



# General Assembly

Distr.: General  
13 July 2023

Original: English

---

## Seventy-eighth session

Item 73 (c) of the provisional agenda\*

### **Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives**

## **Rights of persons with disabilities**

### **Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, submitted in accordance with Human Rights Council resolution [44/10](#).

---

\* [A/78/150](#).



## **Report of the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn**

### *Summary*

In the present report the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, highlights the moral agency of persons with disabilities in rebuilding broken societies in the post-conflict context. The report uses concepts such as moral repair and transitional justice in the context of peacebuilding and points to the missing voices of persons with disabilities. Building on the nexus between peace and security, development and human rights, the report focuses on the receptiveness of the existing United Nations peacebuilding architecture to the active engagement of persons with disabilities. The report also points to practical ways to make the peacebuilding process more receptive to the voices of persons with disabilities in order to do justice to their rights and to help assure a more inclusive, resilient and sustainable peace for all.

## I. Introduction

1. The purpose of the present thematic report is to explore the transformative role of persons with disabilities in peacebuilding processes. The report aims to map the receptiveness of the existing United Nations peacebuilding architecture to the active engagement of persons with disabilities and it will lay a foundation for a future peacebuilding agenda that is fully inclusive of them. The World Institute on Disability reported in 2014 that 16 per cent of all disabilities are war or conflict related and that the ideas of persons with disabilities for peacebuilding were not valued or utilized, which reflected their frequent treatment as second-class citizens.<sup>1</sup>

2. A major focus of the present report is on the efforts by the United Nations to stimulate and contribute to peace processes. The implementation of the United Nations Disability Inclusion Strategy, with its catalytic role for change across all United Nations operations, is a particular focus of this mandate.<sup>2</sup> Although the United Nations is not formally a party to the Convention on the Rights of Persons with Disabilities, it subscribes to its principles and has set a plan for disability inclusion through its Disability Inclusion Strategy.

3. The report also has implications for donors engaged in supporting peacebuilding efforts and other institutional actors, such as peace institutes. Optimally, they should aim at a more balanced and inclusive representation that benefits the entire peacebuilding system.

4. The report is predicated on the core insight that persons with disabilities carry with them an instinct for rebuilding societies based on broad principles of inclusion and equality. Disability rights is a visibility project that values human difference positively. This instinct for inclusion is, in itself, a vital glue to help mend fissures and build new political realities. Anything that helps reframe our collective political imagination away from narrow self-defining and implicitly exclusionary conceptions of the political community should be welcomed and make for a more sustainable process of peace and stability.

5. Studies have emphasized that persons with disabilities have catalysed peace processes and led peacebuilding programmes successfully.<sup>3</sup> Despite this, disability is seldom included in peacebuilding processes or, if it is, only superficially. In recent years the Security Council and General Assembly have rightfully emphasized the interdependence and interoperability of the peace and security agenda with the development agenda and with human rights.<sup>4</sup> The Convention on the Rights of Persons with Disabilities combines all three; through article 11, it connects directly with the broader peace and security agenda of the United Nations – which is powerfully reinforced by Security Council resolution [2475 \(2019\)](#). It is an innovative human rights treaty that combines economic and social rights with civil and political rights. Disability, therefore, stands as a test case for how these three domains can usefully interact.

6. The United Nations system has moved decisively away from an episodic approach to peacebuilding to emphasize a process for sustaining peace. This requires

---

<sup>1</sup> Anita Aaron, Bruce Curtis, Alex Ghenis, Danielle Lane and Ariana Barth, “The involvement of persons with disabilities in conflict resolution and peacebuilding efforts: inclusion of persons with disabilities as part of the solution in the post-conflict arena”, Special report (World Institute on Disability, 2014).

<sup>2</sup> See Human Rights Council resolution [44/10](#), para. 3 (f).

<sup>3</sup> Elizabeth Murray, “Disability inclusive peacebuilding: state of the field and the way forward”, p. 7 (United States Institute of Peace, 2021).

<sup>4</sup> See Security Council resolution [2282 \(2016\)](#) and General Assembly resolution [70/262](#), para. 8.

attention to the causes of conflict (especially structural inequality).<sup>5</sup> In its resolution [2282 \(2016\)](#), the Security Council announced that inclusivity is key to advancing national peacebuilding processes. In a way, this is an important standing invitation to extend the traditional frame to include persons with disabilities – something that has not happened yet.

7. The active engagement of persons with disabilities in peacebuilding serves both an instrumental value and a broader societal value. Instrumentally, it helps to ensure that any prospective peace process embeds a disability perspective from the outset. However, success is not measured alone in how or whether peace agreements formally include persons with disabilities and make due and explicit allowance for their rights. Success also comes from embedding the broader ideal of inclusion that can help undo forces that exaggerate difference. This glue is typically added when persons with disabilities are formally included in the peacebuilding moment and associated processes.

8. The peacebuilding moment is typically a key inflection point in the life of any political community. This is when the political community can be reimagined and rebuilt. This crucial moment can lay the foundation for durable peace both within countries and across borders. Sadly, over the past 30 years or so, only a fraction of all peace agreements have contained any reference to disability and usually from a medical perspective. This is a hugely wasted opportunity.

9. The term moral repair is used to refer to the combination of measures needed to acknowledge the past, protect people in the aftermath of conflict and build new institutions to carry the change forward with economic and social development to underpin it. The concept is interchangeable with the term transitional justice which gives a more technical expression to moral repair. Three core elements are essential to moral repair and help define any such moment of reimagination.

10. **Truth as a foundation for peace**, truth telling is a way of rebuilding trust and is linked to a fair accounting of the past. Truth is a foundation on which old enmities can at least be acknowledged and addressed, creating space for new political realities and institutions to evolve. Remarkably, the processes of moral repair (commissions of inquiry, truth and reconciliation processes, apologies, atonement, criminal accountability) tend not to include persons with disabilities. It is as if the crimes and mass wrongs committed against them in the past simply do not count. This lack of collective reckoning with the past reveals the negative effects of the invisibility of persons with disabilities, which these processes are supposed to uncloak and reverse.

11. **Protection and prevention to incentivize participation**, an important element in building and sustaining peace is to protect civilians and prevent any recurrence of violence. This is not only right in itself, it also helps build confidence across old divides. It is hard to imagine individuals or groups coming forward to share their perspectives on the future of their country without some minimal assurance for their safety and protection against victimization. Absent this assurance, groups such as persons with disabilities, are unlikely to participate as much as others in the process of reconstruction and reconciliation, to the palpable disadvantage of all.

12. **Reimagining and building new political institutions and tackling economic and social exclusion**, any reimagination of a successful political future entails a reinvention of political institutions and processes – creating space for discordant voices to be heard. These moments of reinvention – the drafting of peace agreements,

---

<sup>5</sup> Gauthier de Beco, “Taking economic and social rights earnestly: what does international human rights law offer persons with disabilities in situations of armed conflict?”, *International Review of the Red Cross*, pp. 306–322 (Cambridge University Press on behalf of the International Committee of the Red Cross, 2022).

new constitutions, referendums – are critically important to persons with disabilities as they afford an opportunity (sometimes their very first opportunity) for society at large to honestly face the past of exclusion and discrimination and to seek ways of redressing it. Hand in hand with this process of reinvention goes a development agenda that removes some of the underlying socioeconomic causes of conflict. It would be a mistake to confine the development agenda to the immediate needs of ex-combatants with disabilities – although that is morally urgent. It must go beyond the moment to undo decades of exclusion and its effects. What is striking, however, is the degree to which persons with disabilities are largely absent from these crucial moments of reimagination and rebuilding.

