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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

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/76/150](#).



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, examines the protection of the rights of persons with disabilities in the context of armed conflict. The report takes stock of the dialogue started by Security Council resolution [2475 \(2019\)](#), and is aimed at advancing the discussion on the topic in the light of the provisions of the Convention on the Rights of Persons with Disabilities and international humanitarian law.

Contents

	<i>Page</i>
I. Introduction	4
II. Purpose	4
III. Disability and peace and security: towards greater visibility	6
A. Values: the transformative narrative of the Convention on the Rights of Persons with Disabilities in the peace continuum	6
B. The peace-conflict continuum: uneven visibility of persons with disabilities	9
IV. Conclusions and recommendations	19
A. Conclusions	19
B. Recommendations across the peace continuum	20

I. Introduction

1. In the present report, the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, examines the protection and participation of persons with disabilities in the context of the broad peace continuum, including armed conflict. In the United Nations system, this is referred to as “prevention, conflict resolution, peacekeeping, peacebuilding and long-term development”.¹

2. In preparing the report, the Special Rapporteur analysed 39 responses to a questionnaire sent to States, military authorities, national human rights institutions and civil society organizations, including organizations of persons with disabilities, which was focused on policy, operationalization and collective voice in the process.² The Special Rapporteur also held an expert group consultation with representatives from States, civil society, academia and organizations of persons with disabilities on 1 June 2021. The Special Rapporteur expresses his deep gratitude to all the States, national human rights institutions, local governments, United Nations entities, civil society organizations and academic scholars who participated in these consultations and submitted their valuable inputs.

II. Purpose

3. There is already a rich history of special procedures and United Nations treaty bodies addressing broad issues of conflict and peace, and the present report should be seen as part of that body of work but grounded in disability.

4. Perhaps the most profound effect of the Convention on the Rights of Persons with Disabilities was to change the dominant narrative about persons with disabilities. In the past, they were viewed as objects to be managed or cared for rather than as subjects capable of charting their own life course and having an active role to play in determining the destiny of their own countries. Laws, policies and whole systems in diverse fields have developed and encoded this traditional view. Steadily and slowly, all these fields are being interrogated and reversed; they are being reimagined with a new departure point: the subjectivity or inherent personhood of persons with disabilities and a renewed concept of inclusion and participation to break down barriers and to have a transformative effect.

5. The same is true across the continuum of laws, policies and practices connected with peace. The maintenance of peace is of transcendent importance since it is hard to conceive an effective human rights regime in the absence of peace. Peace is fragile. Notwithstanding the prohibition of the use of force in the Charter of the United Nations,³ conflicts rage in many parts of the world today. Sometimes these conflicts involve different States. More often than not, they involve internal strife that is seemingly endless in nature. Often these conflicts are urban in character. Whatever their origin or nature, conflicts nearly always have massive and devastating implications for all civilians and complicate the process of rebuilding.

6. The focus of the present thematic report is on the effects of ruptures in peace and the outbreak of conflicts on persons with disabilities, who comprise an estimated 15 per cent of any given population.⁴

¹ António Guterres, “Vision statement: challenges and opportunities for the United Nations”, 2016.

² See www.ohchr.org/EN/Issues/Disability/SRDIsabilities/Pages/GA76-Armed-Conflict-Report.aspx.

³ See Charter of the United Nations, Article 2 (4).

⁴ World Health Organization and World Bank, *World Report on Disability* (Geneva, 2011).

7. The main problem to be addressed is the invisibility – or relative invisibility – of persons with disabilities in norms and practices that have evolved over decades to address all points along the peace-conflict continuum:

- This concerns conflict prevention and the hitherto undervalued role of persons with disabilities and their representative organizations in preventing ruptures that can lead to conflict.
- This concerns international humanitarian law and the partial visibility it gives to civilians with disabilities in its otherwise elaborate norms dealing with civilian protection in the conduct of conflicts.
- This concerns international criminal law and the fact that crimes against persons with disabilities seem not to have figured to the extent warranted.
- This concerns humanitarian action efforts, which in the past have not been sufficiently beneficial or accessible to persons with disabilities.
- This concerns the disarmament, demobilization and reintegration of ex-combatants, many of whom have acquired a disability or developed trauma during the conflict.
- This concerns peacekeeping operations and their limited perspective, thus far, on disability.
- Lastly, this concerns peacebuilding operations and the limited openings, thus far, for persons with disabilities to play their part in creating a more inclusive future for their societies in post-conflict situations.

8. The fundamental reset in the Convention informs and affects all policy domains connected with peace and conflicts. Much emphasis has been placed in recent years on international humanitarian law and the need to give nuance to its otherwise fine norms on civilian protection to make them more sensitive to the situation, rights and needs of persons with disabilities.

9. This framing is laudable and entirely correct, yet needs to be broadened. For one thing, “protection” in the Convention is part of a broader agenda of personhood, inclusion and participation: a vision of active human agency. In order to be truly effective and sustainable, this framing needs to take due account of the full continuum of laws and policies connected with the maintenance of peace and the re-establishment of peace in post-conflict situations.

10. It should be emphasized that the Convention applies at all times and does not allow for the derogation or suspension of its provisions during national emergency, foreign occupation, natural disaster or armed conflict.⁵ This means that, with respect to the conduct of conflicts, both the Convention and international humanitarian law apply.⁶ While there is no hierarchy of international norms or treaties, there is a powerful aspiration to avoid fragmentation and achieve greater coherence across fields.

11. This analysis is also reinforced by the relevant provisions of the Sustainable Development Goals, specifically Goal 10 (Reduce inequality within and among countries), Goal 11 (Make cities and human settlements inclusive, safe, resilient and sustainable) and Goal 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels). These Goals speak directly to development and

⁵ Human Rights Committee, general comment No. 29 (2001).

⁶ The only other human rights treaty to have the same provision is the Convention on the Rights of the Child (art. 38).

systems change, which is highly relevant when thinking of the peace continuum in the round.

12. In the first part of the present report, the Special Rapporteur will set the scene by clarifying the profound normative reset represented in the Convention on the Rights of Persons with Disabilities. As will be seen, this reset pivots on an emphasis on the personhood of persons with disabilities (their individual and collective voice) and on a broader, deeper conception of equality, inclusion and participation. Importantly, Security Council resolution [2475 \(2019\)](#) marks a historic shift in the broadening of this framing to include, for example, the role of persons with disabilities in peacebuilding. The present report is crafted to contribute to the development of a deeper conversation initiated by the Security Council resolution.

