

CERAH working paper

Respect and Promotion of the UN Convention

on the Rights of Persons with Disabilities
during Armed Conflicts

Eva Studer

CERAH Working Paper 32

2015 - 2016



CERAHGENEVE

Centre d'enseignement et de recherche
en action humanitaire de Genève
Geneva Centre for education and research
in humanitarian action

a Joint Centre of



—
INSTITUT DE HAUTES
ETUDES INTERNATIONALES
ET DU DÉVELOPPEMENT
GRADUATE INSTITUTE
OF INTERNATIONAL AND
DEVELOPMENT STUDIES



**UNIVERSITÉ
DE GENÈVE**

Dissertation

Master of Advanced Studies in Humanitarian Action

Academic Year 2015-2016

**“Respect and Promotion of the UN Convention on the Rights of
Persons with Disabilities during Armed Conflicts”**

Submitted by
Eva STUDER

Examining Board:

Supervisor: **Dr. Christophe GOLAY**

President of the Board: **Prof. Andrew CLAPHAM**

Expert: **Alice PRIDDY**

August 2016

Contents

Abstract	2
Key words	2
List of acronyms and abbreviations	3
Introduction	4
1. Research question / hypothesis	7
2. Gaps/ needs discovered	7
Methodology	8
I. The UN Convention on the Rights of Persons with Disabilities (CRPD)	8
1. Link with IHL and other HR instruments	9
2. Protective laws	10
3. Role of the UN Committee on the Rights of Persons with Disabilities	13
II. Disability rights at stake - the most vulnerable amongst PwD	14
III. Main violations of the rights of persons with disabilities during conflicts	17
1. Lack of political will	18
2. Power abuses against persons with disabilities during armed conflicts	20
3. Access to justice and equal protection of the law	22
IV. Monitoring and promotion of the rights of persons with disabilities during armed conflicts	23
Conclusion.....	26
Bibliography.....	28
1. Books and articles	28
2. Documents of the United Nations	31
Annexes	33
1. List of experts interviewed.....	33
2. Interview questions for the UN Secretary of the Committee of the CRPD	34
3. Interview questions for Handicap International	35

¹ Guterres, Antonio, in the foreword of “Disabilities among refugees and conflict-affected populations”,
Women’s Refugee Commission, June 2008, page 1

Abstract

Ten years have passed since the adoption of the UN Convention on the Rights of Persons with Disabilities (CRPD, further called the Convention). Today, more and more States ratify this treaty and commit therefore to respect and protect the rights of persons with disabilities (PwD). The States Parties have the primary responsibility of promoting and mainstreaming disability rights in civil society. Disabled persons organisations (DPOs) and other non-governmental organisations demand and support the implementation of the Convention, under the vigilant eye of the UN Committee of the CRPD.

However respecting and upholding the rights of persons with disabilities during times of armed conflict is a different challenge. Through searching databases, conducting interviews with a NGO and with the UN Secretary of the Committee, this document examines how the CRPD is respected and promoted today in conflict affected countries. The main challenges in protecting disability rights are related to issues regarding insufficient political will, lack of awareness most clearly demonstrated by the lack of clear definition of the term ‘disability’, legislative protection, lack of appropriate data collection and the fear and stigmatisation of persons with disabilities; considering these challenges in the context of armed conflict is an increasing relevant concern.

Key words

Disability, CRPD, PwD, armed conflict, UN Committee of the CRPD, awareness-raising, rights violation

List of acronyms and abbreviations

CRPD	Convention on the Rights of Persons with Disabilities
DANDO	Different Abilities and Non-Discrimination Office
DPO	Disabled Persons Organisation
HI	Handicap International
HRCSL	Human Rights Commission of Sierra Leone
HRW	Human Rights Watch
IDA	International Disability Alliance
IHL	International Humanitarian Law
MDG	Millennium Development Goals
NGO	Non-governmental Organisation
NHRI	National Human Rights Institution
PWD	Persons with Disabilities
SDG	Sustainable Development Goals
UN	United Nations
WHO	World Health Organisation
WRC	Women's Refugee Commission

Introduction

The idea that the special needs of persons with disabilities need to be protected by international law came to prominence in the seventies through a clear shift of thinking from the “caring” to the “right-based-approach” (Quinn and Degener 2002); that is a recognition that individual rights need to be known and upheld legally, rather than through the good will or generosity of others.

Several resolutions culminated with the adoption of the UN Declaration on the Rights of Disabled Persons in 1975 by the United Nations General Assembly (resolution 3447).

In 2007, States adopted the UN Convention on Rights of Persons with Disabilities with a new approach, which acknowledged the PwD as right-bearers. This replaced the initially purely medical model of disability, which focused on the impairment and not on the individual (United Nations, General Assembly 2015).

In the resolution 1894 of the Security Council, the impact of armed conflicts on persons with disabilities is highlighted (United Nations, Security Council 2009): Armed conflicts do not only result in more persons with disabilities, but also affect the population in general and specifically all vulnerable groups and minorities. Persons with disabilities have an increased risk of death and injury during conflicts, since they often stay invisible.

Disruptions in medical and rehabilitation services, problems of access and mobility and limited communication channels make it much more difficult for this vulnerable group to flee the violence of conflict (Rohwerder 2013). As explained by Stubbs:

“In all wars and disasters, it is persons with disabilities that are first to die; persons with disabilities that are the first to get disease and infection; and it is persons with disabilities who are the last to get resources and medicines when they are handed out. They get treated at the bottom of the pile.” (Women’s Refugee Commission 2008, page 6).

It is noteworthy that there are very few articles and reports about persons with disabilities during armed conflicts. There is also very little collected data on the subject. It would seem that awareness and information about persons with disabilities during armed conflicts are internationally lacking. Evidence, or rather the lack of, suggests that this vulnerable group is very often not priority in emergency situations during armed conflicts. Rohwerder observes in her article, that NGOs tend to assume that special technical knowledge is needed and that the

needs are met by others (Rohwerder 2013).

During a high plenary meeting of the General Assembly UN Headquarters in 2010, Disabled People International (DPI) presented some recommendations to include more explicitly the rights of persons with disability in the Millennium Development Goals (MDG), in direct link with goal 1: Eradication of poverty and hunger (Simon 2010).

The MDG were a set of development goals, agreed in 2000 by the international community to be reached by 2015. Since the CRPD only entered in force in 2008, there was no goal concerning PwD specifically in 2000, although they were mentioned in some background texts (WHO and The World Bank 2011).

In 2012, The International Disability and Development Consortium, together with the International Disability Alliance (IDA) published a position paper about the post-MDG framework, wherein they asked for more inclusion and equity of PwD in the upcoming formulation of fresh goals (International Disability Alliance and International Disability and Development Consortium 2012).

As 2015 came to an end, the 193 heads of States adopted the 2030 Agenda for Sustainable Development in September 2015 with new Sustainable Development Goals (SDG). The seventeen even more ambitious goals were built on the eight MDG, admitting that not all previous goals were met globally by 2015. It was noted, that progress had been made in the areas of combat against malaria and new HIV infections, declination of those living in extreme poverty and maternal mortality (United Nations 2015).

Today, there is still no goal dedicated entirely to disability issues, though they are referenced in different parts of the SDG, relating to education, accessibility and inclusion. In the first goal (end poverty in all its forms everywhere), there is a target to reach the poorest and to build resilience of “the poor and those in vulnerable situations”. PwD are mentioned in goal four (ensure inclusive and equitable quality education). The goal claims equal access to education, including persons with disabilities and asks for facilities to be disability-sensitive. Goal eight looks toward “full and productive employment and decent work for all women and men, including for persons with disabilities”. Goal ten talks about social inclusion of PwD and goal eleven demands access to safe transport systems for all (ibid).

