



**BARBARA FAYE WAXMAN FIDUCCIA PAPERS  
ON WOMEN AND GIRLS WITH DISABILITIES  
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**Right Now! – Women with Disabilities Build Peace Post-Conflict  
By  
Stephanie Ortoleva, Esq.<sup>1</sup>**

**Introduction:** Women across the world are standing their ground against political exclusion. A gender-sensitive approach must be used; all women must have the opportunity to participate in reconstruction, building the rule of law, strengthening democracy and post-conflict decision making processes. Sustainable peace requires the inclusion of all groups affected by conflict at all stages. Some progress has been made through a series of United Nations Security Council Resolutions, beginning with Resolution 1325 in 2000, to give women a place at the table in post-conflict peace-building and reconciliation. However, women with disabilities have been excluded from a role in these processes, both in practice and formally through the various United Nations resolutions and policy documents.

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<sup>1</sup> Stephanie Ortoleva is an attorney with expertise in international human rights law and U.S. civil rights law. Currently, she is the Senior Human Rights Legal Advisor with the leading international human rights law firm BlueLaw International, LLP, where she focuses on disability rights, women's rights, and rule of law issues, with concentrations on human rights programming in developing, transition, and post-conflict countries. Ms. Ortoleva also is an Adjunct Professor at American University School of International Service and will be a Visiting Scholar at the University of Hawai'i in Spring 2011. She is the founding Co-Chair of the American Society of International Law's International Disability Rights Interest Group. Previously, Ms. Ortoleva served as an Attorney and Human Rights Officer at the U.S. Department of State, where she participated in the negotiations of the UN Convention on the Rights of Persons with Disabilities, serving on the United States governmental delegation, as well as undertaking extensive work at the United Nations and Organization of American States on international women's issues, including women's role in peace-building and post-conflict resolution. She was given the prestigious U.S. Department of State Franklin Award in 2009 for her outstanding work on human rights matters and was the featured Department employee for women's history month in 2009. She is a frequent speaker at conferences and other events and has numerous publications on women's rights, disability rights, and multilateral diplomacy, including *The Forgotten Peace Builders: Women with Disabilities*, Loyola of Los Angeles International and Comparative Law Review, Spring 2011; *Inaccessible Justice: Persons with Disabilities and the Legal System*, International Law Society of America, Journal of International and Comparative Law, Spring 2011; a Chapter in "Lawyers, Lead On", American Bar Association Publishing, March 2011; among others. She developed the website [www.WomenEnabled.org](http://www.WomenEnabled.org) to bring attention to the urgent need to include women and girls with disabilities in international resolutions, policies and programs. She is also an active member of the International Network of Women with Disabilities, an on-line community of women with disabilities and allies to bring about positive change and inclusion of women and girls with disabilities. She graduated from Hofstra University School of Law with outstanding honors and is admitted to practice before the U.S. Supreme Court. The author wishes to thank her research assistant, Shivani Honwad, a third-year law student at American University Washington College of Law for her outstanding and creative assistance and Frank Della-Penna, my ever-supportive husband and life partner, for his patience and assistance in my work.

Women with disabilities face unique challenges, offer unique perspectives and clearly have the capacity to make important contributions to the peace-building and reconstruction process. The only way to ensure that women with disabilities are effectively represented and that their needs and concerns are addressed is to include them in post-conflict peace-building. An emancipatory gender politics means considering disability along with other identities. Groups that have traditionally been excluded, such as women with disabilities, deserve special attention, bringing their varied backgrounds, perspectives and skills to the negotiating table. They must play an important role in formulating and implementing policies that will affect the society as a whole moving forward after conflict. This approach also strengthens democracy and fosters inclusive political participation. Therefore, existing programs, institutions and mechanisms at the international, national and local levels must strive to ensure that the voices of women with disabilities are included as resolutions, recommendations and guidelines are drafted, as programs are designed and implemented on the ground, and as peace processes proceed.

**International Legal Basis for Inclusion:** Below are set forth recommendations for action, consistent with the gender-sensitive approaches outlined in the United Nations Charter,<sup>2</sup> with the provisions of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), especially its Article 6 on Women with Disabilities,<sup>3</sup> the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>4</sup> and the Convention on the Rights of the Child (CRC), especially its Article 23<sup>5</sup> to improve the extent to which women and girls with disabilities are included in United Nations resolutions, programs, policies and processes; in the activities of the various entities of the United Nations;<sup>6</sup> in international, national and non-governmental organizations, as well as recommendations to bring greater attention to the issues of women and girls with disabilities and to provide a data-rich, resource-based framework for action. Specifically, several provisions in the CRPD,<sup>7</sup> the CEDAW,<sup>8</sup> and the CRC<sup>9</sup> are particularly relevant to peace-building programs, particularly regarding legal capacity, access to justice and participation in political and public life.

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<sup>2</sup> United Nations, *Charter of the United Nations*, (1945) available at <http://www.un.org/en/documents/charter/index.shtml>.

<sup>3</sup> *Convention on the Rights of Persons with Disabilities*, G.A. Res. 61/611, U.N. Doc. A/RES/61/611 (Dec. 6, 2006) available at <http://www.un.org/disabilities/convention/conventionfull.shtml> [hereinafter CRPD].

<sup>4</sup> *Convention on the Elimination of All Forms of Discrimination Against Women*, G.A. Res. 34/180, U.N. Doc. A/RES/34/180 (Dec. 18, 1979) available at <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> [hereinafter CEDAW].

<sup>5</sup> *Convention on the Rights of the Child*, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (Sept. 2, 1990) available at <http://www2.ohchr.org/english/law/pdf/crc.pdf> [hereinafter CRC] (Article 23 of the CRC recognizes the special needs of disabled children and specifically calls on the community to make the necessary accommodations so that disabled children are fully integrated into society and can enjoy a fair and decent life. Additionally, in 2007, the Commission on the Status of Women called for action for the elimination of all forms of discrimination against the girl child, resulting in the Secretary General issuing reports dealing with this issue, *See* Press Release, Commission on the Status of Women hold Fifty-first session, Feb. 23, 2007, available at <http://www.un.org/News/Press/docs/2007/wom1607.doc.htm>).

<sup>6</sup> Inter-Agency Network on Women and Gender Equality, available at <http://www.un.org/womenwatch/ianwge/index.html> (last visited Mar. 28, 2011).

<sup>7</sup> *See* CRPD, *supra* note 3, arts. 12, 13

<sup>8</sup> *See* CEDAW, *supra* note 4, art. 15.

<sup>9</sup> *See* CRC, *supra* note 5, arts. 37, 38, 39.

The 1995 Beijing Declaration clearly recognized the need to address the concerns of women with disabilities and the correlated need to include women with disabilities in decision-making. Drawing on the disability inclusive nature of the original Beijing Declaration itself, the 2000 Special Session of the UN General Assembly reviewing the progress of the outcomes of the Fourth World Conference on Women (Beijing + 5) also addressed the concerns and role of women with disabilities.<sup>10</sup>

Even before the CRPD came into force, the CEDAW Committee began to recognize that issues of concern to women with disabilities had an important role in their work. The CEDAW Committee, in a General Recommendation, stated “that States parties [shall] provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.”<sup>11</sup> In another General Recommendation, the CEDAW Committee also referenced issues of concern to women with disabilities. The CEDAW Committee recognized that societal factors may be “determinative of health status” and that “special attention should be given to health needs and rights of women” with disabilities, among other vulnerable groups.<sup>12</sup>

This Paper also draws upon the joint statement of commitment of the inter-agency support group for the Convention on the Rights of Persons with Disabilities (IASG),<sup>13</sup> which was established by the United Nations Chief Executives Board in 2006, with the purpose of “demonstrating our will to ensure the promotion and protection of the rights of persons with disabilities by working towards the full inclusion of persons with disabilities in the work of the United Nations.”<sup>14</sup> Furthermore, the UN inter-agency network on women and gender equality (IANWGE) also reinforces the concept of gender inclusion within the United Nations.<sup>15</sup> IANWGE is chaired by UN Women and was created with the specific intent to promote gender equality throughout the UN system.<sup>16</sup>

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<sup>10</sup> U.N. *Beijing Declaration & Platform for Action*, (Sept. 1995), available at <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf> (last visited Mar. 27, 2011).

<sup>11</sup> General Recommendations, CEDAW Committee, see Recommendations 18 available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom18> (last visited Mar. 14, 2011).

<sup>12</sup> *See id.* (Recommendation 24).

<sup>13</sup> United Nations Enable, Inter-Agency Support Group, available at <http://www.un.org/disabilities/default.asp?navid=43&pid=323> (last visited July 28, 2010) The IASG was created to ensure “the commitment to the internationally agreed development goals; the need for system-wide coherence within the “delivering as one” framework; the importance of inclusion of persons with disabilities in the work of the United Nations; the need for a participatory approach; and the role of the United Nations in supporting Member States and specifically States parties.” The IASG includes many UN entities, including the Department of Peacekeeping Operations (DPKO) and the Department of Economic and Social Affairs (DESA), United Nations Educational, Scientific and Cultural Organization (UNESCO), and the United Nations Children’s Fund (UNICEF) all of which work on the issues raised in this paper).

<sup>14</sup> *Id.*

<sup>15</sup> Inter-Agency Network on Women and Gender Equality, available at <http://www.un.org/womenwatch/ianwge/index.html> (last visited Mar. 28, 2011).

<sup>16</sup> *See id.*

**A Gender Mainstreaming and Disability Inclusive Approach:** This Paper considers two elements essential to inclusion, that is, gender and disability.

