



Women, girls, and gender non-conforming people with disabilities are disproportionately impacted by conflict and humanitarian emergencies due to multiple and intersecting forms of discrimination that heighten their exclusion and risks.¹ Women with disabilities, particularly those with intellectual and psychosocial disabilities, are particularly vulnerable to sexual and gender-based violence before, during, and after conflict and in humanitarian situations.² Women with disabilities also encounter heightened barriers to programs and services in emergency settings,³ as well as barriers to sexual and reproductive health services.⁴ Despite the distinct challenges facing women with disabilities—and thus the important perspective they can bring to addressing these challenges—women with disabilities are routinely excluded from both peacebuilding processes⁵ and recovery following natural disasters.⁶ Failure to engage women with disabilities in these efforts perpetuates exclusion, discrimination, and violations of their human rights.⁷

Rights Violations in Conflict and Humanitarian Emergencies

Lack of Inclusion and Participation

- Failure to include women with disabilities in the development of national plans and policies to address disaster risk reduction—coupled with a lack of direct partnerships between government and humanitarian actors with women with disability-led organizations—result in a lack of programs and funding to address the intersectional needs of women and girls with disabilities.
- Women and girls with disabilities are often underrepresented in forums on humanitarian crises, which can exacerbate the exclusion of the specific needs of women with disabilities from responses to humanitarian emergencies.⁸

Attitudinal Barriers

- Women with disabilities encounter widespread stigma and negative attitudes, including from family members and the wider community. Disability stigma can lead families to conceal the presence of family members with disabilities, making it difficult for humanitarian actors to identify and respond to women with disabilities who may need assistance in the aftermath of disaster.⁹
- Humanitarian workers and service providers frequently hold inaccurate, stereotypical views of women with disabilities—such as that they are asexual or incapable of making decisions—which then impacts the types of services women with disabilities are offered. Humanitarian workers self report they do not have the capacity to ensure inclusion of women with disabilities.¹⁰
- Harmful assumptions that women with disabilities do not have the capacity to participate in or benefit from prevention and response services contributes to further exclusion.¹¹

Barriers to Information, Basic Necessities, and Accessible Services

- Information about disaster risk plans and protocols are not always available in accessible formats, such that women with sensory or intellectual disabilities may not be able to access key warning and evacuation messages.¹²
- Women with disabilities are one of the first groups to lose adequate access to essential goods and services, such as water and sanitation, shelter, food, and hygiene products (including menstrual hygiene products) when facing human and natural disasters.¹³

- Lack of affordable, accessible transportation (including means of evacuation) coupled with physically inaccessible shelters, toilets, and distribution centers can deter women with disabilities from evacuating to shelters in the first place and can lead to widespread disparities in accessing emergency resources.¹⁴
- Inaccessible health care facilities, as well as communication barriers with health care providers, prevent women with disabilities from accessing essential sexual and reproductive health services in disaster settings.¹⁵ This in turn leads to heightened risk of sexually transmitted infections and unwanted pregnancies.
- Humanitarian emergencies frequently lead to a suspension of education, and this is often the last service to be restored,¹⁶ exacerbating the barriers to education that girls with disabilities encounter outside of disaster settings.

Violence Against Women and Girls with Disabilities

- Women and girls with disabilities face heightened risks of sexual and gender-based violence in conflict and emergency settings, due to a range of factors—including increased poverty and social isolation; loss of assistive devices, support people, and other protective networks; limited mobility; and communication barriers.¹⁷
- Economic insecurity and poverty can force displaced women to engage in sex work, which can contribute to a heightened risk of gender-based violence.¹⁸
- Overcrowding in shelters and inaccessible toilets or toilets not located inside the shelter itself can exacerbate the risk of violence for women with disabilities.¹⁹
- Service providers may not listen to or believe women with disabilities (particularly women with intellectual and psychosocial disabilities) when they report experiences of sexual and gender-based violence, which deters women from reporting and accessing available services.²⁰
- Conflict and disaster situations can also weaken and destroy both formal and informal protection mechanisms, which can increase the prevalence of gender-based violence²¹ and foster a climate of impunity.