Today the SDG proof that the inclusion and participation of persons with disabilities is essential to building a sustainable world without poverty and discrimination.

There is still little about peace or ending armed conflicts within the new SDG. Goal sixteen

(promote peaceful and inclusive society) is the closest to be found. It sets out to “reduce all forms of violence and related death rates everywhere” (ibid) but with no clear indicator as to how.

According to the UN Secretary of the Committee of the CRPD, it is the fastest growing treaty within the UN, in the sense of more States signing up to it. There is also notably increased development of interest in PwD challenges across the international community. In recent years, the Convention and subsequently disability rights have been discussed on the UN Sustainable Development Summit, as well as in almost every important international summit: the Sendai Framework for Disaster Risk Reduction, the World Humanitarian Summit in Istanbul, the UN Climate Summit and in the Addis Ababa Development Finance Summit, in order to ensure financial allocation; to name a few.

Acknowledging the recent emergences of armed conflicts and accepting conflict as a continuing global threat and undeniable reality, it is interesting to see the evolution of PwD’s rights in conflict zones.

In this paper, I’d like to explore the potential application of the CRPD in conflict settings, to enlarge the current knowledge on this specific issue.

My purpose is to explore more in depth the influences, may they be positive, negative or even non-existent of the Convention on the lives of PwD during armed conflicts and its aftermath. As well, I’d like to identify any possible gaps and needs to cover the full respect of the CRPD and to identify the positive or negative influence of awareness-raising and campaigning on the Convention on the rights of persons with disabilities.

PwD are part of the most vulnerable in society. Their specific needs, though carefully considered in peace, are often ignored in crisis. I’d like to raise awareness about this issue, as it is especially in times of crisis that individual rights need to be respected and upheld. With my paper, I will be gathering knowledge and data surrounding these issues. I hope that my findings might instigate and contribute towards a larger debate that is not sufficiently being had by NGOs or legal professionals.

1. Research question / hypothesis

My research question is the following:

How is the UN Convention on the Rights of Persons with Disability respected and promoted during armed conflicts?

I have two main hypotheses to respond to that question:

- Ignorance, lack of knowledge and power misuse hinders the respect of the rights of PwD during armed conflicts.
- Awareness-raising and campaigning on the Convention improves the respect of the rights of PwD during armed conflicts, but this promotion of the Convention is largely lacking in conflict settings.

2. Gaps/ needs discovered

As there is still very little literature about the situation of PwD during armed conflicts, I assume that this is not very well studied, perhaps because of a lack of concentrated data collected during conflicts. It seems this specific vulnerable group is very often overlooked or not prioritised in emergency settings in conflict zones.

According to the thematic study on the rights of PwD (United Nations, General Assembly 2015), the lacking data would be an important instrument in the construction of policies and laws concerned with emergencies, as required by article 31 of the CRPD (statistics and data collection). Systematic identification of PwD would improve the development of inclusive policy and therefore also the assistance programs. The lack of reliable, concentrated data also makes it difficult to monitor the care taken, or not to meet the needs of PwD outlined by the CRPD (Mittler 2015).

As Rohwerder states in her article, generalised NGOs assume that for these issues there is a need of special technical knowledge and that they are covered by others (Rohwerder 2013). The humanitarian Advocacy Manager of Handicap International (HI) said in an interview we conducted that in order to improve assistance programs for PwD, organisations and partner organisations need dedicated training on these issues. As a starting point, it is vital for them to acknowledge their existing limits of knowledge.

Another obstacle for gathering data and implementing strategies for the protection of PwD rights is that it can be that disabled persons are not always identifiable. The Women's Refugee

Commission (WRC) state that many refugees don't register, in fear to making themselves known to the armed groups operating in the area. They prefer to keep a low profile and stay undocumented (Women's Refugee Commission 2008). It is needless to mention the consequences hereafter, especially for refugees with disabilities.

Methodology

To answer the research question raised in this study, different methods have been considered to gather and process the needed information.

Since I was not able to travel to the field and collect primary data through interviewing the concerned population, I focused on academic literature, international reports, documents and recommendations of NGOs and of the United Nations to better understand the situations and specific issues of persons with disabilities during armed conflicts.

I have targeted a non-governmental organisation (Handicap International) and the UN Committee on the CRPD with each 1 to 2 key informants through interviews in order to get their perspectives and ideas on these issues.

So far, there are not so many organisations specialising in this area AND working in emergency settings, such as armed conflicts. Obviously, there are several national organisations focusing on disability issues, but rarely linked directly with the field of armed conflicts.

I. The UN Convention on the Rights of Persons with Disabilities (CRPD)

The UN Convention on the Rights of Persons with Disabilities and its Optional Protocol were adopted on 13 December 2006. As of May 2016, there are 164 States Parties to the Convention and 89 States Parties to the Optional Protocol. The Convention entered into force on 3 May 2008. Although many countries became parties in only a short period of time, it does not yet reflect customary international law (Hart et al. 2014).

The Convention results after decades of work to change attitudes towards persons with disabilities: it shifts from viewing persons with disabilities as "objects" of charity, medical treatment and social protection towards "subjects" of rights, as right-bearers who are capable of claiming those rights as well as being active members of society (United Nations 2012).

Essential to this paradigm shift was the full involvement of persons with disabilities in the

whole process of negotiation at the Convention, through representatives of potential beneficiaries and in the collaboration of Disabled Persons Organisations (DPOs) with politicians and officials (Mittler 2015; Sabatello and Schulze (eds) in the introduction 2014).

By ratifying the Convention, the States Parties commit to respect and guarantee the general principles of equality and non-discrimination, respect of dignity, participation and accessibility. It constitutes international law and is legally binding.

The Convention requires the enactment of national laws to protect persons with disabilities. It also identifies the elements of “disability”, which standardises the scope of people protected by the Convention, without stipulating the definition for States. They are free to express a definition of their own, in line with elements identified by the CRPD. The definition according to article 1 includes persons, “who have long-term physical, mental, intellectual or sensory impairments”.

As well, the Convention mandates for accessibility issues and provides guidance on how legal competency should be determined. As Mittler states in his article, the CRPD is a potential catalyst for a radical reappraisal of policy and practice among governments and organisations of persons with disabilities (Mittler 2015).

According to Hart et al., it is noteworthy to mention that the CRPD does not refer to the prevention of disability as such. With the exception of article 25, which requires States to “provide health services (...) designed to minimise and prevent further disabilities” (Hart et al. 2014).

Since the CRPD has entered into force, organisations such as HI have recognised a growing understanding of disability issues on an international level. As the HI humanitarian Advocacy Manager stated in an interview: the principle of humanity and the concept of “leaving no one behind”, which was one of the main themes at the World Humanitarian Summit 2016, in Istanbul, gained new importance. It depends on headquarters of organisations and on the willingness of States to change thinking and to adapt policies, before being implemented on the field. But this is still a long way to happen.

1. Link with IHL and other HR instruments

According to the UN Secretary of the Committee, the CRPD reached a very progressive human rights standard. Article 11 of the CRPD is very unique for an international treaty, as it encompasses Human Rights Law and International Humanitarian Law (IHL) at the same time.

In the Geneva Convention, the subject of protection for civilian persons in time of armed conflicts only marginally represents PwD. Article 16 states, “the wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect”.

Before the CRPD, disability issues were part of a crosscutting approach throughout the six main United Nations human rights treaties: the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination. Slowly there had been a shift from a purely medical perspective to a human rights-based perspective; the need for a specific Convention on disability issues became evident. The question was not so much about the enjoyment of specific additional rights for PwD, but the equal enjoyment of all human rights, without any discrimination. Within the preamble, the States Parties recall and recognise the principles proclaimed in the Charter of the United Nations and call for inherent dignity, equal rights and freedoms of all.