**Gender Mainstreaming:** Under the CEDAW and policies and recommendations that flow from it, gender is viewed as the socially constructed roles ascribed to women and men, as opposed to biological and physical characteristics, which often flow from stereotypes of women and men.<sup>17</sup> Gender is a cross-cutting issue that affects everything from building housing, transportation, schools, bridges or wells, delivering humanitarian relief, establishing safe and secure refugee camps, reforming the security sector, establishing the rule of law, de-mining, instituting human rights protections, implementing inclusive decision-making processes, setting priorities for development activities, ensuring employment opportunities, and so on, all of which relate to the development and advancement of society both in conflict and post-conflict environments and in society generally.<sup>18</sup> In the area of post-conflict peace-building, this view sees women with disabilities as active participants in the peace-building process and in the development of institutions post-conflict. A gendered perspective can help identify different barriers, needs and interests of men and women, boys and girls; can help mainstream gender into planning and decision making processes; and can maximize contributions to these processes.<sup>19</sup>

**Disability Inclusion:** The CRPD, the first human rights treaty of the 21<sup>st</sup> century, became the first international instrument by which persons with disabilities could enforce their human rights. The CRPD also incorporated a transformative view of disability, moving away from the “medical model” of disability toward a “social model” of disability. Noted disability human rights scholars Michael Stein and Janet Lord emphasize the fact that: “The Convention categorically affirms the social model of disability in relation to persons with disabilities by describing it as a condition arising from ‘interaction with various barriers [that] may hinder their full and effective participation in society on an equal basis with others’ instead of a condition arising from inherent limitations,” referencing the CRPD Article 1.<sup>20</sup> Under the CRPD, disability is viewed through a social model under which disability is recognized as an evolving concept, recognizing that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.

This social model of disability has important ramifications for development and human rights programming because the CRPD recognizes the existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that

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<sup>17</sup> Rangita de Silva de Alwis, *Disability Rights, Gender, and Development: A Resource Tool for Action: Rep. of the Secretariat*, United Nations Population Fund & Wellesley Centers for Women (2008) available at <http://www.un.org/disabilities/documents/Publication/UNWCW%20MANUAL.pdf> (last visited Mar. 4, 2011).

<sup>18</sup> In Gender Mainstreaming: Strategy for Promoting gender Equality Document, Office Of the Special Advisor on gender Issues and Advancement of Women (2001) available at <http://www.un.org/womenwatch/osagi/pdf/factsheet1.pdf> (last visited Mar. 4, 2011).

<sup>19</sup> CWINF Guidance for NATO Gender Mainstreaming, Committee on Women in the NATO Forces, (2007) available at [http://www.nato.int/issues/women\\_nato/cwinf\\_guidance.pdf](http://www.nato.int/issues/women_nato/cwinf_guidance.pdf) (last visited Mar. 4 2011).

<sup>20</sup> See CRPD, *supra* note 3, art. 1; Janet E. Lord and Michael Ashley Stein, THE DOMESTIC INCORPORATION OF HUMAN RIGHTS LAW AND THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES, 83 WALR 449, 460 (2008).

the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty.<sup>21</sup> This social model of disability poses an alternative to the erroneous medical model of disability, asserting that persons with disabilities are disadvantaged not because of their impairments, but as a result of the limitations imposed by social, cultural, economic, and environmental barriers.<sup>22</sup> The advancement of persons with disabilities can most effectively be achieved through modifications to the environment, utilizing the universal design approach, which promotes the equalization of opportunities for disabled persons and which benefits the society as a whole.<sup>23</sup> Eradication of stereotypes of persons with disabilities also promotes equality and human rights. Disability inclusion will afford the same benefits as gender mainstreaming and has similar implications as gender mainstreaming for the various stages and elements of programming as outlined above.

**Gender-Focused Disability Inclusion:** This Paper argues that the United Nations women, peace and security framework must be innovative and use both gender mainstreaming and disability inclusion as a predominant framework to discuss inclusion of all women and girls within post-conflict peace-building and development, including women and girls with disabilities, which refers to the process of assessing the implications for women and men with and without disabilities of any planned action, including legislation, policies or programs in all areas and at all levels. Furthermore, drawing on the CRPD Article 6 on women, inclusion of women with disabilities in peace-building helps to “ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of [their] human rights and fundamental freedoms.”<sup>24</sup> It is a strategy for making the concerns and experiences of women and men with and without disabilities an integral dimension of design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres, so that women and men with and without disabilities benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality and equality for persons with and without disabilities. It is important to note that this mainstreaming approach does not focus solely on women and girls with disabilities, although women and girls with disabilities would more often than not be the focus and beneficiaries of mainstreaming practices due to their disadvantaged position in most communities post-conflict.

**Women and Peace-Building – The International Legal Framework:** At the early stages of the search for international mechanisms to promote peace, the instruments designed to foster peace, to establish mechanisms to prevent war, and to limit the disastrous impact of war on society significantly left out the concerns of women. Beginning in 2000, however, through a series of United Nations Security Council Resolutions on “Women, Peace and Security,” these

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<sup>21</sup> See CRPD, *supra* note 3.

<sup>22</sup> United Nations Inter-Agency Support Group for the Convention on the Rights of Persons with Disabilities, *Joint Statement of Commitment to the Convention*, (2008) available at <http://www.un.org/disabilities/documents/iasg/soc.pdf>.

<sup>23</sup> Sheryl Burgstahler, *Universal Design of Instruction*, AccessSTEM website available at <http://www.washington.edu/doi/Stem/ud.html> (last visited Mar. 4, 2011).

<sup>24</sup> See CRPD, *supra* note 3, art. 6.

omissions began to be addressed.<sup>25</sup> Nonetheless, within this structure of succeeding resolutions, women with disabilities generally still were ignored, leaving their needs unmet.<sup>26</sup> To ensure that the needs of all women are addressed in the context of war and peace these instruments and related programs must address women with disabilities.

In 2000, the Special Session of the United Nations General Assembly, reviewing the progress of the outcomes of the Fourth World Conference on Women at its Beijing + Five meeting, emphasized the need to ensure women's participation throughout "all levels of decision-making and implementation in development activities and peace processes."<sup>27</sup> This report observed that: "[t]here is greater recognition of the need to integrate a gender perspective in the planning, design and implementation of humanitarian assistance and to provide adequate resources."<sup>28</sup> Despite the advances that the report highlighted, it also emphasized the dramatic impact of the failure to more effectively include women in peace-building, peacemaking, and conflict resolution, and also pointed to the necessity for change: "The underrepresentation, at all levels, of women in decision-making positions, such as special envoys or special representatives of the Secretary-General, in peacekeeping, peace-building, post-conflict reconciliation and reconstruction, as well as lack of gender awareness in these areas, presents serious obstacles."<sup>29</sup> The report recommended that peace-building efforts "[e]nsure and support the full participation of women at all levels of decision-making and implementation in development activities and peace processes, including conflict prevention and resolution, post-conflict reconstruction, peacemaking, peacekeeping and peace-building, and in this regard, support the involvement of women's organizations, community-based organizations and nongovernmental organizations."<sup>30</sup>

In 2000, the value of women's participation in the prevention and resolution of conflicts and in peace-building was further recognized and reinforced in United Nations Security Council Resolution 1325 (UNSCR 1325) on "Women, Peace and Security."<sup>31</sup> UNSCR 1325 outlines the critical rationale for the inclusion of women in peace-building, peacemaking, and conflict resolution. The provisions of UNSCR 1325 also set out a recommendation for consultation with women's groups on a local and international level and encouraged the Secretary General to conduct a study on the impact of armed conflict on women and girls, the role of women in peace-building, and the gender dimensions of peace processes and conflict resolution -- to identify problems and solutions.<sup>32</sup> It invites the Secretary General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and further invites the Secretary General

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<sup>25</sup> See, e.g., U.N. Security Council S.C. Res. 1325, para 1, U.N. Doc. S/RES/1325 (Oct. 31, 2000); U.N. Security Council, S.C. Res. 1820, pmb., para. 1, U.N. Doc. S/RES/1820 (June 19, 2008); U.N. Security Council S.C. Res. 1888 pmb., para. 6, U.N. Doc. S/RES/1888 (Sept. 30, 2009); U.N. Security Council S.C. Res. 1889 pmb., paras. 1, 2, 3, U.N. Doc. S/RES/1889 (Oct. 5, 2009).

<sup>26</sup> See S.C. Res. 1325, *supra* note 23; S.C. Res. 1820, *supra* note 23; S.C. Res. 1889, *supra* note 23.

<sup>27</sup> See G.A. Res. S-23/3, para. 86(b), U.N. Doc. A/RES/S-23/3 (Nov. 16, 2000).

<sup>28</sup> *Id.* para. 15.

<sup>29</sup> *Id.* para. 16.

<sup>30</sup> *Id.* para. 86(b).

<sup>31</sup> S.C. Res. 1325, *supra* note 23, para. 5.

<sup>32</sup> *Id.*



to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations.<sup>33</sup>

Thus began the first of a series of six United Nations resolutions on Women, Peace and Security:

- UNSCR 1325 (2000) called for the ensured participation of women in peace processes and called for improved protection of women in conflict zones.<sup>34</sup>
- UNSCR 1820 (2008) reaffirmed commitment to 1325 and linked the prevention of sexual violence with the maintenance of peace and security.<sup>35</sup>
- UNSCR 1888 (2009) mandated peacekeeping missions to protect women and girls from sexual violence in armed conflict.<sup>36</sup>
- UNSCR 1889 (2009) strengthened the participation of women at all stages of the peace process, focusing on the period after peace agreements have been reached.<sup>37</sup>
- UNSCR 1894 (2009) called for the protection of civilians in armed conflict and for assistance with the social reintegration of victims of armed conflict, including persons with disabilities and is the first resolution in this series to mention persons with disabilities.<sup>38</sup>
- UNSCR 1960 (2010) reaffirms the commitment to fulfill UNSCR 1325 and also is the second United Nations Security Council Resolution to mention persons with disabilities.<sup>39</sup>

Although Resolution 1894 specifically “[e]ncourages the international community . . . to provide assistance for the care, rehabilitation and economic and social reintegration of victims, including persons with disabilities”<sup>40</sup> and Resolution 1960 “[r]eaffirm[s] the importance for States, with the support of the international community, to increase access to health care, psychosocial support, legal assistance, and socioeconomic reintegration services for victims of sexual violence, in particular in rural areas, and taking into account the specific needs of persons with disabilities,”<sup>41</sup> these are the only two resolutions in the series addressing women, peace and security in areas of conflict that specifically reference women with disabilities. However, these references only refer to the impact of armed conflict on persons with disabilities, seeing them

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<sup>33</sup> *Id.* paras. 6, 16.