13. In the second part of the present report, the Special Rapporteur will set out the various policy domains connected with peace and conflict and will identify exactly where the relative invisibility of persons with disabilities exists and how it has adversely affected them. These adverse effects have mostly arisen through lack of forethought, which both reflects and embeds invisibility. It is asserted that the visibility of persons with disabilities across the continuum remains uneven. The main challenge is to imagine what these policy domains would look like if there were a much more intentional effort to foreground disability and to foster a heightened sensitivity to respond to the difference of disability as well as active inclusion and participation.

14. In the third part of the present report, the Special Rapporteur sets out a range of general conclusions as well as more specific recommendations across the peace-conflict continuum to enhance the visibility of disability. These recommendations are not set in stone and are not end points: they are intended to contribute to framing a broader conversation about how to make disability more visible in the peace continuum.

III. Disability and peace and security: towards greater visibility

A. Values: the transformative narrative of the Convention on the Rights of Persons with Disabilities in the peace continuum

The core values

15. Four central themes come to the fore from the Convention on the Rights of Persons with Disabilities and are of direct relevance to each point along the peace continuum.

The rebalancing of the traditional protection agenda

16. Protection, as such, has not gone away. It is embraced by the Convention (see art. 16, on freedom from exploitation, violence and abuse). However, it is now shorn of its paternalistic roots. In a way, it is acknowledged in the Convention that there is no such thing as an inherently vulnerable person, but only persons with disabilities placed in vulnerable situations. The need to deal with this imposed vulnerability is therefore highlighted. For example, placement in an institution in an urban environment certainly constitutes a heightened situation of risk in modern warfare, which tends to be urban in nature. An end to impunity is also demanded in article 16. Accordingly, the historic invisibility of persons with disabilities in law enforcement is acknowledged and its reversal sought.

17. The Convention therefore does not eliminate the need for protection, but places it on fundamentally different predicates. This has clear implications for laws and

policies along the peace continuum that seem to overemphasize the medical condition of disability and downplay the moral agency of persons with disabilities, as well as the broader skein of rights into which protection should be understood.

Personhood: from medical object to human subject

18. The Convention is grounded on the personhood, autonomy and voice of persons with disabilities. This grounding is chiefly reflected in article 12 (dealing with legal capacity), article 19 (on the right to live independently in the community) and article 4 (3) (on the right to be consulted). This emphasis on personhood has massive implications for traditional power relationships and seeks to restore both the visibility of persons and their power over their own lives. Rather than conceptualizing persons with disabilities as objects to be managed or cared for, this newer framing sees persons with disabilities as full moral agents capable of directing and willing to direct their own lives. It is a useful antidote to the rampant paternalism of the past.

Equality: positively accommodating the difference of disability

19. The Convention is also anchored in a broad and deep theory of equality (arts. 1 and 5). Usefully, the Committee on the Rights of Persons with Disabilities has developed a theory of “inclusive equality”, as reflected in article 5.⁷ In its influential view, this is grounded in four elements, which include: (a) recognition of the centrality of the personhood and autonomy of persons with disabilities; (b) positive respect for the difference of disability and accommodating difference; (c) respecting the diversity of disability as part of the human condition; and (d) reconfiguring social and other supports to underpin and not undermine the above.

20. All these elements are important when considering the adequacy of traditional approaches to the peace continuum. Of particular importance, however, is the emphasis on the need to positively accommodate the difference of disability and on the right to participate in processes affecting oneself.

Active human agency: inclusion and participation

21. The Convention adopts a rich theory of inclusion and participation across all domains of life. Importantly, inclusion in processes that determine the collective life of the nation is encompassed in article 29, on participation in political and public life. Even if article 29 did not exist, it would have to be implied by article 4 (3), in which an obligation of close consultation in the development of laws, policies and practices that affect persons with disabilities is mandated. Undisputedly, this includes all points on the peace continuum. To the fore are both the individual and collective agency of persons with disabilities.

The core values applied to situations of risk

Article 11 of the Convention: the bridge to situations of risk and humanitarian emergencies

22. The drafters of the Convention were aware of the implications of these values, rights and obligations in the context of how States responded to disasters, whether in situations of armed conflict or other humanitarian crises or natural disasters. Hence, in the famous article 11 of the Convention, on situations of risk and humanitarian emergencies, States parties are obliged to take, “in accordance with their obligations under international law, including international humanitarian law and international

⁷ Committee on the Rights of Persons with Disabilities, general comment No. 6 (2018).

human rights law, all necessary measures to ensure the protection and safety of persons with disabilities” during said emergencies.

23. Read in the light of the Convention, “protection” under international humanitarian law takes on two new dimensions as a result. First of all, in line with the understanding of the Committee on the Rights of Persons with Disabilities of equality, it means paying extra attention to the difference of disability in the established norms on protection and positively accommodating that difference. This would certainly achieve greater visibility for persons with disabilities within international humanitarian law. Secondly, it means placing the “protection” agenda within a broader agenda of personhood, equality and social inclusion and participation. Protection is never completely isolated from a broader agenda and is perhaps a necessary first step in securing (or resecuring) the rights of persons with disabilities.

Security Council resolution 2475 (2019): building the bridge

24. This broader agenda is amply reflected in the historic Security Council resolution 2475 (2019) on the protection of civilians with disabilities during armed conflicts. The resolution is focused on the duty to protect (paras. 1 and 8), a duty to assist (paras. 3, 4 and 5), a duty to consult (para. 6) and an obligation to end impunity for criminal acts (para. 2). Furthermore, there are calls in the resolution for capacity-building across United Nations peacekeeping and peacebuilding actors (para. 7), the need to step up the visibility of persons with disabilities in reporting by the Secretary-General (para. 9) and the need for ongoing dialogue between civil society organizations of persons with disabilities and the Security Council (para. 10). Implicitly, this means that civil society also needs to develop its capacity to interact constructively with States on all points of the peace continuum and to be supported in doing so.

25. The main point flowing from the Security Council resolution is that norms of international humanitarian law need to become much more sensitized to the rights and situational needs of persons with disabilities. This, in any event, is a logical conclusion of the Committee’s understanding of equality and the need to respond to – and positively accommodate – the difference of disability across many policy domains. Resolution 2475 (2019) explicitly supports the view that the “protection” agenda is itself part of a broader agenda along all points on the peace continuum.

