



CENTRE for DISABILITY
LAW & POLICY



Joint Submission from the Centre for Disability Law and Policy and CBM

15 August 2014

Inclusion of Women with Disabilities in Ireland's National Action Plan

This submission aims to draw attention to the importance of using the National Action Plan for Women Peace and Security (NAP) to not merely include women in peace building and development activities and objectives but also women with disabilities. In order to show the detrimental effects of the exclusion of women with disabilities from the peace process the submission will examine the strategic objectives of four of the five pillars and highlight the different barriers and needs of women with disabilities in relation to those strategic objectives. Effective response efforts to conflict should be inclusive of women with disabilities at all levels in order to address barriers faced by persons with disabilities and reduce stigma while having specialised programs for persons with disabilities to empower them.¹

The Centre for Disability Law and Policy at NUI Galway was formally established in 2008 and works in pursuit of equal opportunities and social justice for persons with disabilities in Ireland and around the world. The CDLP's operating philosophy is 'scholarship in action' which entails research that addresses the problems that ordinary citizens face and providing practical policy solutions.

CBM Ireland is an international Christian development organisation, committed to improving the quality of life of persons with disabilities in the poorest countries of

¹ Handicap International, *Mainstreaming Disability into Disaster Risk Reduction: A Training Manual*, 26 (Nepal 2009)

the world. Based on its Christian values and over 100 years of professional expertise CBM addresses poverty as a cause and consequence of disability. CBM's vision is: "an inclusive world in which all persons with disabilities enjoy their human rights and achieve their full potential.

Women with Disabilities

The oft-cited statistic for persons with disabilities is that 15% population are persons with disabilities² but more importantly for the NAP is the statistic stating 22.1% of women in low-income countries are women with disabilities.³ Making up more than a fifth of women in low-income countries, women with disabilities are a sizable and important group that development and peace building strategies cannot afford to ignore. Often women with disabilities can go unnoticed both by disability rights groups and women's rights group.⁴ Thus it is important for the NAP to recognise how the identities of women and disabilities interact with factors that cause discrimination and create specific and unique barriers for women with disabilities.

Furthermore recognition and inclusion of persons with disabilities is mandated under international law. Disability rights are firmly a part of international human rights law especially with the widespread ratification of the Convention on the Rights of Persons with Disability (CRPD). The CRPD has specific provisions that address the rights of persons with disabilities in development and in conflict zones.⁵ Although Ireland has not yet ratified the CRPD, 147 countries around the world are party to the treaty including many who are conflict-affected countries.⁶ Many of the countries Ireland

WHO and World Bank, *World report on Disability* (2011). 27 Available at: http://whqlibdoc.who.int/publications/2011/9789240685215_eng.pdf (last accessed 15 August 2014).

³ WHO and World Bank, *World report on Disability* (2011). 27 Available at: http://whqlibdoc.who.int/publications/2011/9789240685215_eng.pdf (last accessed 15 August 2014).

⁴ Rannveig Traustadottir, *Obstacles to Equality: The Double Discrimination of Women with Disabilities-Overview Article*, DisAbled Women's Network Ontario (1990).

⁵ See the IDA submission for a thorough rundown of articles applicable to women with disabilities in conflict zones, International Disability Alliance, *IDA submission to the Committee on the Elimination of Discrimination against Women Day of General Discussion on women in conflict and post conflict situations*, 49th Session, 2-5 (18 July 2011).

⁶ United Nations Treaty Collection, *Convention on the Rights of Persons with Disabilities*, (2006).

works with through its overseas development programme have ratified the CRPD.⁷ As more directly stated by Stephanie Ortoleva in her important article, *Women with Disabilities-The Forgotten Peacebuilders*, “There is no one better than women with disabilities themselves to give voice to these issues, and they can only do so with a seat at the table.”⁸

Pillar 1- Prevention of Conflict, Including Gender-Based Violence and Sexual Exploitation and Abuse for women with disabilities

Women with disabilities are especially vulnerable to violence and sexual assault and are often isolated from available services and protection.⁹ Consultations done by the Women’s Refugee Commission found that women with disabilities “were more likely to report concerns about sexual violence” than men with disabilities.¹⁰ Humanitarian organizations are not always able, or do not feel they are capable, to address the needs of persons with disabilities.¹¹ Research evidence demonstrates that women with disabilities are more likely to be victims of domestic violence than women without disabilities.¹² In some cases caregivers may be the source of the violence and abuse, and because of stigma and social isolation of persons with disabilities the victim and victimization is often less visible.¹³ Information that could help empower women with disabilities to prevent violence or abuse may not be taught or available to women with

⁷ The following partner countries of Irish Aid have ratified the Convention: Ethiopia (2010), Uganda (2008), Tanzania (2009), Zambia (2010), Malawi (2009), Lesotho (2008) and most recently Mozambique (2012).

