The Committee is concerned about:
 - (a) The lack of disaggregated data on violence, exploitation and abuse, including gender-based violence, against persons with disabilities and the lack of accessible information on specific programmes to prevent all forms of exploitation, violence and abuse;
 - (b) Violence protection measures that remove persons with disabilities from their homes and place them in institutions;
 - (c) The fact that the Commission for Equal Rights of Persons with Disabilities lacks the power to investigate complaints of violence and ill-treatment against persons with disabilities, including in institutions;
 - (d) Reports of gender-based violence, including intimate partner violence, sexual abuse, exploitation and forced marriage, against women and girls with disabilities and of limited access to redress in the occupied territories, including in Gaza, Area C and East Jerusalem.
- 38. **Recalling its statement of 24 November 2021 on the elimination of gender-based violence against women and girls with disabilities and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:**
 - (a) **Collect disaggregated data on violence, including gender-based violence, exploitation and abuse against persons with disabilities to inform public policies and programmes for the prevention of violence, including physical, psychological, financial and intimate partner violence, trafficking in persons, sexual and other types of exploitation, and abuse;**
 - (b) **Repeal provisions and practices relating to placement in institutions as a protective measure and adopt measures to effectively protect persons with disabilities from violence, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, in particular organizations of women and girls with disabilities;**
 - (c) **Grant the Commission for Equal Rights of Persons with Disabilities the power to investigate complaints of violence against persons with disabilities and ensure independent monitoring of all facilities and programmes designed to serve persons with disabilities, in line with article 16 (3) of the Convention;**
 - (d) **Take measures to ensure that persons with disabilities, in particular women and girls with disabilities in the occupied territories, have access to redress, including psychosocial support, legal counselling, assistance and services during emergencies, such as in-person services for victims of gender-based violence.**

Protecting the integrity of the person (art. 17)

39. The Committee is concerned about cases of forced sterilization against persons with disabilities and medically unnecessary and irreversible surgery and interventions on intersex children and the lack of measures to ensure accountability and reparations.

40. **The Committee recommends that the State party:**

(a) **Prohibit sterilization without the free and informed personal consent of the person concerned;**

(b) **Take measures to prohibit medically unnecessary and irreversible surgery and medical interventions on intersex children until they are able to give their personal consent and adopt measures to provide redress and reparations for the physical and psychological harms inflicted.**

Liberty of movement and nationality (art. 18)

41. The Committee is concerned about:

(a) Reports of discrimination against persons with disabilities in insurance contracts, in particular the fact that refugees and asylum-seekers with disabilities are not eligible for services funded from national insurance, subsidized health insurance or social security benefits, including disability allowances;

(b) The lack of a uniform registration and identification system for all refugees and asylum-seekers with disabilities;

(c) Restrictions on freedom of movement in the occupied territories, the routine denial of exit permits, including for medical care, the granting of permits only after interrogation by the Israeli security forces and the fact that persons with disabilities are prevented from moving freely between the West Bank, including East Jerusalem, and Gaza and from accessing essential medical care, rehabilitation, employment and education services.

42. **The Committee recommends that the State party:**

(a) **Review the national insurance scheme with the aim of expanding coverage to include refugees and asylum-seekers with disabilities and persons with disabilities in refugee-like situations and require financial service providers, in particular insurance companies, to remove discriminatory provisions from insurance services and contracts;**

(b) **Establish a uniform registration and identification system for all refugee and asylum-seeking adults and children with disabilities to ensure access to adequate humanitarian services and aid and to essential services and disability supports;**

(c) **Remove restrictions on freedom of movement within and outside the occupied territories, ensure that the Israeli Security Forces carry out interrogations only in cases of legitimate security concern and in accordance with applicable international law, expedite the issuance of exit permits for persons with disabilities, including those requiring medical treatment, assistive devices and medicines, and ensure that persons with disabilities have the freedom of movement necessary to access, inter alia, education, medical care, including sexual and reproductive health services, rehabilitation, and work and employment.**

Living independently and being included in the community (art. 19)

43. The Committee notes with concern:

(a) The institutionalization of persons with disabilities on the basis of impairment in psychiatric facilities, residential facilities, full-care facilities and “home facilities” or apartments and in implementation of the “rehabilitative-ecological model” and the denial of the legal capacity to make choices concerning living arrangements;

(b) The continued development of congregated housing, the transfer of persons with disabilities from large residential facilities to small institutions such as “home facilities” or apartments for up to six persons and barriers to securing accessible housing, including on a rental basis;

(c) The insufficient provision and/or denial of in-home and community-based support, which particularly affects persons with complex support needs, older persons with disabilities, persons with disabilities in Arab communities, migrants with disabilities, refugees and asylum-seekers with disabilities and persons with disabilities in refugee-like situations;

(d) The lack of accessible community services and reports that persons with disabilities are excluded from services provided in the community.