The United Nations Disability Inclusion Strategy: a platform to transform United Nations peace operations in line with the Convention

26. In March 2019, the United Nations Disability Inclusion Strategy⁸ was adopted with the aim of ensuring that United Nations entities and programmes are themselves optimizing the contribution of the Organization to realizing the goals of the Convention. It has four related goals: (a) the development of leadership across the United Nations system (including the specialized agencies and in-country teams); (b) strategic planning in mainstream activities to take explicit account of persons with disabilities; (c) the development of disability-specific policies; and (4) the development of teams with specific knowledge of disability and disability rights. The Strategy has an entity accountability framework with detailed indicators across all four goals.

27. The Strategy is highly relevant to United Nations actions across the broad continuum of peace. It applies equally to the Department of Political and Peacebuilding Affairs and the Department of Peace Operations of the Secretariat. The

⁸ See www.un.org/en/content/disabilitystrategy/.

Disarmament, Demobilization and Reintegration Section of the latter Department is currently working on a disability module. In addition, the Mine Action Service within that Department is currently developing a victim assistance standard as part of the International Mine Action Standards.

28. A recent report of the Secretary-General on the implementation of the Strategy shows positive signs of progress towards disability inclusion across the United Nations system.⁹ Overall, the results of the analysis undertaken to inform that report show promising advancement within funds, programmes and specialized agencies. While it was found that the Secretariat was behind on a number of indicators, some departments, offices and regional commissions performed better than the Secretariat as a whole. In some cases, peacekeeping and special political missions have begun to develop tangible plans of action to ensure disability inclusion, and efforts are under way to raise awareness and create capacity in those missions for meaningful disability inclusion. This is a good sign of progress to be built on in the future. More optimistically for the future, the Secretary-General indicates that the adoption of the Strategy has been a catalyst for peacekeeping operations and special political missions to think about disability when previously they had not.

B. The peace-conflict continuum: uneven visibility of persons with disabilities

Background

The changing nature of warfare and the impacts of conflicts on persons with disabilities

29. The impact, duration and scope of armed conflicts have dramatically changed since the end of the Second World War. Greater urbanization has led to armed conflicts occurring more often in cities and densely populated areas, with the impact of the violence falling heavily on civilians.¹⁰ The use of explosive weapons with broad destructive effects in urban areas causes disruption, degradation and the destruction of essential services, even when they are not directly targeted. Such loss of life-sustaining services causes displacement as the populace attempts to flee the fighting to find safety, food, water and medical care. The prevalence of protracted conflicts only serves to enhance this overall impact on persons with disabilities, due in large part to the degradation and collapse of essential and support systems and services, thereby creating new barriers on top of already existing ones. The future of warfare, which may increasingly rely on autonomous weapons systems driven by artificial intelligence and machine-learning, would seem to exponentially compound these difficulties.¹¹

30. These effects of armed conflicts fall heavily on persons with disabilities. Persons with disabilities who are living in, or attempting to flee from, conflict zones face numerous threats to their physical and mental health and well-being, further aggravating pre-existing disability or leading to secondary disability.¹²

⁹ [A/75/314](#).

¹⁰ *International Committee of the Red Cross (ICRC), International Humanitarian Law and the Challenges of Contemporary Armed Conflict: Recommitting to Protection in Armed Conflict on the 70th Anniversary of the Geneva Conventions* (Geneva, 2019), p. 16.

¹¹ See, in general, Peter Maurer, President of ICRC, “The new ICRC position on autonomous weapon systems”, virtual briefing to States, 12 May 2021.

¹² See World Programme of Action concerning Disabled Persons ([A/37/351/Add.1](#) and [A/37/351/Add.1/Corr.1](#), annex, sect. VIII, recommendation 1 (IV)).

31. Conflict increases the prevalence of disability within the population through newly acquired disabilities, with many of those individuals facing the same barriers and challenges as persons with existing disabilities, but without the previous lived experience.¹³ The violence produced by armed conflict creates a multitude of risks, including attacks directed at individuals, the presence of landmines and other unexploded ordnance, disruption in food, water and medical supplies and services, exposure to the elements and risks of other trauma that can create or exacerbate psychosocial conditions.¹⁴ Conflicts tend to leave profound intergenerational scars, especially in terms of mental health and trauma.

32. The impact of the global coronavirus disease (COVID-19) pandemic crisis on persons with disabilities in conflict-affected contexts is of particular concern. At least 2 billion people around the world live in places affected by fragility, conflict and violence. COVID-19 has rendered the lives of people in conflict-affected areas all the more insecure. On 23 March 2020, the Secretary-General called for a global ceasefire to silence the guns and focus efforts on fighting the pandemic, an appeal that prompted positive responses from Member States, parties to conflict, regional organizations and civil society. In a meeting of the Security Council held on 9 April 2020, the Secretary-General outlined several trends related to the pandemic with implications for conflict prevention, including further erosion of trust in public institutions, a rise in community tensions associated with response measures and, in some contexts, an amplification of existing drivers and root causes of conflict. Ongoing threats and experiences of violence such as these increase the burden of COVID-19 as individuals may avoid accessing health facilities and seeking the medical care they desperately need.

Intersectionality, disability and the peace continuum

33. Persons with disabilities have multiple and overlapping identities and thus different kinds of overlapping vulnerabilities, which are especially evident during conflicts.

34. For example, women and girls with disabilities face an increased risk of exposure to domestic violence during the pandemic, and health, rehabilitation and social protection systems in already fragile and insecure conflict and post-conflict environments serve only to reinforce the disability-differentiated impacts of the pandemic. Displaced, refugee, rural and other marginalized persons with disabilities, especially women and girls, face additional challenges, including a lack of accessible and reliable information and access to essential needs, such as food and safe and accessible shelter. Refugees and internally displaced women and girls with disabilities are exposed to an increased risk of multiple forms of gender-based violence, including violence and abuse by intimate partners, family members and caregivers, forced and early marriage, sterilization and sexual violence. Women and girls with disabilities may be uniquely vulnerable to human trafficking during and after conflicts.

35. In resolution [2250 \(2015\)](#), on youth and peace and security, the Security Council gave recognition to the role of youth in the prevention of violence and the resolution of conflicts for the first time and called for increased representation of youth in decision-making at all levels.¹⁵ Youth with disabilities should be engaged in inclusive practices, including those related to youth employment, vocational training and

¹³ William Pons, “The hidden harm: acquired disability during conflict”, Center for Civilians in Conflict, 4 August 2017.