2. Protective laws

The Convention is a legally binding document and elucidates how human rights apply to persons with disabilities, rather than creating new rights (Connelly Buschbacher 2009). It embodies the minimum standard for the protection of PwD.

In becoming parties, States agree to further recognise disability as an evolving concept and to acknowledge and combat attitudinal and environmental barriers which hinder equal participation in society. Additionally the States Parties accept the importance of mainstreaming disability issues and agree for policy guidelines at national and international levels to be considerate of them.

Article 4 of the Convention addresses the need for national laws regarding discrimination; States Parties are required to “adopt all appropriate legislation”. They must also modify or abolish all existing “laws, regulations, customs and practices that constitute discrimination”.

According to Connelly Buschbacher (Connelly Buschbacher 2009), a State first needs to create a clear definition of “disability”, in order to be able to base the legislation on it. Article 2 offers a good definition for States, although States are free to define “disability” in their

own terms. The Convention implies that the definition is a non-exclusive list, in order to allow broad interpretation of illnesses and impairments. The Convention sets a low threshold for an impairment to be considered significant enough to be qualified as a disability and be legally protected.

Article 5 describes how “all persons are equal before and under the law”, without any discrimination: States Parties shall promote and take “all appropriate steps” to ensure equality and eliminate discrimination. Measures taken that ensure equality should not be considered as discrimination (positive discrimination).

Article 12 surrounds the right of “equal recognition before the law”, in conformity with the “right to recognition everywhere as a person before the law” and subject the International Covenant on Civil and Political Rights. It is important to apply this right specifically to PwD, because they might be stripped of this recognition before the law (Connelly Buschbacher 2009).

Articles 6 and 7 focus on women and children with disabilities, a group subject to multiple forms of discrimination and in real need of empowerment through strong and direct measures to ensure equality.

It is expected by article 8 that States Parties ensure that particularly vulnerable groups subject to discrimination be protected by means of promoting positive awareness, in order to foster respect of the rights and to limit harmful practices. States Parties are asked to lead public campaigns to promote the rights, positive perceptions and abilities of PwD. States Parties are encouraged to see that educational curriculum and mainstream media fairly represent these groups.

In articles 15 and 16, the CRPD concentrates on the freedom from torture, exploitation and violence, within and outside of the home. Independent authorities shall monitor and in case of abuse, States Parties shall ensure investigation and prosecution.

In direct link with the protection of PwD during armed conflicts, article 11 of the CRPD mentions, that all “States Parties shall take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters”. The UN Committee highlights the high priority given to this article and has released different statements for international summits concerning crises (United Nations, Statement on Disability Inclusion for the World Humanitarian Summit 2015; United Nations, Statement on Disability Inclusion in the Third World Conference on Disaster Risk Reduction and Beyond 2014).

Article 11 reinforces the obligations of States under international law, to protect PwD during emergencies, including armed conflicts. This article was inserted following the Tsunami in Asia in 2005 (Schulze 2009). As Schulze states in her handbook, there was a debate over a possible reference to ‘foreign occupation’ (ibid). This term has been used in the preamble (page 25):

“Bearing in mind that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation”. But it has not been specified in article 11. According to the author, the term of ‘foreign occupation’ is a codeword for the Israeli/Palestinian conflict and the civil society tried to distance itself from this discussion on the provision (ibid).

According to the humanitarian Advocacy Manager of HI, article 11 leaves space for interpretation. States Parties are only bound by obligations within their own territory, but are not therefore responsible for extraterritorial violations of the article.

Using an example of a past conflict in Cambodia, Connelly Buschbacher uses the Convention’s standard to evaluate one country’s current legislation and shows that even during peace-time it is difficult to satisfy and to do justice to persons with disability. There is no clear definition of the term “disability” and the categories of disability are a list of exclusive conditions (Connelly Buschbacher 2009).

One hypothesis can be that if a country is not able to develop a proper law after such a long history of conflict, causing a large number of citizens with at least one kind of disability, it will be difficult (for other countries) to protect PwD during another conflict; especially when there is no legal protection of this vulnerable group.

Kenya states in its first periodic report (CRPD/C/KEN/1 2011), submitted under article 35(1) of the CRPD and in link with article 11 of the CRPD, to facilitate the provision of emergency aid and supplies in refugee camps and in the host communities for PwD. Kenya was developing a draft national policy on internal displacement in 2011, which takes into consideration the rights of PwD during situations of emergency and provides priority assistance and support. Nevertheless, there has been no real progress in moving the Act beyond the draft or implementing it (Internal Displacement Monitoring Centre (IDMC) 2014).

3. Role of the UN Committee on the Rights of Persons with Disabilities

The UN Committee is a body created by the CRPD for the monitoring of the implementation of the CRPD. It consists of 18 independent experts, of whom 17 are currently persons with disabilities (Mittler 2015). There are two sessions held per year in Geneva.

The States Parties are obliged to report initially two years after signing up to it, and then every four years about the implementation. After examination, the UN Committee gives recommendations (called concluding observations) to the State Party.

The Optional Protocol gives to the UN Committee two additional mandates: to examine complaints and to carry out inquiries in the case of suspected violation of the Convention.

As for all the human rights violations, there are three main procedures for bringing complaints of violations of the provisions of the CRPD before the UN Committee: individual communications, State-to-State communications and inquiries. Inquiries may only be conducted with respect to States Parties that have recognised the competence of the UN Committee in this regard. NGOs might submit violations directly to the UN Committee, though organisations such as HI have never done so, fearing that in so doing, the safety of the victims may be compromised; this is outlined by the humanitarian Advocacy Manager in an interview we conducted.

As mentioned earlier, it is important for States Parties to enact national laws and to clearly define “disability”. Human rights and specifically rights of persons with disabilities must be enshrined in national laws, in order for the States Parties to be in conformity with the CRPD. In the Kenya Constitution for example, the definition of disability has been assimilated to the CRPD: “‘disability’ includes any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual’s ability to carry out ordinary day-to-day activities” (Constitution of Kenya 2010, article 260).

If it is not enshrined in national law and if rights of persons with disabilities are neglected or violated, affected persons can turn to an international monitoring body (the UN Committee) to seek redress for violations (Connelly Buschbacher 2009).

Many States Parties did not send their initial report, and ten years after the entry into force of the CRPD, it is too early to have established practices to pursue delayed States. In some cases, like for Syria, statements have been published, where the UN Committee demand better

protection for PwD and voice grave concern about the plight of PwD, who have fled the conflict. Besides that, as the UN Secretary of the Committee states in personal communication, the UN Committee relies fully on the political commitment of the States Parties. No State Party has ever denied open discussion on the CRPD; this cannot be said of other treaties.

II. Disability rights at stake - the most vulnerable amongst PwD

Throughout my research, it became clear that there are groups amongst PwD who are more at risk and more exposed to violations of their rights; they are very often also minorities. Amongst these groups we can focus on children. According to Handicap International and Save the Children (Handicap International UK and Save the Children 2011), at least 90% of children with disabilities in the developing world are denied the right to education and live disproportionately in poverty; they are also at disproportionate risk of physical and sexual violence. In the USA, children with disability are 3-4 times more likely to be rejected, physically, emotionally or sexually abused, than non-disabled children. In Kenya, about 15-20% of children with disability experience physical and sexual violence (ibid).

