

Status on implementation of UN Security Council resolution 2475 and recommendations for the future

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Executive summary

Introduction

In June 2019, the United Nations (UN) Security Council unanimously passed resolution 2475 (2019), signaling to the international community that the protection, consideration, and inclusion of persons with disabilities is an issue of importance within the peace and security agenda. Resolution 2475 marked the first time that a UN Security Council resolution explicitly recognized the existing obligations of States to consider and account for persons with disabilities and their rights in the maintenance of international peace and security. Noting the complementary nature of the UN Convention on the Rights of Persons with Disabilities (CRPD) via Article 11 to other fields of international law, resolution 2475 reinforces and reaffirms already existing binding obligations to uphold and protect the rights of persons with disabilities in existing normative frameworks such as the Geneva Conventions. While firmly anchored in addressing the protection needs of persons with disabilities during situations of armed conflict, resolution 2475 also emphasizes that States need to include crimes against persons with disabilities as part of their efforts to end impunity and ensure accessible justice mechanisms.

Beyond protection and redress, resolution 2475 underlines that accessibility, non-discrimination, and the direct participation and involvement, through meaningful consultation and collaboration, of persons with disabilities as rights-holders is a requirement of humanitarian action, conflict prevention, resolution, reconciliation, reconstruction, and peacebuilding. Resolution 2475 notes the importance of building the capacity and knowledge of UN peacekeeping and peacebuilding actors on the specific needs and rights of persons with disabilities in conflict and post-conflict situations. Additionally, resolution 2475 requests that the UN Secretary-General provide the UN Security Council with information and recommendations on issues of concern for persons with disabilities in conflict situations as well as data disaggregated by disability. Most notably, the UN Security Council, in resolution 2475, expresses a clear intention to be more accessible to and engage more meaningfully with persons with disabilities.

The historical importance of resolution 2475 should not be understated as it brought a once rarely considered issue – the protection concerns facing persons with disabilities within armed conflict – to the forefront of the UN Security Council agenda. Four years onward it seems salient to conduct a stocktaking of the progress that has been made in the resolution's implementation.

Protection

The first operative paragraph of resolution 2475 urges all parties to an armed conflict to ensure persons with disabilities are included when they undertake measures to fulfill their international legal obligations to protect civilians from violence and abuse in situations of

armed conflict and post-conflict.¹ Relatedly, the ninth operative paragraph of resolution 2475 requests that the UN Secretary-General, in his mandated reports on the protection of civilians in armed conflict to the UN Security Council, include sections specifically addressing persons with disabilities.² The obligations referenced by resolution 2475 are found within international humanitarian law (IHL) and require that specific consideration and protection be taken with regards to persons with disabilities.

Since the adoption of resolution 2475, there have been seven references to the protection of persons with disabilities in situations of armed conflict and post-conflict within UN Security Council resolutions. Of these seven references, three are uniquely new references occurring after the adoption of resolution 2475, while the other four are contained in resolutions with preexisting references to disability that predate adoption of resolution 2475. The UN Secretary-General in his mandated reports on the protection of civilians in armed conflict to the UN Security Council has included sections specifically addressing persons with disabilities. These sections cover a large number of topics, including country-specific examples, such as challenges persons with disabilities face in accessing basic services, sexual violence against women and girls with disabilities, abandonment of children and older persons with disabilities, and social stigma and psychological harm.

Despite these references in UN Security Council resolutions and reporting by the UN Secretary-General, there has yet to be consistent inclusion of specific text acknowledging or referencing the obligation under IHL to explicitly and specifically provide for tailored protection of persons with disabilities during armed conflict.

Inclusive peacebuilding

The sixth operative paragraph of resolution 2475 urges States to ensure that persons with disabilities and their representative organizations have meaningful participation and representation within the processes of “humanitarian action, conflict prevention, resolution, reconciliation, reconstruction and peacebuilding,” and to seek out expertise in mainstreaming disability within those processes.³

Since the adoption of resolution 2475, there have been six references to the obligation to include persons with disabilities in the work done by the UN peacebuilding structure, specifically the UN Department of Political and Peacebuilding Affairs and UN Department of Peacekeeping Operations. Of these six references, two are uniquely new references occurring after the adoption of resolution 2475, while the other four are contained in resolutions with preexisting references to disability that predate adoption of resolution 2475.

Although explicitly referenced, the mentions of persons with disabilities are almost always in relation to other “vulnerable” groups, even though women and children are mentioned apart from vulnerable groups. While the UN system and States recognize the obligation to ensure

¹ S/RES/2475 (2019), para. 1.

² *Ibid.*, para 9.

³ *Ibid.*, para. 6.

meaningful participation and representation of persons with disabilities within the peacebuilding processes, there continues to be only superficial inclusion or systematic exclusion.

End to impunity

The second operative paragraph of resolution 2475 emphasizes a need for States to end impunity for criminal acts against civilians and within doing so ensure the inclusion of persons with disabilities in such action, including by making justice, remedies, and reparations accessible.⁴

Since the adoption of resolution 2475, there have been three potential references within UN Security Council resolutions on the implementation of the obligation to include persons with disabilities within efforts to end impunity for criminal acts against civilians. Each of these three potential references are contained in resolutions with preexisting references to disability that predate adoption of resolution 2475, with no uniquely new references noted.

Besides the UN Security Council, the UN Human Rights Council—along with a few other UN entities—also has the ability to establish fact-finding missions and investigations to end impunity for criminal acts. Although the UN Human Rights Council established the Independent International Commission of Inquiry on Ukraine a number of years after the adoption of resolution 2475, persons with disabilities are not mentioned in the mandate of the Commission. The resolution renewing the mandate in March 2023 (HRC resolution 52/32) did include language from UNSC resolution 2475 in the preambular paragraphs, but not in the operative paragraphs which provide the mandate itself. This is a missed opportunity given that the UN Human Rights Monitoring Mission in Ukraine established in 2014, prior to resolution 2475, does list persons with disabilities as a group for reporting and monitoring.

As noted by legal scholars and the UN Special Rapporteur on the rights of persons with disabilities, there have not been any steps—meaningful or symbolic—taken to recognize and implement the obligation to end impunity for crimes against civilians inclusive of persons with disabilities.

Meaningful participation and representation of persons with disabilities

The sixth operative paragraph of Resolution 2475 states that Member States should “enable the meaningful participation and representation of persons with disabilities, including their representative organizations, in humanitarian action, conflict prevention, resolution, reconciliation, reconstruction and peacebuilding, and to consult with those with expertise working on disability mainstreaming.”⁵

The vast majority of UN Security Council resolutions do not refer to resolution 2475 or persons with disabilities. Of the twenty-four (24) resolutions that do mention persons with disabilities, six include operative paragraphs calling for consultation with or participation of persons with

⁴ *Ibid.*, para. 2.

⁵ *Ibid.*, para. 6.

disabilities, of which only one was a uniquely new reference occurring after the adoption of resolution 2475, while the other five are contained in resolutions with preexisting references to disability that predate adoption of resolution 2475. Based on interviews conducted for this report, it has been found that the inclusion of this language resulted from NGO advocacy and reporting on grave human rights violations against persons with disabilities.