<sup>34</sup> *Id.* para. 2, 10.

<sup>35</sup> See S.C. Res. 1820, *supra* note 23, pmb., para. 1.

<sup>36</sup> See S.C. Res. 1888, *supra* note 23, paras. 10, 21, 26.

<sup>37</sup> See S.C. Res. 1889, *supra* note 23, para. 1.

<sup>38</sup> See S.C. Res. 1894, U.N. Doc. S/RES/1894 (Nov. 11, 2009).

<sup>39</sup> See S.C. Res. 1960, U.N. Doc. S/RES/1960 (Dec. 16, 2010).

<sup>40</sup> See S.C. Res. 1894, *supra* note 38, para. 29.

<sup>41</sup> See S.C. Res. 1960, *supra* note 39, para. 13.

only as victims, not advocating that women with disabilities have a role in peace processes post-conflict.<sup>42</sup> Furthermore, this groundbreaking series of resolutions regrettably failed to highlight the importance of including women with disabilities in these processes, except for a few brief references in UNSCR 1894 and 1960, which mainly concerned protection, again seeing persons with disabilities as “victims” rather than as agents for change, without emphasizing their potential roles in peace-building.<sup>43</sup> The rationale for the inclusion of women in peace-building (as enumerated in UNSCR 1325), and keeping women with disabilities in mind, makes it clear why this inclusion is necessary,<sup>44</sup> especially when combined with an understanding of the double discrimination women with disabilities face and utilizing the gender mainstreaming, disability inclusion approach outlined above.

The United Nations Secretary-General has submitted to the Security Council for consideration, a set of indicators for use at the global level to track implementation of its resolution 1325 (2000), which could serve as a common basis for reporting by relevant United Nations entities, other international and regional organizations, and Member States, on the implementation of UNSCR 1325 (2000) in 2010 and beyond.<sup>45</sup> In monitoring the implementation of UNSCR 1325, “[i]ndicators are signposts of change; a means for determining the status quo and the progress towards intended results. Indicators are critical for effective monitoring and evaluation,” and they also serve as mechanisms for accountability to all stakeholders by demonstrating progress.<sup>46</sup>

According to the United Nations, the indicators were developed “through a consultative process.”<sup>47</sup> But there is no indication that the consultative process included women with disabilities, organizations of peoples (or women) with disabilities, or experts on issues of concern to women with disabilities in peace-building processes, as required by the CRPD.<sup>48</sup> Furthermore, the indicators themselves do not include factors to measure the inclusion of women with disabilities, nor issues concerning them.<sup>49</sup> Assessment of the progress in implementation with respect to women with disabilities “is constrained by an absence of baseline data and specific, measurable, achievable, relevant and time-bound indicators”<sup>50</sup> Without such indicators, the different experiences of women with disabilities will not be reflected in reporting. Indeed, this has been the case in such reports to date. On October 26, 2010, the Security Council supported “taking forward” these indicators and requested the Secretary General to develop them further. However, once again, there was no reference to women with disabilities in the Security Council statement moving the indicators forward.<sup>51</sup>

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<sup>42</sup> *See id.*

<sup>43</sup> *See id.* para. 7(b), 21, 32.

<sup>44</sup> *See* S.C. Res. 1325, *supra* note 23, paras. 2, 6,

<sup>45</sup> U.N. Secretary-General, *Women and Peace and Security: Rep. of the Secretary-General*, para. 3, U.N. Doc. S/2010/173 (Apr. 6, 2010).

<sup>46</sup> *Id.* para. 4.

<sup>47</sup> *Id.* para. 7(d).

<sup>48</sup> *See* CRPD, *supra* note 3, pmb., (o), arts. 3, 6.

<sup>49</sup> *See* S.C. Res. 1325, *supra* note 23.

<sup>50</sup> United Nations Security Council, *Women and Peace and Security*, Rep. of the Sec-Gen. (Apr. 6, 2010) U.N. Doc S/2010/273 available at <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20S2010%20173.pdf> (last visited Mar. 30, 2011).

<sup>51</sup> United Nations Security Council, Oct. 26, 2010, <http://www.un.org/News/Press/docs/2010/sc10071.doc.htm>



### **The Situation of Women with Disabilities Internationally and in Conflict**

**Environments:** Numerous issues affect women and girls with disabilities disproportionately when compared to men with disabilities and women without disabilities, including health, education, employment, violence, family rights, marriage, housing, and participation in public life, all of which are exacerbated by war. Gender stereotyping and the double discrimination women with disabilities face because of both their gender and their disability have a dramatic impact on their lives. War and conflict increase the incidence of disability for women in general. In addition, women with disabilities often develop additional or more severe disabilities as a result of war and conflict. Women with disabilities experience higher rates of gender-based and other forms of violence during the conflict, all of which may result in increased HIV infection and psychological trauma. Refugee camps are particularly problematic for women with disabilities because of violence, lack of support systems, and facilities and services that are rarely accessible and are not designed to meet their specific needs. Justice and post-conflict reconciliation activities generally do not include them, do not address their concerns and are inaccessible. Limited data on the situation of women with disabilities exists, and there is a clear need for more detailed, standardized and disaggregated data on the issues discussed to more effectively address them.

**Disability and Gender Background Data:** There are approximately 650 million persons with disabilities in the world, or 10 percent of the global population, although this number is increasing due to population growth, aging of the population and war and conflict.<sup>52</sup> An estimated 80 per cent of these persons live in developing countries, many in conditions of poverty. In both developed and developing countries, evidence suggests that persons with disabilities are disproportionately represented among the world's poor and tend to be poorer than their counterparts without disabilities. It is estimated that of the world's poorest people -- those who live on less than one dollar a day and who lack access to basic necessities such as food, clean water, clothing and shelter -- one in five is a person with disabilities.<sup>53</sup> Given that persons with disabilities represent such a significant portion of the population, and are more likely to live in poverty than their peers without disabilities, ensuring that they are integrated into all development activities is essential in order to achieve international development goals.<sup>54</sup>

Persons with disabilities are the world's largest minority.<sup>55</sup> Women are certainly at least half of the human population and women with disabilities comprise at least a similar proportion of persons with disabilities. Globally, women make up three fourths of persons with disabilities in low and middle income countries and between 65 percent and 70 percent of these women live in rural areas.<sup>56</sup> According to one of the women who led the effort to ensure that the

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<sup>52</sup> "Some Facts about Persons with Disabilities" Convention on the Rights of Persons with Disabilities, available at <http://www.un.org/disabilities/convention/facts.shtml> (last visited March 31, 2011).

<sup>53</sup> *See id.*

<sup>54</sup> U.N. Economic and Social Council, *Mainstreaming Disability in the Development Agenda*, U.N. Enable Secretariat, U.N. Doc. E/CN.5/2008/6 (Nov. 23, 2007) available at <http://www.un.org/disabilities/default.asp?id=708> (last visited Mar. 27, 2011).

<sup>55</sup> UN Enable, *Fact Sheet on Persons with Disabilities*, available at <http://www.un.org/disabilities/documents/toolaction/pwdfs.pdf> (last visited Mar. 27, 2011).

<sup>56</sup> *See de Silva de Alwis, supra* note 17.

rights of women with disabilities were incorporated into the CRPD,<sup>57</sup> “gender is one of the most important categories of social organization, and patterns of disadvantage are often associated with the differences in social position of women and men. These gendered differences are reflected in the different life experiences of women with disabilities and men with disabilities. While women with disabilities have much in common with men with disabilities, women with disabilities have to face multiple discrimination in many cases, so that they are often more disadvantaged than men with disabilities in similar circumstances.”<sup>58</sup> Women with disabilities are twice as unlikely to find work as disabled men. Although the majority of women with disabilities contribute significantly to their families through cooking, cleaning, and caring for children and relatives, 75 percent of women with disabilities worldwide, and up to 100 percent in some developing countries, are excluded from the workforce.<sup>59</sup> Women with disabilities are recognized to be doubly disadvantaged, experiencing exclusion on account of both their gender and their disability.

**Gender Stereotyping and Women with Disabilities:** Women with disabilities experience the stereotypical attitudes toward women and towards persons with disabilities. In the groundbreaking book, *Gender Stereotyping: Transnational Legal Perspectives*, Cook and Cusack define stereotyping as “a generalized view or preconception of attributes or characteristics possessed by, or the roles that are or should be performed by members of the particular group (e.g., women, lesbians, adolescents).”<sup>60</sup>

Both the CEDAW and the CRPD recognize the role of stereotypes in the denial of human rights to women with disabilities. The CEDAW Article 5(a) states: “States Parties shall take all appropriate measures: (a) [t]o modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”<sup>61</sup>

The CRPD takes the CEDAW stereotype provisions one step further and recognizes that, in the case of women with disabilities, it is important to consider how gendered stereotypes coincide with stereotypes of persons with disabilities to harm and discriminate against them in compounded ways, thereby recognizing the intersection of both gender and disability stereotypes in the case of women with disabilities. The CRPD Article 8 on awareness-raising states: “Article 8(1) States Parties undertake to adopt immediate, effective and appropriate measures: (b) [t]o combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life.”<sup>62</sup> For those advocating for a separate article on women with disabilities, as well as the inclusion of a gender perspective throughout the

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<sup>57</sup> See CRPD, *supra* note 3, art. 8(1)(b).

<sup>58</sup> Sigrid Arnade & Sabine Haefner, *Gendering the Comprehensive and Integral Int’l Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities 7* (Disabled Peoples’ International 2006) available at [http://v1.dpi.org/lang-en/resources/topics\\_detail?page=446](http://v1.dpi.org/lang-en/resources/topics_detail?page=446) (last visited Mar. 23, 2010).

<sup>59</sup> *Id.*

<sup>60</sup> Rebecca J. Cook & Simone Cusack, *Gender Stereotyping: Transnational Legal Perspectives* (University of Pennsylvania Press 2010).

<sup>61</sup> See CEDAW, *supra* note 4, art. 5(a).

<sup>62</sup> See CRPD, *supra* note 3, art. 8(1)(b).