Rights in Conflict and Humanitarian Settings

The U.N. Convention on the Rights of Persons with Disabilities (CRPD) explicitly calls on States to take “measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.”²² This reinforces that people with disabilities—including women and girls with disabilities—are entitled to the same rights and protections under international humanitarian law and international human rights law as people without disabilities. Implicit in and underpinning these state obligations are a range of fundamental human rights protected in a number of international and regional human rights treaties, including the rights to:

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| <ul style="list-style-type: none"> ▪ Life²³ ▪ Health²⁴ ▪ Equality and non-discrimination²⁵ ▪ Freedom from gender-based violence²⁶ ▪ Accessibility²⁷ | <ul style="list-style-type: none"> ▪ Protection and safety for people with disabilities in situations of risk²⁸ ▪ Equality before the law and access to justice²⁹ ▪ Adequate standard of living and social protection³⁰ ▪ Information and Education³¹ |
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State Human Rights Obligations in Situations of Risk and Humanitarian Emergencies

States have specific obligations under international human rights law to respect, protect, and fulfill the rights of women and girls with disabilities in humanitarian emergencies.³²

States must:

Respect: This obligation requires States to refrain from interfering with the rights of women and girls with disabilities in the context of humanitarian emergencies. This means that the State must not arbitrarily curtail human rights during national emergencies.

Protect: This obligation requires States to prevent, investigate, punish, and provide redress for violations committed by non-State actors. This includes, for instance, exercising due diligence to ensure that private actors that are violating the rights of women with disabilities in conflict and humanitarian settings are brought to justice.

Fulfill: This obligation requires States to take necessary measures to facilitate the realization of the rights of women and girls with disabilities in the context of humanitarian emergencies. This includes ensuring participation of women with disabilities in the development and implementation of humanitarian policies, ensuring necessary budgetary allocations for inclusive disaster management, and ensuring that shelters, sanitation, distribution of basic necessities, and other essential services in the context of humanitarian crises are accessible to women with disabilities.

To ensure gender and disability inclusion, States must also ensure that laws, policies, plans, and strategies to address conflict and other humanitarian emergencies adhere to the following principles³³:

Equality and non-discrimination: This requires States to take all necessary measures to redress direct and indirect discrimination against and to ensure substantive equality for women with disabilities, including those who face additional exclusion as a result of their indigenous, racial, ethnic, or gender identity or sexual orientation. States must take specific measures—including resource allocation, legislation (including to dismantle laws that treat women with disabilities differently with respect to, e.g., legal capacity, education, employment, and property ownership), and awareness raising—to ensure that women with disabilities are able to exercise their rights on an equal basis in humanitarian emergencies.

Participation and empowerment: This requires States to adopt specific policies, programs, and strategies to ensure that a diverse group of women and gender non-conforming persons with disabilities are able to participate actively and meaningfully in the development, implementation, and monitoring of disaster-related plans and policies. This includes developing programs and allocating adequate resources to foster the leadership capacity of women with disabilities. This also requires taking steps to ensure representation of diverse women with disabilities in forums addressing humanitarian emergencies.

Accountability and access to justice: This requires States to recognize that the legal capacity of women with disabilities is equal to that of nondisabled persons to ensure that women with disabilities are equal before the law both legally and in practice. States must take steps to dismantle barriers that women with disabilities face in accessing justice systems, including physically inaccessible police and court facilities and information and communication barriers. States must also take steps to minimize disruptions to the justice system during humanitarian emergencies, for instance by deploying mobile or specialized teams to minimize impunity for gender-based violence.