44. Recalling its general comment No. 5 (2017) on living independently and being included in the community and its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State party:

(a) End all forms of institutionalization based on impairment, including for the purpose of providing rehabilitation, and adopt a comprehensive strategy and action plan to transition from institutions by redirecting efforts towards the development of a range of forms of individualized support for living in the community, including personal assistance and community-based supports and networks, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations;

(b) Develop safe, accessible and affordable housing in the community, including by reviewing eligibility criteria for public housing, increasing rental subsidies, strengthening measures to address in-home accessibility arrangements, providing in-home and community-based support, increasing the allowance for independent living, including for those who leave institutions, and enabling persons with disabilities to enter into legally binding rental or ownership agreements;

(c) Implement measures to ensure the equal access of persons with disabilities in Arab communities, older persons with disabilities, persons with disabilities who have complex support needs, migrants and refugees with disabilities and persons with disabilities in refugee-like situations to the range of forms of in-home and individualized support for living in the community, including personal assistance, and access to mainstream services in the community, including health care and education;

(d) Implement measures to remove barriers to accessing mainstream services in the community based on migrant, refugee or asylum-seeker status or status as a person with disabilities in a refugee-like situation.

Freedom of expression and opinion, and access to information (art. 21)

45. The Committee observes with concern:

(a) That Israeli sign language is not recognized as an official language in the State party and that there is no requirement for qualified sign language interpreters in many areas of life;

(b) The limited availability of public information in a range of accessible formats;

(c) The limited compliance of public and private websites with accessibility requirements and guidelines and the exemptions granted to private service providers in that regard.

46. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Recognize Israeli sign language as an official language, allocate public resources to provide training and increase the availability of qualified sign language interpreters in all areas of life, including in court proceedings, in police interviews and on television broadcasts and in the context of health care, education, leisure and religious and cultural services;

(b) Implement measures to ensure that all persons with disabilities have access to all public information and services, including through augmentative and alternative communication, the use of Easy Read format, plain language, tactile

communication, sign language interpretation and accessible digital, Internet-based services, taking account of internationally recognized accessibility standards;

(c) Raise awareness of and ensure compliance with Israeli Standard 5568 relating to the Web Content Accessibility Guidelines of the World Wide Web Consortium and remove the exemptions from compliance with accessibility requirements granted to private service providers.

Respect for privacy (art. 22)

47. The Committee is concerned that the medical records and personal data of persons with psychosocial disabilities who are current or former patients of the Sheba Medical Center have been disclosed to doctors without their consent and that they have not been notified of the disclosure.

48. **The Committee calls upon the State party to ensure the return of the medical records and personal data of current and former patients of the Sheba Medical Center, strengthen and adopt data and privacy protection measures, including in relation to arbitrary or unlawful interference, and provide information about the situation and a formal apology to the current and former patients affected.**

Respect for home and the family (art. 23)

49. The Committee notes with concern:

(a) Reports that persons with disabilities have insufficient support to exercise their parental rights and fulfil their child-rearing responsibilities;

(b) The prioritization of “healthy parents” in the health sector, which devalues persons with disabilities, in particular women with disabilities, and prevents access to available fertility procedures and technologies, adoption and foster care;

(c) The provisions of the Adoption of Children Law 5741-1981 (section 13 (a) (7)) that allow the adoption of children born to parents with intellectual disabilities without the informed personal consent of the parents;

(d) Decisions taken by welfare authorities and courts to separate children from parents with disabilities, in particular parents with intellectual disabilities, on the basis of parental capacity assessments;

(e) Reports of a lack of support for parents of children with disabilities, leading to abandonment and institutionalization.

50. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Implement measures for the provision of appropriate support and accessible training programmes to ensure that all parents with disabilities can exercise their parental rights and fulfil their child-rearing responsibilities, including in the areas of child development, health and education, and review eligibility criteria for access to disability allowances and financial support to ensure that all parents with disabilities benefit from them;**

(b) **Adopt programmes to address stigma, ableism and discrimination in the health sector and provide persons with disabilities, in particular women with disabilities, with access to available fertility procedures and technologies, adoption and foster care on an equal basis with others;**

(c) **Repeal the provisions of adoption legislation that allow for the adoption of children born to parents with intellectual disabilities without the informed personal consent of the parents;**

(d) **Implement measures to prevent the removal of children from parents on the basis of disability, including by adopting measures to replace parental capacity assessments with evaluations of the support required by parents with disabilities to**

fulfil parenting and child-rearing responsibilities and by providing legal aid and appropriate procedural accommodations;

(e) Raise awareness among the parents of children with disabilities of the equal rights of children with disabilities with respect to family life and ensure that parents and families of children with disabilities have access to the support necessary to raise their children.