As an example of a State engaged in armed conflicts, Kenya has agreed to support the rights of all children, including children with disabilities. This is emphasised in the Kenyan report to the UN Committee of the CRPD (CRPD/C/KEN/1 2011). The report also recognises the need to ensure special protection for displaced children or children involved in armed conflicts. The report underlines the States obligation to take all necessary steps to provide protection, recovery and reintegration into normal social life for those children victim to armed conflict. In its concluding observations addressed to Kenya, the UN Committee of the CRPD was deeply concerned about the abandonment of children with disabilities rejected by their families, in particular in rural areas. It was also concerned with the fact of “institutionalisation of children with disabilities and the prevalence of residential care”. The UN Committee also underlined the lack of information on the situation of deaf, blind and deaf-blind children and on measures to ensure their protection and inclusion in society (CRPD/C/KEN/CO/1 2015).

Born from ignorance, disability is very often seen as a curse or a punishment for sins of an earlier life. In some African countries, PwD are also viewed as a threat to the family, since they are seen as not contributing to society and are therefore seen to be a social and economic

burden (Handicap International UK and Save the Children 2011).

The violence against children with disability is a cross-country issue and the causes are often very complex and deeply rooted in culture. As HI and STC state in their article, the causes of violence stem from the environment where the child lives, and not in the child him- or herself. Families fearing hostility and feeling shame for their disabled children hide them away. Peripheral, the children become an easier target of abuse; very often they are not even registered or recognised by their society. Most problematic, in cases of violence or abuse, there are no witnesses (Handicap International UK and Save the Children 2011).

The abused children usually don't know that what is happening is wrong, and even in cases where they do, they have no access to justice due to either a lack of disability services or restricted mobility.

Disabled children subject to abuse are often inordinately dependent on the people abusing them. Even if a child with disability might be able to succeed in reporting a case of violence, it is very common for the police or the court to not believe someone with a disability, assuming they lack competence and intelligence. As a result, very few perpetrators are persecuted and the cases are dismissed (ibid). All this adds up to make collecting reflective data in this field very problematic.

Within the case study of HI and STC, legal and judicial professionals admit to being less experienced and lesser informed about the relevant legislation. Almost none of the representatives knew about the CRPD and therefore could not use it; they rather referred to familiar national legislation prioritised by the State.

A lack of awareness from both medical and legal institutions in these communities make the journey from being abused to receiving justice more difficult for disabled children. Children and persons with disabilities are trapped in a vicious circle, not knowing how to react and which door to knock, in case of need (Handicap International UK and Save the Children 2011).

Like children, women with disabilities also experience more difficulties in their lives, than disabled men. They are twice as likely to experience domestic violence or other forms of gender-based violence than non-disabled women (WHO and The World Bank 2001). Causes of violence against women with disability often lay in gender roles, but do depend on the type of disability (Ortoleva and Hope 2012).

Just as with violence toward children, violence towards women is not only limited to developing countries. The forms of violence are similar: as well as physical, sexual or psychological violence there is also forced sterilisation, rape, exclusion from services and others (Kim 2014).

As mentioned by Disability Rights Promotion International in their stakeholder submission to the Universal Periodic Review (Disability Rights Promotion International 2010), women in Kenya were more likely to be denied autonomy and to be treated with disrespect than men. Women with disabilities are suffering even more from abuse and mistreatment, and this mostly within the domestic frame.

As Ortoleva and Hope state in their article (Ortoleva and Hope 2012), PwD are traditionally viewed to be asexual. This does not only lead to more violence, as they seem to be less eligible marriage partners, but it leads also to a denial of reproductive rights and access to reproductive health care.

Disabled women often lack protection, as they are dependant emotionally and financially on their perpetrator. The fear of further social stigmatisation and (more) exclusion caused by reporting abuse is particularly acute for already disempowered disabled women. If the women have children, the fear of child custody or single-parenthood is also more acute for disabled women. Injustices are rarely reported, and when they are, testimonies are often not viewed as credible.

According to Ortoleva and Hope, women with disabilities are even more at risk during conflicts, especially if they are part of a targeted group or a minority (ibid).

Besides women and children, we can also consider refugees to be more vulnerable than others. According to the Women's Refugee Commission, persons with disabilities are often not identified or counted in refugee registration and data collection exercises. They are therefore excluded from assistance programs because of attitudinal, physical or social barriers (Women's Refugee Commission 2008).

The CRPD requires that refugee- or IDP camps are built in an accessible way for all and especially for persons with mobility or sensorial impairments. In practice, facilities in refugee camps are not always accessible for PwD and they depend on others for access (Human Rights Watch 2015). Persons with disabilities in Central African Republic (CAR) for example, face challenges in meeting their basic needs. Persons with physical disabilities find it difficult to orientate within the camp and are sometimes unable to make it to the food distribution site or access latrines. The problems accessing medical assistance might worsen health conditions

and lead to severe health issues. Local authorities and humanitarian organisations do not systematically collect data on persons with disabilities (ibid), which render it even more difficult to estimate the needs and to be able to cover them appropriately.

WRC does state however that services in refugee camps are very often better than in some urban settings. WRC finds great potential in refugee camps for positive action and change, if such time, skills and capacities are effectively employed, while in urban refugee settings people are more dispersed and the community less cohesive (Women's Refugee Commission 2008).

By focusing on refugees, women and children, we should not forget that there are many other groups to take into consideration in relation to the respect and promotion of the CRPD in armed conflicts. Nearly all minority groups with disabilities are more vulnerable and therefore more at risk than others, especially during emergency settings.

According to the humanitarian Advocacy Manager of HI in the interview we conducted, the humanitarian world could protect PwD and disability rights better by increasing inclusion and participation of PwD in assistance programs.

III. Main violations of the rights of persons with disabilities during conflicts

The Convention only entered into force in 2008 and many countries in which there is a situation of armed conflict have signed or ratified the CRPD only very recently. None of these countries have submitted their initial report (Syria: 2009, State report was due by 2011, but not yet submitted; Sierra Leone: 2010, State report was due by 2012, but not yet submitted; Afghanistan 2012, Iraq 2013, Burundi 2014).

Nevertheless, we can base our analysis on different reports of other States engaged in armed conflicts addressed to the UN Committee of the CRPD, as well as on concluding observations addressed to them by the UN Committee on the rights of persons with disabilities. We can also rely on NGO reports and on their experiences on the field. As the humanitarian Advocacy Manager of HI states in the interview, HI sees a big challenge the CRPD to be respected during armed conflicts, because systems are often collapsing, professionals are dying or fleeing the conflict zone. It also might not be the States first priority to check on the respect of

the CRPD in such situations.

Tunisia provides a good example, as the government has decided to give priority in emergency assistance to PwD. Legislative measures have also been taken to ensure the safety in emergency situations. E.g. the fire, explosion and building collapse safety and prevention code, adopted in March 2009, provides for public buildings safety regimes, including capacity to accommodate persons with disabilities (CRPD/C/TUN/1 2010).

In 2015 Human Rights Watch interviewed affected population in the area of Bangui (CAR), including government, diplomats and DPOs. It found that a high number of persons with disabilities have been left behind or were unable to flee the current conflict. Some persons stayed behind as they were unable to board an evacuation truck without losing their wheelchair. Some attacks were so sudden that the slower members of the population had no chance to flee in time (Human Rights Watch 2015).

In Ukraine, similar violations have been noted concerning the evacuation of PwD in conflict areas. According to the concluding observations addressed to the Ukrainian government by the UN Committee, persons with disabilities were not prioritised in evacuation plans; neither were they given priority with aid distribution. There was also a lack of registration of internally displaced persons with disabilities, which hindered their access to aid services and social protection (CRPD/C/UKR/CO/1 2015).