Beyond these references, the UNDIS annual report from 2019 shows that 65% of peacekeeping operations and special political missions did not meet even the basic requirements for disability inclusion. According to the latest report from 2021, there has been a 50% increase in the number of peace operations implementing and reporting on the Strategy and organizations of persons with disabilities (OPDs) are being consulted more frequently.

At the UN Security Council, three persons with disabilities have briefed the Council about the situation of persons with disabilities, particularly on violence against women and girls with disabilities, in their countries, with one of those briefings occurring before adoption of resolution 2475. However, it was noted that access to seating, rooms, and accessible information continue to limit participation of persons with disabilities at the UN Security Council.

Throughout the reviewed materials and sources, persons with disabilities are generally treated as a homogenous group without intersectional considerations of gender and age. Participation of women and girls with disabilities and the child's right to express views in matters affecting them, are not considered. Moreover, underrepresented groups of persons with different types of impairments are also not considered. Notably, representatives of OPDs that have participated report being tokenized and invited only to share disability-related experiences, not perspectives on humanitarian response, or on peace and conflict. In addition, accessibility has not been adequately considered and under-represented persons with disabilities are overlooked and excluded even further.

Building capacity and knowledge

The seventh operative paragraph of resolution 2475 emphasizes the importance of building capacity and knowledge on rights and specific needs of persons with disabilities across the UN peacekeeping and peacebuilding actors.⁶ In addition, it places States in a central role to support this objective.

As previously described, most UN Security Council resolutions do not refer to resolution 2475 and those resolutions that mention persons with disabilities refer to their protection needs and/or their meaningful participation. This remains the same regarding the building of capacity, knowledge, and training on disability as examples are sparse. Although no uniquely new references were noted, there are, however, two notable references from resolutions with preexisting references to disability that predate the adoption of resolution 2475.

Nevertheless, very little information is available on how training and capacity-building initiatives are being implemented in a disability-inclusive manner. For example, neither the UN

⁶ *Ibid.*, para. 7.

Department of Peace Operations (UN DPO) nor NATO includes disability-specific training or awareness-raising programs. Therefore, State military training and programming that rely on materials from partner organizations like NATO and UN DPO inherently lack a disability perspective.

OPDs require capacity building to be able to engage in the peace and security agenda. They often lack experience and knowledge about decision-making processes and have too few experts trained on peace and security issues to cover advocacy priorities as the scope of issues is quite broad.

Data collection and reporting

The ninth operative paragraph of resolution 2475 requests the UN Secretary-General to provide information and related recommendations on issues of relevance to persons with disabilities in contexts of armed conflict, including in thematic and geographic reports and regular briefings.⁷ The paragraph also outlines the disaggregation of data by disability where pertinent within existing mandates.

The scarcity of reliable quantitative and qualitative, global and national, census data on disability and indicators disaggregated by disability is well documented and is just as evident in contexts of armed conflict, peace, and security. As noted by the UN Special Rapporteur on the Rights of Persons with Disabilities, State militaries are not currently collecting data on the impact of military operations on persons with disabilities or disability-related information that could inform their standard operating procedures and decision-making to avoid harm to civilians with disabilities. Gaps in disability data maintain the invisibility of persons with disabilities, perpetuate their exclusion and discrimination, and can cause harm.

Information on how the UN Department of Political and Peacebuilding Affairs and UN Peacekeeping Operations are developing or building capacity for collection and analysis of disability data is not available. International humanitarian organizations are advancing on developing systems and processes as well as building internal capacity for collecting and analyzing disability data. The Washington Group methodology has been piloted in humanitarian contexts and is being applied in Humanitarian Needs Overviews, from which data is starting to be available on the prevalence of disability in humanitarian contexts. However, little information is currently available on how this data is used to inform operations and identification of persons with disabilities using validated methods is not yet systematic. Also, as yet, operational results and indicators reported by international humanitarian organizations are mostly not disaggregated by disability.

⁷ *Ibid.*, para. 9.

Conclusions

The main finding of this report is that the adoption of resolution 2475 has so far had a limited impact on the peace and security agenda and in operational implementation. For example, reference to and language from resolution 2475 is minimally included in UN Security Council resolutions. A majority of those resolutions that do mention disability or persons with disabilities appear to have been the result of other influencing factors, such as advocacy of civil society actors, and their inclusion predates the adoption of resolution 2475.

Throughout the reviewed materials and sources on persons with disabilities in contexts of armed conflict, persons with disabilities are generally treated as a homogenous group without intersectional considerations of other personal and socio-economic characteristics. This means that disability was rarely mentioned, separate from the catch-all phrase of 'vulnerable groups' and subordinated under gender and age, thereby leading to the specific interests and needs of persons with disabilities remaining unaddressed.

By comparison, major milestones in the humanitarian sector, such as the World Humanitarian Summit in 2016, the Charter on Inclusion of Persons with Disabilities in Humanitarian Action, and the Inter-Agency Standing Committee Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action have had significant influence and impact on whether and how humanitarian actors adjust their practices and become more inclusive of persons with disabilities.

Lessons could be learned from progress made in the humanitarian sector and on how advocacy of key stakeholders could bring more attention to the importance of implementing resolution 2475. Likewise, advances in the women, peace and security and youth peace and security agendas could inform the next steps for future UN Security Council resolutions, specifically on persons with disabilities, to ensure the fuller implementation of resolution 2475.

1. Introduction

In June 2019, the United Nations (UN) Security Council unanimously passed resolution 2475 (2019), which for the first time explicitly recognized the obligation of States to consider and account for persons with disabilities and their rights within the maintenance of international peace and security. The historical importance of resolution 2475 should not be understated as it brought a once rarely considered issue—the protection concerns facing persons with disabilities within armed conflict—to the forefront of the UN Security Council agenda. Notably, resolution 2475 represents the first time that a resolution at the UN Security Council has been devoted to persons with disabilities in the context of armed conflict. By acknowledging the disproportionate impact of armed conflict on persons with disabilities and reaffirming the existing obligations to consider and protect them, resolution 2475 has highlighted the situation of persons with disabilities to the international community and signaled it as an issue of importance within the peace and security agenda.

Resolution 2475 also reinforces the complementary nature of the UN Convention on the Rights of Persons with Disabilities (CRPD) with other fields of international law. This relevance and applicability to other aspects of international laws is derived from Article 11 which requires States to 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.”⁸ Unlike other human rights treaties, the inclusion of CRPD Article 11 is unique as it directly makes applicable the rights and obligations found in the treaty to distinct areas of international law such as international humanitarian law (IHL). As noted by the UN Special Rapporteur on the rights of persons with disabilities, “read in light of the [CRPD], ‘protection’ under international humanitarian law takes on two new dimensions . . . [first] it means paying extra attention to the difference of disability in the established norms on protection and positively accommodating that difference . . . [and second] it means placing the ‘protection’ agenda within a broader agenda of personhood, equality and social inclusion, and participation.”⁹ In this respect, UN Security Council resolution 2475 “builds on the pre-existing framework, such as the Geneva Conventions and the UN CRPD without creating new obligations.”¹⁰

While firmly anchored in addressing the protection needs of persons with disabilities during situations of armed conflict, resolution 2475 also empowers persons with disabilities by calling for their direct participation and involvement as rights holders in humanitarian responses and peacebuilding processes. This draws an unmistakable connection to the obligations found within the CRPD to ensure elimination of discrimination and marginalization to ensure access, inclusion, and meaningful participation for persons with disabilities in the UN system on an

⁸ A/RES/61/106, Art. 11 [hereinafter CRPD].