### **Three thematic reports on conflict and disability**

13. The present thematic report is the third in a series focusing on disability and conflict. The first report was an assessment of the visibility of persons with disabilities along all major points in the peace and conflict continuum ranging from conflict prevention to the conduct of hostilities, to evacuation, to peacekeeping and peacebuilding (A/76/146). Unsurprisingly, it found that persons with disabilities were relatively invisible at most points along the continuum.

14. In the second report, the focus was on the interaction of the notion of protection under the Convention on the Rights of Persons with Disabilities and the protection of civilians with disabilities under international humanitarian law (A/77/203). It reminded States of the rules that could and should become more inclusive of disability using some of the core norms of the Convention as guidance. It underscored that article 11 does not merely reiterate existing international law – it adds to it by emphasizing the human rights model of disability (in contrast to the medical model reflected in so much of international humanitarian law), human agency and legal capacity (voice, choice and control) and by focusing on the range of relevant rights going beyond protection in a narrow sense.

15. The third report focuses on the positive moral agency of persons with disabilities to be an integral part of solutions by ensuring that all processes of moral repair include them.

### **Core substantive rights and process rights of the Convention on the Rights of Persons with Disabilities for peacebuilding**

16. Several key substantive provisions in the Convention on the Rights of Persons with Disabilities are central to disability-inclusive peacebuilding. Article 5 on inclusive equality is especially important in requiring the peacebuilding parties to acknowledge the systemic wrongs of the past and build a much more inclusive future for all. Article 11 explicitly states the complementarity of the Convention with all other international law regimes. The Security Council has authoritatively reiterated the important nature of article 11 in bridging the Convention with situations of armed conflict and post-conflict (Security Council resolution 2475 (2019)). Furthermore, several socioeconomic rights in the Convention are directly relevant to the prevention, reconstruction and rebuilding process. These rights, though anchored in human rights, speak equally eloquently to an inclusive development agenda. They include accessibility (article 9), access to justice (article 13), education (article 24), rehabilitation (article 26) and adequate standard of living (article 28), among others.

17. The process-based rights of the Convention on the Rights of Persons with Disabilities are just as important. Article 4 (3) assures a right to be involved in all policy processes (and relevant decisions) that affect persons with disabilities. Article 29 goes to the importance of political participation. This is most acute during these rare moments of reinvention in the polity. Not only does it posit a formal right

to participate but it also generates obligations to facilitate and support this participation.

18. Powerfully reinforcing the rights of the Convention on the Rights of Persons with Disabilities is Goal 16 of the Sustainable Development Goals. It addresses the need to promote peaceful and inclusive societies, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. The direct link between inclusive and peaceful societies is striking: work on inclusion assists in the maintenance of peace. By definition, this must include 15 per cent of any given population who have a disability. Viewed the other way around, Goal 16 also acknowledges that high levels of armed violence and insecurity have a destructive impact on a country's development (A/77/162). This will disproportionately affect those left furthest behind, which includes persons with disabilities.

### **Intersectional perspectives: the near invisibility of disability**

19. In recent years – and rightly so – there has been much emphasis in the United Nations system on the role of women, youth and children in peacebuilding. Women are vitally important in any peacebuilding matrix and slow but steady progress is being made to advance their role in peacebuilding. This is as important to women and girls with disabilities, as it is to those without and the future literally belongs to children. The moral agency of children with disabilities ought to be foregrounded when it comes to peacebuilding, partly because they will spend a lifetime with a disability and partly because their resolute focus on the future has something valuable to add to the mix which ensures the sustainability of peace.

20. From a cross-disability perspective the available research shows that it tends to be persons with physical and sensory disabilities who contribute to current peacebuilding processes. This may simply come down to the high opportunity costs faced by all persons with disabilities in a post-conflict situation and especially those with psychosocial or intellectual disabilities. A corrective would include a much more intentional strategy to create space for all voices in the process. Falling short of that, the outcomes will always tend to be skewed and not uniform for all persons with disabilities. Another intersectional concern in peacebuilding are older persons, both generally and with disabilities. Their accumulated life experiences are a vital asset to peacebuilding. They provide an inspirational bridge to the next generation that will have to make a success of the peace process.

21. Veterans with disabilities tend to have more political traction than others. Properly harnessed to a broader disability rights agenda and connected with the broader disability community, this is not necessarily bad. Much depends on the alliance-building capacities of veterans with disabilities and their willingness to flex their moral and political muscle for the benefit of the broader disabled community. Any tendency to push claims forward based on a more “deserving” disabled community versus other disability communities should be strenuously avoided. This is not to deny the just claims of veterans with disabilities, including especially to rehabilitation and effective reintegration.<sup>6</sup> But it is to place their claims into a broader context involving the whole community.

---

<sup>6</sup> Arie Rimmerman, *Ageing Veterans with Disabilities: a Cross National Study of Policies and Challenges* (Cambridge University Press, 2020).

## II. Framing moral repair, transitional justice, peacebuilding and disability

22. The concept of moral repair refers essentially to how a society can effectively come to terms with past mass wrongs (like endemic violence in institutions against persons with disabilities or their victimization in times of conflict). The underlying premise is that, if left unaddressed, past mass wrongs will fester and impede the possibility of achieving justice in the present. An injustice felt in the past may have been a one-off wrong that was never confronted. Or it may have deep structural roots and institutional practices that continue into the present day (like institutionalization). Typical obstacles to moral repair are an outright denial of the facts, discounting the credibility of certain groups of witnesses, ethical loneliness (a feeling of being abandoned by society and not heard) and a lack of grievability (not being recognized as a person worthy of protection). All of the above impact persons with disabilities and affect their prospects of moral repair.

23. The goals of moral repair are (a) to affix responsibility on wrongdoers; (b) to acknowledge wrongdoing as wrongdoing; (c) to reinstate moral terms and standards within communities; (d) to replenish trust among individuals through recognition of shared moral values; (e) to nourish hope that moral understandings and those who are responsible for supporting them are worthy of trust; and (f) establishing connections in adequate moral relationship with wrongdoers and those who have been harmed as a result.<sup>7</sup> The latter especially makes possible a shared collective future.

24. Relatedly, in pioneering work, Linda Steele identifies several different models to respond to past mass wrongs through restorative justice, transitional justice, transformative justice and structural justice.<sup>8</sup> She describes the tools used under most of these models to include: (a) truth-telling (commissions of inquiry, international commissions of inquiry, memorialization of memory through sites of conscience and art),<sup>9</sup> (b) accountability (domestic and international criminal liability); and (c) rebuilding lives and the basis for trust in a shared future (compensation, reparations, restitution, development and social justice measures). Some would include forgiveness in this mix. But that may be a function of a successful moral repair programme, rather than a precondition for it.<sup>10</sup>

25. The concept of transitional justice is closely tied to the peacebuilding process and can be considered a foundational pillar of moral repair (see [S/2004/616](#)).<sup>11</sup> In a clear exposition of the link between development (especially in post-conflict situations) and peacebuilding, the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence has opined that recognition lies at the heart of any meaningful process ([A/77/162](#)). By this, he means the recognition of persons qua persons. This is exactly the legacy issue faced

<sup>7</sup> Margaret Urban Walker, *Moral Repair: Reconstructing Moral Relations after Wrongdoing*, (Cambridge University Press, 2006); see also Linda Radzik, *Making Amends: Atonement in Morality, Law and Politics*, (Oxford University Press, 2009).

<sup>8</sup> Linda Steele, "Facing the past to face the future: moral repair and disability", paper commissioned by the Special Rapporteur on the rights of persons with disabilities (2022).