CRPD, the recognition of this compounded discrimination was crucial. “In addition to the multiple discrimination women with disabilities have to experience, they face the problem of a double invisibility as women and as disabled persons.”<sup>63</sup>

Fine and Asch note a significant impact of these stereotypical views of women with disabilities, discussing the importance of addressing social roles: “Rolelessness, the absence of sanctioned social roles and/or institutional means to achieve these roles, characterizes the circumstances of disabled women in today’s society. ...The absence of sanctioned roles can cultivate a psychological sense of invisibility; self-estrangement, and/or powerlessness.”<sup>64</sup> Nonetheless, the authors strongly note that we should: “...see disabled women as neither helpless nor hopeless victims unwilling to change their circumstances.”<sup>65</sup> Thus, these stereotypes of women with disabilities would certainly contribute to an understanding as to why women with disabilities are virtually absent from peace-building, except when they are occasionally seen as victims in need of protection.

**Impact of Double Discrimination on Women with Disabilities:** Numerous issues affect women with disabilities disproportionately when compared to men with disabilities and women without disabilities.<sup>66</sup> These areas concern the following issues: health, education, employment, violence, family rights, marriage, housing, and participation in public life, all of which are exacerbated by war and are seen globally.<sup>67</sup>

Although the literacy rate for adults with disabilities is 3 percent, only a meager 1 percent of women with disabilities are literate.<sup>68</sup> Additionally, women with disabilities have few opportunities for vocational training. This, of course, makes it even more difficult for women with disabilities to participate in peace-building activities and to advocate for their rights.<sup>69</sup> For this and many other reasons, women with disabilities have low employment rates, experience discriminatory hiring and promotion criteria, do not receive equal pay for equal work and are frequently steered into segregated and less remunerative occupations.<sup>70</sup> Women with non-severe disabilities earn less than their male counterparts; and women with severe disabilities have the

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<sup>63</sup> See Arnade & Haefner, *supra* note 58 at 10.

<sup>64</sup> Michelle Fine & Adrienne Asch, *Disabled Women: Sexism without the Pedestal* 8 J. Soc. & Soc. Welfare 233, 239 (1981) available at <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/jrlsasw8&div=26&id=&page=> (last visited Mar. 26, 2011).

<sup>65</sup> See *id.* at 241.

<sup>66</sup> Natacha David, “Women with Disabilities – Dual Discrimination,” 137 Trade Unions and Workers with Disabilities: Promoting Decent Work, Combating Discrimination, Labour Education 17 (2004).

<sup>67</sup> See Arnade & Haefner, *supra* note 58, at 12.

<sup>68</sup> Harilyn Rousso, *Gender and Education for All: The Leap to Equality* (UNESCO, Education for All Global Monitoring Report, Background Paper, 2003) available at <http://unesdoc.unesco.org/images/0014/001469/146931e.pdf> (last visited Mar. 26, 2011).

<sup>69</sup> See *id.*

<sup>70</sup> Arthur O’Reilly, *Employment Barriers for Women with Disabilities*, in *The Right to Decent Work of Persons with Disabilities* 31 (International Labour Organization, Working Paper, 2003) available at [http://staging2.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_bk\\_pb\\_93\\_en.pdf](http://staging2.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_93_en.pdf) (last visited Mar. 26, 2011).

lowest earnings of any group, in both developed and developing countries.<sup>71</sup> Credit and other productive resources are often denied to them. All of these factors contribute to the high poverty rates for women with disabilities and increase their invisibility.<sup>72</sup>

Inaccessible health care services pose a significant barrier for women with disabilities, with respect to both physical inaccessibility of facilities and staff who lack the skills to communicate with women with various disabilities and/or who view them as asexual with respect to the provision of sexual and reproductive health care services.<sup>73</sup> Gender-based discrimination, sexual and other forms of violence, poverty, armed conflict, dislocation and other forms of social isolation contribute to increased risk of psycho/social disabilities among women. All of these health care deficits are amplified in the conflict environment, especially when women with disabilities are subjected to gender-based and other forms of violence.

Women with disabilities also generally face significant barriers in accessing adequate housing and services. In conflict situations, housing is often scarce as a result of the conflict itself and this is exacerbated for women with disabilities.<sup>74</sup>

**Increased Incidence of Disability for Women in Conflict Situations:** Girls and women are more likely to become disabled as a result of violence, armed conflicts, aging and gender-biased cultural practices limiting their access to food, shelter, health care, safe working environments, marriage and social integration. These effects can be seen pre-conflict, during conflict and post-conflict.<sup>75</sup> At the same time, conflict situations make more women disabled directly because of injuries caused by land mines, bombs, combat, and other factors incident to a conflict situation.<sup>76</sup>

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<sup>71</sup> See also LITA JANS & SUSAN STODDARD, CHARTBOOK ON WOMEN AND DISABILITY IN THE UNITED STATES (InfoUse Report, U.S. National Institute on Disability and Rehabilitation Research 1999) available at <http://www.infouse.com/disabilitydata/womendisability/> (last visited Mar. 23, 2010); Daniel Stubbs, & Sainimili Tawake, *Pacific Sisters with Disabilities: At the Intersection of Discrimination*, (UNDP, 2009) available at <http://www.undppc.org.fj/resources/article/files/Final%20PSWD%20BOOKLET.pdf> (last visited Mar. 26, 2011).

<sup>72</sup> U.N. Economic and Social Council, *Mainstreaming Disability in the Development Agenda*, U.N. Enable Secretariat, U.N. Doc. E/CN.5/2008/6 (Nov. 23, 2007) available at <http://www.un.org/disabilities/default.asp?id=708> (last visited Mar. 27, 2011).

<sup>73</sup> U.N. Economic and Social Council, *The Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health*, Rep. of the Special Rapporteur, ¶ 64, U.N. Doc. E/CN.4/2003/58 (Feb. 13, 2003) available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/109/79/PDF/G0310979.pdf?OpenElement> (last visited Mar. 27, 2011).

<sup>74</sup> U.N. Economic and Social Council, *Study by the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living*, ¶ 64, U.N. Doc. E/CN.4/2005/43 (Feb. 25, 2005) available at [http://www.un.org/womenwatch/enable/E-CN4-2005-43\\_Housing.pdf](http://www.un.org/womenwatch/enable/E-CN4-2005-43_Housing.pdf) (last visited Mar. 26, 2011).

<sup>75</sup> INT'L FED'N OF RED CROSS & RED CRESCENT SOCIETIES, *DISASTERS REPORT: FOCUS ON DISCRIMINATION* 88 (2007), available at <http://www.ifrc.org/Docs/pubs/disasters/wdr2007/WDR2007-English.pdf>.

<sup>76</sup> World Bank, *Social Analysis and Disability, Incorporating Disability-Inclusive Development into Bank-Supported Projects* (Mar. 2007) available at <http://siteresources.worldbank.org/DISABILITY/Resources/280658-1172606907476/SAnalysisDis.pdf> (last visited Mar. 26, 2011).

Land mine removal is also a physical risk that may result in disabilities.<sup>77</sup> The Beijing Platform for Action (1995) recognizes that women and children are particularly affected by the indiscriminate use of anti-personnel landmines.<sup>78</sup> Although men are generally involved in landmine removal, women also engage in this dangerous work. All-women demining teams are becoming increasingly prevalent, and there have been all-women teams in Cambodia, Croatia, Kosovo, the Lao People's Democratic Republic, Lebanon and one Muslim territory in Somaliland, for example.<sup>79</sup>

Furthermore, a recent innovative, rigorous analysis of the impact of armed conflict on female life expectancy relative to that of males found that over the entire conflict period, interstate and civil wars on average affect women more adversely than men.<sup>80</sup> In peacetime, women typically live longer than men.<sup>81</sup> Therefore, the study concluded that armed conflict tends to decrease the gap between female and male life expectancy.<sup>82</sup> Indeed, for every child killed in warfare, three are injured and acquire a disability.<sup>83</sup> Although entire communities suffer the consequences of armed conflict, women and girls are particularly affected in conflict situations because of their status in society and the stereotyping of roles and attitudes toward women and girls with disabilities based on the compounded double discrimination they face because of disability and gender.<sup>84</sup>

Conflict situations also increase the vulnerability of women and girls who are already disabled, and their families, through the breakdown of economic structures and activities in which women and girls with disabilities were engaged, health care institutions and facilities, family and community support, educational opportunities, housing, transportation and other infrastructures. They also may have been forced to leave wheelchairs, medications, assistive aids and supportive animals, and prosthetics behind.<sup>85</sup> While those injured as a result of the disaster or conflict may be very visible, it is important to remember that many other people living in the affected areas may already be disabled, and may then become further marginalized and excluded on the basis of their disability in the aftermath.<sup>86</sup>

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<sup>77</sup> U.N. Department of Disarmament Affairs, *Conflict, Peace-Building, Disarmament, Security: Gender Perspectives on Landmines* (Mar. 2001), available at <http://www.oecd.org/dataoecd/3/28/1896552.pdf> (last visited Mar. 27, 2011).

<sup>78</sup> U.N. *Beijing Declaration & Platform for Action*, (Sept. 1995), available at <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf> (last visited Mar. 27, 2011).

<sup>79</sup> Rachel Canfield & Chad McCoull, *Gender in the Mine-Action Community 12.2 J. OF ERW AND MINE ACTION (2008)* available at <http://maic.jmu.edu/Journal/12.2/focus/canfield/canfield.htm> (last visited Mar. 23, 2011).

<sup>80</sup> See Thomas Plümper & Eric Neumayer, *The Unequal Burden of War: The Effect of Armed Conflict on the Gender Gap in Life Expectancy*, 60 INT'L ORG. 723, 723-24 (2006).

<sup>81</sup> See *id.* at 723.

<sup>82</sup> See *id.* at 747.

<sup>83</sup> UN Enable, *Fact Sheet on Persons with Disabilities*, available at <http://www.un.org/disabilities/documents/toolaction/pwdfs.pdf> (last visited Mar. 27, 2011).

<sup>84</sup> See de Silva de Alwis, *supra* note 17.

<sup>85</sup> INT'L FED'N OF RED CROSS & RED CRESCENT SOCIETIES, *DISASTERS REPORT: FOCUS ON DISCRIMINATION 88 (2007)*, available at <http://www.ifrc.org/Docs/pubs/disasters/wdr2007/WDR2007-English.pdf>.