⁸ Stephanie Ortoleva, *Women with Disabilities: The Forgotten Peace Builders*, [Loyola Journal of International and Comparative Law](#) 38:83, 142 (2010).

⁹ Handicap International, *Women with Disabilities Face Double Discrimination*, (08 March 2013). <http://www.handicapinternational.be/en/news/women-with-disabilities-face-double-discrimination> (last accessed 30 June 2014).

¹⁰ Women’s Refugee Commission, *Disability Inclusion- Translating Policy into Practice in Humanitarian Action*, 1 (March 2014), available at < <http://womensrefugeecommission.org/resources/document/984-disability-inclusion-translating-policy-into-practice-in-humanitarian-action>> (last accessed 15 August 2014).

¹¹ Stephanie Ortoleva and Hope Lewis, *Forgotten Sisters-A Report on Violence Against Women with Disabilities: An Overview of its Nature, Scope, Causes and Consequences*, Northeastern Public Law and Theory Faculty Research Papers Series No. 104-2013 32, (2012)

¹² Handicap International, *Women with Disabilities Face Double Discrimination*, (08 March 2013). <http://www.handicapinternational.be/en/news/women-with-disabilities-face-double-discrimination> (last accessed 30 June 2014).

¹³ Women’s Refugee Commission, *gender-based Violence among Displaced Women and Girls with Disabilities: Findings from Field Visits 2011-2012*, < file:///Users/jennikline/Downloads/GBV_and_disability_field_visit_findings_022513.pdf> (last accessed 15 August 2014).

disabilities because of lack of accessible information and/or exclusion from groups or activities that provide the information.¹⁴ The Women's Commission on Refugees found during their report on refugees with disability that nearly all the refugees said that the health clinics were physically inaccessible.¹⁵ With health facilities inaccessible women who are victims of violence cannot get treatment and thus lack access to a common intervention point for women who are victims of violence and abuse.

Pillar 2- Participation and Representation of Women with Disabilities in Decision Making

One of the overarching themes of the CRPD, which emerged from its drafting process, is mantra of the global disability rights movement “nothing about us without us”. Exclusion of women with disabilities, whether passive or overt, from the decision making processes that underlie development and peace building ensures the creation of systems that do not adequately take into account the needs of women with disabilities and further isolates an already stigmatised and isolated community. In refugee camps UN or NGO offices are often inaccessible and public meetings in camps often don't take accessibility into consideration.¹⁶ In a study on the participation of persons with disabilities in the peace process in Sierra Leone the majority of participants with disabilities said “inclusion and participation in decision making during the peace building process... was the most important issue for them.”¹⁷ Participants discussed inclusion in terms of accessibility, equal representation and consultation.¹⁸ The study

¹⁴ Stephanie Ortoleva and Hope Lewis, *Forgotten Sisters-A Report on Violence Against Women with Disabilities: An Overview of its Nature, Scope, Causes and Consequences*, Northeastern Public Law and Theory Faculty Research Papers Series No. 104-2013 32, (2012) quoting U.N. ESCAP Workshop on Women and Disability: Promoting Full Participation of Women with Disabilities in the Process of Elaboration on an International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities, *Final Report*, Bangkok, Thailand, Aug. 18-22, 2003, available at www.wwda.org.au/unescapwwd1.doc.

¹⁵ Women's Commission for Refugee Women & Children, *Disabilities Among Refugees and Conflict-Affected Populations*, 3 (June 2008).

¹⁶ Francesca Bombi, *Perception and protection in Sri Lanka*, FMR 35, 15 (July 2010).

¹⁷ Pearl Praise Gottschalk, “How Are We in This World Now?": *Examining the Experiences of Persons Disabled by War in the Peace Processes of Sierra Leone* 38 (2007) (unpublished M.A. dissertation, University of Victoria), available at http://dspace.library.uvic.ca:8080/bitstream/handle/1828/299/Full_Text_Draft%5B1%5D.pdf?sequence=1 (last accessed 15 August 2014).