<sup>9</sup> A strong case has been made to preserve former institutions as sites of conscience to educate future generations. See Linda Steele, "Sites of conscience redressing disability institutional violence", *Incarceration* 3(2)(2022); and Linda Steele and Justine Lloyd, "Place, memory and justice: critical perspectives on sites of conscience", *Space and Culture* 25(2), (2022).

<sup>10</sup> Martha Minow, *When Should Law Forgive*, (W.W. Norton & Company, 2019).

<sup>11</sup> See Janine Natalya Clark, "Where are the voices and experiences of persons with disabilities/disabled people in transitional justice research and practice?" *Journal of Human Rights Practice*, XX, 1–11 (2023).

by persons with a disability. This approach shows considerable (but as yet unrealized) promise as applied in the domain of disability.

26. Moral repair also looks forward to the new kinds of processes necessary to break from the past and sustain change and to a social and economic development programme to achieve justice for the victims of conflict. What is striking is how all of the above is obviously and directly relevant to the past mass wrongs committed against persons with disabilities in every corner of the world. Yet, neither the main models nor the tools of moral repair are generally used to generate justice for persons with disabilities who are victims of past mass wrongs. It is urgent that their scope should be extended to include the past mass wrongs experienced by persons with disabilities. A clear-eyed view of history, including legal history, is that mass institutionalization was as wrong in 1950 as it is in 2023.

### III. United Nations institutional architecture and activities to support peacebuilding

#### A. Main themes and actors

27. The United Nations supports countries in building sustainable peace and preventing any relapse into violent conflict. It has moved away from activities that merely freeze a conflict to address its root causes through a broad spectrum of peacebuilding activities.<sup>12</sup> The Secretary-General of the United Nations has made preventing conflict the most important priority of the organization with a vision that emphasizes conflict prevention and building and sustaining peace. In his 2020 report on peacebuilding and sustaining peace, the Secretary-General embraced the humanitarian-development-peace nexus and underscored that the Charter of the United Nations serves to highlight the critical relationship among peace and security, development, human rights and international cooperation ([A/74/976-S/2020/773](#)). The humanitarian-development-peace nexus forms the basis for peacebuilding across the United Nations system.<sup>13</sup> Human rights provide a critical foundation for the prevention of violent conflict as emphasized in the Secretary-General's call to action for human rights.<sup>14</sup> Disability could and should be an integral part of this vision. The main entities involved in supporting peacebuilding in the United Nations system are described as constituting the United Nations Peacebuilding Architecture.<sup>15</sup> Responsibilities for peacebuilding activities span across the United Nations system.

28. The Peacebuilding Commission was established in 2005 as an intergovernmental body with a mandate to bring together all relevant actors engaged in post-conflict, peacebuilding and recovery, to marshal resources and develop best practices in collaboration with political, security, humanitarian and development actors.<sup>16</sup> The General Assembly and Security Council resolutions establishing the Commission also identified a need to move beyond crisis management and to highlight any gaps which threaten to undermine peace.

29. The above resolutions also established the Peacebuilding Fund and a Peacebuilding Support Office. The Fund is the primary financial instrument of the

<sup>12</sup> See United Nations, *United Nations Peacekeeping Operations: Principles and Guidelines*, pp. 25–26 (2008).

<sup>13</sup> See, for example, Centre on International Cooperation, *The Triple Nexus in Practice: Toward a New Way of Working in Protracted and Repeated Crises*, New York University (December 2019).

<sup>14</sup> United Nations, “The highest aspiration: a call to action for human rights”, 2020.

<sup>15</sup> United Nations Peacebuilding Support Office, “The United Nations Peacebuilding Architecture” (New York, October, 2010).

<sup>16</sup> See General Assembly resolution [60/180](#); and Security Council resolution [1645 \(2005\)](#).



United Nations to sustain peace in countries, including those affected by risk or violent conflict. While some attention is given to the women and youth agendas in the Fund's 2020–2024 strategy, no mention is made of persons with disabilities.<sup>17</sup> Projects with specific attention to persons with disabilities in peacebuilding are lacking, although some of the projects financed through the Fund included disability-related elements.

30. The Peacebuilding Support Office assists and supports the Peacebuilding Commission and the Peacebuilding Fund and works to enhance a coherent and coordinated approach to building and sustaining peace. As such, it is particularly well positioned to identify opportunities and promote systematic disability inclusion in peacebuilding activities of the United Nations and related guidelines.

31. The Peacebuilding Support Office is part of the wider portfolio on political and peacebuilding affairs of the Secretariat. The Department of Political and Peacebuilding Affairs plays a central role in preventing and resolving conflict by engaging in early warning, mediation and supporting the Secretary-General and United Nations political missions in managing crises and promoting lasting solutions to conflict. The Department also coordinates electoral assistance activities of the United Nations. It is notable that the Department's Strategic Plan for 2023–2026 calls for it to "raise its standards for the incorporation of strategies for the empowerment of persons with disabilities and their human rights into its analysis, early warning and strategy formulation processes."<sup>18</sup>

32. Effective peacekeeping allows space for a peacebuilding process to take root. The Department of Peace Operations assists Member States and the Secretary-General in their efforts to maintain international peace and security. United Nations peacekeeping operations are deployed under mandates voted by the Security Council. They can assist in implementing comprehensive peace agreements and support States or territories through a transition to stable government based on democratic principles, good governance and economic development.

33. In 2019, the United Nations adopted a Disability Inclusion Strategy which requires the mainstreaming of disability in both the internal and external operations of the United Nations, including in peacekeeping and peacebuilding. However, the latest monitoring report on implementation (2019–2021) indicates little action has been taken to advance disability inclusiveness in peacebuilding and peacekeeping activities.<sup>19</sup> This is disappointing and indicates room for improvement.

## **B. Intersectional approaches to peacebuilding**

34. The United Nations system has a particular focus on women in peace and security and youth in peace and security.<sup>20</sup> However, women and youth with disabilities tend not to be mainstreamed into those programmes. There is no equivalent focus on persons with disabilities.

35. The women and peace and security agenda was established in Security Council resolution [1325 \(2000\)](#) and addresses the role of women in conflict prevention, women's participation in peacebuilding, the rights of women and girls during and

<sup>17</sup> See United Nations, Peacebuilding Fund, "Secretary-General's Peacebuilding Fund: 2020–2024 strategy", March 2020.

<sup>18</sup> United Nations Department of Political and Peacebuilding Affairs, "Strategic Plan for 2023–2026", p. 32.

<sup>19</sup> See [A/75/314](#); [A/76/265](#); and [A/77/344](#).

<sup>20</sup> Department of Political and Peacebuilding Affairs, "Women Peace and Security (WPS) and Youth Peace and Security (YPS) Complementarities of the two agendas, (2021)".

after conflict and women's specific needs during all phases of peacebuilding. Since 2000, 10 Security Council resolutions have been adopted focusing on the need for women's active and effective participation in peacemaking and peacebuilding and on preventing and addressing conflict-related sexual violence. A wealth of policies, guidance and practice now supports the advancement of this agenda.<sup>21</sup> In 2016, the Department of Political and Peacebuilding Affairs established a stand-alone Gender, Peace and Security Unit, which develops policy, builds the Department's staff capacity and supports its mission and headquarters staff in implementing Security Council resolutions on women and peace and security and conflict-related sexual violence. Of special note is the Global Network of Women Peacebuilders connecting over 100 women's peacebuilding groups around the world with institutional actors, such as the United Nations and the Organization for Security and Co-operation in Europe. This should be a model of sorts for the development of a similar network involving persons with disabilities.