⁹ A/76/146, para. 23.

¹⁰ Bogna Ruminowicz, “Advancing towards inclusive peace and security: Persons with disabilities and Security Council Resolution 2475,” 105 INTERNATIONAL REVIEW OF THE RED CROSS 922, 455 (2023), available at: <http://international-review.icrc.org/articles/advancing-towards-inclusive-peace-and-security-persons-with-disabilities-sc-resolution-2475-922>.

equal basis with others. Importantly, resolution 2475 recognizes the expertise of persons with disabilities and organizations of persons with disabilities (OPDs) in bringing forward disability mainstreaming within the actions of Member States and the UN system. This rights-based approach calls upon Member States to meaningfully include persons with disabilities and OPDs within humanitarian action, conflict prevention, resolution, reconciliation, reconstruction, and peacebuilding through consultation and collaboration. The resolution also emphasizes the need to improve the capacity and knowledge of UN peacekeeping and peacebuilding actors as to the specific needs and rights of persons with disabilities, as well as to have UN field missions proactively collect data and report on persons with disabilities. Further, resolution 2475 requests that the UN Secretary-General include information on persons with disabilities in reports to the UN Security Council, and in turn the UN Security Council emphasizes its intention to improve its interactions with persons with disabilities and OPDs.

Preceding the adoption of resolution 2475, there were a number of major milestones that sought to improve the inclusion of persons with disabilities in humanitarian action and UN systems. The UN Inter-Agency Standing Committee (IASC) in November 2019 published guidelines on the inclusion of persons with disabilities in humanitarian action. The IASC guidelines provide an extensive number of recommended actions, including the usage of the twin-track approach as an essential aspect of ensuring that persons with disabilities have access to humanitarian assistance and interventions on an equal level as everyone else.¹¹ Also in 2019, the UN Secretary-General adopted the UN Disability Inclusion Strategy (UNDIS) seeking to achieve disability inclusion across all the pillars of work of the UN.¹² Utilizing the twin-track approach, the UNDIS aims to mainstream a “human rights-based approach to disability, in combination with targeted measures . . . [to] makes the concerns and experiences of persons with disabilities an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes.”¹³ These initiatives are synergistic with resolution 2475 and run in parallel to ensure the rights and protection of persons with disabilities.

UN Security Council resolutions largely lack language from and references to resolution 2475 and, more generally, references to persons with disabilities. Of the 204 resolutions adopted to date by the UN Security Council since the adoption of resolution 2475, 12% mention persons with disabilities and only one refers to resolution 2475.¹⁴ However, it is important to note that the majority of these resolutions are renewals of UN peacekeeping missions and thereby contain derivative and repetitive references to disability or persons with disabilities. In particular, resolutions in 2019 pertaining to South Sudan, Somalia, Mali, and the Democratic

¹¹ UN Inter-Agency Standing Committee, “Guidelines: Inclusion of Persons with Disabilities in Humanitarian Action,” (July 2019), available at: <https://interagencystandingcommittee.org/iasc-guidelines-on-inclusion-of-persons-with-disabilities-in-humanitarian-action-2019>.

¹² UN Secretary-General, United Nations Disability Inclusion Strategy (2019), available at: <https://www.un.org/en/content/disabilitystrategy/>.

¹³ *Ibid.*, pg. 1.

¹⁴ S/RES/2594 (2021).

Republic of the Congo already included mentions of persons with disabilities prior to the adoption of resolution 2475 and have continued to do so afterwards.

The adoption of resolution 2475 marked the hopeful start of strengthened and systematic mainstreaming of disability into the UN Security Council agenda, in the same way that has been done for topics of the protection of civilians,¹⁵ children and armed conflict,¹⁶ and women, peace and security.¹⁷ Four years onward it seems salient to conduct a stocktaking of the progress that has been made in the implementation of resolution 2475.

This report outlines implementation of resolution 2475 primarily at the global level. The report describes the methodology used for this analysis, including the scope and limitations of documents and data analyzed. Following the methodology is the primary analysis of this report which is structured according to the operative paragraphs of resolution 2475. Firstly, the primary areas within peace and security are investigated, that is protection, inclusive peacebuilding, and ending impunity. Secondly, factors contributing to equality and inclusion of persons with disabilities in the peace and security agenda are examined, namely meaningful participation and representation of persons with disabilities, building capacity and knowledge about disability, and data collection and reporting on the situation of persons with disabilities.

2. Methodology

The purpose of this report is to investigate the implementation of resolution 2475 thus far. This begins with the recognition that while resolution 2475 does not create new legal obligations for UN Member States, it does emphasize and reinforce existing obligations of those States. Recognizing that resolution 2475 applies to States and does not provide requirements for UN entities, other than the UN Secretary-General and UN Security Council, this report is limited to reviewing reports, resolutions, and documents from and about institutions relevant to the mandate of the UN Security Council, including UN Department of Political and Peacekeeping Affairs and Department of Peace Operations, and reports by the UN Secretary-General. The review also includes documents of UN humanitarian entities operating in the context of armed conflict or post-conflict.

The aim of the review was to examine advancement of the resolution's operative paragraphs. The intention of this report is to highlight those areas where progress has been made and where work remains in the implementation of resolution 2475. This report provides recommendations that reflect the work of disability advocates, OPDs, experts, researchers, and academic scholars. It is the hope that this report and its findings can and will be used by the UN, OPDs, and Member States to guide their work and advocacy efforts to bring disability rights more fully into the peace and security agenda.

¹⁵ S/RES/1265 (1999).

¹⁶ S/RES/1261 (1999).

¹⁷ S/RES/1325 (2000).

A comprehensive literature review and targeted interviews were conducted in preparation for this report. Online search for literature included academic articles, reports, briefs, and press releases from UN organizations, international NGOs, and online news articles. The literature review was limited to materials available online and published since the adoption of resolution 2475 (i.e., June 2019-May 2023). Online searches were conducted in English and reviewed materials were limited to those in English. Literature included resolutions and reports from the following institutions: UN Security Council, UN Secretary-General, UN High Commissioner for Refugees, UN Department of Political and Peacebuilding Affairs, NATO training materials, UN Special Rapporteur on the rights of persons with disabilities, UN Peacekeeping Operations, and the UN Human Rights Council. With regard to UN Security Council resolutions, while the text of the documents were assessed for inclusion of references to persons with disabilities and relevance to operative paragraphs of resolution 2475, a substantive assessment was not undertaken to examine the evolution of those references since the adoption of resolution 2475, due to the limited timeframe and resources available for this report.

Further, due to the limited scope and resources for this report, no review of national level implementation of resolution 2475 or national legislation was conducted. However, national reports from the UN and international NGOs from contexts of armed conflict were included in order to provide examples of implementation of resolution 2475. Targeted interviews were undertaken to provide more insight into NGO advocacy and UN Security Council engagement with persons with disabilities.