¹⁴ Janet E. Lord, “Desk review on humanitarian action inclusive of persons with disabilities”, prepared for the Inter-Agency Standing Committee Task Team on Inclusion of Persons with Disabilities in Humanitarian Action, 1 March 2018.

¹⁵ See also Security Council resolution [2419 \(2018\)](#), on youth and peace and security.

educational opportunities and those promoting youth entrepreneurship and meaningful participation in decision-making. The Council highlighted that the disruption of young people's access to educational and economic opportunities had a dramatic impact on durable peace and reconciliation.

36. Members of minority ethnic groups with disabilities may face disproportionate risk during conflict. Persons with disabilities who live in congregate living arrangements, such as social care homes or psychiatric facilities, are at greater risk during conflict. Older persons with disabilities can experience heightened vulnerabilities. These are only a few examples of the intersectional complexity of the lived experience of persons with disabilities in conflict.

Women and peace and security: a possible model for the inclusion of persons with disabilities in conflict prevention, management and resolution

37. In 2000, the Security Council unanimously adopted resolution [1325 \(2000\)](#), on women and armed conflict. In the resolution, the Council went beyond a static conception of protection and urged Member States to ensure increased representation of women at all decision-making levels for the prevention, management and resolution of conflict. The Council envisaged inclusion and participation right across the peace continuum, and urged the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers. It expressed its willingness to incorporate a gender perspective into peacekeeping operations. It also requested the Secretary-General to provide Member States with guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peacebuilding measures.

38. In the context of negotiating and implementing peace agreements, the Security Council, in resolution [1325 \(2000\)](#), called on actors to take special measures to protect women and girls from gender-based violence (para. 10), to adopt a gender perspective for repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction (para. 8 (a)), to take measures that supported local women's peace initiatives (para. 8 (b)) and to protect the rights of women and girls with disabilities related to the constitution, the electoral system, the police and the judiciary (para. 8 (c)), which presumably applies to the drafting of new post-conflict constitutions, as well as the preservation of political rights and the rule of law. The Council encouraged all those involved in disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants (para. 13).

39. In responding to the call for inputs to inform the present report, Finland stated that the women and peace and security perspective was used to take into account the security and situation of other groups placed in vulnerable situations, such as persons with disabilities.¹⁶ Specifically, Finland stated that its soldiers were trained on issues related to the protection of vulnerable populations when deployed to address crisis management situations. Moreover, Finland stated that the women and peace and security perspective was present within guidelines, manuals and policies addressing vulnerable groups, including persons with disabilities.

40. The women and peace and security agenda possibly provides a model of sorts for the way forward for persons with disabilities in conflict prevention, management and resolution and certainly warrants further exploration.

¹⁶ Response of Finland to request by the Special Rapporteur for inputs on disability and armed conflict (8 June 2021).

Stocktaking: the uneven visibility of persons with disabilities in the peace-conflict continuum

Conflict prevention: limited visibility

41. Conflict prevention is a central tenet of the Charter of the United Nations and is woven into all of the work carried out by the United Nations through the three pillars of peace and security, development and human rights. All too often, though, the essential work of conflict prevention is overshadowed by the exigencies of a crisis or armed conflict. In such difficult circumstances, success tends to be more narrowly defined by the securing of a ceasefire agreement, which is necessary but not sufficient.

42. Steps have recently been taken by the United Nations to refocus on the “sustaining of peace” through an increased focus by special political missions on preventing and de-escalating conflict as well as on stopping its reoccurrence. As part of this refocusing, gender and inclusion has rightly played a significant role in line with the women and peace and security agenda. Similar attention does not appear to be paid to the role and contributions that persons with disabilities can make towards conflict prevention. This is despite the fact that persons with disabilities have much to lose in conflict situations and have a highly vested interest in preventing conflict. Just as importantly, they have much to contribute to diffusing tensions and enabling all antagonists to focus instead on common human goals. This exclusion means that conflict prevention efforts are probably less effective than they might be since the specific needs, risks and expertise of persons with disabilities remain invisible and underutilized.

43. Antagonists can always convene around disability as a neutral site to begin to reach beyond sectarian and other political divides. This helps to put the human back into human rights. The opportunity costs for building alliances are lowered when the parties can convene around a theme that unites rather than divides. It is strongly suggested that more work needs to be done to highlight the positive input of persons with disabilities and their representative organizations in diffusing fragile situations. It is suggested that a much more intentional approach is needed to hear their voices in avoiding conflict and that political missions configured to prevent conflict should always have a disability dimension.

The conduct of conflict and international humanitarian law: partial visibility

44. International humanitarian law has evolved over the past several decades to try to mitigate the effects of conflicts on civilian populations. The relevant instruments include the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), i.e. conflicts in which the main actors are not States.

45. The general duty to protect civilians in armed conflict is found in the Fourth Geneva Convention. Although not directly referencing persons with disabilities, common article 3, the obligation to treat individuals who are hors de combat “by sickness, wounds, detention, or any other cause” without “adverse distinction” has been understood to include persons with disabilities.¹⁷ Moreover, when and as needed, the Geneva Conventions of 12 August 1949 also allow for preferential treatment or

¹⁷ ICRC, “How law protects persons with disabilities in armed conflict”, 13 December 2017.

privileged treatment of individuals on the basis of the state of their health, which would include persons with disabilities.

46. Articles 16 and 27 of the Fourth Geneva Convention provide elaboration on the general protections of civilians, which, as noted above, encompass persons with disabilities. Article 16 provides that “the wounded and sick, as well as the infirm ... shall be the object of particular protection and respect”. Article 27 provides that all protected persons (civilians) “are entitled, in all circumstances, to respect for their persons” and they “shall at all times be humanely treated, and shall be protected especially against all acts of violence”.

47. Persons with disabilities tend to be disproportionately affected by armed conflicts. This seems not to register as an important reality to the extent that it should. Perhaps this is because the relevant authorities seem to act only when they have specific foreknowledge of the presence of persons with disabilities. That, it is suggested, is an inherently conservative approach that substantially underplays the presence of persons with disabilities. In its place should be a standard operating assumption that there will be at least 15 per cent of any given civilian population with a disability in theatres of operation and that there will be a diversity of persons with disabilities present. This is not so different to the assumption that 50 per cent of the civilian population will be women and girls.