36. Some of the funding used to implement the women, and peace and security agenda strived to include women with disabilities. For example, persons with disabilities were involved in the design of a project funded by the Peacebuilding Fund in Liberia aiming to address specific conflict drivers in a gender-responsive manner. The framework provided by the United Nations Disability Inclusion Strategy was applied to assess the inclusiveness of the project at all stages. Despite these positive efforts, women and girls with disabilities were not systematically involved in the project implementation.<sup>22</sup>

37. Since the late 1990s, the Security Council has paid particular attention to the protection of children in armed conflict. The 1996 landmark report by Graça Machel showed that an estimated 2 million children had been killed in armed conflict in the 10 years preceding the report and that three times as many had been seriously injured or acquired permanent impairments, many of them maimed by landmines (A/51/306, paras. 2 and 30). Following its publication, the General Assembly created the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict, the leading United Nations advocate for the protection and well-being of children affected by armed conflict.<sup>23</sup>

38. The Special Representative for Children and Armed Conflict is keenly aware of the impact of conflict on children with disabilities and their critical role in peacebuilding and is working on a thematic study on the topic. This is extremely welcome. The United Nations Children's Fund (UNICEF) plays an important role in supporting children who are affected by armed conflict and has worked to better integrate the needs of children with disabilities into humanitarian action. In 2019, it developed specific guidance on the inclusion of children with disabilities in different humanitarian sectors.<sup>24</sup> In 2005 the Security Council established a Monitoring and Reporting Mechanism on grave violations committed against children in times of armed conflict.<sup>25</sup> However, the 2014 monitoring guidance for fact-finders who investigate grave violations against children in armed conflict makes no mention of

<sup>21</sup> See, for example, Department of Political Affairs, "Guidance on gender and inclusive mediation strategies", (Nairobi, United Nations, 2017); and Department of Political Affairs, "Guidance for mediators. Addressing conflict-related sexual violence in ceasefire and peace agreements", (New York, United Nations, January, 2012).

<sup>22</sup> See project on Advancing implementation of United Nations Security Council Resolutions on women peace and security through strengthening accountability frameworks, innovative financing and gender responsive budgeting (PBF/IRF-319).

<sup>23</sup> General Assembly resolution 51/77.

<sup>24</sup> United Nations Children's Fund (UNICEF), "Guidance: including children with disabilities in humanitarian action", (New York, 2017).

<sup>25</sup> Security Council resolution 1612 (2005).

disability.<sup>26</sup> The work on children and armed conflict could certainly be improved with some disability-specific guidance and the active involvement of children and youth with disabilities in peacebuilding processes.

39. Security Council resolution [2475 \(2019\)](#), on protecting persons with disabilities during armed conflicts, should be viewed as giving a similar cue to action as the mandates on women, youth and children. Pointedly, the resolution explicitly moves beyond the narrow conception of protection during conflict to include the full range of activities along the peace continuum, including conflict prevention, resolution, reconciliation, reconstruction and peacebuilding. At a minimum, this points to the mainstreaming of persons with disabilities in activities dealing with the women and peace and security and the youth, peace and security agendas and children in armed conflict. Ideally, it should lead to detailed guidance on how persons with disabilities can be effectively involved in peacebuilding efforts.

### C. Activities in support of moral repair: truth-telling and the near invisibility of disability

40. Facing the future means facing the past. Every country must find its own way to do so and might be supported by the United Nations on that path. Moral repair, including through transitional justice, can contribute to sustained peace through processes and mechanisms that facilitate accountability and reconciliation after conflict. In cases where transitional justice is part of a peace process, it is important to ask how persons with disabilities shape transitional justice and how these processes account for their specific and unique experiences in conflict.

41. Lessons could be learned from robust discussions of the role of women in peace processes spearheaded by the United Nations and others.<sup>27</sup> Security Council resolution [2475 \(2019\)](#) emphasizes the “need for States to end impunity for criminal acts against civilians, including those with disabilities, and ensure that such persons have access to justice and effective remedies and, as appropriate, reparation” (para. 2). United Nations-mandated commissions of inquiry and related fact-finding bodies can make important contributions to peacebuilding and accountability processes. They have played useful roles in designing the content and trajectory of peace processes, accountability and transitional justice mechanisms. The Office of the United Nations High Commissioner for Human Rights assumes an important role in supporting commissions of inquiry since 1992, supporting some 50 commissions and missions.<sup>28</sup> Unfortunately, reporting by United Nations-mandated commissions of inquiry reveals that scant attention is paid to persons with disabilities and their lived experiences.<sup>29</sup> Engagement with organizations of persons with disabilities by commissions of inquiry and disability experts offers the potential – as yet unrealized – to open the lens of factfinders to the circumstances faced by persons with disabilities.

<sup>26</sup> Office of the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF and United Nations Department of Peacekeeping Operations, “Guidelines: Monitoring and reporting mechanism on grave violations against children in situations of armed conflict”, (June, 2014).

<sup>27</sup> See, for example, UN-Women and CMI Martti Ahtisaari Peace Foundation, Global Convening on “Gender-inclusive peace processes: strengthening women’s meaningful participation through constituency building” Meeting report, 7 to 27 July 2021.

<sup>28</sup> Office of the United Nations High Commissioner for Human Rights, *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law Guidance and Practice*, (New York and Geneva, 2015).

<sup>29</sup> Janet E. Lord, William I. Pons and Michael Ashley Stein, “United Nations mandated commissions of inquiry and disability”, Harvard Law School Project on Disability, (forthcoming, 2023).

42. While persons with disabilities are at high risk of experiencing gross violations of international human rights and international humanitarian law, particularly during armed conflict, successful prosecution for such violations under international criminal law is rare.<sup>30</sup> Furthermore, these violations may not be recognized for the egregious crimes they are, reflecting a lack of disability rights understanding. The International Criminal Court has adopted guidelines on the prosecution of crimes against children and women. It has yet to adopt a similar set of guidelines on disability. Recommendations to do so should be taken seriously. Similarly, other adjudicative mechanisms for pursuing the prosecution of crimes against persons with disabilities using international criminal law in both hybrid and domestic courts have not yielded prosecutions for disability-related crimes.<sup>31</sup>

43. In April 2023, a historic effort to draft an international treaty on crimes against humanity was initiated with the launch of debate and discussion on draft articles within the Sixth Committee of the General Assembly (A/C.6/77/L.4). The omission of any explicit mention of persons with disabilities in the draft text overlooks the history of criminal abuse they have faced.<sup>32</sup> Any draft treaty should surely take into account persons with disabilities who are victims of serious violations of international humanitarian law and international human rights law.

#### **D. Activities in support of protection and prevention: underinclusiveness toward disability**

44. Protecting people – especially those placed in vulnerable situations – gives them the confidence to participate. If they do not – or cannot – participate – the outcomes are less legitimate or sustainable than they might otherwise be. Protection involves prevention. But that assumes that everyone is valued equally in conflict prevention strategies.

45. A particular concern is persons with disabilities who are forced to flee as a result of conflict, especially as many have no freedom of movement in escaping conflict. This is largely owing to the inaccessibility of evacuation procedures. Reception centres also present barriers for persons with disabilities. Problematic in the extreme is the placing in institutions of persons with disabilities who are forced to flee. Paramount is the role of the United Nations High Commissioner for Refugees in addressing the protection needs of people forced to flee. Guidelines on international protection adopted by the United Nations High Commissioner for Refugees assist authorized decision-making bodies in making an objective assessment of the well-founded fear of persecution in a manner consistent with domestic law. Whereas the guidelines on sexual orientation and/or gender identity<sup>33</sup> provide elevated attention to important intersectional issues, there remains a need for similar guidance in relation to persons with disabilities. The United Nations High Commissioner for Refugees seems alive to this need and is to be encouraged in its ongoing efforts to make the process more inclusive.