As the humanitarian Advocacy Manager of HI states in the interview we conducted, there is a big opportunity to improve the respect of the CRPD on a political level. Thanks to different DPOs, there are today links between the CRPD and the SDG, the anti-personnel mine ban Convention (Ottawa Treaty) and the Sendai Framework, to better respond to crisis.

1. Lack of political will

In order to guarantee proper knowledge and adherence to the CRPD within a country, it is necessary for the States Parties of the Convention to respect all of their obligations. Political will is therefore key, but as the UN Secretary of the Committee stated in an interview we conducted, States alone cannot fulfil all obligations. The need for action and implementation is widespread and demands for a multi stakeholder commitment, with the support of the United Nations.

A general obligation of States is also the implementation of mobile services during emergencies, in order to render facilities available to the general public and to persons with disabilities (United Nations, General Assembly 2015).

The political will to prevent additional disability is unanimous. As Hart et al. point out in their study (Hart et al. 2014) and according to IHL, any weapon that causes superfluous injury or unnecessary suffering is prohibited. Under ‘superfluous injury’ we can easily assume the inclusion of serious permanent disability. Many countries outlaw the use of weapons for superfluous injury in their national law, such as in e.g. the Ivory Coast or Sierra Leone (ibid). This is relevant in this discussion, since the ban on the use of certain weapons contribute to the prevention of disabilities during armed conflicts.

There is however a lack of political will with regards to the recognition of the rights of persons with disabilities and the definition of the term “disability” at national levels. In Uganda for example, there is no clear definition of disability anywhere in their national legislation; derogatory language is even freely used against PwD, such as the terms ‘unsound mind’ and ‘lunacy’ (CRPD/C/UGA/CO/1 2016). In Sierra Leone the perception of the term ‘disability’ has still not changed and public officials and institutions still respond with a charity-approach, rather than a human rights-approach (United Nations 2011).

Access to information is often limited during emergencies for PwD (CRPD/C/UGA/CO/1 2016; CRPD/C/KEN/CO/1 2015). Critical information made widely accessible using additional formats such as Braille or sign language could save many PwD lives in case of humanitarian emergencies. Article 9 of the CRPD mentions clearly States Parties duty to ensure access to persons with disability to the physical environment, transportation and to information and communications on an equal basis with others. In addition, article 21 expects private entities and the mass media to provide information in ‘accessible formats and technologies appropriate to different kinds of disabilities’.

It is important to include the concerns of PwD not only in the Constitution and national laws, but also in the formulation and revision of national policies. In Uganda for example, there is no mention of persons with disabilities in the National Policy for Internally Displaced Persons. There is also a lack of evacuation plans for PwD in emergency situations, such as e.g. fire outbreaks (CRPD/C/UGA/CO/1 2016).

After having examined the situation in Kenya, the UN Committee recommended a national plan to ensure the protection of PwD during emergencies, and their inclusion in its policies (CRPD/C/KEN/CO/1 2015). It also recommended that the State monitor the situation in refugee camps, in order to ensure accessibility to health facilities, sanitation, education and appropriate shelter (ibid). Examining the situation in Ukraine, the UN Committee concluded that the legislation is not in line with the CRPD. There is no action plan for equal

opportunities, since no independent body for promotion and monitoring of the disability rights is in place.

In Sierra Leone, local authorities admit that PwD are not involved in decisions-making at community level. People do not consider them trustworthy, or believe their contributions are not relevant. Persons with mental or intellectual disabilities are even prohibited to register for voting (United Nations 2011).

In urban communities in Sierra Leone, there are few persons with disabilities who have run and won elections. Active participation in political issues from PwD is not just thwarted by stigmatisation but also financial limitation, lack of support and a lack of education (ibid).

Under article 11 of the CRPD, States are required to form their national emergency response plans to be inclusive of and accessible for persons with disabilities. It should contain appropriate evacuation plans, accessible warnings and the provision of reasonable accommodation in order to take into account their special needs. According to the thematic study on the rights of PwD (United Nations, General Assembly 2015), not only States, but also humanitarian actors should ensure active participation of persons with disabilities through consultation with the concerned population and capacity building of stakeholders.

As the humanitarian Advocacy Manager of HI states in the interview we conducted, DPOs need more support, such as further training and inclusion in Cluster meetings.

Handicap International has created, together with over 70 stakeholders the disability charter, which can be understood as a tool to implement the CRPD. It is open for endorsement by States and governments, UN agencies, organisations involved in humanitarian contexts and DPOs. As by July 2015, it is endorsed by over 100 stakeholders.

2. Power abuses against persons with disabilities during armed conflicts

As mentioned before, persons with disabilities are part of the most vulnerable group in society. PwD are therefore an ‘easy target’ for power abuses, especially during times of conflict.

During the Second World War for example, there was a systematic and largely successful ‘cleaning’ of children and adults with disabilities; the so called ‘wild euthanasia’. There prevailed the killing of ‘useless eaters’ in order to keep the Arian race clean and to get rid of the ‘Ausschusskinder’ (garbage children) (Evans 2004).

Persons with disabilities were explicitly targeted to be eliminated as a suppression, power abuse, which is still the case today in some countries. In the recent conflict in Sierra Leone

shootings of persons with intellectual disabilities have been organised by the armed forces (Inclusion Europe 2012).

According to International Humanitarian Law, States engaged in armed conflicts have to distinguish between combatants and civilians. A person with disabilities therefore only becomes a legitimate target if she or he is directly participating in hostilities. A suicide-bomber with a disability would ergo be a lawful target. If that bomber is subject to severe mental or intellectual illness however, are they conscious hostiles and should they be treated as such?

In the article of Quarmby (Quarmby 2008), the author speaks about PwD being a new weapon of war. There have been rumours, about Iraqis using disabled persons as suicide bombers, though it is of course dangerous to claim such without clear evidence.

The need of special protection of PwD especially in this kind of situations seems clear. Being vulnerable subjects and ‘easy targets’ makes it easy for others to abuse their power and to involve and misuse persons with disabilities for their purpose. States Parties to the CRPD have to ensure protection and the non-discrimination of PwD.

The same responsibility of non-state actors is arguable. Even if during non-international armed conflicts the common article 3 of the Geneva Convention applies to all parties to the conflict, non-state actors could claim not having signed the Geneva Convention. Nevertheless, if the non-state actors wish to be recognised as ‘lawful combatants’ and therefore claim the protected person status, they also have to respect Customary International Law.

Another risk to persons with mental or intellectual disabilities comes with them not understanding events clearly. According to the report of e-include (Inclusion Europe 2012) persons have been shot dead, because they did not clearly understand the occurrences and disobeyed soldiers orders of regimes imposing total obedience.

In relation to the prohibition of torture, article 15 of the CRPD obliges all States to ‘take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities on an equal basis with others from being subjected to torture or cruel inhuman or degrading treatment or punishment’. This provision proves that any treatment that would qualify as ‘inhumane’ for others, may also qualify as such for persons with disabilities.

3. Access to justice and equal protection of the law

A key factor in ensuring non-discrimination against persons with disabilities is equality. In article 13 of the Convention, effective access to justice is demanded; PwD should have the same right to access justice as others. As an especially vulnerable group, PwD should be shown particular protection when claiming their rights and defending themselves in cases of violation. Too often, vulnerable groups are suppressed whilst not informed of their rights. According to article 12 of the CRPD, States have to recognise that persons with disabilities “enjoy legal capacity on an equal basis”.

As Flynn states in his article (Flynn 2013) prior to the adoption of the CRPD, the concept of the right to equal access did not appear in any of the major human rights Conventions. He refers to the right of PwD to seek remedies in case of breach of rights, and the need of the States to provide appropriate solutions for persons with disabilities.

