

International Disability Alliance (IDA)

Disabled Peoples' International, Down Syndrome International, Inclusion International, International Federation of Hard of Hearing People, Rehabilitation International, World Blind Union, World Federation of the Deaf, World Federation of the DeafBlind, World Network of Users and Survivors of Psychiatry, Arab Organization of Disabled People, European Disability Forum, Red Latinoamericana de Organizaciones no Gubernamentales de Personas con Discapacidad y sus familias (RIADIS)

Suggestions for disability-relevant recommendations to be included in the Concluding Observations Human Rights Committee 99th Session (12 to 30 July 2010)

The International Disability Alliance (IDA) has prepared the following suggestions for the concluding observations, based on references to persons with disabilities to be found in the reports related to Israel.

ISRAEL

[State Report](#)

211. Since the submission of Israel's previous periodic report, there has been an increase in the number of involuntary commitments to **psychiatric hospitals**. Involuntary commitments currently constitute 24% of all commitments, as opposed to 17.6% in 1996. This rise can be attributed to the enactment of the Patient Rights Law 5756-1996. The law notably increased awareness of the necessity to obtain a patient's rational consent to hospitalization, or an adequate legal substitute. Thus, statistics relating instances where the patient was hospitalized involuntarily are now more accurate.

212. The number of beds assigned for psychiatric hospitalization has decreased from 6,713 beds in 1996 to 5,352 in 2005. This may be attributed to the fact that a growing number of patients are referred to geriatric hospitals, hostels, and other alternatives provided by the community. 213. On July 26, 2007, the Haifa District Court accepted an appeal to the decision of the District Psychiatric Committee in the "Tirat Hakarmel" Mental Health Center which issued a hospitalization order based on the Mentally Ill Patients Treatment Law 5751-1991, (the "Mentally Ill Patients Treatment Law") without granting the Petitioner the right to a legal hearing (Haifa D.C. Appeal 001036/07 *Anonymous v. the District Psychiatric Committee in the "Tirat Hakarmel" Mental Health Center*).

214. The Court held that the petitioner has the right to a legal hearing before any decision is made regarding his case. It concluded that the right of the petitioner was violated and that the District Psychiatric Committee operated contrary to the law. The Court held that the hospitalization order remain valid for another seven days to allow the District Psychiatrist to operate according to the

powers provided to him by the **Mentally Ill Patients Treatment Law**. Because the petitioner did not request his immediate release, and in order to avoid causing further damage, the Court held that the immediate release of the petitioner would not be beneficial.

318. In 2004, the **Mentally Ill Treatment Law** was amended to include a provision concerning the right of coercively hospitalized patients to be legally represented in psychiatric committee hearings, when re-evaluating their hospitalization period. The PDO is now responsible for the legal representation of patients hospitalized according to a court order following a criminal procedure opened against them. During 2006, the PDO completed the extension of its legal representation to cover all mental health hospitals and clinics throughout the country, offering representation to 550 patients, of whom 450 were registered during 2006 alone.

345. The Law¹ also determines the level of comprehension and consent needed from minors and **people with mental and intellectual disabilities** in order to conduct a physical search. An officer will not conduct a physical search or examination of minors and **people with mental and intellectual disabilities**, unless in addition to the written consent of that person, he receives a further consent from that person's guardian. If the person does not have a guardian, he may request the courts to appoint him one.

522. **The Civil Service**. As mentioned in Israel's previous periodic report, minorities and underrepresented populations such as women, **the disabled**, and the Arab, Druze and Circassian population shall be represented according to their proportion in the eligible work force population under the Civil Service (Appointments) (Amendment No. 11) (Proper Representation) Law, 5760-2000. The civil service must maintain appropriate representation regarding appointments of minority groups, as well as in the distribution of professional ranks with regard to specific circumstances.

Recommendations from IDA

- To consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.
- To abolish all legal provisions authorizing involuntary commitments to psychiatric hospitals and involuntary mental health treatment.
- To eliminate the practice of coercive medical measures and compulsory confinement in mental health facilities.
- To adopt measures to ensure that having a disability does not disqualify any person from exercising his or her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to enjoy their right on an equal basis with others.

¹ On September 19, 2005 the Criminal Procedure (Enforcement Powers – Physical Search of a Suspect) Law, 5756-1996.