Education (art. 24)

51. The Committee notes with concern:

(a) That the State party retains segregated education in the form of special classrooms for children with disabilities in regular schools and continues to invest human, technical and financial resources in segregated education;

(b) The negative attitudes of parents and teachers, which devalue and stigmatize children with disabilities, including autistic children, preventing them from enrolling in education;

(c) The limited and inconsistent provision of reasonable accommodation for children with disabilities in mainstream schools and for students with disabilities in tertiary education;

(d) The discontinuance of practices that improve the accessibility of the learning environment, including distance learning and access to online classes, and the limited measures taken to ensure that printed materials are available in alternative formats, such as Braille.

52. **Recalling its general comment No. 4 (2016) on the right to inclusive education and targets 4.5 and 4.a of the Sustainable Development Goals, the Committee recommends that, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, the State party:**

(a) **Develop a strategy for the transition from special education to quality inclusive education for all children with disabilities, including by ensuring that the Convention underpins the mandate of the Shapira Committee;**

(b) **Strengthen training and awareness-raising on the rights of children with disabilities, including to inclusive education, among children with disabilities themselves, their parents and relatives, teachers and members of religious communities and in society as a whole;**

(c) **Adopt legislative, policy and administrative measures for the provision of reasonable accommodation in mainstream education across public and private schools and in tertiary education and recognize denial of reasonable accommodation as a form of discrimination;**

(d) **Implement measures to ensure that the learning environment, including the physical environment, admission procedures, teaching resources and methodologies, online learning platforms, classrooms and transportation, is accessible to children with disabilities and adopt measures to ensure the provision and availability of Braille, accessible digital materials, augmentative and alternative communication and Easy Read format.**

Health (art. 25)

53. The Committee is concerned about:

(a) The insufficient measures taken to respond to situations of mental distress among children and adolescents with disabilities in conflict-affected areas;

(b) The lack of access to health care for persons with disabilities, limited public health services and financial constraints on access to private health services, which particularly affect persons with disabilities in Arab communities and persons with disabilities with complex support needs;

- (c) Barriers in access to sexual and reproductive health services for women and girls with disabilities, including in cases of sexual violence;
- (d) Attitudinal barriers among medical professionals concerning the access of persons with disabilities to health care;
- (e) Discrimination by private companies in the provision of health and life insurance.

54. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

- (a) **Strengthen measures to address the detrimental health impact of the protracted occupation, hostilities, violence and insecurity on children with disabilities and ensure that programmes and support measures address the situation of children with disabilities in Arab communities and are accessible to all children with disabilities;**
- (b) **Increase budget allocations for improving the accessibility of health services and facilities for persons with disabilities and adopt programmes at the national and local levels to provide affordable, accessible, quality and culturally sensitive health services, including assistive and adaptive technology;**
- (c) **Implement measures to provide women and girls with disabilities with appropriate and accessible sexual and reproductive health services and ensure that support and counselling in cases of gender-based violence are accessible, inclusive and age- and gender-appropriate;**
- (d) **Ensure that the human rights-based approach to disability and respect for the dignity, autonomy and requirements of persons with disabilities are included in the curricula for training all medical and health professionals;**
- (e) **Take all legislative, policy and administrative measures to provide health insurance for all persons with disabilities without discrimination.**

Work and employment (art. 27)

55. The Committee notes with concern:

- (a) The low rates of employment among persons with disabilities, the fact that a large number of the persons with disabilities in employment work part-time or variable hours, the limited effectiveness of measures to promote the employment of persons with disabilities, stigma and negative attitudes towards persons with disabilities in the workplace and attitudinal and accessibility barriers to the provision of training for employment and career advancement;
- (b) The provision of sheltered employment, where persons with disabilities are not covered by labour legislation, as a vocational rehabilitation service for persons with disabilities;
- (c) The low level of awareness and provision of reasonable accommodation in the workplace, in particular in the high-tech sector;
- (d) The lack of accessibility of vocational programmes and programmes aimed at strengthening entrepreneurial initiatives.

56. Recalling its general comment No. 8 (2022) on the right of persons with disabilities to work and employment, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

- (a) **Adopt comprehensive measures to prevent employers from restricting persons with disabilities to certain occupations, reserved jobs or specific employment units and to ensure the equal access of persons with disabilities to opportunities for promotion and career growth, and strengthen measures to promote the employment of persons with disabilities, ensuring a gender- and age-sensitive perspective;**

- (b) Develop a national strategy to expeditiously transition from segregated employment, including sheltered employment, to freely chosen employment in the labour market and to a work environment that is open, inclusive and accessible to persons with disabilities and provides decent work conditions, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and redress for grievances;
- (c) Raise awareness among public and private employers of the duty to provide reasonable accommodation and the need to have clear, accessible and timely processes for responding to reasonable accommodation requests;
- (d) Ensure the continuing training of persons with disabilities on work competencies, entrepreneurship and technical assistance for business management.