<sup>86</sup> Maria Kett & J. Twigg, *Disability and Disasters: Towards an Inclusive Approach*, (Int'l Federation of Red Cross & Red Crescent Societies, 2007) available at <http://www.ifrc.org/Docs/pubs/disasters/wdr2007/WDR2007-English-4.pdf> (last visited Mar. 26, 2011).



“Persons with disabilities, especially women and children, are particularly vulnerable to violence, exploitation and sexual abuse in such situations. Anyone affected by disasters or conflict is more vulnerable to mental health and psycho-social disabilities – which may result in misunderstandings and further isolation and social exclusion from families and communities.”<sup>87</sup> Women who have been traumatized and disabled during violent conflict are often ostracized from their communities, deprived of liberty without any support, or subjected to involuntary interventions including forced psychiatric drugging.

Providing support starts with asking what the woman needs and really listening to what the woman says. It could involve voluntary access to trauma-informed counseling services.<sup>88</sup> The lack of provision of support and/or subjecting a woman to psychiatric interventions against her will are forms of violence that cause further psychological trauma that can lead to further disability.<sup>89</sup> The only way to stop this vicious cycle is to provide real support to women who have been traumatized and to include input from women who have survived such experiences in making policy and planning for the provision of support.<sup>90</sup>

Clearly, the ravages of war can also increase psycho-social disabilities. For example, the civil war in Cambodia is documented to have caused mental disabilities among women and “Cambodia has one of the world’s highest ratios of persons with disabilities.”<sup>91</sup> Girls often serve as child soldiers and some estimate that as many as 30 percent of child soldiers are girls.<sup>92</sup> They serve as fighters, cooks, porters, messengers, medics, spies, lookouts, raiders, domestic and agricultural labor. They also are forced to serve as sexual slaves to numerous men in forces or may be given to one man for his exclusive use as a captive “wife.”<sup>93</sup> Such experiences often result in the development of multiple physical and psychosocial disabilities.<sup>94</sup> Generally, the needs of these girls and young women are not met and they do not have the opportunity to

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<sup>87</sup> *See id.*

<sup>88</sup>The International Network of Women with Disabilities, “Violence Against Women with Disabilities” 5 (Barbara Faye Waxman Fiduccia Papers on Women and Girls with Disabilities Center for Women Policy Studies: March 2011) *available at*

[http://www.centerwomenpolicy.org/programs/waxmanfiduccia/documents/BFWFP\\_ViolenceAgainstWomenwithDisabilities\\_TheInternationalNetworkofWomenwithDisabilities.pdf](http://www.centerwomenpolicy.org/programs/waxmanfiduccia/documents/BFWFP_ViolenceAgainstWomenwithDisabilities_TheInternationalNetworkofWomenwithDisabilities.pdf) (last visited Mar. 31, 2011).

<sup>89</sup> *See* “Mental Health, social functioning, and disability in postwar Afghanistan,” International Emergency and Refugee Health Branch (Aug. 4, 2004) *abstract available at* <http://www.ncbi.nlm.nih.gov/pubmed/15292083> (last visited Apr. 4, 2011); *see also* Mario Klaric et al. “Psychological Consequences of War Trauma and Postwar Social Stressors in Women in Bosnia and Herzegovina,” 48(2) CROAT MED J. 167 (2007).

<sup>90</sup> Interim report of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, (2008) UN Doc. A/63/175 *available at* <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/440/75/PDF/N0844075.pdf?OpenElement> (last visited Mar. 28, 2011).

<sup>91</sup> de Silva de Alwis, *supra* note 17.

<sup>92</sup> Red Hand Day, *Global Appeal: No Use of Child Soldiers*, *available at* <http://www.redhandday.org/index.php?l=en&view=about> (last visited Mar. 26, 2011).

<sup>93</sup> Div. for the Advancement of Women & UNICEF, Elimination of All Forms of Discrimination and Violence Against the Girl Child para. 80 (unpublished report), *available at* [http://www.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/EGM%20Report\\_FINAL.pdf](http://www.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/EGM%20Report_FINAL.pdf).

<sup>94</sup> UNICEF, *Elimination of All Forms of Discrimination and Violence Against the Girl Child*, ¶¶ 67, 79-81 (Sept. 25-28, 2006) *available at* [http://www.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/EGM%20Report\\_FINAL.pdf](http://www.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/EGM%20Report_FINAL.pdf) (last visited Mar. 26, 2011).

participate in reintegration programs.<sup>95</sup> Therefore, because of the increase in the number of women and girls with disabilities as a result of the ravages of war, women with disabilities must be included in post-conflict peace-building both as a matter of equity and also to ensure that their needs are met in post-conflict legal and societal structures.

**Violence Against Women with Disabilities:** Of course, violence at all times and especially in times of war often contributes to the incidence of disability among girls and women. Both men and women with disabilities are more vulnerable to physical, psychological, sexual or financial violence; and, in particular, they are vulnerable to neglect, entrapment, and degradation. Women with disabilities, youth and children are especially at higher risk of being mentally or physically abused. They are generally more likely to experience abuse over a longer period and to suffer more severe injuries as a result of the violence.<sup>96</sup>

In addition, women with disabilities are twice as likely to experience domestic violence as are non-disabled women. Often for disabled people, their abuser may also be their caregiver, someone whom the individual is reliant upon for personal care or mobility. Domestic violence and abuse are a significant cause of physical and mental disabilities in women.<sup>97</sup> Abuse by household members often remains unreported to avoid further stigmatization. Furthermore, people with disabilities, especially women with disabilities, tend to lack access to legal protection.

Although there is limited reliable statistical data on the incidence of sexual and gender-based violence against women with disabilities, women with disabilities themselves frequently report experiencing high rates of such violence and abuse.<sup>98</sup> It is estimated that the rate of abuse among women with disabilities is two to four times the rate of violence experienced by women in general.<sup>99</sup> Depending on their disability, some women with disabilities may be unable to defend themselves, may not be able to flee the site of violence, or know how to report incidents of violence. “Women and girls with disabilities are also not privy to the same information available to nondisabled women and girls needed to recognize and address violence, including sexual violence. Finally, the police and law enforcement community may not respond appropriately to reports of violence against women and girls with disabilities.”<sup>100</sup>

**Gender-based Violence As An Act of War:** No discussion of violence against women in the context of war would be complete without an exploration of the use of gender-based violence as a tactic of war. Indeed, this reality was the basis for the series of

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<sup>95</sup> World Bank, *Social Analysis and Disability, Incorporating Disability-Inclusive Development into Bank-Supported Projects* (Mar. 2007) available at <http://siteresources.worldbank.org/DISABILITY/Resources/280658-1172606907476/SAnalysisDis.pdf> (last visited Mar. 26, 2011).

<sup>96</sup> See *id.*

<sup>97</sup> See *id.*

<sup>98</sup> Marit Hoem Kvam & Stine Hellum Braathen, *Violence and Abuse Against Women with Disabilities in Malawi*, (SINTEF, 2006) available at <http://www.sintef.no/upload/Helse/Levek%C3%A5r%20og%20tenester/AbuseMalawi.pdf> (last visited Mar. 26, 2011).

<sup>99</sup> *Violence Against Women with Disabilities—Prevalence* (Baylor College of Medicine 2009) available at <http://www.bcm.edu/crowd/?pmid=1338> (last visited Mar. 23, 2011).

<sup>100</sup> See de Silva de Alwis, *supra* note 17.



United Nations Resolutions on Women, Peace and Security discussed above, especially United Nations Security Council Resolution 1820 (2008), which links the prevention of sexual violence with the maintenance of peace and security<sup>101</sup> and United Nations Security Council Resolution 1888 (2009), which mandates peacekeeping missions to protect women and girls from sexual violence in armed conflict.<sup>102</sup> Although these resolutions do not recognize the violence women with disabilities experience, a 2010 Resolution of the United Nations Human Rights Council<sup>103</sup> recognizes that women with disabilities are subject to gender-based violence, that services must be accessible to them, and that women with disabilities must be included in data collected on the prevalence of gender-based violence.

Parties in conflict situations often rape women, sometimes using systematic rape as a tactic of war. Other forms of gender-based violence committed in armed conflict include murder, sexual slavery, child prostitution, forced pregnancy, forced sterilization, acid burnings, and so-called “honor killings.”<sup>104</sup> The State itself, the administrative systems and authorities, armed combatants, military forces, and peacekeeping forces have committed acts of sexual and other forms of violence.<sup>105</sup> Thus, as noted above, women with disabilities face higher levels of gender-based violence -- and this appears to be no different in times of war. For this reason as well, women with disabilities must be included in the United Nations Security Council resolutions on women, peace and security and in the programs to implement the resolutions.

**Women with Disabilities, HIV and Violence:** Since women with disabilities are at increased risk of sexual abuse and assault, especially during conflict situations, they have greater vulnerability to HIV infection.<sup>106</sup> Limited data are available on the incidence of HIV infection among persons with disabilities. Strategies and programs fail to adequately address how disability affects men and women differently, and persons with disabilities have often been ignored in HIV interventions that provide prevention, treatment, care, support and impact mitigation. In addition to myths about their behavior and life experiences, the failure to distinguish between the different needs of persons with various disabilities, the inaccessibility of health information and services, insufficient training and negative attitudes of health professionals, as well as the social isolation of persons with disabilities have all had a negative

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<sup>101</sup> See S.C. Res. 1820, *supra* note 23.

<sup>102</sup> See S.C. Res. 1888, *supra* note 23.

<sup>103</sup> Human Rights Council, *Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in prevention*, HRC Res. 14/12 U.N. Doc. A/HRC/RES/14/12 (June 23, 2010) available at [http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/RES.14.12\\_AEV.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/RES.14.12_AEV.pdf) (last visited Mar. 26, 2011).