The UNDIS, launched in 2019, is a policy and accountability framework for systematically integrating disability inclusion throughout the UN system.¹⁸ The accountability framework includes indicators for meaningful participation, for example, consultation with OPDs, accessibility, and reasonable accommodations. Each UN entity reports progress annually on the implementation of the UNDIS and results are compiled into an annual report submitted by the UN Secretary-General to the UN General Assembly. This report uses the reports of the UN Secretary-General on the implementation of the UNDIS to evaluate the implementation of certain operative paragraphs of resolution 2475. The reference to and examination of the reports on UNDIS is not meant to suggest that the UNDIS was created or is governed by resolution 2475 or vice versa. Therefore, while the review of the reports of the UN Secretary-General on the implementation of UNDIS can be illustrative of advancements in the implementation of resolution 2475, it needs to be understood that these are two separate but related and mutually supportive initiatives.

This report does not include analysis of implementation of operative paragraphs three (humanitarian access), four (humanitarian assistance), and eight (elimination of discrimination). Operative paragraphs three and four simply emphasize the requirement and need to provide unimpeded humanitarian access and assistance that is inclusive and accessible, and measurement of such access and assistance is not possible due to the limited timeframe and resources of this report. Additionally, the elimination of discrimination of persons with

¹⁸ UN Secretary-General, United Nations Disability Inclusion Strategy (2019), available at: <https://www.un.org/en/content/disabilitystrategy/>.

disabilities, from operative paragraph eight, is an inherent aspect throughout the resolution, therefore the analysis of this report generally focuses on aspects of eliminating discrimination (e.g., inclusion of persons with disabilities within the other operative paragraphs as well as factors that are part of and contribute to eliminating discrimination).

3. Protection

The first operative paragraph of resolution 2475 urges all parties to an armed conflict to ensure persons with disabilities are included when they undertake measures to fulfill their international legal obligations to protect civilians from violence and abuse in situations of armed conflict and post-conflict.¹⁹ These international legal obligations referred to in resolution 2475 are found within IHL, the body of law which governs the conduct of hostilities and protections during situations of armed conflict.

IHL is defined by the International Committee of the Red Cross (ICRC) as “a set of rules that seeks, for humanitarian reasons, to limit the effects of armed conflict . . . [and] protects persons who are not, or no longer, directly or actively participating in hostilities, and imposes limits on the means and methods of warfare.”²⁰ Within IHL, there is a general duty obligating parties to a conflict to treat civilians and those persons *hors de combat*²¹ humanely and without adverse distinction.²² The first aspect of this obligation requires that individuals who are “wounded and sick, as well as the infirm” shall be afforded “particular protection and respect” and that parties to a conflict shall make efforts to protect those persons “exposed to grave danger, and to protect them against pillage and ill-treatment.”²³ The second aspect of this obligation prohibits the negative treatment of an individual based on a person’s “race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.”²⁴ Although referring to persons with disabilities using the outdated language of the medical model of disability, the ICRC states that this general duty requires parties to a conflict to consider and address the specific barriers and needs of persons with disabilities during situations of armed conflict.²⁵

¹⁹ S/RES/2475 (2019), para. 1.

²⁰ ICRC, “What is International Humanitarian Law, Advisory Service on IHL” (March 2022), available at: https://www.icrc.org/en/download/file/240610/what_is_ihl.pdf.

²¹ Those persons who are not, or no longer participating in hostilities due to “sickness, wounds, detention, or any other cause.” Geneva Convention (IV) relative to the Protection of Civilians Persons in Time of War, 75 U.N.T.S. 287, Art. 3 (12 Aug. 1949) [hereinafter GC IV].

²² Geneva Convention (III) relative to the Treatment of Prisoner of War, 75 U.N.T.S. 135, Art. 16 (12 Aug. 1949).

²³ GC IV, Art. 16.

²⁴ *Ibid.*, at Arts. 3 and 13.

²⁵ ICRC, “How Law Protects Persons with Disabilities in Armed Conflict,” 13 December 2017, pgs. 2-3, available at: www.icrc.org/en/download/file/62399/how_law_protects_persons_with_disabilities_in_war.pdf.

This complementary relationship between the CRPD and IHL is created by Article 11 of the CRPD which acts as a “bridge” between the two bodies of law.²⁶ In particular, Articles 10, 15, and 16 of the CRPD serve to inform and enhance the general IHL obligation as they prohibit the torture or cruel, inhumane or degrading treatment or punishment of persons with disabilities, and require States to take all appropriate measures to protect and prevent all forms of exploitation, violence, and abuse against persons with disabilities, and ensure the full enjoyment of the right to life for persons with disabilities, respectively.²⁷

While the focus of this section is on the international legal obligations to protect civilians with disabilities, it should be noted that persons with disabilities can and do actively participate in hostilities.²⁸ As such, the treatment of prisoners of war and detainees must also consider and reflect the rights of persons with disabilities in the CRPD, although not covered by resolution 2475.

A. Assessment of progress

Since the adoption of resolution 2475, there have been seven references to the protection of persons with disabilities in situations of armed conflict and post-conflict within UN Security Council resolutions. Of these seven references, three are uniquely new references occurring after the adoption of resolution 2475, while the other four are contained in resolutions with preexisting references to disability that predate adoption of resolution 2475.

The three uniquely new references are found in resolutions related to children in armed conflict (operative paragraph),²⁹ the protection of civilian infrastructure in armed conflict (preamble),³⁰ and UN peacekeeping operations (preamble and operative paragraph).³¹ Each of these references mention persons with disabilities as a group placed in a vulnerable situation who require specific protection. Notably, UN Security Council resolution 2594 (2021)—addressing the important role peace operations have in sustainable political solutions and building peace—makes direct reference to resolution 2475 in reaffirming the Council’s commitment to addressing the impact of armed conflict on persons with disabilities.³² Nonetheless, this inclusion within resolution 2594 remains general, with the reference to disability in the operative paragraph being subsumed within a request for the UN Secretary-General to ensure comprehensive analysis and technical gender expertise is included in peace missions.³³

²⁶ Catalina Devandas, Shantha Rau Barriga, Gerard Quinn, and Janet E. Lord, “Protecting civilians with disabilities in conflicts, NATO Review” (1 Dec. 2017), available at:

<https://www.nato.int/docu/review/articles/2017/12/01/protecting-civilians-with-disabilities-in-conflicts/index.html>.

²⁷ CRPD, Arts. 10, 15 and 16.

²⁸ See Ahmed Al-Dawoody & William I. Pons, “Protection of persons with disabilities in armed conflict under international humanitarian law and Islamic law,” 105 *International Review of the Red Cross* 922, 360-361, (2023), available at: <http://international-review.icrc.org/articles/protection-of-persons-with-disabilities-in-armed-conflict-under-ihl-and-islamic-law-922>.

²⁹ S/RES/2601 (2021).

³⁰ S/RES/2573 (2021).

³¹ S/RES/2594 (2021).

³² *Ibid.*, pg. 2.

³³ *Ibid.*, para. 6.

Meaning that even when resolution 2475 was explicitly referenced, the particular obligation was only generally mentioned and disability was subsumed within other personal characteristics rather than getting the specific attention and consideration warranted by the lived experiences of persons with disabilities.

