

Women with Disabilities – The Forgotten Peace Builders

www.forgottenpeacebuilders.org

forgottenpeacebuilders@gmail.com

Stephanie Ortoleva, Esq.

Senior Human Rights Legal Advisor, BlueLaw International, LLP

Associate, American University Center for Global Peace

stephanieortoleva@gmail.com

INTRODUCTION:

Women across the world are standing their ground against political exclusion. More must be done to ensure that a gender-sensitive approach is used, that all women have the opportunity to participate in reconstruction, building the rule of law, in strengthening democracy and in 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 not had a role in these processes, neither in practice nor formally through the various United Nations resolutions and policy documents.**

Women with disabilities face unique challenges, offer unique perspectives and have the capacity to make important contributions to the peace-building and reconstruction process. They must be included to ensure that they are effectively represented and their needs and concerns are addressed. 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 can 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.

SITUATION OF WOMEN AND GIRLS WITH DISABILITIES: 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. Although limited data on the situation of women with disabilities exists, there is a clear need for more detailed, standardized and disaggregated data on the issues discussed to more effectively address them.

UNSCR 1325 - WOMEN WITH DISABILITIES NOT INCLUDED: The conclusions of the Beijing Declaration progress review in 2000 (Beijing + 5) highlighted the evolution and the legal framework for the United Nations Women, Peace and Security strategy, including the urgent need to include women in peacekeeping operations and peace building activities. Later in 2000, the ground-breaking UN Security Council Resolution 1325 was adopted and its Tenth Anniversary is now being celebrated. **Despite the fact that Beijing + 5 pointed out the importance of including women with disabilities in resolutions on women, peace and security, a point which had been made in the original Beijing Declaration itself, women with disabilities are not referenced in 1325 nor its three succeeding resolutions.** Furthermore, the indicators to assess whether the objectives of 1325 are met internationally and nationally do not mention women with disabilities nor do they include any measures of whether the gender-specific needs of women with disabilities are being met during or after conflict. When this is examined in light of the situation of women with disabilities generally and in conflict situations in particular, these deficits become even more stark.

INTERSECTION OF CEDAW AND CRPD: An examination of 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 provides a strong basis in international law for these recommendations. Both the CRPD and CEDAW enumerate respectively the disability and gender impacts of war and conflict. The CRPD has a strong gender focus: in addition to a specific article on women, the treaty weaves gender issues throughout its provisions. Both the CRPD and CEDAW expand on the importance of understanding the negative consequences of stereotyping. Several provisions in both CRPD and 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 CEDAW have strong monitoring mechanisms. Significantly, the UN itself has recognized the urgency of incorporating disability issues into all of its work following the adoption of the CRPD and 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 work.

FRAMEWORK OF THE CRPD, DEVELOPMENT, PEACE AND SECURITY: Not until the CRPD were the human rights of persons with disabilities recognized, moving away from the long-standing view that disabled persons should garner pity and provoke charitable impulses, towards the view that existing human rights principles apply to them. 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, despite these advances, persons with disabilities generally and women with disabilities particularly are often ignored in development programs. **Women with disabilities are generally absent from the UN's Women, Peace and Security programs; their needs during conflict, in refugee camps and post-conflict are not met and they are rarely part of peace building activities to shape their society post-conflict.**

Indeed, the women, peace and security framework incorporates the gender mainstreaming approach. Under both the CEDAW and the UN Women, Peace and Security framework (the resolutions and policies that flow from UNSCR 1325), gender is viewed as the socially constructed roles ascribed to women and men, as opposed to biological and physical characteristics and often flows from stereotypes of women and men. A parallel approach is intrinsic in the disability inclusive approach of CRPD. **Under the CRPD, disability is viewed through a social model under which disability is recognized as an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.** By joining these two approaches, the need for the inclusion of women with disabilities within a gender mainstreaming and a disability inclusive approach to peace building becomes clear.

STRATEGIES FOR CHANGE: Some suggestions for modifications to the resolutions on women, peace and security must be developed to ensure inclusion of women with disabilities. The role of 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 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.

Of course, work in the area of gender-sensitive peace building must incorporate the CRPD standards for women's empowerment, reasonable accommodation and accessibility. The 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 their needs are met and that post-conflict societies are more inclusive and rights-based.

WHY INCLUDE WOMEN WITH DISABILITIES? Justifications for the inclusion of women with disabilities are numerous. Fairness is the most obvious: women account for more than half of the population of the world, persons with disabilities are at least 10% of the world's population and women with disabilities are more than half of the population of persons with disabilities; often in conflict environments, the population of persons with disabilities is even

greater than 10% (in some cases as high as 20%) and **women comprise an even greater proportion of the population of persons with disabilities, as a direct and indirect consequence of conflict.**

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 with disabilities, that barriers are removed and that their human rights are assured.** A truly gender-sensitive peace process must include all women, which dictates that women with disabilities must be part of such processes. Some examples which should be a part of any peace building process with particular relevance to women and girls with disabilities include the following: women with disabilities are the poorest among the poor because of discriminatory employment practices. They are denied education opportunities because education was not provided for girls, school facilities were inaccessible to them and programs were 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 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 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 sexual violence cases, 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 notarization based on their disability or because the shelter in the refugee camp was slightly more accessible than their former home.

CONCLUSION: Thus, as programs are developed and implemented on these issues, as laws on human and legal rights are drafted, as political processes are established and implemented, and as government institutions and policies are designed, and as new buildings, systems and facilities are constructed post-conflict, women 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.