<sup>104</sup> Swanee Hunt & Cristina Posa, *Women Waging Peace* 124 *Foreign Policy* 38 (2001) available at <http://www.jstor.org.proxy.wcl.american.edu/stable/3183189?seq=9&Search=yes&term=november&term=waging&term=peace&term=hunt&term=2000&term=swanee&list=show&searchUri=/action/doBasicSearch%3FQuery%3Dnovember%2B2000%26gw%3Djtx%26prq%3D%2528swanee%2Bhunt%2529%2BAND%2B%2528waging%2Bpeace%2529%26Search%3DSearch%26hp%3D25%26wc%3Don%26swp%3Don&item=1&ttl=1&returnArticleService=showArticle&resultsServiceName=doBasicResultsFromArticle> (last visited Mar. 24, 2011).

<sup>105</sup> Suk Chun & Inger Skjelsbaek, *Sexual Violence in Armed Conflicts* International Peace Research Institute (2010) available at [http://www.peacewomen.org/assets/file/Resources/Academic/vaw\\_sexualviolenceinarmedconflicts\\_prio\\_jan2010.pdf](http://www.peacewomen.org/assets/file/Resources/Academic/vaw_sexualviolenceinarmedconflicts_prio_jan2010.pdf) (last visited Mar. 23, 2011).

<sup>106</sup> Nora Ellen Groce & Reshma Trasi, *Rape of Individuals with Disability: AIDS and the Folk Belief of “Virgin Cleansing,”* (Global Health Division, Yale School of Public Health, 2004) available at [http://aidslex.org/site\\_documents/DB-0021E.pdf](http://aidslex.org/site_documents/DB-0021E.pdf) (last visited Mar. 26, 2011).

impact on their ability to access HIV/AIDS-related health care, further increasing the vulnerability of persons with disabilities to HIV infection and also increasing the impact of HIV and AIDS on their lives once infected.<sup>107</sup>

**The Situation in Refugee Camps:** The situation of women and girls with disabilities in refugee camps is dire because of many factors, including dislocation and inaccessible facilities and programs. A groundbreaking report by the Women’s Refugee Commission, *Disabilities Among Refugees*,<sup>108</sup> notes serious problems with the physical layout and infrastructure of refugee camps; there are few services that are accessible to people with disabilities, including toilets, shelters and health facilities. In general, no special accommodations are made for getting food and other supplies that refugees with disabilities need on a daily basis. Because camps and facilities are generally inaccessible, most persons with disabilities are forced to remain in their shelters. Not surprisingly, their voices go unheard in decision making activities for their communities.

The Women’s Refugee Commission report also reveals disparities between refugee camps and urban areas, concluding that there is greater awareness of the needs of persons with disabilities in camps. On the other hand, the report finds that in urban environments refugees with disabilities are unable to access services offered by the host government and virtually no one is providing special assistance to them. The Women’s Refugee Commission also found that persons with psychosocial disabilities did not receive services as most programs that did any work with persons with disabilities tended to focus on those with physical disabilities.<sup>109</sup>

In general, women are at greater risk for violence and abuse in refugee camps.<sup>110</sup> Those who escape and seek asylum rarely benefit from social and education programs because most States that receive immigrants do not address the needs of women and girls with disabilities. Furthermore, solely because of their disability, many are denied asylum.<sup>111</sup>

**Access to Justice Post-Conflict:** A legal framework is essential “for victims and witnesses to be able to approach law enforcement officials in safety and to be able to give evidence without fear of either retaliation or social or familial ostracism . . . [O]nerous procedural rules [often] inhibit women from testifying [and] stereotypes are [often] used to

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<sup>107</sup> *HIV/AIDS and Disability Global Survey, About Us*, YALE CTR. FOR INTERDISCIPLINARY RESEARCH ON AIDS, [http://cira.med.yale.edu/globalsurvey/about\\_us.html](http://cira.med.yale.edu/globalsurvey/about_us.html) (last modified Feb. 20, 2004).

<sup>108</sup> WOMEN, DISABILITY AND IDENTITY (Asha Hans & Annie Patri, eds. 2003).

Women’s Refugee Commission. *Disabilities Among Refugees*, available at <http://www.womensrefugeecommission.org/programs/disabilities> (last visited Mar. 26, 2011).

<sup>109</sup> *See id.*

<sup>110</sup> U.N. Economic and Social Council, Alternative Approaches and Ways and Means within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms, Rep. of the Special Rapporteur on Violence Against Women, U.N. Doc. E/CN.4/1998/54 (Jan. 26, 1998), available at <http://193.194.138.190/Huridocda/Huridocda.nsf/TestFrame/c90326ab6dbc2af4c125661e0048710e?Opendocument> (last visited Mar. 27, 2011).

<sup>111</sup> Nora Ellen Groce, *People with Disabilities*, in SOCIAL INJUSTICE AND PUBLIC HEALTH 145 (Barry S. Levy & Victor Sidel, eds., 2006) available at [http://www.aidslex.org/site\\_documents/DB-0018E.pdf](http://www.aidslex.org/site_documents/DB-0018E.pdf) (last visited Mar. 26, 2011).

discredit their testimony.”<sup>112</sup> There is little advantage in developing jurisprudence about the nature of international crimes against women if such onerous procedural rules inhibit women from testifying or if stereotypes are used to discredit their testimony.

Even during more peaceful times post-conflict, women with disabilities also face increased vulnerability because of the risk of physical and sexual abuse, especially the danger they face when they leave their villages to travel to sites where they could participate in the peace processes.<sup>113</sup> Without courts and judicial systems that are accessible to women with disabilities and that address their unique concerns, such processes will not provide them redress for the violations of their human rights.<sup>114</sup>

Despite all the significantly negative impacts of war on women with disabilities, women with disabilities must not be viewed solely as victims of war. Women with disabilities often assume the key role of ensuring family livelihood in the midst of chaos and destruction, and are particularly active in the peace movement at the grassroots level, cultivating peace within their communities. Thus women with disabilities must have the opportunity to engage actively in developing strategies and designing programs that meet their needs and in developing government institutions and policies post-conflict. Women with disabilities must not be viewed as passive recipients of development programs and assistance.

**Strategies for Change:** Some suggestions for modifications to the United Nations resolutions on women, peace and security must be developed to ensure inclusion of women with disabilities. The various entities within the United Nations must more fully address issues concerning women with disabilities, including the recently-established entity UN Women. To address the disparities women and girls with disabilities experience in access to health care, including sexual and reproductive health, gaps in education and employment and limited access to development programs, gender-sensitive, disability inclusive policies and practices must be utilized in international development and programs must be established to specifically target the unique needs of women and girls with disabilities. To address the fact that women with disabilities have rarely had access to post-conflict reconciliation and justice, prosecutors, courts and post-conflict tribunals must be better informed of the need to make the judicial system and reconciliation processes accessible to women with disabilities, with respect to both the physical facilities, communication barriers and other support.

Work in the area of gender-sensitive peace-building must incorporate the CRPD standards for women’s empowerment, reasonable accommodation and accessibility. The

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<sup>112</sup> Christine Chinkin & Hilary Charlesworth, *Building Women into Peace: The International Legal Framework* 27 Third World Q. 937, 949 (2006) available at <http://www.jstor.org/pss/4017787> (last visited Mar. 23, 2011).

<sup>113</sup> Pearl Praise Gottschalk, *How Are We in This World Now? Examining the Experiences of Persons Disabled by War in the Peace Processes of Sierra Leone*, (2007) (Masters of Art dissertation, University of Victoria) available at [http://siteresources.worldbank.org/DISABILITY/Resources/News---Events/463933-1184017167861/3975400-1229373211417/Gottshalk\\_Full.pdf](http://siteresources.worldbank.org/DISABILITY/Resources/News---Events/463933-1184017167861/3975400-1229373211417/Gottshalk_Full.pdf) (last visited Mar. 26, 2011).

<sup>114</sup> Pearl Praise Gottschalk, *How Are We in This World Now? Examining the Experiences of Persons Disabled by War in the Peace Processes of Sierra Leone*, (2007) (Masters of Art dissertation, University of Victoria) available at [http://siteresources.worldbank.org/DISABILITY/Resources/News---Events/463933-1184017167861/3975400-1229373211417/Gottshalk\\_Full.pdf](http://siteresources.worldbank.org/DISABILITY/Resources/News---Events/463933-1184017167861/3975400-1229373211417/Gottshalk_Full.pdf) (last visited Mar. 26, 2011).

significant gaps in data and field-tested inclusive strategies and resources must be addressed. If such changes and actions are implemented, women with disabilities will have a greater opportunity to ensure that their needs are met and that post-conflict societies are more inclusive and rights-based.

To achieve inclusion of women and girls with disabilities as a priority in the United Nations women, peace and security framework, this paper recommends strategies to increase engagement of women with disabilities and coordination among United Nations entities, governments and non-governmental organizations that address women's human rights, related gender issues, development and peace-building:

\*Coordinate within UN Women<sup>115</sup> to address issues of concern for women and girls with disabilities; appoint women with disabilities to leadership positions within UN Women.<sup>116</sup>

\*Drawing on the approach articulated by Disabled Persons Organizations during the negotiations of the United Nations Convention on the Rights of Persons with Disabilities, "Nothing About Us Without Us," women with disabilities must be part of the NGO Advisory Group to be appointed by UN Women Under Secretary General Michelle Bachelet.<sup>117</sup>

\*Recognizing the importance of media images, in light of the fact that the media is a potent force in countering stigma and misinformation<sup>118</sup> and a powerful ally in changing perceptions, eliminating discrimination, and raising public awareness,<sup>119</sup> ensure that women and girls with disabilities – especially in the context of conflict and peace-building -- are included in publications, presentations, and other media products such as UN Women publications, the 16 Days Campaign on Violence Against Women, International Women's Day (March 8) and International Day for Persons with Disabilities (December 3) commemorations.

\*As a United Nations specialized agency, UN Women and other United Nations entities focusing on women's rights should submit reports to the Committee on the United Nations Convention on the Rights of Persons with Disabilities (CRPD Committee) on the implementation of the CRPD in their activities with respect to incorporating a gender-sensitive

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<sup>115</sup> Gretchen Luchsinger, "UN Women Celebrates Launch as Powerful Driver of Women's Equality," *press release*, Feb. 24, 2011. Available at <http://www.unwomen.org/2011/02/un-women-celebrates-launch-as-powerful-driver-of-womens-equality/> (last visited Mar. 14, 2011).