In Larson’s paper (Larson 2014), the importance of better training for advocates is highlighted; not only for them to be more knowledgeable about the CRPD and relevant laws, but also them to be more aware and effective when interacting with PwD. Larson even claims that “training advocates to provide services to a population that may have significantly different needs even within that population may be a more efficient and effective way to improve access to justice than by attempting to draft laws and regulations that somehow address all possible circumstances” (Larson 2014, in the abstract). Flynn states that State-appointed advocates should be the target recipient of such trainings. State-operated advocacy to enable PwD to express should rather be considered as entitlement than a privilege (Flynn 2013).

Today, already peaceful countries struggle with implementing articles 12 and 13, because of physical accessibility, procedural and age-appropriate accommodations and because of the definition of mental capacity (*compos mentis*).

Implementation during armed conflicts seems even more challenging. The initial State report of Kenya (CRPD/C/KEN/1 2011) to the UN Committee for example declares that every person (PwD included) is equal before the law and has the same right to protection and benefit of the law. It also guarantees that every person has the right to a fair and public hearing. However, the civil procedure rules make provisions with regard to instances where a person is considered not to have legal capacity (*ibid*).

In its concluding observations addressed to the government of Kenya, the UN Committee of the CRPD expresses its concern about different Kenyan laws (Children’s Act, Mental Health

Act and the Marriage Law) that deprive PwD (in particular persons with intellectual and/or psychosocial disabilities) of their legal capacity (CRPD/C/KEN/CO/1 2015). As well, persons with disabilities are under family guardianship and are deprived of their ability to make choices in family aspects; such as buying food, renting a house or inheritance (ibid).

In Tunisia, the Constitution guarantees equal opportunities for PwD before the law. It also provides special protection to ‘certain categories of persons’, e.g. facilitation of transactions (CRPD/C/TUN/1 2010). Nevertheless, improvement concerning the guardianship could be made. In their concluding observations addressed to the government, the UN Committee stated that there is only substitute decision-making for PwD, instead of supported decision-making in the exercise of legal capacity (CRPD/C/TUN/CO/1 2011).

IV. Monitoring and promotion of the rights of persons with disabilities during armed conflicts

The primary responsibility to promote and monitor disability rights lies upon the States. According to article 33 of the CRPD on national implementation and monitoring, States Parties shall establish a high-level focal point within the government, in order to protect, promote and monitor the proper implementation of the Convention. Still, in some countries, e.g. Ukraine, there is no independent structure enacted as required (United Nations 2012). Without an appropriate and independent mechanism, the State cannot guarantee that practice will follow the ratification of the Convention and that PwD are protected effectively.

During the drafting of the CRPD, National Human Rights Institutions (NHRIs) made a major impact on the form and the content of the Convention. It was the first time that such institutions had such an active role in the negotiation of an international human rights treaty (Byrnes 2014). NHRIs are independent bodies established by States with the responsibility to protect, monitor and promote the implementation of human rights at the national level. As independent bodies from the government, their actions differ from the States diplomatic goals and activities (ibid). The involvement of NHRIs in the implementation of the Convention is set in article 33 and the mandate assigned to them by the Convention as an independent mechanism is made clear. Besides NHRI, other independent bodies, such as DPOs shall also be included and participate in the monitoring process.

As mentioned above, article 8 of the Convention requests States Parties to take measures to promote awareness-raising about the rights of persons with disabilities. It emphasises that

governments should combat stereotypes, prejudices and harmful practices through awareness campaigns. It is important to mention here that as well as gender issues, women with disabilities endure multiple discriminations; governments should include this aspect in their awareness-raising campaigns.

In Kenya for example there is a national disability policy, which states that the government increases the level of public awareness (CRPD/C/KEN/1 2011). Within the PwD Act, a council has been established to undertake advocacy through training, capacity building and mainstreaming. Awareness campaigns and relevant training on disability issues have also been carried out for government staff (ibid). Nevertheless, in its concluding observations, the UN Committee of the CRPD regretted that these human-right based trainings were not being provided for both public and in the private sector staff. They were also concerned that “persons with psychosocial and/or intellectual disabilities were disproportionately affected by stigma which limits access to education, health and employment” (CRPD/C/KEN/CO/1 2015).

In addition to being a country engaged in an armed conflict, Sierra Leone faces the challenges of being a developing country. According to article 4 of the CRPD and with regard to the principle of progressive realisation, “each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realisation of these rights”; this allows Sierra Leone to put some obligations into context, without being exempt from acting on immediately applicable responsibilities (United Nations 2011). According to the report of the OHCHR in 2011, the Human Rights Commission of Sierra Leone (HRCSL) has established a Different Abilities and Non-Discrimination Office (DANDO) already in 2008, which is tasked with monitoring the implementation of the CRPD. The HRCSL played an active role in pushing the government to ratify the CRPD in 2011.

As cited above, Flynn highlights the importance of having State-appointed independent advocates assigned to individuals with disabilities in order to assist them in enforcing their rights and to ensure that their views are properly heard (Flynn 2013). It’s evidently important that States take on their agreed responsibility of asserting PwD’s rights. In so doing, injustice is not only made public, but is highlighted to relevant bodies. At the same time, pressure should be put on parliaments to be reactive, to adapt and to change laws if needed.

Flynn requests that for advocacy to be effective, PwD should themselves be involved in

planning services; persons with disabilities should be encouraged to become State-appointed advocates, in order to have an active role in the advocacy (ibid).

As Mittler states in his paper (Mittler 2015), national DPOs have to ensure maximum publicity to the UN Committees concluding observations in the media, and discussion in parliament. The UN training guide highlights the important need of civil society, though in particular Disabled Persons Organisations, to participate in the monitoring process independently and encourages them to organise public meetings to enlist public support if politicians refuse to discuss issues linked with disability (United Nations 2012; Mittler 2015). DRPI (Disability Rights Promotion International) as a collaborative project does establish a comprehensive, sustainable international system to monitor the rights of persons with disabilities. Monitoring includes collecting and verifying information about violations of the CRPD. As DRPI point out on their webpage (<http://drpi.research.yorku.ca>), it is important to have accurate and reliable data about PwD, in order to be able to persuade governments to react and, if needed, to exercise pressure on them.

Some non-governmental organisations also work on the promotion of the CRPD. Handicap International for example admitted the difficulty of measuring the impact of CRPD promotion. HI is recognised by partners and is often contacted for disability related issues. This shows the good work they do about the promotion. The humanitarian Advocacy Manager points out, that the monitoring framework of the implementation of the CRPD is a States responsibility. HI takes care of everyone and makes sure to include PwD in their programs. HI does a lot in awareness-raising and sensitisation on the field. They have close collaboration with local DPOs. A big challenge stays compiling data in a timely effective way.

It is difficult for States to fully implement the Convention; part of the role of the UN Committee is to support States in this. Through an interview with the UN Secretary of the Committee, it became clear that support programs are hold in countries, upon demand. Workshops, capacity-building programs, outreach campaigns and other awareness-raising programs are established, in order to help States to improve the approach of and the publicity around the CRPD.

Conclusion

Lack of relevant and reliable data on PwD in most countries represent the main obstacle to monitor the implementation of the CRPD, especially for countries in armed conflicts. Within refugee settings for example, PwD are often unidentifiable. More work has to be done by humanitarian organisations and by States in identifying persons with disabilities (data collection), in order to meet the needs of protection.

During times of armed conflict, it seems more difficult to ensure that the CRPD is respected since many States regard these rights not as a priority. In many countries there is a lack of political will to implement the CRPD accordingly; and/or pledges are made, but the implementation is not timely done. Even if according to the CRPD preamble disability is ‘an evolving concept’, the lack of a more concrete definition of ‘disability’ within legislation and policies of some States leads to common misunderstandings and discrimination toward PwD. Awareness-raising and promotion within these States cannot take place effectively without concise definition and clear understanding of the issues.