¹⁸ *Id.*

further highlighted the frustration of participants on of the lack of prioritization and awareness of disability in the peace process.¹⁹ As Ortoleva succinctly states, “the failure to include women with disabilities in peace building can result in further marginalization of women with disabilities, reaffirming denials of their human rights and exacerbating the double discrimination they face.”²⁰

Pillar 3-Protection From Gender-Based Violence and Sexual Exploitation and Abuse and Other Violations of Women’s Human Rights and International Humanitarian Law for women with disabilities

War often has terrible consequences for everyone in a conflict zone but persons with disabilities may experience different, extreme or multiple difficulties as a result of conflict. Due to their disability women with disabilities may be unable to flee violence or maintain contact with their traditional support network, which renders them more vulnerable to violence and makes it less likely that they can access information needed to ensure their safety.²¹ A study by Australian Aid on violence against women in Cambodia found “women with disabilities were up to 4.2 times more likely to have their activities and whereabouts restricted by partners ” and less likely to disclose partner violence than women without disabilities.²² This has tremendous implications for the ability of women with disabilities to access protection mechanisms that depend on the woman coming to a government office, NGO or centre as the first step.

¹⁹ Pearl Praise Gottschalk, “How Are We in This World Now?”: *Examining the Experiences of Persons Disabled by War in the Peace Processes of Sierra Leone*, 56 (2007) (unpublished M.A. dissertation, University of Victoria), available at http://dspace.library.uvic.ca:8080/bitstream/handle/1828/299/Full_Text_Draft%5B1%5D.pdf?sequence=1 (last accessed 15 August 2014).

²⁰ Stephanie Ortoleva, *Women with Disabilities: The Forgotten Peace Builders*, *Loyola Journal of International and Comparative Law* 38:83, 142 (2010).

²¹ International Disability Alliance, *IDA submission to the Committee on the Elimination of Discrimination against Women Day of General Discussion on women in conflict and post conflict situations*, 49th Session, 1-2 (18 July 2011).

²² AusAid, *Triple Jeopardy: Violence against women with disabilities in Cambodia*, Research Policy Brief, available at <http://www.cbm.org/article/downloads/89816/Triple_Jeopardy_Policy_Brief.pdf> (last accessed 15 August 2014).

Social services are often the first services to suffer into the lead up to a conflict and in general disability issues are ignored.²³ For example in Bosnia and Herzegovina, services, which were sub-standard before the 1992-1995 war, all but ceased during it due to the collapse of governance.²⁴ Tactical armed attacks on medical centres and aid facilities have a devastating effect on the provision of basic services resulting in disability services being pushed further down the list of priorities.²⁵ This can be especially harmful to persons with disabilities because they may be more reliant on social services for their day-to-day living.

The International Disability and Development Consortium (IDDC)²⁶ put out a report that notes the vulnerability of persons with disabilities increases as networks, services and even families break down or are put under increasing stress in the pre-conflict stages.²⁷ Persons with disability fleeing a potentially violent situation take on average twice as long to reach their destination as their non-disabled neighbours.²⁸ This renders persons with disabilities and their families more vulnerable to attack and violence along the way to safety during an evacuation.²⁹ In some cases persons with disabilities are abandoned by their families because of these difficulties.³⁰

²³ International Disability and Development Consortium, *Disability and Conflict: Report of an IDDC Seminar*, 28 (May 29th-June 4th 2000).

²⁴ Rachel Hastie, "Disabled Children in a Society at War: A Casebook from Bosnia", Oxfam UK and Ireland, 1997 at p.14

²⁵ United Nations Enable, "Violations of Human Rights and Humanitarian Law as factors causing disability" at para 126, <http://www.un.org/esa/socdev/enable/dispaperdes2.htm> (accessed 24 June 2014)

²⁶ The International Disability and Development Consortium promotes and advocates inclusive development. *International Disability Development Consortium Net* <<http://www.iddcconsortium.net/>> (last accessed 26 June 2014).

²⁷ International Disability and Development Consortium, *Disability and Conflict: Report of an IDDC Seminar*, 28 (May 29th-June 4th 2000).

²⁸ Maria Kett and Jean-François Trani, *Vulnerability and Disability in Darfur*, Disability and Displacement, FMR 35, (July 2010).

²⁹ Maria Kett and Jean-François Trani, *Vulnerability and Disability in Darfur*, Disability and Displacement, FMR 35, (July 2010).