The remaining four references contained in resolutions with preexisting references to disability are found within resolutions renewing peacekeeping and political missions. Two of those references are in operative paragraphs of resolutions renewing the mandate of the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and calls on the UN mission to work towards ensuring protection of persons with disabilities against abuses.³⁴ The other two references are in operative paragraphs of resolutions extending the mandate of the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), in both instances tasking MINUSMA with taking into account the particular needs of marginalized groups, including persons with disabilities, when implementing their community violence reduction program.³⁵

Relatedly, the ninth operative paragraph of resolution 2475 requests that the UN Secretary-General, in his mandated reports on the protection of civilians in armed conflict to the UN Security Council, include sections specifically addressing persons with disabilities.³⁶ The coverage of the impact of armed conflict on persons with disabilities in these reports addresses a large number of topics such as challenges accessing basic services,³⁷ sexual violence against women and girls with disabilities,³⁸ abandonment of children and older persons with disabilities,³⁹ and social stigma and psychological harm.⁴⁰ These reports also provide country specific examples, including data and statistics for contexts such as Syria, Ukraine, the Democratic Republic of Congo, Yemen, Niger, Cameroon, Myanmar, Sudan, Ethiopia, Somalia, and the Central African Republic.⁴¹

The UN Special Rapporteur on the rights of persons with disabilities in his report on the protection of the rights of persons with disabilities during military and peacekeeping operations, notes that the training materials of the UN Department of Peace Operations only make a general reference to persons with disabilities as being a broader vulnerable group that may need specific protections.⁴² The UN Special Rapporteur further highlights the significance of this omission, given the specific protection requirements under IHL for persons with disabilities, the existence of CRPD Article 11 and resolution 2475, and the explicit coverage of the particular protections needs of women and children in those training materials, in both

³⁴ S/RES/2666 (2022), para. 24(i)(e); and S/RES/2612 (2021), para. 29(i)(c).

³⁵ S/RES/2640 (2022), para. 26(a)(iii); and S/RES/2584 (2021), para. 30(a)(iii).

³⁶ S/202/366 (2020); S/2021/423 (2021); S/2022/381 (2022); and S/2023/345 (2023).

³⁷ See S/202/366 (2020), para. 28.

³⁸ See S/2021/423 (2021), para. 34.

³⁹ See S/2022/381 (2022), para. 43.

⁴⁰ See S/2023/345 (2023), para. 50.

⁴¹ *Supra* note 36.

⁴² A/77/203 (2022), para. 60.

cases referencing the relevant UN Security Council resolutions (e.g., UN Security Council resolutions 1325 and 1261).⁴³

Despite these references in UN Security Council resolutions and reporting by the UN Secretary-General, there has yet to be inclusion of specific text acknowledging or referencing the obligation under IHL to explicitly and specifically provide for tailored protection of persons with disabilities during situations of armed conflict. Also, it is clear that, while there are a few resolutions for peacekeeping and political missions that mention persons with disabilities, most mandates and their renewals do not include persons with disabilities and none make reference to resolution 2475. This omission is more concerning given the reporting by NGOs demonstrating that the same protection concerns and risks facing persons with disabilities persist in contexts like Yemen,⁴⁴ Syria,⁴⁵ Democratic Republic of the Congo,⁴⁶ and Ukraine.⁴⁷ Ultimately, there has been no serious progress to include reference to the obligation to specifically protect persons with disabilities in situations of armed conflict and post-conflict.

B. Recommendations

- Disability needs to be a permanent thematic issue for the UN Security Council just as has been done for Youth and Women.
- The UN Security Council, when drafting or renewing peacekeeping and political mission mandates, needs to include reference to resolution 2475 and explicitly mention the obligation to protect persons with disabilities from violence and abuse in situations of armed conflict and post-conflict situations, rather than simply as a subset of vulnerable groups.
- The UN Security Council should advise on revision of the protection of civilians training modules of the UN Department of Peace Operations to reflect resolution 2475 and ensure the obligation to protect persons with disabilities within situations of armed conflict is included.

⁴³ *Ibid.*, paras. 59-61.

⁴⁴ Humanity & Inclusion, “Unshielded, Unseen: The Implementation of UNSC Resolution 2475 on the Protection of Persons with Disabilities in Armed Conflict in Yemen,” (May 2022), available at: https://www.hi.org/sn_uploads/document/HI-Case-study-Resolution-2475-YEMEN-2022_1.pdf.

⁴⁵ Human Rights Watch, “Syria: Children with Disabilities Left Unprotected,” (8 Sept. 2022), available at: <https://www.hrw.org/news/2022/09/08/syria-children-disabilities-left-unprotected>.

⁴⁶ Ibrahim Ngila Kikuni and Florent Munenge Mudage, “Protecting disabled people during armed conflict in North Kivu: Challenges and perspectives,” 105 INTERNATIONAL REVIEW OF THE RED CROSS 922, 230-241 (2023), available at: <https://international-review.icrc.org/articles/protecting-disabled-people-during-armed-conflict-in-north-kivu-922>.

⁴⁷ International Disability Alliance, “The situation of persons with disabilities in the context of the war of aggression by Russia against Ukraine,” (24 April 2023), available at: <https://www.internationaldisabilityalliance.org/documents/idaukrainereport-pdf>.

4. Inclusive peacebuilding

The sixth operative paragraph of resolution 2475 urges States to ensure that persons with disabilities and their representative organizations have meaningful participation and representation within the processes of “humanitarian action, conflict prevention, resolution, reconciliation, reconstruction and peacebuilding,” and also to seek out expertise in mainstreaming disability within those processes.⁴⁸ This range of activities referenced by resolution 2475 is sometimes called the “triple cross pillar nexus,” but are more generally referred to collectively as peacebuilding.⁴⁹

Peacebuilding at the UN, and its range of activities, is overseen by the UN Department of Political and Peacebuilding Affairs (UN DPPA), and notably includes the Peacebuilding Support Office which oversees and supports the work done by the Peacebuilding Commission and the Peacebuilding Fund. The UN DPPA is the operational arm of the peacebuilding structure at the UN that seeks to monitor and manage potential crises, prevent conflict and sustain peace, and engage in peacemaking.⁵⁰ The Peacebuilding Support Office provides assistance and support to the Peacebuilding Commission and manages the Peacebuilding Fund, while also seeking to improve continuity and relationships with UN and non-UN actors to advance meaningful and sustainable peace.⁵¹ The Peacebuilding Commission is a platform that convenes relevant actors, develops and advises on integrated strategies for peacebuilding and recovery, and makes recommendations and develops best practices on how to improve coordination between said relevant actors.⁵² Lastly, the Peacebuilding Fund serves as the financial instrument that may make funds available for “UN entities, governments, regional organizations, multilateral banks, national multi-donor trust funds or civil society organizations” to sustain peace, address situations of risk, and assist those impacted by conflict.⁵³

Although peacebuilding is not directly mentioned in the CRPD, the obligation to ensure the inclusion, involvement, and representation of persons with disabilities in peacebuilding has its basis in Articles 5, 29, and 32 of the CRPD. The requirement of Article 5 of the CRPD, that persons with disabilities have equal recognition before and under the law without discrimination, is relevant to the peacebuilding process as it often entails the drafting of new constitutions, agreements, and laws.⁵⁴ Additionally, the requirement of Article 29 of the CRPD, that the persons with disabilities have effective and full participation in political and public life on an equal basis with others, is relevant to the peacebuilding process as it regularly involves

⁴⁸ S/RES/2475 (2019), para. 6.