Obligations of Non-State Actors

International agencies, non-governmental organizations, and other non-State actors play significant roles in humanitarian emergencies. While non-State actors historically do not have obligations under international human rights law, the CRPD requires that international cooperation be inclusive of and accessible to persons with disabilities. In particular, the CRPD “requires humanitarian actors, when using international cooperation funds, to comply with accessibility, provide reasonable accommodation and ensure the participation of persons with disabilities in decision-making.”³⁴

Realizing the Rights of Women with Disabilities in Humanitarian Settings

- Women with disabilities must be included in the development, implementation, and monitoring of disaster-related plans, policies, and protocols. Disaggregated data on women with disabilities in humanitarian settings is essential to informing gender and disability inclusive plans and policies.
- Emergency response actors must be trained on gender- and disability-inclusion, including in ensuring appropriate evacuation of women with disabilities and the rights of women with disabilities in the provision of essential services (including those needed to ensure sexual and reproductive health and rights and freedom from gender-based violence).
- Women with disabilities must have access to water and sanitation facilities, as well as safe shelters that meet the specific access needs of women with disabilities. Distribution of food, clothing, and other humanitarian relief must also be carried out in a manner accessible to women with disabilities.
- Disaster-related information, including early warning systems and information on evacuation protocols, must be available in alternative formats to ensure they are accessible to women with diverse disabilities.

Guidance for Ensuring Gender and Disability Inclusion in Humanitarian Settings

Two recent publications—the Inter-Agency Standing Committee’s [Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action](#) (2019) and UNFPA and WEI’s [Women and Young People with Disabilities: Guidelines for Providing Rights-Based and Gender-Responsive Services to Address Gender-Based Violence and Sexual and Reproductive Health and Rights](#) (2018)—provide concrete guidance to key stakeholders on gender- and disability-inclusion in humanitarian settings to address barriers to essential services and ensure the rights of women and girls with disabilities.