<sup>30</sup> William I. Pons, Janet E. Lord and Michael Ashley Stein, “Addressing the accountability void: war crimes against persons with disabilities” *International Review of the Red Cross* No. 922, (November 2022).

<sup>31</sup> William I. Pons, Janet E. Lord and Michael Ashley Stein, “Disability, human rights violations and crimes against humanity”, *American Journal of International Law*, Vol. 116, No. 1 (January, 2022).

<sup>32</sup> Janet E. Lord, Rosemary Kayess, William Pons and Michael Ashley Stein, “The UN process for a crimes against humanity treaty has finally started: will it account for persons with disabilities?” *Just Security* (May 26, 2023).

<sup>33</sup> HCR/GIP/12/09.

46. Prevention is a major task of the Secretary-General's Special Advisers on the Prevention of Genocide and on the Responsibility to Protect who advance national and international efforts to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The United Nations Office on Genocide Prevention and the Responsibility to Protect launched a 2014 Framework of Analysis for Atrocity Crimes that can and should be harnessed to examine risk factors and their potential impact on particular groups, such as persons with disabilities.<sup>34</sup>

## **E. Activities in support of reimagining the future: institution-building, economic and social development**

47. A new and sustainable future may mean new kinds of political institutions underpinned by economic and social justice and development programmes. This includes a short-term and immediate focus, with close attention paid to persons with disabilities who have suffered through conflict and those who developed an impairment in conflict. The longer-term focus is building a more inclusive economic and social order for all including those left farthest behind. In the disability context, the former tends to be based on a narrow medical model of disability and the latter tends not to include persons with disabilities at all.

48. The evidence, to date, is that persons with disabilities have had little engagement with peace treaty negotiations, whether brokered by the United Nations or otherwise. The reasons may be many, including lack of tangible support and an overly medical approach to disability.

49. Ceasefires have obvious implications for persons with disabilities. A good example is where recourse is made to ceasefires to facilitate the delivery of humanitarian aid or the evacuation of persons left behind in a conflict zone. Ceasefires ought to invariably include persons with disabilities.

50. The holding of free and fair elections is often written into peace agreements. During democratic transitions, new electoral systems are often developed. This offers opportunities to secure the rights of persons with disabilities in an integrated way. The Department of Political and Peacebuilding Affairs and its Electoral Assistance Division lead the work of the United Nations in terms of electoral assistance matters. Despite the existence of a specific guideline on electoral rights of persons with disabilities,<sup>35</sup> little attention is given to disability-inclusive electoral systems in the annual reports of the Secretary-General on United Nations electoral assistance. However, in the 2021 report, he specifically acknowledges the disconnect between the Convention on the Rights of Persons with Disabilities and the political reality for persons with disabilities (A/76/266, para. 48). Much more could be done around election support in conflict-affected countries to ensure that democratic transitions do not reinforce the political marginalization of persons with disabilities.

51. Other institution-building initiatives have the potential to enhance the participation of individuals with disabilities in these processes. Emerging practices around the globe nonetheless bear out that persons with disabilities can be successfully incorporated in all aspects of post-conflict institution-building.<sup>36</sup> Indeed,

<sup>34</sup> United Nations Office on Genocide Prevention and the Responsibility to Protect, "Framework of analysis for atrocity crimes: a tool for prevention", (30 October, 2014).

<sup>35</sup> United Nations, Focal Point for Electoral Assistance, "Guideline: promoting the electoral rights of persons with disabilities through UN electoral assistance", 29 June 2012.

<sup>36</sup> Janet E. Lord, Michael A. Stein and Jan Fiala, "Facilitating an equal right to vote for persons with disabilities", *Journal of Human Rights Practice*, 6 (1) (March, 2014).

evidence from Europe demonstrates that persons with disabilities are even more engaged than others in the political life of the nation when supported to do so.<sup>37</sup>

52. United Nations peace operations are the leading international partner of national institutions implementing disarmament, demobilization and reintegration initiatives. These programmes seek to support ex-combatants and those associated with armed groups so that they can again lead meaningful lives and become active participants in the peace process. Research points to the reality that the successful reintegration of ex-combatants, regardless of disability status, is a complex and challenging process.<sup>38</sup> For ex-combatants with disabilities, the situation is likely to be especially bleak as they may face additional barriers in returning to home communities owing to disability-related stigma and discrimination.<sup>39</sup> This is especially pertinent for those who return to civilian life with psychosocial trauma. Notably, in 2006, the first iteration of the Integrated Disarmament, Demobilisation and Reintegration Standards, a product of 25 different United Nations agencies, did not reflect disability rights. The revised Standards (2019), devote an entire module to persons with disabilities.<sup>40</sup> More action is needed to operationalize them. Similarly, the outdated International Labour Organization Guidelines on the socioeconomic reintegration of ex-combatants of 2009 warrants revision to better reflect the Convention on the Rights of Persons with Disabilities.<sup>41</sup>

53. Some projects funded by the Peacebuilding Fund on this theme include a disability lens. In Rwanda, for example, a project implemented by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Development Programme on the reintegration of repatriated ex-combatants and their families entailed activities aimed at persons with disabilities such as reconstruction of homes and provision of medical and psychosocial support.<sup>42</sup> Similarly, the World Bank can point to many successful disarmament, demobilization and reintegration programmes it supports for ex-combatants with disabilities. In Burundi, the disarmament, demobilization and reintegration process initially failed to take into account the needs of ex-combatants with disabilities, and thus, the World Bank provided emergency funding to ensure that those failures were addressed. The funding was provided only after it was discovered that a group of ex-combatants with major support needs was living in horrific conditions. The World Bank provided funding that made possible their move into accessible housing.<sup>43</sup> These efforts should be applauded along with the lesson learned that advance planning to achieve inclusion is vital for effective disarmament, demobilization and reintegration programming.

54. The Mine Action Service operates under the mandates of both the General Assembly and the Security Council. One of the five pillars of mine action is victim assistance – a mandate that pivots on article 6 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their

<sup>37</sup> European Union Agency for Fundamental Rights, *The right to political participation for persons with disabilities: human rights indicators* (2014).

<sup>38</sup> Minerva Rivas Velarde, Janet E. Lord, Michael Ashley Stein and Thomas Shakespeare, “Disarmament, demobilization and reintegration in Colombia: lost human rights opportunities for Ex-combatants with disabilities”, *Journal of Human Rights*, vol. 21 (1) (October, 2021).

<sup>39</sup> William Pons, “The hidden harm: acquired disability during conflict”, Center for Civilians in Conflict (4 August, 2017).

<sup>40</sup> See <https://www.unddr.org/the-iddrs/>.

<sup>41</sup> International Labour Organization, *Socioeconomic Reintegration of Ex-Combatants: Guidelines*, International Labour Office, ILO Crisis Response and Reconstruction Programme (Geneva, 2009).

<sup>42</sup> Support to the reintegration of ex-FDLR combatants and dependents repatriated to Rwanda from the Democratic Republic of Congo (PBF/IRF-341).

<sup>43</sup> World Bank Group, *Disability Inclusion and Accountability Framework*, (Washington, D.C., 2022).