48. Article 27 goes on to provide that all protected persons shall be protected “without any adverse distinction based, in particular, on race, religion or political opinion”. This prohibition of adverse distinction (discrimination) is capacious enough to encompass disability. It provides a sufficient basis within international humanitarian law to embrace a broader and deeper understanding of equality to positively accommodate the reality of persons with disabilities. It therefore creates an opening to acknowledge unequal treatment on the basis of disability as well as an implicit invitation to reconsider how the principle of no adverse distinction could be made real within international humanitarian law for persons with disabilities.

49. The language of the Geneva Conventions of 1949 clearly reflects the old medical model and needs a fresh approach. The International Committee of the Red Cross (ICRC) has itself acknowledged the need to refresh the understanding of disability within international humanitarian law. While not overlooking the impact on perception that the continued use of the outdated medical model language has on the conception of protection for persons with disabilities in armed conflict, the main issue rests on how to sufficiently and effectively apply the existing protections to address the risks and needs of persons with disabilities during the conduct of hostilities. Simply, the general protections, while applying to persons with disabilities, inadequately account for the specific barriers, risks and harm faced by persons with disabilities. Therefore, direct consideration as to the impact of certain operations, actions and even type of ordnance must explicitly consider persons with disabilities.

50. Things such as inaccessible warning systems and evacuation processes, lack of understanding or consideration of the “life cycle” of persons with disabilities, and the use of certain ordnances that disproportionately traumatize persons with disabilities are just a few of the impediments to the full realization of the protections enshrined in the Geneva Conventions of 1949 from appropriately protecting persons with disabilities. This is very much due to the lack of consideration by armed actors that at a given moment, 15 per cent of the overall population in the theatre of operations is living with some form of disability, which must be considered and accounted for in order to fully comply with international humanitarian law obligations.

51. Particular attention is paid to the protection of hospitals “organized to give care to the wounded and sick, the infirm” which “may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the

conflict” (Fourth Geneva Convention, art. 18). Persons with disabilities tend to be more dependent on medical services (although this is a generalization), so this provision is important in the disability context. More broadly, and given that institutionalization (allegedly providing “care”) still exists in many parts of the world and in conflict zones, this is an important norm as it applies to persons with disabilities.

52. The evacuation of civilians caught up in armed conflicts is governed by article 17 of the Fourth Geneva Convention. Again, the language used is less than ideal, covering as it does the “wounded, sick, infirm, and aged persons”. Apart from the outdated language, the main problem here is the lack of accessible evacuation procedures. Often persons with disabilities have to abandon their technical aids or devices to take advantage of evacuation processes. Often the evacuation or safe zones are themselves not accessible or equipped to cater for the needs of those disabled evacuees who manage to escape.

53. The original norms of the Fourth Geneva Convention are amplified in Protocol I. Article 51 (2) of Protocol I provides that civilians “shall not be the object of attack”. Indiscriminate attacks are prohibited: they include attacks “not directed at a specific military objective”. The distinction between military and civilian objects is sharp and is reinforced by article 52 (2), on the general protection of civilian objects, which provides that “attacks shall be limited strictly to military objectives”. Again, civilians with disabilities may be less mobile than others and the practicality of evacuation may be exceptionally difficult. This needs to be taken into account when demarcating military and civilian objects.

54. Article 54 of Protocol I deals with the “protection of objects indispensable to the survival of the civilian population”. It is suggested that this is critically important when it comes to persons with disabilities, who often depend on goods, services and medication that others may be able to survive without. It is safe to say that very little attention has been paid to particularizing the services available to persons with disabilities and to addressing the dramatic impact of the absence of such services.

55. Importantly, Protocol I also deals with the principle of precautions in attacks. This principle obligates the taking of precautions to verify that the objects of attack are purely military. They are required to take “all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects” (art. 57 (2) (a) (ii)). The range of what is considered “feasible” has not, hitherto, factored in disability, and it needs to.

56. Furthermore, as part of taking all feasible precautions, States are required to give “effective advance warning ... of attacks which may affect the civilian population, unless circumstances do not permit” (art. 57 (2) (c)). In the past, many such warnings have not been accessible to persons with disabilities. Audible warnings cannot be heard by the deaf. Written pamphlets warning of imminent actions cannot be read by the blind. Complex notifications need to be made in easy-to-read versions for some. The support networks for persons with disabilities likely have dissipated owing to the conflict, in which case any prior notifications might not reach them in a timely or effective manner.

57. When a choice is available between different military objects, Protocol I requires that the target chosen pose the least danger to the civilian population (art. 57 (3)). In making this determination, account must also be taken of the impact of striking such a target on persons with disabilities, who may not use the target in question in the same manner as the general population. Arguably, no such consideration is made during targeting assessments when there does not exist an operational assumption that persons with disabilities will be present in the theatre of

operations. One precaution mentioned is the removal of the affected population who are proximate to military objects. Of course, however, inaccessible evacuation procedures leave a lot to be desired.

58. Protocol I (art. 58 (c)) requires States to take to the maximum extent feasible “other necessary precautions to protect the civilian population ... under their control against the dangers resulting from military operations”. This certainly constitutes a solid legal basis to develop a more individualized approach to the protection of persons with disabilities. There is ample space to do so and it is seemingly required.

59. Reprisals are specifically prohibited (art. 51 (6)). However, persons with disabilities may be disproportionately susceptible to reprisals. Using persons with disabilities as human shields (especially when easily susceptible in congregated settings like institutions) or hostages is similarly prohibited.

60. These elements have begun to be explored in studies that discuss international humanitarian law in the context of disability.¹⁸ For instance, in 2015, the Office of the United Nations High Commissioner for Human Rights issued a thematic report on the rights of persons with disabilities under article 11 of the Convention on the Rights of Persons with Disabilities and examined the entire “continuum of humanitarian emergencies”,¹⁹ emphasizing the need to mainstream disability inclusion into all aspects of humanitarian emergencies, including armed conflict, while also noting the complementary and mutually reinforcing nature of international humanitarian law and international human rights law.²⁰ In the report, the view was taken that “protection” had to be read expansively and alongside the broader goals of the Convention. The Office called for international humanitarian law to be read using the human rights-based approach to disability – as required under article 11 of the Convention – and stated that this would in turn “lead to substantive changes in policy and practice” protecting persons with disabilities in situations of risk and humanitarian emergencies.²¹

61. In 2017, ICRC published a major paper describing the complementarity between international humanitarian law and the Convention on the Rights of Persons with Disabilities during armed conflicts.²² It highlights that international humanitarian law does allow for specific treatment and positive obligations towards prisoners of war based on their “state of health”, thus suggesting that there is ample space within norms of international humanitarian law (especially the norm against adverse distinction) for specialized treatment and “reasonable accommodation” towards civilians with disabilities.