- 1 CRPD Committee, *Statement on Disability Inclusion for the World Humanitarian Summit* (2015).
- 2 WOMEN’S REFUGEE COMMISSION (WRC), “I SEE THAT IT IS POSSIBLE”: BUILDING CAPACITY FOR DISABILITY INCLUSION IN GENDER-BASED VIOLENCE PROGRAMMING IN HUMANITARIAN SETTINGS 1 (2015).
- 3 WRC, “Fact Sheet: Disability Program” 1 (2017).
- 4 Jenny Holden, et al., *Disability Inclusive Approaches to Humanitarian Programming: Summary of available evidence on barriers and what works, UKaid Disability Inclusion Helpdesk Report No. 9 5* (2019).
- 5 Stephanie Ortoleva, “Who is Missing? Women with disabilities in U.N Security Council resolution 1325 National Action Plans,” 18 ILSA J. INT’L & COMP L. 392, 396 (2012).
- 6 See, e.g., HUMAN RIGHTS WATCH, “AS IF WE WEREN’T HUMAN”: DISCRIMINATION AND VIOLENCE AGAINST WOMEN WITH DISABILITIES IN NORTHERN UGANDA 5 (2010).
- 7 Stephanie Ortoleva, “The Forgotten Peace Builders: Women with Disabilities,” 33 LOY. L.A. INT’L & COMP. L. REV. 83, 129 (2010).
- 8 Holden, et al., *supra* note 4, at 9.
- 9 WRC, WORKING TO IMPROVE OUR OWN FUTURES: INCLUSION OF WOMEN AND GIRLS WITH DISABILITIES IN HUMANITARIAN ACTION 14 (2016); Holden, et al., *supra* note 4, at 7.
- 10 Holden, et al., *supra* note 4, at 7, 8; HANDICAP INTERNATIONAL (HI), DISABILITY IN HUMANITARIAN CONTEXT: VIEWS FROM AFFECTED PEOPLE AND FIELD ORGANIZATIONS 16 (2015).
- 11 WRC, “I SEE THAT IT IS POSSIBLE,” *supra* note 2, at 1.
- 12 SIGHTSAVERS, DISABILITY AND DISASTERS: THE IMPORTANCE OF AN INCLUSIVE APPROACH TO VULNERABILITY AND SOCIAL CAPITAL 6 (Oct. 2012).
- 13 HI, *supra* note 10, at 4.
- 14 SIGHTSAVERS, *supra* note 12, at 6-7.
- 15 See, e.g., Mihoko Tanabe, et al., *Intersecting Sexual and Reproductive Health and Disability in Humanitarian Settings: Risks, Needs, and Capacities of Refugees with Disabilities in Kenya, Nepal, and Uganda*, 33 SEXUALITY & DISABILITY 411 (2015).
- 16 UNICEF, Education in Emergencies, <https://www.unicef.org/education/emergencies>.
- 17 UK Dept. for Int’l Dev., *Women and girls with disabilities in conflict and crises: K4D Helpdesk Report 7* (2017).
- 18 See, e.g., WRC, MEAN STREETS: IDENTIFYING AND RESPONDING TO URBAN REFUGEES’ RISKS OF GENDER-BASED VIOLENCE - REFUGEES WITH DISABILITIES 100 (2016); Zoom Interview with Nellie Caleb, National Coordinator, Vanuatu Disability Promotion & Advoc. Ass’n (Oct. 21, 2020).
- 19 SIGHTSAVERS, *supra* note 12, at 6, 8.
- 20 WRC, “I SEE THAT IT IS POSSIBLE,” *supra* note 2, at 17.
- 21 *Id.* at 3.
- 22 Convention on the Rights of Persons with Disabilities (CRPD), Art. 11.
- 23 International Covenant on Civil and Political Rights (ICCPR), Art. 6; CRPD, Art. 10; Convention on the Rights of the Child (CRC), Art. 6; African Charter on Human and People’s Rights (Banjul Charter), Art. 4; Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (Maputo Protocol), Art. 4; American Convention on Human Rights (American Convention), Art. 4; European Convention on Human Rights (ECHR), Art. 2.
- 24 International Covenant on Economic, Social and Cultural Rights (ICESCR), Art. 12; CRPD, Art. 25; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Art. 12; CRC, Art. 24; Banjul Charter, Art. 16; Maputo Protocol, Art. 14.
- 25 ICCPR, Art. 2; ICESCR, Art. 2; CRPD, Arts. 5-7; CEDAW, Arts. 1, 3; CRC, Arts. 2, 5; Banjul Charter, Arts. 2-3; Maputo Protocol, Art. 8; American Convention, Arts. 1, 24; ECHR, Art. 14; Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Art. 4.
- 26 CRPD, Arts. 6, 16; CEDAW, Arts. 5, 6; CRC, Arts. 19, 34; Maputo Protocol, Arts. 3, 4, 5, 11 & 23; Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará), Arts. 3, 7; Istanbul Convention, Art. 4.
- 27 CRPD, Art. 9; Maputo Protocol, Art. 14; Istanbul Convention, Art. 20.
- 28 CRPD, Art. 11; Banjul Charter, Art. 18; Maputo Protocol, Art. 23.
- 29 ICCPR, Arts. 16, 26; CEDAW, Art. 15; CRPD, Arts. 12, 13; Banjul Charter, Art. 3; Maputo Protocol, Art. 8; Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities in Africa, Art. 7; American Convention, Art. 3.
- 30 ICESCR, Art. 11; CRPD, Art. 28.
- 31 CRPD, Arts. 21, 24; CEDAW, Art. 10; CRC, Arts. 13, 17, & 28; ICESCR, Art. 13; Banjul Charter, Arts. 9, 17; African Charter on the Rights and Welfare of the Child, Art. 11.
- 32 Office of the High Commissioner on Human Rights (OHCHR), *International Legal Protection of Human Rights in Armed Conflict* 14 (2011).
- 33 CEDAW, *General Comment No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change*, ¶¶28-38, U.N. Doc. CEDAW/C/GC/37 (2018).
- 34 OHCHR, *Thematic study on the rights of persons with disabilities under article 11 of the Convention on the Rights of Persons with Disabilities, on situations of risk and humanitarian emergencies*, ¶13, U.N. Doc. A/HRC/31/30 (2015).

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Women Enabled International advances human rights at the intersection of gender and disability to: respond to the lived experiences of women and girls with disabilities; promote inclusion and participation; and achieve transformative equality. Women Enabled International envisions a world where women and girls with disabilities claim human rights, act in solidarity and lead self-determined lives.