³⁰ Maria Kett and Jean-François Trani, *Vulnerability and Disability in Darfur*, Disability and Displacement, FMR 35, 13 (July 2010). : IASC Reference Group for Mental Health and Psychosocial Support in Emergency Settings, *Mental Health and Psychosocial Support in Humanitarian Emergencies: What Should Humanitarian Health Actors Know?*, Geneva 14(2010). and in relation to the Bosnian conflict, Rachel Hastie, "Disabled Children in a Society at War: A Casebook from Bosnia", Oxfam UK and Ireland, 1997 at p.17.

In refugee camps persons with disabilities can become excluded and isolated, camps are often inaccessible and lack appropriate services for persons with disabilities³¹. Exclusion of persons with disabilities from facilities and services in refugee camps can be also be caused by existing stigma and discrimination within the community that makes up the population of the refugee camp.³² While stigma can account for some of the exclusion of persons with disabilities from various services much of the exclusion can be attributed to humanitarian organizations either not assessing and therefore not knowing what impairments exist in the refugee population as well as the idea that any issues of disability must be addressed solely by “disability experts”.³³ The Women’s Commission on Refugees found that “in general the greater the awareness and understanding of the needs and rights of persons with disabilities, the better the systems for identification and assessment, and the more accurate and comprehensive the data.”³⁴

Furthermore women with disabilities may not have the same family support as other women and thus be in greater need of both support services and access to income generating activities. In studies on victims of landmines it has been found that, women who acquire a disability as a result of landmines are often abandoned by their husbands and then have great difficulty in supporting themselves and their children.³⁵

Pillar 4-Relief, Recovery and Rehabilitation for women with disabilities

“Frequently abandoned, women with disabilities now face isolation and abuse as the country begins to move forward without them.”³⁶

³¹ Rachael Reilly, “Disability among refugees and conflict-affected people” Forced Migration Review, <http://www.fmreview.org/disability-and-displacement/rachael-reilly> (accessed 24 June 2014)

³² Rachael Reilly, *Disabilities among refugees and conflict-affected populations*, Disability and Displacement, FMR 35, 8 (July 2010).

³³ Aleema Shivji, *Disability and Displacement*, Disability and Displacement, FMR 35, 4(July 2010).

³⁴ Women’s Commission for Refugee Women & Children, *Disabilities Among Refugees and Conflict-Affected Populations*, 14 (June 2008).

³⁶ Human Rights Watch, *‘As If We Weren’t Human’ Discrimination and Violence against Women with Disabilities in Northern Uganda*, 6 (2010)

The success or failure of post conflict initiatives relies largely on the inclusion of all members of society in the rebuilding process. As highlighted by Ortoleva the rebuilding process impacts many services that are important to women with disabilities and as such inclusion of women with disabilities in the rebuilding process is important in order to ensure equal access.³⁷

Article 19 of the UNCRPD³⁸ relates to independent living and participation in the community and aims to eliminate the exclusion from family, friends and society often experienced by persons with disabilities by promoting tailored accessible services that utilise available supports, including technological supports.

The reconciliation and rebuilding point of conflicts should incorporate Article 19 principles in order to ensure that as the society is rebuilt it is done so in an inclusive manner. UNICEF's work in Sierra Leone is an example of this inclusive element being effectively implemented. This involved cooperation with educators and parents to establish the congregated provision of education to children with and without physical disabilities and who both had and had not been involved in the conflict in Sierra Leone³⁹. This demonstrates that even where resources are limited, seemingly small measures can largely improve the effectiveness of existing programmes for persons with disabilities.

³⁷ Stephanie Ortoleva, *Women with Disabilities: The Forgotten Peace Builders*, Loyola Journal of International and Comparative Law 38:83, 140-141 (2010).

³⁸ Article 19 states: "States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs."

³⁸United Nations Enable, <http://www.un.org/disabilities/default.asp?id=279> (accessed June 23, 2014)

³⁹ UNICEF, *The Impact of Conflict on Women and Girls in West and Central Africa and the Unicef Response*, UNICEF Regional Office for West and Central Africa,(2005) available at: <http://www.unicef.org/publications/files/Impact_final.pdf>(last accessed 26 June 2014).

Recommendations

1. Objectives must call for the inclusion of women with disabilities in Ireland's peacekeeping, international development and peace building activities.
2. Training of overseas personnel should incorporate the Convention on the Rights of People with Disabilities.
3. The twin track approach should be utilized in the selection and capacity building of peacekeeping, international development and peace building organizations.
4. Preference should be given to partner organizations that work inclusively.
5. Security sector reform activities supported by Ireland must recognize and be responsive to the different security needs and priorities of women with disabilities.