

**The Forgotten Peace Builders: Women with Disabilities,”** Loyola of Los Angeles International and Comparative Law Review, 33 Loy. L.A. Int’l & Comp. L.Rev. 83 (2010).

**Abstract:**

Women across the world are standing their ground against political exclusion, but more must be done to ensure that a gender-sensitive approach is used, that all women have the opportunity to participate in building the rule of law and strengthening democracy, and that all women have a voice in decision-making processes post-conflict. Sustainable peace requires the inclusion of all groups affected by conflict at all stages in the peace-building process. 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 not had a role in these processes, either in practice or formally through the various United Nations resolutions and policy documents.

Women with disabilities face unique challenges and offer unique perspectives. They have the capacity to make important contributions to the peace-building process and must be included to ensure that their needs and concerns are addressed and effectively represented. Emancipatory gender politics entails considering disability, along with ethnic origin, sexual orientation, and other identities. Groups which have traditionally been excluded, such as women with disabilities, deserve special attention: bringing their varied backgrounds, perspectives, and skills to the negotiating table and playing an important role in formulating and implementing policies that will affect society as a whole after conflict. This approach also strengthens democracy and fosters inclusive political participation. Therefore, existing programs, institutions, and mechanisms at all levels must strive to include the voices of women with disabilities, as resolutions, recommendations, and guidelines are drafted, as programs are designed and implemented on the ground, and as peace processes proceed.

Part I describes the situation of women with disabilities generally and in the conflict environment. Numerous issues affect women with disabilities disproportionately when compared to men with disabilities and women without disabilities. These include health, education, employment, violence, family rights, marriage, housing, and participation in public life, all of which are exacerbated by war and observed globally. Also, the impact of gender stereotyping and the double discrimination women with disabilities face — due to both their gender and their disability — are discussed. War and conflict increase the incidence of disability for women in general, and women with disabilities often develop additional or more severe disabilities as a result. In addition to experiencing greater violence in general, women with disabilities also experience higher rates of gender-based violence during conflict, which could result in increased HIV infection and psychological trauma. Furthermore, refugee camps demonstrate the additional burdens these women may face due to the violence in these situations; although the women flee their homes and leave support systems behind, the facilities are rarely accessible and the programs are never designed to meet their specific needs. Justice and post-conflict reconciliation activities generally do not include women with disabilities, nor are such programs made accessible to them or designed to include their concerns. Although data on the situation of women with

disabilities is referenced, there is a clear need for more detailed, standardized, and global data on these issues in order to more effectively address them.

Part II then reviews the evolution and legal framework of the United Nations Women, Peace and Security strategy, beginning with the post-World War II peace framework and outlining the genesis of the various United Nations resolutions. These include the conclusions of the Beijing Declaration progress review in 2000 (Beijing 5), which highlighted the urgent need to include women in peace-keeping operations and peace-building activities. Later in 2000, the groundbreaking United Nations Security Council Resolution 1325 was adopted by the United Nations Security Council, celebrating its tenth anniversary in 2010.<sup>6</sup> Despite the fact that Beijing 5 pointed out the importance of including women with disabilities in these resolutions, a point which had been made in the original Beijing Declaration itself, women with disabilities were not referenced in Resolution 1325 or its various succeeding resolutions. Furthermore, the strongly gender-sensitive approach outlined in the Resolution 1325 indicators, which are used internationally and nationally to assess whether the objectives of the resolution are being met, do not mention women with disabilities, nor do they include any measure of whether the gender-specific needs of women with disabilities are being satisfied during or after conflict.<sup>8</sup> When this issue is examined both generally and during conflict in particular, these deficits become even starker.

Part III further explores the intersection of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), the United Nations Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), and the United Nations Women, Peace and Security framework. Both the CRPD and the CEDAW enumerate respectively the disability and gender impacts of war and conflict. The CRPD has a strong gender focus and, in addition to a specific article on women, also weaves gender issues throughout its provisions. In addition, the CRPD and the CEDAW both expand on the importance of understanding the negatives of stereotyping. Several provisions, elaborated in both the CRPD and the CEDAW, are particularly relevant to peace-building programs (e.g., legal capacity, access to justice, and participation in political and public life). Both the CRPD and the CEDAW also have strong monitoring mechanisms. For example, the United Nations itself has recognized the urgency of incorporating disability issues into all of its work following the adoption of the CRPD and has established the inter-agency support group to ensure such inclusion. When all of the above are considered together, it becomes clear that women with disabilities must be included in peace-building efforts.

Part IV outlines current practices on the international, national, and regional levels to integrate women with disabilities into peace-building and development programs and also addresses whether a gender-sensitive approach has been utilized. Some positive steps for inclusion are explored and disparities between policies and practice are highlighted. Although the international community has addressed disability issues several times in the past, perhaps the most significant instance was when the World Programme of Action concerning Disabled Persons (World Programme of Action) and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities were developed. Although both of these instruments were primarily voluntary guidelines, each sought to achieve the equalization of opportunities for persons with disabilities and took a preventive and rehabilitative approach. Moreover, it was not until the CRPD that the human rights of persons with disabilities were recognized, moving

away from the long-standing view that disabled persons should garner pity and provoke charitable impulses, and thus moving towards the view that existing human rights principles apply to them as well. The CRPD encompasses specific substantive rights, including civil, political, economic, social, and cultural rights, placing persons with disabilities squarely within the international human rights framework.

Nonetheless, persons with disabilities are often ignored in development programs despite these advances. Most significantly, the Millennium Development Goals (MDG), adopted by the international community as guidelines for development in the twenty-first century, fail to mention persons with disabilities and also leave out women with disabilities in the specific goal focused on women. Some inclusive guidelines have been circulated, but as demonstrated in Part I, women with disabilities have still failed to emerge from poverty and obtain educations (among other indices of development). Again, although some limited guidelines do exist, women with disabilities are generally absent from the United Nation's Women, Peace and Security programs; their needs during conflict, in refugee camps, and after conflict are not met, and they are rarely part of any peace-building activities shaping their society post-conflict. There are a few studies, however, of the participation of persons with disabilities in actual peace building that provide many lessons directing future research needs.

Part V then recommends a detailed strategy for changing policy and practice. Some suggestions for modifications to Resolution 1325 are discussed, and some revised Resolution 1325 indicators are proposed as an impetus for future thought. Specific suggestions are made to increase the role of various United Nations entities, so that they more fully address issues concerning women with disabilities. One of these entities includes the recently established entity, U.N. Women. Furthermore, to address the fact that women with disabilities have rarely had access to post-conflict reconciliation and justice, this article suggests an increase in the awareness of prosecutors, courts, and post-conflict tribunals on the judicial system's accessibility — with respect to physical facilities and communication — to women with disabilities. Of course, work in this area of gender-sensitive peace building must incorporate the CRPD Empowerment and Social Models and Reasonable Accommodation and Accessibility Standards. These must be developed in order to address the significant gaps in data and field-tested inclusive strategies and resources. If such changes are adopted, women with disabilities will have a greater opportunity to ensure that their needs are met and that societies are more inclusive and respectful of human rights post-conflict.

Finally, drawing on the rationale for the development of the United Nations Women, Peace and Security framework, as well as the information and analysis in this article, this article also highlights what will be lost if women with disabilities are not included in peace building. The objective is to ensure that society post-conflict is more inclusive of women with disabilities, that barriers are removed, and that human rights of women with disabilities are assured. A truly gender-sensitive peace process must include all women, which dictates that women with disabilities must be a part of such processes.

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