⁴⁹ A/76/668-S/2022/66 (2022); *see also* United Nations Peacebuilding, <https://www.un.org/peacebuilding/>.

⁵⁰ United Nations, Political and Peacebuilding Affairs, (accessed 14 June 2023) at <https://dppa.un.org/en/what-we-do>.

⁵¹ *See* United Nations Peacebuilding, Support Office, (accessed 14 June 2023) at <https://www.un.org/peacebuilding/supportoffice>.

⁵² *See* United Nations Peacebuilding, Peace Commission Mandate, (accessed 14 June 2023) at <https://www.un.org/peacebuilding/commission/mandate>.

⁵³ *See* United Nations Peacebuilding, The Fund, (accessed 14 June 2023) at <https://www.un.org/peacebuilding/content/fund>.

⁵⁴ CRPD, Art. 5.

the negotiation of political settlements and the establishment of future goals and projects for the society post-conflict.⁵⁵ Lastly, the requirement of Article 32 of the CRPD, that international cooperation and development needs to be inclusive of persons with disabilities, is relevant because rebuilding and reconstruction efforts rely heavily on development funding that is provided by States and the UN.⁵⁶

A. Assessment of progress

In 2016, the UN General Assembly⁵⁷ and UN Security Council⁵⁸ adopted twin resolutions calling for a review to be conducted of the UN peacebuilding architecture. That review was completed in 2020 by the UN Secretary-General and assessed the progress and made recommendations on how to improve the work of the UN peacebuilding architecture. That review made a single mention of persons with disabilities in relation to the work done by the Office of the High Commissioner for Human Rights (OHCHR) and UN Women in Papua New Guinea in regard to the peace process.⁵⁹ Notably, however, in a 2022 interim report by the UN Secretary-General on efforts to improve the UN peace architecture, there is no mention of disability whatsoever, an omission that is striking given the UN Secretary-General's call to increase funding mechanisms and sources for the peacebuilding activities "of national Governments, civil society, women, youth and United Nations entities."⁶⁰

Since the adoption of resolution 2475, there have been six references to the obligation to include persons with disabilities in the work done by the UN peacebuilding structure, specifically the UN Department of Political and Peacebuilding Affairs and UN Department of Peacekeeping Operations. Of these six references, two are uniquely new references occurring after the adoption of resolution 2475, while the other four are contained in resolutions with preexisting references to disability that predate adoption of resolution 2475.

One of the uniquely new references is found in an operative paragraph of a resolution extending the mandate of the UN Assistance Mission in Afghanistan (UNAMA), tasking the mission and the Special Representative of the Secretary-General to improve access of persons with disabilities—among other groups—to the humanitarian and development programs, as well as to facilitate their meaningful and equal participation in governance.⁶¹ The other uniquely new reference is found in the preamble and an operative paragraph of UN Security Council resolution 2594 (2021), as mentioned previously, which addresses the important role peace operations have in sustainable political solutions and building peace. However, as previously noted, inclusion within resolution 2594 remained general in the preamble and the obligation in the operative paragraph was subsumed under a request primarily in regard to gender.⁶² Meaning that even when resolution 2475 was explicitly referenced, the particular

⁵⁵ *Ibid.*, Art. 29.

⁵⁶ *Ibid.*, Art. 32.

⁵⁷ A/RES/70/262 (2016).

⁵⁸ S/RES/2282 (2016).

⁵⁹ A/74/976 (2020) and S/2020/773 (2020), para. 55.

⁶⁰ A/76/668-S/2022/66 (2022), pg. 1.

⁶¹ S/RES/2626 (2022), paras. 5(a) and (b).

⁶² S/RES/2594 (2021), pgs. 1-2 and para. 6.

obligation was only generally referenced and disability was subsumed within other personal characteristics rather than getting the specific attention and consideration warranted by the lived experiences of persons with disabilities.

The other three references in resolutions with preexisting references to disability were made in operative paragraphs of resolutions extending the mandate of the UN Assistance Mission in Somalia (UNSOM) calling on the Somali Federal Government to promote the participation of persons with disabilities, reaffirming the importance of including persons with disabilities in prevention and resolution of conflicts, reconciliation, and peacebuilding, and tasks UNSOM with supporting the Somali authorities in ensuring equal inclusion of persons with disabilities in conflict resolution, reconciliation processes, and peacebuilding.⁶³ The fourth reference in a resolution with a preexisting reference to disability occurs in a resolution extending the mandate of the UN Mission in South Sudan (UNMISS), where it was stressed that there needs to be equal and meaningful participation of persons with disabilities—among other groups—in conducting a free and fair election as part of the peace process.⁶⁴

In relation to the UNDIS, while it seeks to enhance the inclusion of persons with disabilities throughout the UN system and sets out obligations for all UN entities—including within the UN DPPA and UN Department of Peacekeeping Operations (UN DPO)—it runs in parallel to aims of operative paragraph six of resolution 2475. Therefore, while reports by the UN Secretary-General on UNDIS explicitly mention its contribution and relevance to implementing resolution 2475, the results reported reflect the implementation of UNDIS rather than steps taken to implement resolution 2475.

Although referenced, the mentions of persons with disabilities are almost always in relation to other ‘vulnerable groups’, even though references to women and youth are mentioned separately from the more general vulnerable groups. Moreover, even though the UN system and States recognize the obligation to ensure that persons with disabilities and OPDs have meaningful participation and representation within the peacebuilding processes, and are consulted regarding disability mainstreaming, there continues to be superficial inclusion or systematic exclusion of persons with disabilities within programming and aspects of the peace continuum.⁶⁵ Further, while the UN Secretary-General’s reports on the implementation of UNDIS note progress by UN DPPA and UN DPO, this does not demonstrate a clear connection or attempt to implement operative paragraph six of resolution 2475 because the reason for undertaking such inclusion are related to UNDIS and its reporting requirements.

B. Recommendations

- The UN Security Council, when drafting or renewing peacekeeping and political mission mandates, needs to include reference to resolution 2475 and explicitly mention

⁶³ See S/RES/2657 (2022), para. 8(d); S/RES/2628 (2022), para. 3; and S/RES/2592 (2021), para. 6(e).

⁶⁴ S/RES/2625 (2022), para. 7.

⁶⁵ See Elizabeth Murray, “Disability-Inclusive Peacebuilding: State of the Field and the Way Forward,” US Institute of Peace (Oct. 2021), available at: https://www.usip.org/sites/default/files/2021-10/sr_502-disability-inclusive-peacebuilding-state-of-the-field-and-the-way-forward.pdf.

the obligation to ensure that persons with disabilities and their representative organizations have meaningful participation and representation within the peacebuilding process and are sought out for their expertise in mainstreaming disability in that process.

- The UN Security Council should request that the UN Secretary-General undertake a review of the UN Peacebuilding structure to identify ways in which to implement operative paragraph six of resolution 2475.
- The UN Security Council should request that the UN DPPA instruct the Peacebuilding Support Office to develop a specific strategy on disability and peacebuilding in line with resolution 2475.