62. An important analysis on armed conflict and disability was published by the Geneva Academy of International Humanitarian Law and Human Rights in 2019.²³ While the reliance in international humanitarian law on the medical and charity models of disability is recognized in that report, the same conclusion as the above-mentioned ICRC publication is ultimately arrived at, namely that international humanitarian law provides protections for persons with disabilities when read in conjunction with the Convention on the Rights of Persons with Disabilities.²⁴ The

¹⁸ Janet E. Lord, “International humanitarian law and disability: paternalism, protection or rights?” in *Disability, Human Rights and the Limits of Humanitarianism*, Michael Gill and Cathy Schlund-Vials, eds. (Burlington, Vermont, Ashgate, 2014).

¹⁹ See [A/HRC/31/30](#).

²⁰ *Ibid.*

²¹ *Ibid.*, para. 4.

²² ICRC, “How law protects persons with disabilities in armed conflict”.

²³ Alice Priddy, *Disability and Armed Conflict: Academy Briefing No. 14* (Geneva, Geneva Academy of International Humanitarian Law and Human Rights, 2019).

²⁴ *Ibid.*, pp. 48–57.

report goes on to provide specific analysis of how a disability-inclusive perspective can be applied to principles of international humanitarian law, such as proportionality and precautions, along with provisions concerning effective advance warnings, internees and prisoners of war.

63. The Committee on the Rights of Persons with Disabilities has, thus far, given little specific attention to international humanitarian law or to the inclusion of persons with disabilities across the entire peace continuum. The Committee has on occasion addressed article 11 of the Convention in detail. Its recommendations in relation to the provision focus almost exclusively on natural disasters, as opposed to armed conflicts where international humanitarian law is germane.²⁵ Perhaps the time is right for the Committee to take up the issue of coherence between the Convention and international humanitarian law and indeed to frame the issues more broadly to encompass not just protection but also participation in the broad peace continuum.

64. There are some promising signs that military authorities around the world are beginning to take notice of the disability dimension to conflicts. For example, the Danish military manual was revised in 2020 and recognizes obligations flowing from various human rights treaties that Denmark has ratified, including the Convention on the Rights of Persons with Disabilities.²⁶ Usefully, the new Danish manual directly refers to article 11 of the Convention.²⁷ It is stated in the manual that “[p]ersons with disabilities may need special support” with or without relation to an armed conflict and that the support “must be provided primarily by the territorial State, but there may be situations in which the Danish armed forces should be attentive to the specific needs of persons with disabilities”.²⁸

65. In sum, both international humanitarian law and the Convention on the Rights of Persons with Disabilities apply together during armed conflict. What is now required is an intentional and meaningful dialogue on how to practically achieve the task set out in article 11 of the Convention – as reinforced by Security Council resolution [2475 \(2019\)](#) and implicitly recognized in the Geneva Conventions of 1949 – to have effective and tailored protection measures in place for persons with disabilities during the conduct of hostilities.

International criminal law: low to no visibility

66. Conflicts can give rise to violations of rights, whether of individuals or groups. Article 16 of the Convention on the Rights of Persons with Disabilities already leans heavily against impunity in general. Article 11 of the Convention specifically references “international law” alongside international humanitarian law and international human rights law. This provides a direct link – if any were needed – for the application of all of international law, including international criminal law, during and after conflicts. It will be recalled that the Security Council, in its resolution [2475 \(2019\)](#), emphasized the need to end impunity for criminal acts directed at or having negative impacts on persons with disabilities. Indeed, the Council called for victim “access to justice and effective remedies and, as appropriate, reparation”.²⁹

67. It is a puzzle, therefore, to see little attention paid to the impact of conflicts on persons with disabilities thus far in either international or national criminal law. This invisibility – in both peace and war – needs to be addressed. For example, persons with disabilities often find themselves placed in uniquely vulnerable situations and

²⁵ See, for example, [CRPD/C/GRC/CO/1](#), paras. 15-16.

²⁶ Denmark, Ministry of Defence, *Military Manual on International Law Relevant to Danish Armed Forces in International Operations* (Copenhagen, 2020).

²⁷ *Ibid.*, p. 109.

²⁸ *Ibid.*

²⁹ Security Council resolution [2475 \(2019\)](#), para. 2.

are easy targets when congregated in institutions. Because of such placements, they can be uniquely vulnerable to be used as human shields and hostages. Moreover, indiscriminate targeting and the use of explosive weapons in populated areas, coupled with the relative inability of persons with disabilities to escape active hostilities, can and does have disproportionately devastating consequences.

68. Investigations into alleged instances of harm involving persons with disabilities must be more routinely and visibly advanced by prosecutors at both the international and national levels. Where appropriate, these investigations should lead to prosecutions, especially where the criminal action specifically targets persons with disabilities or could be anticipated to have a devastating impact.³⁰

Humanitarian action: increasing visibility

69. Greater progress seems to have been made in the field of inclusive humanitarian action. In advance of the World Humanitarian Summit, held in Istanbul, Turkey, in 2016, a Charter on Inclusion of Persons with Disabilities in Humanitarian Action was prepared. It has since been endorsed by 32 States (including three permanent members of the Security Council), one regional organization (the European Union), 15 specialized agencies of the United Nations system (including the United Nations Development Programme) and eight other international organizations, as well as dozens of organizations of persons with disabilities.

70. Interestingly, the Charter applies across the continuum of major risks, including armed conflicts, humanitarian emergencies and natural disasters (para. 1.1). The Charter speaks both to “protection” and “assistance”. It extends beyond the temporal framing of the disaster to cover “transition into recovery” (para. 1.4). It is acknowledged in the Charter that “further progress towards principled and effective humanitarian action will only be realized if humanitarian preparedness and response becomes inclusive of persons with disabilities” (para. 1.5). Overlapping obligations in international humanitarian law, refugee law and the Convention on the Rights of Persons with Disabilities are cited, and the overall intent behind the Sustainable Development Goals to leave no one behind is referred to. Furthermore, the intersectional impact of disasters and emergencies is acknowledged.