Destruction (1997). A similar, but more expansive, provision is found in the Convention on Cluster Munitions of 2008 (article 5). The victim assistance standards were developed in 2022 by the United Nations to assist national authorities in the drafting of national mine action standards and are the first ones to address the issue of survivors.<sup>44</sup> They could likewise be strengthened and better aligned with Convention on the Rights of Persons with Disabilities as noted previously (A/77/203). In 2022, the Mine Action Service created the role of a Global Advocate for persons with disabilities in conflict and peacebuilding situations. This is greatly welcomed and can play a hugely important role in highlighting the impact of conflict, as well as the centrality of persons with disabilities in peacebuilding.

55. The United Nations Development Programme works in conflict and fragile contexts in cooperation with United Nations partners to address a wide range of crisis response, including emergency livelihoods, employment and enterprise recovery projects, community infrastructure, debris management and cash-based interventions.<sup>45</sup> There are clear opportunities in crisis response to address the urgent needs of persons with disabilities affected by conflict through an inclusive approach to the restoration of basic services.

56. Establishing respect for the rule of law is fundamental to achieving a durable peace in the aftermath of conflict, to the effective protection of human rights and to sustained economic progress and development. Many stakeholders play important roles in providing international assistance to these processes of change. The United Nations Office of Rule of Law and Security Institutions within the Department of Peace Operations engages in early peacebuilding by assisting conflict-affected countries in re-establishing the rule of law and security institutions necessary to build and sustain peace. The rule of law is crucial for persons with disabilities both in ensuring that their personhood is respected and in the substantive and procedural safeguards they should obtain.

#### **IV. Voices from the ground: summary of submissions, interviews and the available literature**

57. The Special Rapporteur received valuable inputs from States and other stakeholders on the basis of a call for written contributions to inform this report.<sup>46</sup> A wide series of interviews with key operatives in the field and organizations of persons with disabilities were also undertaken. These generous contributions yielded important insights and the Special Rapporteur is thankful to all. In addition, a review of the available literature on peacebuilding and disability was made which is small but growing. This section summarizes the key themes and issues that emerged.

##### **A. Predominance of the medical model of disability in peacebuilding**

58. Stigma, discrimination and a lack of knowledge about disability were identified as major factors leading to the relative exclusion of persons with disabilities within peacebuilding processes. Persons with disabilities are consistently viewed as “victims” rather than as active rights holders. Ex-combatants with disabilities were consistently referenced, and while still primarily viewed as victims (even “deserving”

<sup>44</sup> Mine Action Service, International Mine Action Standards, 13.10 Victim Assistance Standards (January 2023).

<sup>45</sup> United Nations Development Programme, “UNDP’s Crisis Offer: A framework for development solutions to crisis and fragility”, (2022).

<sup>46</sup> The written submissions received are available at: <https://www.ohchr.org/en/calls-for-input/2023/rebuilding-inclusive-societies-post-conflict-situations-active-involvement>.

victims), the overall approach relies almost exclusively on a medical model of disability.

59. Invaluable research on peace treaties reveals that, since 1993, only 6.6 per cent of all peace agreements reference disability. In those instances where disability was mentioned the terminology used largely reflects the medical model. Tellingly, the research has shown that there has not been a single reference or mention of the Convention on the Rights of Persons with Disabilities within any peace agreement since it came into force.<sup>47</sup> The available literature emphasizes that the forces that cemented inequality into place prior to conflict remained largely unaddressed during the post-conflict transition.<sup>48</sup> Organizations of persons with disabilities reinforced this point by highlighting that persons with disabilities were neither involved in the drafting nor the execution of national recovery plans.<sup>49</sup> The pioneering programme of the Institute of Architecture at the Royal Melbourne Institute of Technology on Disaster, Design and Development shows the potential of inclusive design in rebuilding lives after conflicts.<sup>50</sup>

60. From an intersectional perspective, the picture that emerges is similarly bleak. When other groups like women and children were sought out and included in peacebuilding processes, women and children with disabilities were regularly overlooked.<sup>51</sup> Interviewees reasoned that such exclusion was due in large part to a lack of knowledge within society as to the strength, capability and insight of the disability community.<sup>52</sup> This, despite the fact that research shows that disability rights “can be a unifying topic between opposing groups in ... conflict.”<sup>53</sup> Significantly, research has shown that even when persons with disabilities are included in peacebuilding processes, “they often represent [only] persons that acquired a disability as a result of the conflict.”<sup>54</sup> In particular, people with intellectual and complex support needs are often excluded from such actions.<sup>55</sup>

61. A prominent view that emerged from interviews was that, in many cases, ex-combatants with disabilities do not want to self-identify as an individual with a disability. They preferred to associate more with their status or identity of being a veteran.<sup>56</sup> This resistance was attributed in large part to social stigma. A contributing factor may well be because services for ex-combatants with disabilities tend to be the responsibility of the Ministry of Defence. This contrasts with services for the general disability community which are generally provided for by the Ministry of Health or Social Welfare. This creates a “magnet labelling” effect whereby individuals want to attach to (identify with) a source of largesse, rather than accurately reflect their identity. In keeping with the “magnet labelling” metaphor, researchers have noted that

<sup>47</sup> Sean Molloy, “Peace agreements and persons with disabilities,” PA-X Research Report (University of Edinburgh, 2019).

<sup>48</sup> Roberta Francis, “Searching for the voice of people with disabilities in peace and conflict research and practice”, *Peace and Change*, vol. 4 (3), (31 May 2019).

<sup>49</sup> Submission received from Fight for Right.

<sup>50</sup> Master of Disaster, Design and Development – Royal Melbourne Institute of Technology University.

<sup>51</sup> See Anita Aaron, Bruce Curtis, Alex Ghenis, Danielle Lane and Ariana Barth, “The involvement of persons with disabilities in conflict resolution and peacebuilding efforts: inclusion of persons with disabilities as part of the solution in the post-conflict arena”, Special report (World Institute on Disability, 2014).

<sup>52</sup> Submission received from International Federation for Spina Bifida and Hydrocephalus.

<sup>53</sup> Elizabeth Murray, “Disability-inclusive peacebuilding: state of the field and the way forward”, Special Report, (United States Institute of Peace, October 2021).

<sup>54</sup> Submission received from Inclusion Europe.

<sup>55</sup> Murray, “Disability-inclusive peacebuilding”, pp. 8–10.

<sup>56</sup> See Minerva Rivas Velarde, Karim Del Rocio Garzón Díaz, and Tom Shakespeare, “Social participation and inclusion of ex-combatants with disabilities in Colombia”, *Disability and the Global South*, vol. 6 (2) (2019).



ex-combatants with disabilities may even reject certain services and support in order to avoid being labelled “disabled”.<sup>57</sup> This division was said to reinforce, in the minds of ex-combatants or veterans, that having an impairment is something negative.<sup>58</sup>

62. A significant gap was noted with respect to data on persons with disabilities within conflict and in post-conflict situations.<sup>59</sup> There are specific data gaps on “rebel” ex-combatants with disabilities and women with disabilities, as well as on individuals who had a pre-existing impairment or acquired an impairment owing to the conflict. This data gap, it was asserted, resulted in programming and support services that do not sufficiently address the realities of persons with disabilities. This was particularly evident with regard to ex-combatants who acquired an impairment and were transitioning from military to civilian life.<sup>60</sup>

## **B. Backdrop: a narrow time frame that does not capture historic wrongs**

63. Peacebuilding efforts tend to be focused on the here and now. A focus that extends into the past would capture more structural inequalities. This temporal bias screens from view the accumulated disadvantages of persons with disabilities.