5. End to impunity

The second operative paragraph of resolution 2475 emphasizes a need for States to end impunity for criminal acts against civilians and within doing so ensure the inclusion of persons with disabilities in such action, including by making justice, remedies, and reparations accessible.⁶⁶ The term impunity is defined as the “impossibility, de jure or de facto, of bringing the perpetrators of violations to account,” which arises out of the failure of States to undertake their obligation to investigate and ensure justice is sought, perpetrators are punished, victims of those crimes are provided with effective remedies and reparations, and sufficient steps are taken to prevent such violations from happening again.⁶⁷ Since the end of the Second World War, there have been a variety of models used to seek accountability and end impunity for crimes that reach the level of serious violations of IHL and international human rights law (IHRL) including “international and hybrid tribunals, special courts established at the national level and pre-existing ordinary national courts.”⁶⁸

The obligation to end impunity can be directly drawn from Articles 5, 12, and 13 of the CRPD, which require that persons with disabilities have effective access to and participation in the justice system on an equal basis with others, and are provided equal recognition before and under the law.⁶⁹ Through the co-applicability and complementarity of the CRPD—as established by Article 11—the rights and protections found in the treaty must be read into all international obligations, including those within international criminal law.⁷⁰ This requirement then “supports the proposition that perpetrators must be held accountable for violations of international law against persons with disabilities and disability-based persecution must be

⁶⁶ S/RES/2475 (2019), para. 2.

⁶⁷ E/CN.4/2005/102/Add.1 (2005), pg. 6-7.

⁶⁸ A/HRC/48/60 (2021) para. 14.

⁶⁹ CRPD, Arts. 5, 12, and 13.

⁷⁰ See Stephanie Motz, “Article 11: Situations of Risk and Humanitarian Emergencies,” in Ilias Bantekas, Michael Ashley Stein and Dimitris Anastasiou (eds), *The UN Convention on the Rights of Persons with Disabilities: A Commentary*, Oxford University Press, Oxford, 2018.

prosecuted, including in the international criminal process.”⁷¹ Reinforcing that proposition is the fact that international criminal law is protective of rights codified within human rights treaties.⁷² This is also the position taken by the Office of the Prosecutor of the International Criminal Court, which states that “the application and interpretation of law must be consistent with internationally recognized human rights, and be without any adverse distinction with regard to attributes” of the individual.⁷³

The UN Security Council, UN Human Rights Council, UN General Assembly, UN Secretary-General, and UN High Commissioner for Human Rights all have the capability to and have established fact-finding missions and other investigations to “respond to situations of serious violations of international humanitarian law and international human rights law.”⁷⁴ While each of these UN entities can and has established fact-finding missions and investigations to end impunity for criminal acts, the UN Human Rights Council has been the primary UN body in recent years to regularly create such mechanisms. Nevertheless, UN Security Council resolutions on political and peacekeeping missions also regularly address issues of accountability and the ending of impunity for serious violations of IHL and IHRL, thereby making them an important tool in ensuring inclusion of those crimes targeting persons with disabilities.

Scholarship on this legal obligation to ensure accountability for serious violations of IHL and IHRL targeting persons with disabilities acknowledges significant gaps in implementation by States, the UN system, and international justice mechanisms.⁷⁵

A. Assessment of progress

Since the adoption of resolution 2475, there have been three potential references within UN Security Council resolutions to implementation of the obligation to include persons with disabilities within efforts to end impunity for criminal acts against civilians, and to make those

⁷¹ William I. Pons, Janet E. Lord and Michael Ashley Stein, “Disability, Human Rights Violations, and Crimes Against Humanity,” 116 AMERICAN JOURNAL OF INTERNATIONAL LAW 1, at 71 (2022), available at: <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/abs/disability-human-rights-violations-and-crimes-against-humanity/5C47D5C49E84873D74C05F1AF8B9826A>.

⁷² See Thomas Marguerite, International Criminal Law and Human Rights, in ROUTLEDGE HANDBOOK OF INTERNATIONAL CRIMINAL LAW 435, 436 (William Schabas & Nadia Bernaz eds., 2013).

⁷³ See International Criminal Court Office of the Prosecutor, “Policy Paper on Children,” para. 35 (2016), available at: https://www.icc-cpi.int/sites/default/files/iccdocs/otp/20161115_OTP_ICC_Policy-on-Children_Eng.PDF.

⁷⁴ See UN Human Rights Council, “International Commissions of Inquiry, Commission on Human Rights, Fact-Finding missions and other Investigations,” available at <https://www.ohchr.org/en/hr-bodies/hrc/co-is>.

⁷⁵ William I. Pons, Janet E. Lord and Michael Ashley Stein, “Disability, Human Rights Violations, and Crimes Against Humanity,” 116 AMERICAN JOURNAL OF INTERNATIONAL LAW 1, 58-95 (2022), available at: <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/abs/disability-human-rights-violations-and-crimes-against-humanity/5C47D5C49E84873D74C05F1AF8B9826A>; and William I. Pons, Janet E. Lord and Michael Ashley Stein, “Addressing the accountability void: War crimes against persons with disabilities,” 105 INTERNATIONAL REVIEW OF THE RED CROSS 922, 465–483 (2023), available at: <https://international-review.icrc.org/articles/addressing-the-accountability-void-war-crimes-against-persons-with-disabilities-922>.

processes accessible. All three of those potential references are contained in resolutions with preexisting references to disability that predate adoption of resolution 2475.

Two of those potential references are found in the resolutions extending the mandate of the UN Assistance Mission in Somalia (UNSOM), in operative paragraphs calling on the government to “promote and protect the rights of persons with disabilities belonging to minority groups and to implement legislation aimed at protecting human rights and investigating and prosecuting perpetrators of crimes involving violations or abuses of human rights, violations of international humanitarian law, and sexual and gender-based violence in conflict and post-conflict situations.”⁷⁶ The other potential reference is found in the resolution to extend the mandate of the UN Mission in South Sudan (UNMISS), in an operative paragraph that emphasizes the “urgent needs to end impunity in South Sudan and to bring to justice all those responsible for violations of international humanitarian law and violations and abuses of human rights,” and encourages the South Sudanese government within the negotiations for the creation of the Commission for Truth, Reconciliation, and Healing to have meaningful consultations with persons with disabilities.⁷⁷

Besides the above-cited UN Security Council resolutions, a point of interest is the establishment of the Independent International Commission of Inquiry on Ukraine by the Human Rights Council.⁷⁸ Although there is no mention of persons with disabilities in the mandate of the Commission, given its relationship with previously constituted UN Human Rights Monitoring Mission in Ukraine—which does list persons with disabilities as a group for reporting and monitoring—there is a potential that crimes against persons with disabilities could be addressed.⁷⁹ In its 2023 report, the Ukraine Commission of Inquiry makes mention that persons with disabilities are a ‘vulnerable group’ particularly impacted by the conflict, while also noting that in the Russian Federation or in Russian-controlled areas of Ukraine “some children with disabilities did not receive adequate care and medication.”⁸⁰ As with the UN Security Council resolutions, there is no mention made of the CRPD, resolution 2475, or of the obligation to ensure justice mechanisms account for and are accessible to persons with disabilities. While potential exists for the Commission of Inquiry on Ukraine to investigate serious violations of IHL and IHRL against persons with disabilities, the lack of explicit mention of persons with disabilities in the Commission’s mandate represents a significant missed opportunity⁸¹.