<sup>116</sup> In Historic Move, UN Creates Single Entity to Promote Women's Empowerment, U.N. News Centre (July 2, 2010), <http://www.un.org/apps/news/story.asp?NewsID=35224&Cr=gender&Cr1> (last visited July 28, 2010).

<sup>117</sup> Disabled Peoples' International, "DPI CRPD Guide #44, The Unique Role of Civil Society," available at <http://www.dpi-icrpd.org/index.php?q=en/node/67> (last visited Mar. 14, 2011); Michelle Bachelet, Under-Secretary-General and Executive

Director, at the opening of the First Regular Session of the Executive Board of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), 24 January 2011 available at <http://www.unwomen.org/2011/01/statement-to-the-first-regular-session-of-the-executive-board-united-nations-entity-for-gender-equality-and-the-empowerment-of-women/>.

<sup>118</sup> See BOSTON WOMEN'S HEALTH COLLECTIVE, *OUR BODIES, OURSELVES: A NEW EDITION FOR A NEW ERA* (Judy Norsigian, Heather Stephenson & Kiki Zeldes eds., 2005) available at <http://www.ourbodiesourselves.org/book/excerpt.asp?id=2> (discussing how women with disabilities are made to feel less womanly by the typical media images).

<sup>119</sup> Disability Rights Education & Defense Fund, "Media and Disability" available at [http://www.dredf.org/Media\\_and\\_Disability/index.shtml](http://www.dredf.org/Media_and_Disability/index.shtml) (last visited Mar. 20, 2011).

and disability-inclusive approach to include women with disabilities in programs, policies and practices, under the CRPD Article 38 Relationship of the Committee with other bodies.<sup>120</sup>

\*Work with the UN Special Rapporteur on Violence Against Women<sup>121</sup> to support her commitment to ensure that violence against women with disabilities is addressed and that she has sufficient resources to visit countries to assess violence against women with disabilities and to specifically include women with disabilities in future mandates.<sup>122</sup>

\*Encourage the establishment of a mechanism by which the UN Special Rapporteur on Violence Against Women coordinates and collaborates with the UN Special Rapporteur on Disability of the Commission on Social Development to address violence against women with disabilities.<sup>123</sup>

\*Ensure that the UN Special Rapporteur on Disability has sufficient resources to visit countries to assess the situation of women and girls with disabilities, especially in post-conflict environments.<sup>124</sup>

\*Ensure inclusion of women with disabilities in the 2011 16 Days Campaign on Violence Against Women.<sup>125</sup>

\*Urge the UN system (including the UN Development Program (UNDP),<sup>126</sup> the World Health Organization (WHO),<sup>127</sup> and the International Labour Organization (ILO),<sup>128</sup> as well as governments and other institutions involved in development, health (including sexual and reproductive health),<sup>129</sup> education, employment, peace-building and reconciliation to address the rights and needs of women and girls with disabilities in their programs and reporting.<sup>130</sup>

\*Work with the UN group of independent experts (whose role is to advise on ways to better protect women in conflict situations, to ensure that their voices are heard in peace processes and to include women in post-conflict reconstruction and governance structures),

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<sup>120</sup> See CRPD, *supra* note 3, art. 38(a).

<sup>121</sup> See United Nations Human Rights, Office of the High Commissioner for Human Rights, Violence Against Women: South African Legal Expert Takes Over as New UN Special Rapporteur (announcing the appointment of Rashida Manjoo as the new UN Special Rapporteur on violence against women, its causes and consequences), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=52&LangID=E> (last visited July 28, 2010); see also Special Rapporteur on Violence Against Women, Its Causes and Consequences, <http://www2.ohchr.org/english/issues/women/rapporteur/> (last visited July 16, 2010).

<sup>122</sup> Human Rights Council, *Mandate of the Special Rapporteur on Violence Against Women, its Causes and Consequences*, A/HRC/16/L.26 (Mar 21, 2011).

<sup>123</sup> Note: various scholars and researchers, including this author, are now collaborating with both the Special Rapporteur on Violence against Women and the Special Rapporteur on Disability to produce a thematic report on violence against women and girls with disabilities.

<sup>124</sup> See U.N. Special Rapporteur on Disability, <http://www.srdisability.org/> (last visited Aug. 21, 2010); U.N. Enable, The Special Rapporteur on Disability of the Commission for Social Development, <http://www.un.org/esa/socdev/enable/rapporteur.htm> (last visited Aug. 21, 2010).

<sup>125</sup> <http://16dayscswgl.rutgers.edu/about-16-days>.

<sup>126</sup> United Nations Development Programme, <http://www.undp.org/> (last visited Mar. 23, 2011).

<sup>127</sup> World Health Organization, <http://www.who.int/en/> (last visited Mar. 23, 2011).

<sup>128</sup> International Labour Organization, <http://www.ilo.org/global/lang--en/index.htm> (last visited April 3, 2011).

<sup>129</sup> World Health Organization (2009). *Promoting Sexual and Reproductive Health for Persons with Disabilities*, WHO/UNFPA Guidance Note. Available at [http://whqlibdoc.who.int/publications/2009/9789241598682\\_eng.pdf](http://whqlibdoc.who.int/publications/2009/9789241598682_eng.pdf) (last visited Mar. 14, 2011).

<sup>130</sup> See CRPD, *supra* note 3, arts. 11, 31; United Nations Enable, Inter-Agency Support Group, <http://www.un.org/disabilities/default.asp?navid=43&pid=323> (last visited July 28, 2010).



to appoint a member who is a woman with a disability with expertise on issues confronting girls and women with disabilities in such efforts.<sup>131</sup>

\*Collaborate with the Special Representative of the Secretary General on Sexual Violence in Conflict<sup>132</sup> to ensure that she considers the needs and concerns of women with disabilities.

\*Revise UN Security Council Resolutions<sup>133</sup> and Indicators on women, peace and security<sup>134</sup> to include women with disabilities. For example, the UN should amend UNSCR 1325 and its progeny to include women and girls with disabilities as active participants at all stages of peace-building, reconstruction, development, reconciliation and transition to ensure that women and girls with disabilities are included in protection programs in conflict zones and also to ensure that the UNSCR 1325 Indicators developed by the UN Secretary General have detailed and specific measurements concerning women and girls with disabilities, and requirements to consult with women with disabilities as these actions are taken.<sup>135</sup>

\*Collaborate with the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) as it drafts General Comments, to ensure that women with disabilities are included therein,<sup>136</sup> especially when they address issues of post-conflict peace-building and reconciliation.

\*Raise awareness among police prosecutors and courts, including post-conflict tribunals and the International Criminal Court about the need to make the judicial system and reconciliation processes accessible to women with disabilities and to ensure that they support women and girls with disabilities who wish to bring forth claims of discrimination or claims regarding violence of any kind; include age and disability appropriate supports to enable women with disabilities to participate in legal proceedings as parties or witnesses.<sup>137</sup>

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<sup>131</sup> See, e.g., Press Release, Security Council, U.N. Creates New Structure for Empowerment of Women, U.N. Press Release (July 2, 2010), available at [http://www.unwomen.org/wp-content/uploads/2010/07/UNWomen\\_PressRelease\\_201007021.pdf](http://www.unwomen.org/wp-content/uploads/2010/07/UNWomen_PressRelease_201007021.pdf); Civil Society Group to Help Advise UN on Role of Women in Peace and Security, UN News Centre (Mar. 5, 2010), <http://www.un.org/apps/news/story.asp?NewsID=33992&Cr=gender+equality&Cr1> (recognizing the establishment of the group of independent experts who will advise the UN on effective ways to implement resolution 1325 regarding the protection and integration of women in conflict situations) (last visited July 28, 2010). For more on U.N. WOMEN visit <http://www.unwomen.org/>.

<sup>132</sup> *Curbing sexual violence in conflict is 'mission irresistible' for new UN envoy*, Feb. 9, 2011, available at <http://www.un.org/apps/news/story.asp?NewsID=33723> (last visited Mar. 14, 2011).

<sup>133</sup> See S.C. Res. 1325, *supra* note 23; S.C. Res. 1820, *supra* note 23; S.C. Res. 1888, *supra* note 23; S.C. Res. 1889, *supra* note 23; S.C. Res. 1894, *supra* note 36; S.C. Res. 1960, *supra* note 37.

<sup>134</sup> U.N. Secretary-General, *Women and Peace and Security: Rep. of the Secretary-General*, para. 3, U.N. Doc. S/2010/173 (Apr. 6, 2010).

<sup>135</sup> See S.C. Res. 1325, *supra* note 23; S.C. Res. 1820, *supra* note 23; S.C. Res. 1888, *supra* note 23; S.C. Res. 1889, *supra* note 23.

<sup>136</sup> General Recommendations, CEDAW Committee, see Recommendations 18 & 24, available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom18> (last visited Mar. 14, 2011).

<sup>137</sup> See, e.g., Courthouse Access Advisory Committee Courtroom Mock-Up, <http://www.access-board.gov/caac/mock-up.htm> (illustrating a model accessible courtroom) (last visited July 28, 2010); U.S. Access Board, Courthouse Access Advisory Committee, Justice for All: Designing Accessible Courthouses, Recommendations from the Courthouse Access Advisory Committee (Nov. 15, 2006), <http://www.access-board.gov/caac/report.pdf>; see also <http://www.accpc.ca/ej-calc-01.htm> (outlining strategies to make courts accessible to people using alternative communications (AAC)) (last visited July 28, 2010); see generally *Tennessee v. Lane*, 541 U.S. 509 (2004) (holding that one particular individual had a right to physically access one particular court, but leaving open the question of whether any other persons with disabilities could gain relief when denied access to other justice elements, for example, as witnesses or jurors); United Nations Diplomatic Conference of

Similar inclusive approaches should also be applied in the judicial systems of governments, consistent with Article 13 Access to Justice of the CRPD.<sup>138</sup>

\*Hold focused side events -- in cooperation with UN entities, governments and/or non-governmental organizations -- concerning women and girls with disabilities during UN official meetings (such as the General Assembly, Human Rights Council, Economic and Social Council, Commission on the Status of Women.) considering the human rights of all women and girls. Such events would highlight the importance of incorporating the rights of women and girls with disabilities when resolutions and policies are drafted regarding women's human rights, as women and girls with disabilities are often left out in such discussions. For example, during the United Nations Security Council's discussions on the Tenth anniversary of UN Security Council Resolution 1325 on post-conflict peace-building and reconciliation processes, this author, in collaboration with the UN Department of Economic and Social Affairs Secretariat for the CRPD, organized a side event on October 20, 2010 to discuss women with disabilities in situations of conflict.<sup>139</sup> While focused side events are important, women with disabilities should be integrated into more side events, not only disability-focused events. It is important to hold such side events in cooperation with relevant UN entities, governments and non-governmental organizations.<sup>140</sup>

\*Incorporate the CRPD Empowerment and Social Models and Reasonable Accommodation and Accessibility Standards as well as a gender-sensitive and disability-inclusive approach in all activities and programs.