64. The link between disability and systemic poverty is well known, as it has been shown that poverty “is both a cause and consequence of disability.”<sup>61</sup> This link has been found to create a cycle where people without financial means are more likely to obtain a primary or secondary impairment because of a lack of access to sufficient nutrition, health care, sanitation and shelter.<sup>62</sup> This cycle of poverty for persons with disabilities can be overcome when an equal opportunity to work is provided with direct funding and assistive devices.<sup>63</sup> However, evidence reveals both a lack of sufficient financial support for social protection schemes and sustainable employment programming for persons with disabilities in post-conflict situations. Those who acquire a primary or second impairment as a result of the conflict struggle to reintegrate into society.<sup>64</sup> Notably, where funding, programming and assistance are available to persons with disabilities, such initiatives were often fleeting, poorly directed, of insufficient scope to break the cycle of poverty and, in many cases, inaccessible to persons with disabilities. This was illustrated by an interviewee who cited the case of a woman with a disability with three children who had lost her husband in a conflict. She was required to travel three hours round-trip by boat to access a cash point as part of a financial support programme.

<sup>57</sup> Christopher L. Griffin Jr. and Michael Ashley Stein, “Self-perception of disability and prospects for employment among U.S. veterans”, 50 *Work: A Journal of Prevention, Assessment, and Rehabilitation*, William & Mary Law School Research Paper No. 09-306 (February 2015).

<sup>58</sup> Nurseli Yeşim Sünbuloğlu, “Media representations of disabled veterans of the Kurdish conflict: continuities, shifts and contestations”, in *Disability and Masculinities*, Loeser, C., Crowley, V., Pini, B. (eds) (Palgrave Macmillan London, 2017); Zoë H. Wool, *After War: the weight of life after Walter Reed*, (Duke University Press, 2015); and Maria Berghs, *War and Embodied Memory: Becoming Disabled in Sierra Leone*, (Routledge, 2012).

<sup>59</sup> Maria Kett and Mark van Ommeren, “Disability, conflict, and emergencies” *The Lancet*, Col. 374 (9704), (November 28, 2009).

<sup>60</sup> Minerva Rivas Velarde, Karim Del Rocio Garzón Díaz, and Tom Shakespeare, “Social participation and inclusion of ex-combatants with disabilities in Colombia”.

<sup>61</sup> Department for International Development, “Disability, poverty and development”, (February 2000).

<sup>62</sup> Submission received from International Federation for Spina Bifida and Hydrocephalus.

<sup>63</sup> Myriam dos Santos-Zingale and Mary Ann McColl, “Disability and participation in post-conflict situations: the case of Sierra Leone”, *Disability and Society* 21 (3), (20 August 2006).

<sup>64</sup> Kamal Lamichhane, “Social inclusion of persons with disabilities: a case from Nepal’s decade-long civil war”, *Scandinavian Journal of Disability Research*, vol. 18 (4) (October 2015).

65. It was further noted that, in many cases, international humanitarian assistance and post-conflict reconstruction programming were often aimed at diversity and inclusion, without actually consulting with persons with disabilities or their representative organization.<sup>65</sup> Many interviewees asserted that funding for disability was not used to empower domestic organizations of persons with disabilities but was instead given to large international non-governmental organizations. As those organizations had previously been awarded funding contracts, they qualified with an established track record. The local organizations tended not to meet the strict funding requirements. Perversely, the net effect was that those best placed to understand and address the needs of persons with disabilities were excluded.

66. Services targeting ex-combatants with disabilities were reported to be unequal, politicized and temporary. The ex-combatants with disabilities who fought for the “winning” side tended to have better access to the scarce resources available.<sup>66</sup> The implicit differentiation between “heroes” and “traitors” also created a further layer of bias and stigma, in addition to being identified as an individual with a disability.<sup>67</sup> The literature emphasizes that ex-combatants with disabilities – regardless of the side they fought for – too often find themselves facing poverty and social neglect.<sup>68</sup>

67. Rank seems to matter. The outcomes were often reportedly different (superior) for ex-combatants of higher rank. Many join the armed forces – on whatever side – out of a motivation to escape poverty. In a cruel twist of fate, their poverty tends to be exacerbated by the acquisition of an impairment through conflict. The interviewees also emphasized that resource scarcity creates unnecessary and potentially harmful tensions between the broader disability community and ex-combatants with disabilities as both groups often compete against each other for limited funds. Thus, reportedly, an organization for ex-combatants with disabilities decided to not work with local organizations of persons with disabilities because that would mean sharing limited funding. This was so even though both groups were advocating for the same thing – access to assistive devices. While cases of cooperation between such groups exist, it is more common for the disability community and ex-combatants with disabilities to work separately for similar programming and services.

### C. Lack of an intersectional approach: a failure of mainstreaming

68. The available research sometimes focuses on the complex interaction of multiple identities, including disability, in the context of conflicts.<sup>69</sup> The adoption of an intersectional approach provides persons with disabilities significant opportunities for their inclusion in peacebuilding.<sup>70</sup> The implementation gap in the mainstreaming of disability was attributed to a lack of understanding of the impact of a disability in combination with other personal characteristics. It was reported that a recommendation to ensure that a specific call for gender and youth in peacebuilding issued by one United Nations mission was accessible for and inclusive to women and youth with disabilities was met with resistance. The rationale given was that this programme only focused on women and youth and not on persons with disabilities.

<sup>65</sup> Submission received from Fight for Right.

<sup>66</sup> Stephen Meyers, “The social model under the shadow of the revolution: ex-combatants negotiating disability identify in Nicaragua”, *Qualitative Sociology* 37, (14 August 2014).

<sup>67</sup> Derick W. Brinkerhoff, “*Capacity development in fragile States*”, European Centre for Development Policy Management, discussion paper No. 58D, (May 2007).

<sup>68</sup> Lamichhane, “Social inclusion of persons with disabilities: a case from Nepal’s decade-long civil war”.

<sup>69</sup> Shaun Grech, *Disability and Poverty in the Global South: Renegotiating Development in Guatemala*, (Palgrave Macmillan. 2015).

<sup>70</sup> Submission received from UNICEF Disability Section.

As emphasized in inputs received, the United Nations, international non-governmental organizations and donor States need to “be [made] aware of intersectionality, such as women with disabilities, who can be disproportionality impacted by conflict.”<sup>71</sup>

69. This lack of mainstreaming was also reported by interviewees as impacting the disarmament, demobilization and reintegration process for ex-combatants with disabilities. Such processes are not sufficiently inclusive of ex-combatants with disabilities largely owing to a lack of communication and consultation with persons with disabilities and their representative organizations. Although ex-combatants with disabilities reported feeling supported at the end of a conflict, once time had passed those same individuals reported feeling unwelcome, demoralized and neglected.<sup>72</sup> This was ascribed by interviewees to an overreliance on the medical model of disability seeking only to address war-related injuries.

70. The interviews and the literature spotlight a significant need for longitudinal studies on the impact of conflict on the long-term health and economic prospects of persons with disabilities. This knowledge gap was universally identified as inhibiting a deeper understanding of how the needs of persons with disabilities changed in the years after conflict.

71. Most interviewees asserted that truth-telling mechanisms were found wanting for persons with disabilities. This included failures in providing memorialization, accountability or reparations for crimes and mass harms against persons with disabilities. The literature indicates that while article 11 of the Convention on the Rights of Persons with Disabilities “supports the proposition that perpetrators must be held accountable for violations” against persons with disabilities, there is a reluctance to recognize and implement this in the international criminal law framework.<sup>73</sup> Even when persons with disabilities seek to engage with the justice mechanisms that exist, there are significant barriers to effective engagement, including inaccessible proceedings and denial of legal capacity for persons with disabilities to serve as witnesses, among others.