71. Importantly, and speaking directly to the theme of inclusion and participation in the present report, it is specifically recalled in the Charter that “persons with disabilities and their representative organizations have untapped capacity and are not sufficiently consulted nor actively involved in decision-making processes ... including in crisis preparedness and response coordination mechanisms” (para. 1.10). A number of commitments then follow (not of an international legal character) on non-discrimination, participation, inclusive policy, inclusive response and services, and cooperation and coordination.

72. In 2018, the United Nations Children’s Fund launched a series of guidance resources on the inclusion of children with disabilities in humanitarian action.³¹ It provides general guidance on disability inclusion for children with disabilities in humanitarian action and thematically focused guidance in the areas of education, health and HIV/AIDS, nutrition, protection, and water, sanitation and hygiene.

73. The issue of protecting persons with disabilities who are displaced or seeking refugee protection has been addressed to some degree by the Office of the United

³⁰ William Pons, “An argument for the prosecution of crimes against persons with disabilities”, Intercross Blog (ICRC), 11 May 2017.

³¹ United Nations Children’s Fund, “Guidance: including children with disabilities in humanitarian action”, March 2018.) Available from www.humanitarianresponse.info/en/operations/ukraine/document/guidance-including-children-disabilities-humanitarian-action.

Nations High Commissioner for Refugees (UNHCR). For example, the UNHCR “Need to know guidance”, published in 2011, focuses specifically on providing guidance on the needs of persons with disabilities and actions to address them in instances of forced displacement. The conclusion of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on refugees with disabilities and other persons with disabilities protected and assisted by UNHCR (A/AC.96/1095, sect. III.A) underscores the role of UNHCR and the international community to assist States in fulfilling responsibilities for protecting refugees with disabilities and recommends measures to accommodate persons with disabilities (for example, ensuring the identification and registration of persons of concern with disabilities, ensuring that programmes, services and procedures are accessible, enhancing international cooperation for improving living conditions and ensuring equal opportunities for durable solutions and appropriate support). Efforts are under way within UNHCR to continue progress on disability inclusion.

74. Further guidance enumerates the barriers that persons with disabilities experience in situations of risk in the context of humanitarian action with a view to providing operational direction to humanitarian actors in often highly complex and challenging emergencies. An example of this kind of guidance, directed at supporting persons with psychosocial disabilities, are the *Inter-Agency Standing Committee Guidelines on Mental Health and Psychosocial Support in Emergency Settings*.³² These guidelines provide direction on the promotion of psychosocial well-being during humanitarian crises through the participation of persons with disabilities in decision-making, planning, design, management and the implementation of activities. They give recognition to the many factors during humanitarian crises that can negatively affect the mental health and psychosocial well-being of individuals, families and communities. They also provide helpful context for gaps and barriers to accessing mental health and psychosocial support, with examples of key actions followed by illustrative process indicators and brief examples of interventions drawn from the field.

75. In 2019, the Inter-Agency Standing Committee Task Team on Inclusion of Persons with Disabilities in Humanitarian Action adopted its *Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action*. These guidelines build on disability-inclusive guidance adopted by civil society organizations and provide comprehensive sector-specific strategies for disability inclusion in humanitarian action.³³ They provide detailed operationally-oriented guidance in the broader context of humanitarian action.

76. These two sets of Inter-Agency Standing Committee guidelines underscore the recognition that the failure to include persons with disabilities in humanitarian action, including preparedness, emergency response and recovery, creates serious risk and causes harm. They provide operational direction on how to identify and remove barriers faced by persons with disabilities in accessing humanitarian assistance, protection and recovery support in humanitarian crises and the participation of persons with disabilities in the development, planning and implementation of humanitarian programmes.

Disarmament, demobilization and reintegration of ex-combatants: little visibility

77. Making disarmament, demobilization and reintegration efforts responsive to the needs of persons with disabilities presents some challenges. Due recognition should

³² *Inter-Agency Standing Committee Guidelines on Mental Health and Psychosocial Support in Emergency Settings* (Geneva, 2007).

³³ Inter-Agency Standing Committee, *Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action* (Geneva, 2019).

be given to the problem-solving skills, resilience and coping strategies of disabled ex-combatants and the role that peer support can and should play in facilitating their reintegration into society. Ex-combatants with disabilities should be given meaningful roles in post-conflict periods and they should be recognized as having a stake in the post-conflict social order and in development efforts.

78. The Department of Peace Operations supports ex-combatants and those associated with armed groups so that they can become active participants in the peace process in the aftermath of conflict. Disarmament, demobilization and reintegration processes include removing weapons from the hands of members of armed groups, taking these combatants out of the groups and helping them to reintegrate as civilians into society.

79. It is to be noted that the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, adopted in 1997, created an obligation for the socioeconomic integration of landmine survivors (art. 6 (3)). In the Convention on Cluster Munitions, adopted in 2008, the obligation of socioeconomic reintegration is reinforced and implementation measures are set out, including disability-disaggregated data collection, the adoption and implementation of national laws and policies, the development of national plans and budgets and the requirement to ensure effective participation of cluster munition victims and their representative organizations. Viewing these obligations through the more expansive lens offered by the Convention on the Rights of Persons with Disabilities would likely be beneficial.

80. While disarmament, demobilization and reintegration programmes historically have not been disability-inclusive, in several instances interventions have worked to better account for the discrete needs of ex-combatants with disabilities whose needs were not accommodated in the programme design phase.³⁴ An example of this kind is the World Bank-funded emergency grant for Burundi (the additional financing for emergency demobilization and transitional reintegration project). This effort provided socioeconomic reintegration support following demobilization to ex-combatants with disabilities, as well as to ex-combatants demobilized under the project. New guidance in the form of a dedicated disability module in the revised Integrated Disarmament, Demobilization and Reintegration Standards is forthcoming in 2021 and is greatly anticipated.³⁵

IV. Conclusions and recommendations

81. The conclusions and recommendations below are intended to open up and inform a broader dialogue about the visibility of persons with disabilities in the broad peace continuum.

A. Conclusions

82. First, the trend of reading the Convention on the Rights of Persons with Disabilities alongside other treaty regimes, policies or programmes should be continued in the interests of avoiding fragmentation and increasing the coherence of international law.

³⁴ Janet E. Lord and Michael Stein, "Peacebuilding and reintegrating ex-combatants with disabilities", *International Journal of Human Rights*, vol. 19, No. 3 (June 2015).

³⁵ See www.unddr.org/the-idders/.