Adequate standard of living and social protection (art. 28)

57. The Committee is concerned about the fact that disability benefits are lower than the minimum wage and about unequal access to disability allowances, as persons with disabilities in residential facilities receive only 20 per cent of the total amount provided to persons with disabilities living in the community.

58. **The Committee recommends that the State party ensure that persons with disabilities have access to disability-specific social protection allowances that are above the poverty line and that persons with disabilities who still live in institutions receive disability allowances on an equal basis with other persons with disabilities.**

Participation in political and public life (art. 29)

59. The Committee notes with concern:

- (a) Reports of the relatively low number of accessible polling booths and insufficient measures to ensure that persons with disabilities can vote;
- (b) The limited information provided on accessibility and reasonable accommodation for Members of the Knesset with disabilities.

60. **The Committee recommends that the State party:**

- (a) **Strengthen the capacity of the subcommittee established to improve voting accessibility and adopt a plan, with time frames, to ensure the full accessibility of voting procedures and the voting environment, facilities and materials to all persons with disabilities;**
- (b) **Adopt measures to support candidates with disabilities to stand for election and hold office on an equal basis with others and ensure that progress is made in improving the accessibility of information, premises and processes in the Knesset.**

Participation in cultural life, recreation, leisure and sport (art. 30)

61. The Committee is concerned about the slow progress made in improving the accessibility of religious sites, among them synagogues and holy places, including Christian, Jewish and Muslim premises, and religious events and about barriers to accessing parks, places for cultural performances and sports centres and events.

62. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, take steps to provide access to all religious sites and events and cultural, leisure, tourism and sporting facilities and services in the public and private sectors and monitor the progress made.**

63. The Committee is concerned that the regulation on the accessibility of playgrounds to children with disabilities does not cover all existing playgrounds.

64. **Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party expand the scope of the regulations to cover all new and existing playgrounds for children with disabilities.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

65. The Committee expresses concern about the limited information provided on persons with disabilities facing multiple and intersectional discrimination, including women and girls with disabilities, children with disabilities, migrants, refugees and asylum-seekers with disabilities, persons with disabilities in Haredi communities, persons with disabilities in Arab communities, Palestinians with disabilities, including Palestinian refugees with disabilities, persons with disabilities in Bedouin or herder communities and lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities.

66. **The Committee recommends that the State party collect disaggregated data and conduct research on the situation of persons with disabilities experiencing multiple and intersectional discrimination in order to inform policy development, such as the adoption of anti-discrimination measures, including positive measures.**

International cooperation (art. 32)

67. The Committee welcomes the information provided by the State party on the promotion of disability mainstreaming in international cooperation programmes. It is, however, concerned about the lack of a comprehensive disability-inclusive international development strategy to advance the rights of persons with disabilities and the lack of assessments of the impact of existing initiatives, including capacity-building and the supply of devices.

68. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

- (a) **Adopt a comprehensive disability-inclusive international development strategy;**
- (b) **Establish a monitoring and accountability framework to assess the impact of international cooperation programmes, projects and policies on persons with disabilities.**

National implementation and monitoring (art. 33)

69. The Committee is concerned that:

- (a) The Commission for Equal Rights of Persons with Disabilities lacks the authority to ensure the mainstreaming of the human rights of persons with disabilities across all government portfolios;
- (b) The Commission for Equal Rights of Persons with Disabilities lacks the independence to monitor the implementation of the Convention and is not compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);
- (c) The diversity of the organizations of persons with disabilities involved in monitoring the Convention is limited.

70. **The Committee recommends that the State party:**

- (a) **Strengthen the authority and competencies of the Commission for Equal Rights of Persons with Disabilities to ensure that disability is mainstreamed across all government programmes;**
- (b) **Establish an independent monitoring framework under article 33 (2) of the Convention that complies with the Paris Principles and take into account the Committee's rules of procedure relating to the role and engagement of independent monitoring frameworks;**¹³

¹³ CRPD/C/1/Rev.1, annex.

(c) Ensure the full participation of the diversity of persons with disabilities and their representative organizations in the monitoring process. The State party should provide inclusive and accessible methodologies and human, financial and technical resources for periodic monitoring.

IV. Follow-up

Dissemination of information

71. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 22, on the right to life, 36, on freedom from torture or cruel, inhuman or degrading treatment or punishment, and 52, on education.

72. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and the Knesset, officials in relevant ministries and local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

73. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

74. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

75. The Committee requests the State party to submit its combined second to fifth periodic reports by 28 October 2030 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.