## V. Conclusions and recommendations

### A. Conclusions

**72. Peacebuilding is a unique moment in time when historic injustice can be confronted as such and when new beginnings can be established. This requires truth about the past, protection against the recurrence of violence and the building of new institutions to sustain progress alongside development programmes to redress historic inequalities. These moments blend together peace and security, development and human rights. Regrettably, to date, these unique opportunities for systemic change are regularly missed as they apply to persons with disabilities. How might this be changed? The recommendations below focus on States and the United Nations system, as well as organizations of persons with disabilities, donors and researchers.**

<sup>71</sup> Submission received from Inclusion Europe.

<sup>72</sup> Minerva Rivas Velarde, Janet E. Lord, Michael Ashley Stein and Thomas Shakespeare, “Disarmament, demobilization and reintegration in Colombia”.

<sup>73</sup> William I. Pons, Janet E. Lord and Michael Ashley Stein, “Disability, human rights violations and crimes against humanity”.

## **B. Recommendations**

### **Including persons with disabilities in all relevant debates about peacebuilding**

73. All high-level debates about moral repair and transitional justice – whether in country or at the United Nations level – must henceforth include persons with disabilities.

74. The valuable work of the Special Rapporteur on truth, justice and reparation is a key departure point. His analysis of transitional justice provides a critical baseline for understanding. The challenge now is to apply it in a disability context.

### **Using key normative anchors in the Convention on the Rights of Persons with Disabilities**

75. As to substance, Article 11 of the Convention on the Rights of Persons with Disabilities (situations of risks and humanitarian emergencies) in combination with article 5 (equality) should serve as a guide in rethinking how the United Nations supports moral repair and transitional justice as it applies to persons with disabilities.

76. As to process, articles 4.3 and 29 of the Convention on the Rights of Persons with Disabilities give prominence to the voices of persons with disabilities during the unique moments of peacebuilding and should be used to make sure that the peace is truly inclusive.

77. Article 31 of the Convention on the Rights of Persons with Disabilities (statistics and data collection) should be used to generate better data on persons with disabilities before, during and after conflict. This is a vital input to rational peacebuilding.

78. Article 32 of the Convention on the Rights of Persons with Disabilities (international cooperation) should inform United Nations and State-funded development and peacebuilding programming to insure their inclusiveness toward persons with disabilities.

79. In accordance with article 33 of the Convention on the Rights of Persons with Disabilities (national implementation and monitoring) the monitoring framework to be established by States should explicitly capture the experience of persons with disabilities in States where a transition to post-conflict is under way.

### **Centring persons with disabilities and their representative organizations**

80. Persons with disabilities and their representative organizations have to be at the very heart of all peacebuilding operations from the earliest possible moment. Co-production is the only way to insure inclusivity.

81. Groups of veterans with disabilities should be encouraged to forge alliances with the broader disability movement to advance change for all.

### **Building on Security Council resolution [2475 \(2019\)](#)**

82. The Security Council, States, civil society and organizations of persons with disabilities must more purposefully use resolution [2475 \(2019\)](#) to ensure genuine inclusion of persons with disabilities throughout the peace continuum in the same way that has been done for women and youth.

83. Security Council resolution [2475 \(2019\)](#) should be used as a basis to:

- (a) Make disability, peace and security a permanent theme of the Security Council;
- (b) Better mainstream and address the intersectional nature of disability with other personal characteristics within the women and peace and security and the youth, peace and security agendas;
- (c) Give closer attention to the case for developing a set of guidelines on persons with disabilities in armed conflict and in post-conflict situations equivalent to the women and peace and security and youth, peace and security agendas.

**Moral repair and transitional justice mechanisms should explicitly include persons with disabilities**

84. Truth-telling bodies should be especially attentive to the need to tell the truth about how 15 percent of any given population has been historically treated, has been impacted by conflict and the circumstances they now find themselves in. Failure to do so risks compounding historic wrongs.

85. Ways should be explored jointly with the disability community on how to memorialize sites of conscience where historic and mass harms have been committed against persons with disabilities. These truths must be preserved for future generations so that history is not repeated.

86. When criminal law proceedings are contemplated to hold perpetrators to account, due allowance must be taken in the investigation and prosecution of mass harms against persons with disabilities. Reasonable procedural accommodations must be provided to witnesses and victims with disabilities.

87. The International Criminal Court should consider guidelines on the investigation and prosecution of violations of international criminal law against persons with disabilities.

88. The draft United Nations crimes against humanity treaty should explicitly include provisions on crimes against humanity directed against persons with disabilities. If it does not, it will simply reflect and ratify invisibility and inequality.

89. The stated intention of the Committee on the Rights of Persons with Disabilities to draft a general comment on article 11 of the Convention on the Rights of Persons with Disabilities is to be greatly welcomed and ought to explicitly go beyond protection in a narrow sense to include peacebuilding activities.

90. The Peacebuilding Commission should be encouraged to develop a strategy on disability and peacebuilding. This should fit with and complement its existing strategies and be mindful of the distinctive issues that are determinative of success for the active engagement of persons with disabilities.

91. Funding available through the Peacebuilding Fund should be intentionally used to raise the capacity of civil society and organisations of persons with disabilities to become engaged and to support their inclusion in peacebuilding processes.

92. The Fund should undertake a thematic review on disability and peacebuilding to identify lessons, good practices and challenges in ensuring disability inclusion in programming it supports and to suggest guidance for

mainstreaming disability in the design, implementation, monitoring and evaluation of United Nations peacebuilding programming.

93. The commitment in the Strategic Plan for 2023–2026 of the United Nations Department of Political and Peacebuilding Affairs to produce new standards on the empowerment of persons with disabilities in its processes is greatly welcomed and needs to be operationalized.

94. The Global Network of Women Peacebuilders should serve as a model in the development of a similar global network connecting peacebuilders with disabilities.

95. The work of the United Nations Special Representative on children in armed conflict deserves full support and especially her intention to bring forward a study on children with disabilities in armed conflict.

96. The monitoring and reporting mechanism on violations against children in conflict must explicitly take account of children with disabilities.

97. The United Nations High Commissioner for Refugees should consider drafting specific guidelines on persons with disabilities as refugees, covering issues such as the link between disability and the determination of status, the procedural accommodations needed and inclusion in reception policies.

98. All electoral support activities of United Nations agencies and programmes should be attentive to the political rights of persons with disabilities and the extent to which they have been excluded from the political process in the past.

99. The World Bank should identify and showcase lessons learned from its work in the domain of disarmament, demobilization and reintegration and encourage others to follow suit.

100. New mine victim assistance standards need to be adopted, in compliance with the Convention on the Rights of Persons with Disabilities, replacing the medical approach of the past.

101. All United Nations efforts to strengthen the rule of law should be mindful that a core predicate of the same is legal recognition as a person. Legal capacity issues are therefore of extreme importance in reoriented legal systems to eliminate invisibility and give voice to persons with disabilities in all aspects of their lives and in the collective life of their community.

102. All development work by United Nations agencies in post-conflict situations should be especially mindful of the historic disadvantages of persons with disabilities and, at a minimum, do nothing to compound these disadvantages. Optimally, development work should aim to remove the structural causes of inequality experienced by persons with disabilities.

#### **Research and donors**

103. Peace institutes and other research bodies should be encouraged and supported to configure their research to ensure that the unique opportunities for systems-wide change that occur in the peacebuilding context are appropriately used to redress historic wrongs and the outcomes of conflict as experienced by persons with disabilities. This should be done on the basis of participatory research methodologies in close cooperation with organisations of persons with disabilities.

**104. Donors should adopt guidelines on how to use their support to leverage the engagement of persons with disabilities in peacebuilding processes and should condition that support based on compliance with those guidelines.**

---