\*Use the lens of the empowerment perspectives, as opposed to the vulnerability perspectives and apply a social model as opposed to a medical or charity model of disability to United Nations Women, Peace and Security programs and policies.<sup>141</sup>

\*At United Nations meetings discussing empowerment of women and girls, gender equality and post-conflict peace-building and reconciliation, ensure that women with disabilities have the opportunity to have their unique ideas and initiatives for programming and policy development considered and that meetings are held in accessible locations, with appropriate accommodations for those who may have intellectual disabilities, hearing or visual disabilities, psycho-social disabilities or other disabilities.<sup>142</sup>

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Plenipotentiaries on the Establishment of an International Criminal Court, Rome, Italy, July 15-17, 1998, Rome Statute of the International Criminal Court, U.N. Doc. A/CONF.183/9 (July 17, 1998), *available at* <http://untreaty.un.org/cod/icc/statute/rome.htm>.

<sup>138</sup> See CRPD, *supra* note 3, art. 13.

<sup>139</sup> For details on the panel discussion and other resources see <http://www.forgottenpeacebuilders.org>.

<sup>140</sup> See Statement by the President of the Security Council, U.N. Doc. S/PRST/2010/8 (Apr. 27, 2010) (announcing the Secretary-General's report regarding the implementation of SC Res. 1325 will be given to the U.N. body in October 2010), *available at* <http://www.un.org/Docs/journal/asp/ws.asp?m=S/PRST/2010/8>; *see also* Letter from Civil Society Advisory Group to the United Nations on Women, Peace, and Security on Events and Action to Commemorate the 10<sup>th</sup> Anniversary of SCR 1325 (June 21, 2010), *available at* [http://www.gnwp.org/wp-content/uploads/2010/04/PDF\\_CSAG-Updated-Recommendations-on-10th-Anniversary-of-SCR1325-June-21-2010.pdf](http://www.gnwp.org/wp-content/uploads/2010/04/PDF_CSAG-Updated-Recommendations-on-10th-Anniversary-of-SCR1325-June-21-2010.pdf).

<sup>141</sup> See, e.g., CRPD, *supra* note 3, arts. 1, 3 (requiring the full integration of persons with disabilities in all segments of society so that they may fully participate and express themselves independently in social, legal, and political life, promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and promoting respect for their inherent dignity, and including those persons with disabilities who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

<sup>142</sup> See CRPD, *supra* note 3, arts. 3(c),(f), 9.



\*Foster collaboration among women's rights groups, Disabled Peoples Organizations of women with disabilities, organizations and institutions working on development, refugee programs, peace-building, and rule of law programming, with a view toward including women with disabilities in the dialogue, strategy and institution building.<sup>143</sup>

\*Improve and expand data collection on the national and international levels, on women and girls with disabilities, including on issues such as violence, education, employment, health, etc., as well as on the situation of women with disabilities in conflict environments. Currently, global data on persons with disabilities are unreliable and baseline data for many issues, especially those concerning women with disabilities, are scarce or non-existent.<sup>144</sup> This paucity of data on disability remains an obstacle to the effective formulation of disability-inclusive policies and programs as well as in the monitoring and evaluation of progress.<sup>145</sup>

\*Develop training materials and modules, in collaboration with women with disabilities, to enhance their skills and the skills of their Disabled Persons Organizations on advocacy and understanding of the peace-building process; develop training materials and modules to enhance skills to build awareness for those working in development on the importance of inclusion of women with disabilities in processes; and test the modules and materials in developed and developing countries before final publication and distribution, ensuring that all materials incorporate an empowerment model and include information on the CRPD, the CEDAW, the CRC and the relevant United Nations Resolutions on Women, Peace and Security.<sup>146</sup> An excellent model is the ICRC Handbook "Women Facing War", which unfortunately, only has minimal references to women and girls with disabilities.<sup>147</sup>

### **Conclusion -- What Will Be Lost If Women with Disabilities Are Not Included?:**

The objective is to ensure that the post-conflict society is more inclusive of women and girls with disabilities, that barriers are removed and that their human rights are assured. A truly gender-sensitive peace process must include all women and girls, which dictates that women with disabilities must be part of such processes to ensure attention to a variety of discriminatory and exclusionary realities for women and girls with disabilities. For example, women and girls with

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<sup>143</sup> See CRPD, *supra* note 3, arts. 29, 32 (requiring the active Promotion of an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including Participation in non-governmental organizations and associations concerned with the public and political life of the country and in the activities and administration; requiring international and national cooperation of State Parties and civil society); see also Rangita de Silva de Alwis, The Intersection of CEDAW and CRPD Special Report (2010), available at [http://www.wcwonline.org/component/page/shop.product\\_details/category\\_id,389/flypage.shop.flypage/product\\_id,1181/option.com\\_virtuemart/Itemid,175/](http://www.wcwonline.org/component/page/shop.product_details/category_id,389/flypage.shop.flypage/product_id,1181/option.com_virtuemart/Itemid,175/) (discussing various projects to integrate women with disabilities into legislative and policy advocacy in Bangladesh, Nepal, Cambodia and India).

<sup>144</sup> See CRPD, *supra* note 3, arts. 8(2)(c), 31(1)(a)-(b); U.N. General Assembly, 65th Session, *Keeping the Promises: Realizing the MDGs for Persons with Disabilities towards 2015 and beyond 20*, 22 (A/65/173, Report of the Secretary-General) 26 July 2010.

<sup>145</sup> See generally The Washington Group on Disability Statistics, which is charged with promoting and coordinating international cooperation by developing sets of general disability measures, suitable for use in censuses, sample based national surveys, or other statistical formats, available at <http://unstats.un.org/unsd/methods/citygroup/washington.htm> and <http://www.cdc.gov/nchs/citygroup.htm>.

<sup>146</sup> See CRPD, *supra* note 3, arts. 3(c), 4(3) (2006).

<sup>147</sup> Charlotte Lindsey, *Women Facing War*, International Committee for the Red Cross, October 2001 available at <http://www.icrc.org/eng/resources/documents/publication/p0798.htm> (last visited Mar. 31, 2011).

disabilities are the poorest among the poor because of discriminatory employment practices. They are denied educational opportunities because education is not provided for girls, school facilities are inaccessible to them and programs are not designed to meet their needs. They are unable to travel from place to place because of the dangers of violence, because they cannot afford assistive devices such as wheelchairs and because of the inaccessibility of transportation systems. They are often the last in the family to receive food because they are viewed as useless and because they may be too indigent to afford food. They are more likely than men with disabilities or women without disabilities to experience domestic and other forms of violence and are unaware of services or such services are not accessible to them. They are not able to receive health care services, including sexual and reproductive health care services, because these services are not in accessible locations, because publicity about the availability of these services is communicated in ways that are not accessible to them and because health care providers cannot communicate with them or believe they are asexual. They are unable to access the justice system, especially for cases of sexual and other violence against women and girls, because police and judges cannot communicate with them or do not find their testimony credible or because they have no information on how to access the system. They are sometimes unwilling to return to their former home communities because of fear of ostracism based on their disability or because even shelters in refugee camps was slightly more accessible than their former homes.

A 2010 Human Rights Watch comprehensive report, *As If We Weren't Human': Discrimination and Violence against Women with Disabilities in Northern Uganda*,<sup>148</sup> brings several of the factors discussed above into clear focus. This report is based on interviews with 64 women and girls with a wide range of disabilities, some caused by conditions such as polio and others by landmines or gunshot wounds during the protracted conflict in Uganda.<sup>149</sup> The report recommends that the needs of women with disabilities must be addressed through specific programs in post-conflict development planning. The report also calls for access for women with disabilities to mainstream programs, particularly those addressing sexual and other gender-based violence, reproductive health, and HIV/AIDS. Humanitarian aid organizations are encouraged to partner with organizations representing persons with disabilities, especially those with significant representation of women. Furthermore, the report points to the urgent need for data so that more inclusive programs for women with disabilities can be developed.<sup>150</sup> Although this excellent report discussed the fact that some women with disabilities held positions in the national Parliament and local governing bodies, it was not clear whether women with disabilities had any role in the peace-building process itself and the development of the Constitution and other reforms and programs. Nonetheless, this report makes a significant contribution to the literature on women with disabilities in the post-conflict environment because it starkly brings to focus the horrific plight of women with disabilities.

As programs are developed and implemented on these issues, as resolutions and conventions on human and legal rights are drafted, as political processes are established and

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<sup>148</sup> HUMAN RIGHTS WATCH, "AS IF WE WEREN'T HUMAN:" DISCRIMINATION AND VIOLENCE AGAINST WOMEN WITH DISABILITIES IN NORTHERN UGANDA (2010), available at <http://www.hrw.org/node/92611> (last visited Mar. 23, 2010).

<sup>149</sup> See *id.*

<sup>150</sup> See *id.*

implemented, and as government institutions and policies are designed, and as new buildings, systems and facilities are constructed post-conflict, women and girls with disabilities want to assure that their needs are met so that in the future these barriers in society are not further entrenched and so that the concerns of all men and women with and without disabilities are addressed. As a society rebuilds itself after conflict there are many demands and competing priorities. If women with disabilities do not meaningfully participate, their human rights and other demands and priorities will most probably be ignored or bargained away. There is no one better than women with disabilities themselves to give voice to these issues and they can only do so with a seat at the table. Nothing about us without us!