The hypothesis raised in the beginning that a country with a long history of conflict might not be able to protect PwD during future conflicts seems correct. This has been proofed through many examples, as shown above. We can say that for many States, there is still a long way to go before reaching proper implementation of the CRPD, even if a country has ratified it.

It is important for the States Parties to uphold their role of monitoring, in conformity with article 33 of the CRPD, with the support of DPOs and the UN Committee of the CRPD. States need to be fully accountable for the implementation and follow-up of the CRPD. Through the periodical submission of State reports, they are obliged to present the measures they have taken, but many reports are overdue and yet, there are no established practices put in place to further pressure such States, besides official statements.

Civil society, NGOs and in particular DPOs play a crucial role in the protection of PwD. In zones of disaster and in countries in which there is a situation of armed conflict, medical organisation ensure the (physical) protection of persons with disabilities and their rehabilitation, whilst human-rights based organisations work to promote awareness of disability-related issues. The disrespect and stigmatisation of PwD during periods of armed

conflict will remain without the continued efforts of these organisations. During armed conflicts, disabled persons are frequently left behind and abandoned, because of e.g. mobility issues and other priorities. Abandoned persons are exposed to starvation, abuses through the enemy or killing. Access and delays in emergency healthcare might lead to long-term problems, since newly caused disabilities need immediate care and follow-up.

There is also the possibility for independent organisations to participate in the reporting of violations of the CRPD to the UN Committee and thus be seen as an additional instrument of international pressure towards the States in question.

The role of the UN Committee of the Convention is to support States Parties in their implementation and monitoring of the CRPD. Through trainings and workshops they can advise and help to improve existing approaches and attitudes; the need for this seems to be tremendous. However, this kind of support is only available on request and those States perhaps in the greatest need of assistance are not choosing to exploit these resources. Through concluding observations addressed to States Parties, the UN Committee can highlight key issues related to disability rights, but the Committee still has to rely largely on the commitment and agreeable will of the States Parties. There are no clear legal consequences for States not acting in accordance with the CRPD.

Since the shift of the charity model to the right-based approach, persons with disabilities have now an increasingly active role in protecting and promoting PwD rights. In the drafting of the Convention, PwD were actively involved and consulted (mainly through DPOs); this level of civil involvement is very unique for an international treaty. To enable PwD to continue to fight for their equal rights, it is crucial for them to have equal access to the law and to support them by improving not only physical accessibility, but also and mainly by respecting PwD as equal human beings with equal human rights.

Bibliography

1. Books and articles

- Bartlett, Peter. “Implementing a Paradigm Shift: Implementing the Convention on the Rights of Persons with Disabilities in the Context of Mental Disability Law” in Center for Human Rights & Humanitarian Law (eds), *Torture in Healthcare Settings: Reflections on the Special Rapporteur on Torture’s 2013 Thematic Report*. Washington College of Law, 2013, pp. 169-180.
- Byrnes, Andrew. “The Role of National Human Rights Institutions” in Sabatello, Maya, and Marianne Schulze (eds), *Human Rights and Disability Advocacy*. 1st edition. Philadelphia: University of Pennsylvania Press, 2014, pp. 222-238
- Connelly Buschbacher, Ulrike. “Disability Rights in Cambodia: Using the Convention on the Rights of People with Disabilities to Expose Human Rights Violations”. *Pacific Rim Law & Policy Journal*. Vol. 18(1), 2009, pp. 123–31.
- Cramer, Elizabeth P., Brady, Shane R., and McLeod David A. “Building Capacity to Address the Abuse of Persons with Disabilities”. *Journal of Community Practice*. Vol. 21 (1-2), 2013, pp. 124–44.
- Disability Rights Promotion International, Kenya Union of the Blind, and CREAD (eds). “Stakeholder Submission to the Universal Periodic Review of Kenya”, May 2010.
- Evans, Suzanne E. “Forgotten Crimes: The Holocaust and People with Disabilities”. *Ivan R. Dee Publisher*, 2004.
- Flynn, Eilionoir. “Making Human Rights Meaningful for People with Disabilities: Advocacy, Access to Justice and Equality before the Law”. *The International Journal of Human Rights*. Vol. 17(4), 2013, pp. 491–510.
- Handicap International UK, and Save the Children, eds. “Out of the Shadows: Sexual Violence against Children with Disabilities”. *Save the Children Fund*, 2011.
- Harris, Alison, and Enfield, Sue. “Disability, Equality and Human Rights: A Training Manual for Development and Human Rights Organisations”. *An Oxfam Publication*, 2003.
- Hart, Naomi, Crock, Mary, McCallum, Ron, and Saul, Ben. “Making Every Life Count: Ensuring Equality and Protection for Persons with Disabilities in Armed Conflicts” in Legal Studies Research Paper No. 14/106. *Sydney Law School*, December 2014.

- Hill, Eve L., and Blanck Peter. “Future of Disability Rights Advocacy and ‘the Right to Live in the World’” at the Jacobus tenBroek Disability Law Symposium, April 17, 2009. *Texas Journal of Civil Liberties & Civil Rights*. Vol. 15(1), 2009, pp. 1–31.
- Human Rights Watch (ed). “One Million Forgotten: Protecting the Human Rights of People with Disability”, 2009.
- ———. “Central African Republic: People With Disabilities Left Behind”, April 28, 2015. Retrieved from <https://www.hrw.org/news/2015/04/28/central-african-republic-people-disabilities-left-behind>
- Internal Displacement Monitoring Centre (IDMC). “Kenya: Too Early to Turn the Page on IDPs, More Work Is Needed”, June 3, 2014. Retrieved from <http://www.internal-displacement.org/sub-saharan-africa/kenya/2014/kenya-too-early-to-turn-the-page-on-idps-more-work-is-needed->
- International Disability Alliance, and International Disability and Development Consortium, eds. “Make the post-MDG framework inclusive of persons with disabilities”, 2012.
- Kim, Mi Yeon. “Women with Disabilities: The Convention through the Prism of Gender” in Sabatello, Maya, and Schulze, Marianne (eds), *Human Rights and Disability Advocacy*. 1st edition. Philadelphia: University of Pennsylvania Press, 2014, pp. 113-130
- Larson, David Allen. “Access to Justice for Persons with Disabilities: An Emerging Strategy”. *Laws*. Vol. 3(2), 2014, pp. 220–238.
- Light, Richard. “A Real Horror Story: The Abuse of Disabled People’s Human Rights”. *DisabilityWorld*, May 2003. Retrieved from http://mail.disabilityworld.org/04-05_03/violence/horrorstory.shtml.
- Mittler, Peter. “The UN Convention on the Rights of Persons with Disabilities: Implementing a Paradigm Shift”. *Journal of Policy and Practice in Intellectual Disabilities*. Vol. 12(2), 2015, pp. 79–89.
- Ortoleva, Stephanie, and Hope Lewis. “Forgotten Sisters: A Report on Violence against Women with Disabilities”. *Iris school of law faculty publication*, 2012.
- Ortoleva, Stephanie. “Introductory Remarks by Stephanie Ortoleva: Forgotten Sisters: Violence against Women with Disabilities - Human Rights Law and Complex Identity Status”, *Proceedings of the Annual Meeting-American Society of International Law*, January 1, 2012.
- Inclusion Europe. “People with Intellectual Disabilities in Armed Conflict” *E-Include*:

- The E-Journal of Inclusion Europe*, 2012. Retrieved from <http://www.e-include.eu/articles/41-people-with-intellectual-disabilities-in-armed-conflict>.
- Priddy, Alice. “Research on Improving the Protection of PwD in Armed Conflicts”. *The Graduate Institute Geneva*, 2014.
 - Quarmby, Katharine. “Disabled People—a New Weapon of War?” *Prospect Magazine*, March 2008. Retrieved from <http://www.prospectmagazine.co.uk/world/disabled-people%E2%80%94a-new-weapon-of-war>.
 - Quinn, Gerard, and Degener Theresia. “Human Rights and Disability: The Current Use and Future Potential of United Nations Human Rights Instruments in the Context of Disability”. *United Nations New York and Geneva*, 2002.
 - Rohwerder, Brigitte. “Intellectual Disabilities, Violent Conflict and Humanitarian Assistance: Advocacy of the Forgotten”, *Disability & Society*. Vol. 28(6), 2013, pp. 770–783.
 - Rothstein, Laura. “Strategic Advocacy in Fulfilling the Goals of Disability Policy: Is the Only Question How Full the Glass Is?” Comments on Robert Dinerstein’s “The State of Disability Law in the United States in 2008: How Full Is the Glass?”, at the Jacobus ten Broek Law Symposium Transcript 2008. *Texas Journal of Civil Liberties & Civil Rights*. Vol. 13(2), 2008, pp 403-412.
 - Schulze, Marianne. “Monitoring the Convention’s Implementation” in Sabatello, Maya, and Schulze, Marianne (eds). *Human Rights and Disability Advocacy*. 1st edition. Philadelphia: University of Pennsylvania Press, 2014, pp. 209-221
 - ———. “A Handbook of the Human Rights of Persons with Disabilities: Understanding the UN Convention on the Rights of Persons with Disabilities”. *Handicap International*, 2009.
 - Simon, Jean-Luc. “Round Table 5: Addressing the Special Needs of the Most Vulnerable, Contribution of Disabled People International” at the High Level Plenary Meeting of the General Assembly United Nations Headquarters New York, September 22, 2010.
 - United Nations. “Moving Forward Together, From National Commitment to Concrete Action: Report on the Rights of Persons with Disability in Sierra Leone”, 2011.
 - ———. “The Convention on the Rights of Persons with Disabilities Training Guide: Professional Training Series No. 19”, 2012.
 - ———. “The Millennium Development Goals Report 2015”, 2015.
 - ———. “Division for Social Policy and Development Disability”, 2016. Retrieved

from <https://www.un.org/development/desa/disabilities>.

- WHO, and The World Bank (eds). “World Report on Disability”, 2011.
- Women’s Refugee Commission. “Disabilities among Refugees and Conflict-Affected Populations”, *Women’s Refugee Commission New York*, June 2008.

2. Documents of the United Nations

General Assembly

- *Final report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities* - Note by the Secretary-General (6 December 2006), A/61/611
- *Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Ukraine*, Working group on the Universal Periodic Review (20 July 2012), A/HRC/WG.6/14/UKR/3
- Resolution adopted by the General Assembly on 25 September 2015, 70/1. *Transforming our world: the 2030 Agenda for Sustainable Development* (21 October 2015), A/RES/70/1
- *Thematic Study on the Rights of Persons with Disabilities under Article 11 of the Convention on the Rights of Persons with Disabilities, on Situations of Risk and Humanitarian Emergencies*, Report of the Office of the United Nations High Commissioner for Human Rights (30 November 2015), A/HRC/31/30

Committee on the Rights of Persons with Disabilities

- Implementation of the International Convention on the Rights of Persons with Disabilities - *Initial reports of States Parties under article 35 of the Covenant, Tunisia* (14 July 2010), CRPD/C/TUN/1
- Consideration of reports submitted by States Parties under article 35 of the Convention
 - *Concluding observations of the Committee on the Rights of Persons with Disabilities, Tunisia* (13 May 2011), CRPD/C/TUN/CO/1
- Consideration of reports submitted by States Parties under article 35 of the Convention
 - *Initial reports of States Parties due in 2010, Kenya* (28 July 2014), CRPD/C/KEN/1

- Statement on Disability Inclusion in the Third World Conference on Disaster Risk Reduction and Beyond (September 2014). Retrieved from <http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15184&LangID=E>.
- Consideration of reports submitted by States Parties under article 35 of the Convention - *Initial reports of States Parties due in 2010, Uganda* (10 March 2015), CRPD/C/UGA/1
- Consideration of reports submitted by States Parties under article 35 of the Convention - *Initial reports of States Parties due in 2012, Ethiopia* (19 March 2015), CRPD/C/ETH/1
- Statement of the Committee on the Rights of Persons with Disabilities on disability inclusion for the World Humanitarian Summit – *adopted during the Committee’s 14th session, held, from 17 August to 4 September 2015 in Geneva*. Retrieved from <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>
- *Concluding observations on the initial report of Kenya*, Convention on the Rights of Persons with Disabilities (30 September 2015), CRPD/C/KEN/CO/1
- *Concluding observations on the initial report of Ukraine*, Convention on the Rights of Persons with Disabilities (2 October 2015), CRPD/C/UKR/CO/1
- *Concluding observations on the initial report of Uganda*, Convention on the Rights of Persons with Disabilities (12 May 2016), CRPD/C/UGA/CO/1

Security Council

- *Resolution 1894* (2009), Adopted by the Security Council at its 6216th meeting, on 11 November 2009, S/RES/1894 (2009)

Annexes

1. List of experts interviewed

- Mr. Camille Gosselin, Humanitarian Advocacy Manager at Handicap International Federation. Interviewed by skype on 1st of July 2016
- Mr. Jorge Araya, UN Secretary of the Committee on the Rights of Persons with Disabilities. Interviewed by skype on 17th of June 2016

2. Interview questions for the UN Secretary of the Committee of the CRPD

1. Where do you see the main opportunities to see the CRPD respected in general?
2. In link with armed conflicts, do you see any specific challenge compared to peaceful countries?
3. Do you have any recent (good) example of a country in conflict, where the UN Committee gave recommendations to improve some issues?
4. After giving the concluding observations to this country, was there significant change?
5. How does the UN Committee measure the impact of CRPD (monitoring)?
6. What happens to the countries which are overdue with their State reports, f.ex. Syria - due date 10. August 2011, or Afghanistan due date 18. October 2014?
7. What does the UN Committee do, in order to promote the CRPD?
8. How do you measure the impact of the promotion?
9. Where do you still see important need of action, and on which level (f.ex. government, NGO, civil society)?
10. Are there some PwD more sensitive to the CRPD?
11. According to you, how could the humanitarian world improve the approach, which measures are to take?
12. Is there a collaboration / exchange with other humanitarian organisations working in this domain?
13. Any success story from your work?

3. Interview questions for Handicap International

1. Since the CRPD is in place (2008), do you sense any change in your daily business, compared to before?
If yes: what kind of change?
2. According to you, in what consist the main violations of the CRPD?
3. Where do you see the main opportunities to see the CRPD respected in general?
4. Where do you still see important need of action, and on which level (f.ex. government, NGO, civil society)?
5. In link with armed conflicts, do you see any specific challenge compared to peaceful countries?
6. According to you, how could the humanitarian world improve the approach in armed conflicts, which measures are to take?
7. Do you think there is a need of special technical knowledge to improve assistance programs for PwD?
8. Are there some PwD more sensitive to the CRPD?
9. How does your organisation measure the impact of CRPD (monitoring)?
10. What does your organisation do, in order to promote the CRPD?
11. How do you measure the impact of the promotion?
12. Is there a collaboration / exchange with DPOs or other humanitarian organisations working in this domain?
- Which organisations? Right-based or medical?
13. Have you ever submitted a violation directly to the UN Committee? If yes, which case?
14. Any success story from your work?