83. Second, of special relevance is the reframing of “protection” in the Convention to purge it of its legacy of paternalism, to ground it on active human agency and the participation rights of persons with disabilities and to link it with broader goals of inclusion and development. The anchor norms in this regard have to do with personhood, human agency and the right of persons with disabilities to participate in and help to reshape their own societies.

84. The Convention is relevant across the entire peace continuum. No piece should be seen in complete isolation from the other. The rights and interests of persons with disabilities (including their right to have a voice in larger policy and other developments) should be seen as relevant across all points on the peace continuum and should not, for example, be confined to static conceptions of “protection” during the conduct of conflicts.

B. Recommendations across the peace continuum

Conflict prevention

85. States and multilateral organizations need greater awareness of the vested interest of persons with disabilities in the maintenance of peace since they stand to lose so much.

86. An equal awareness is needed of the capacity of persons with disabilities and their representative organizations to provide a site of convergence for disparate groups to focus on what unites them despite their differences.

87. Future resolutions establishing special political missions should give due prominence to the role of persons with disabilities in helping to avoid conflict and engaging meaningfully across the peace continuum. Appropriate language should be more routinely considered within all Security Council resolutions, building on the foundation of resolution [2475 \(2019\)](#). The Council could call upon all parties to emerging or potential conflict to explicitly include persons with disabilities in their de-escalation strategies and processes.

Conduct of hostilities

88. States and militaries should undertake to develop specific protections for persons with disabilities during the conduct of hostilities at the strategic, tactical and operational levels. They should explicitly aim at heightening the visibility of persons with disabilities within existing norms on civilian protection, including through standard operating procedures and rules of engagement that consider the specific needs and life experiences of persons with disabilities.

89. An operational assumption needs to be made that within any given theatre of operations, persons with disabilities will comprise at least 15 per cent of the civilian population.

90. In order to obtain the appropriate knowledge and expertise to utilize a disability perspective, militaries should step up their engagement with, and actively seek the expertise of, organizations of persons with disabilities.

91. A major step forward would be for States to explicitly incorporate into their military manuals, procedures and practices the obligation established by article 11 of the Convention and include a disability-rights training module for all military and security forces.

International criminal law

92. States and multilateral institutions should pay greater attention to the disability dimension of existing and future investigations of and commissions of inquiry and trials for war crimes and crimes against humanity.

93. An end to impunity is called for in both the Convention and in the historic Security Council resolution 2475 (2019). It is surprising, however, that so few international criminal investigations, prosecutions or commissions of inquiry have foregrounded violations against persons with disabilities. One cannot deduce from this that no issues arise. Given that 15 per cent of any given population caught up in a conflict are likely to have a disability, it follows that war crimes or crimes against humanity will have disabled victims.

94. Investigators and prosecutors should focus much more intentionally on the disability impacts of conflicts and suspected criminal activity.

Humanitarian action

95. States, multilateral agencies and humanitarian organizations should ensure disability-inclusive programming in all its aspects. Inclusive humanitarian action that takes due account of the situation of persons with disabilities – no matter the nature of the disability – is urgently needed. Steps in this direction are now being taken, which may establish and make real the link between protection, humanitarian action and development.

96. It is imperative that such steps be taken with the active participation and consultation of persons with disabilities and their representative organizations.

Disarmament, demobilization and reintegration

97. States and multilateral institutions should support disability-inclusive disarmament, demobilization and reintegration programming. Ex-combatants with disabilities have an equal right to help to rebuild their own communities. They know full well the promise of peace.

98. The exigency of reintegration into the ordinary life of the community is beginning to be included in disarmament, demobilization and reintegration strategies and programmes. This trend is positive and needs to be encouraged and supported.

Peacekeeping

99. United Nations peacekeeping and special political missions must develop concrete plans for the implementation of the United Nations Disability Inclusion Strategy, including engagement with, and building the capacity of, organizations of persons with disabilities.

100. Furthermore, appropriate language should be crafted in resolutions setting up or renewing missions requiring them to integrate disability inclusion as a cross-cutting issue through their mandates. Such language should recognize the importance of disability expertise, the use of disability-inclusive protection advisers, disability analysis and the collection and use of disaggregated data based on disability. It should highlight the essential role that persons with disabilities play in the establishment and maintenance of durable peace.

Peacebuilding

101. **Persons with disabilities and their representative organizations are largely untapped resources in the essential process of peacebuilding in post-conflict situations. They have a right to be engaged meaningfully. They have critical insights into what an inclusive society and economy actually mean. They have an instinctive attitude towards valuing difference, which is of importance in the healing process, and they represent a humane space that can transcend sectarian or ideological differences and thus provide an added incentive for the various parties to tone down their differences and converge on the importance of inclusion for all.**

102. **More needs to be done to highlight the constructive role of persons with disabilities in peacebuilding processes and to suggest practical ways this can be enhanced into the future.**

Capacity-building

103. **Much needs to be done to enable the military to gain insights into both the protection and participation of persons with disabilities before, during and after conflict. This is vital and is beginning to happen, as witnessed in the case of Finland.**

104. **Equally, much needs to be done to raise the capacity of organizations of persons with disabilities to enable them to interact effectively with governments and the military (and relevant parts of the United Nations system) to optimize the role of such organizations across the peace continuum. Knowledge of international humanitarian law is necessary, but so too is knowledge of how conflict prevention, peacekeeping and peacebuilding work.**

105. **Military academies, schools specializing in international humanitarian law and universities with courses in international humanitarian law, as well as in peace studies, should be encouraged to develop partnerships with organizations of persons with disabilities to help to advance the protection and participation of persons with disabilities in the full continuum of peace and conflicts.**

Further research and knowledge

106. **More knowledge is needed to drive change across the peace continuum, including the following:**

(a) **The expertise by experience of persons with disabilities remains largely untapped in the peace continuum. An assessment is needed of the capacity of organizations of persons with disabilities to participate along all points on the peace continuum as well as to make recommendations (especially for donors) to advance their capacity;**

(b) **More research is needed on the development of key operational recommendations for militaries on how to mainstream disability and implement disability inclusion at the strategic, operational and tactical levels;**

(c) **More research is needed on how international criminal law bodies currently respond to crimes against persons with disabilities arising from conflicts, with clear recommendations on how they can ensure that their investigative and other processes can be made fully accessible and responsive to persons with disabilities;**

(d) More detailed research is needed on examples of peacebuilding and the inclusion of persons with disabilities in order to develop practical guidelines on their inclusion in post-conflict peacebuilding processes.