⁷⁶ S/RES/2657 (2022), para. 13(a); and S/RES/2592(2021), para. 14(b).

⁷⁷ S/RES/2625(2022), pg. 3.

⁷⁸ A/HRC/RES/49/1 (2022); A/HRC/RES/52/32 (2023)

⁷⁹ William I. Pons, Janet E. Lord and Michael Ashley Stein, “Addressing the accountability void: War crimes against persons with disabilities,” 105 INTERNATIONAL REVIEW OF THE RED CROSS 922, at 478-479 (2023), available at: <https://international-review.icrc.org/articles/addressing-the-accountability-void-war-crimes-against-persons-with-disabilities-922>.

⁸⁰ A/HRC/52/62 (2023), paras. 20 and 100.

⁸¹ Note preambular paragraphs in A/HRC/RES/52/32 from March 2023 which renewed the mandate of the COI, which refer to persons with disabilities – although preambular paragraphs are not formally part of the mandate, it is important context and the paragraphs mirror parts of UNSC resolution 2475 – see section 6 of this report for more detail, but note that the Human Rights Council was:

The mandate of the UN Special Rapporteur on the rights of persons with disabilities has also addressed the need to have the obligation to end impunity be inclusive of persons with disabilities. In 2020, the UN Special Rapporteur on the rights of persons with disabilities, the UN CRPD Committee, and the Special Envoy of the Secretary-General of the UN published a joint report noting the requirement of the CRPD to have inclusive and accessible justice systems, and providing guidelines on how to ensure “access to justice, and more generally, the administration of justice on an equal basis with others without discrimination” for persons with disabilities.⁸² In a 2021 report to the UN General Assembly, the Special Rapporteur specifically addressed the obligation that efforts to end impunity and the international criminal law system must include those criminal acts targeting persons with disabilities.⁸³ Citing low to no visibility of disability rights within international criminal law, the Special Rapporteur affirmed the obligation—created by Article 11 and reinforced by resolution 2475—and called for work to be done to ensure the investigation and prosecution of crimes against persons with disabilities, and that the current justice mechanisms are “fully accessible and responsive to persons with disabilities.”⁸⁴

Legal scholars have expounded further on this obligation and provided specificity regarding interpretation, implementation, and application within the international criminal law framework since the entrance into force of the CRPD and adoption of resolution 2475.⁸⁵ These examinations have noted the need to reshape perception of the accountability owed to persons with disabilities by the international criminal law system,⁸⁶ highlighted the potential

“Expressing deep concern at the situation of persons with disabilities and of older persons, recognizing the urgent need to measure the effects of the conflict on their situations and to take enhanced measures to ensure their protection during conflict, and noting the importance of ensuring the full, equal and meaningful participation of persons with disabilities and older persons and their representative organizations in all stages of the peace continuum”

⁸² UN Special Rapporteur on the rights of persons with disabilities, the UN CRPD Committee, and the Special Envoy of the Secretary-General of the UN, “International Principles and Guidelines on Access to Justice for Persons with Disabilities,” pg. 8 (August 2020).

⁸³ A/76/146, para. 66.

⁸⁴ *Ibid.*, para. 106(c).

⁸⁵ See William I. Pons, Janet E. Lord and Michael Ashley Stein, “Disability, Human Rights Violations, and Crimes Against Humanity,” 116 AMERICAN JOURNAL OF INTERNATIONAL LAW 1, 58-95 (2022), available at: <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/abs/disability-human-rights-violations-and-crimes-against-humanity/5C47D5C49E84873D74C05F1AF8B9826A>; and William I. Pons, Janet E. Lord and Michael Ashley Stein, “Addressing the accountability void: War crimes against persons with disabilities,” 105 INTERNATIONAL REVIEW OF THE RED CROSS 922, 465–483 (2023), available at: <https://international-review.icrc.org/articles/addressing-the-accountability-void-war-crimes-against-persons-with-disabilities-922>; see also Catalina Devandas Aguilar & John H. Knox, “Introduction to the Symposium on William I. Pons, Janet E. Lord, and Michael Ashley Stein, ‘Disability, Human Rights Violations, and Crimes Against Humanity,’” 116 AJIL Unbound, 64–68 (2022), available at: <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/introduction-to-the-symposium-on-william-i-pons-janet-e-lord-and-michael-ashley-stein-disability-human-rights-violations-and-crimes-against-humanity/7E0CFDBF55A3FD063422D187DDB00E6E>.

⁸⁶ C. Cora True-Frost, “Can International Criminal Law Help Express the Unrealized Value of Disabled Lives?,” 116 AJIL Unbound, 79–83 (2022), available at: <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/can-international-criminal-law-help-express-the-unrealized-value-of-disabled-lives/7E0CFDBF55A3FD063422D187DDB00E6E>.

benefit of new CRPD indicators to advance compliance with the obligation,⁸⁷ and outlined challenges investigating and prosecuting serious violations against persons with disabilities in the Global South and East.⁸⁸ It has also been noted by legal disability rights experts that persons with disabilities are not mentioned within the draft articles of the currently-debated treaty on crimes against humanity, an omission they say will likely have deleterious impact on the ability of international criminal law to account for serious violations of international law targeting persons with disabilities.⁸⁹ The primary conclusion by scholars is that the “international criminal law justice process must adopt a disability-inclusive approach to ensure that barriers manifesting in international criminal law and process are accounted for and dismantled, . . . [allowing] for the full and effective prosecution of crimes perpetrated against persons with disabilities.”⁹⁰

As underscored by the legal scholars, disabilities experts, and UN Special Rapporteur, there have not been any steps—meaningful or symbolic—taken to recognize and implement the obligation to end impunity for crimes against persons with disabilities. Instead, the UN system and international criminal law framework remain intransigent in relation to recognition of the obligation and further resistant to ensuring that justice mechanisms are accessible.⁹¹

B. Recommendations

- The UN Security Council, when establishing mandates for fact-finding missions and commissions of inquiry, needs to include explicit reference to operative paragraph two of resolution 2475 and the obligation of States to end impunity for criminal acts against civilians with disabilities and ensure accessibility of justice mechanisms, remedies, and reparations.
- The UN Security Council should seek to enhance its synergies with the UN Human Rights Council to ensure that when either body establishes or renews fact-finding

[journal-of-international-law/article/can-international-criminal-law-help-express-the-unrealized-value-of-disabled-lives/4A5EF44CA196FB18C4884E8A480D7D7A](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/can-international-criminal-law-help-express-the-unrealized-value-of-disabled-lives/4A5EF44CA196FB18C4884E8A480D7D7A).

⁸⁷ Arlene S. Kanter, “Potential Benefits and Limitations of the New Human Rights Indicators for the Convention on the Rights of People with Disabilities,” 116 AJIL Unbound, 69–73 (2022), available at:

<https://www.cambridge.org/core/journals/american-journal-of-international-law/article/potential-benefits-and-limitations-of-the-new-human-rights-indicators-for-the-convention-on-the-rights-of-people-with-disabilities/91FB46D9B2CE517B607A269F1079D7D5>.

⁸⁸ Karen Soldatić & Shaun Grech, “Unchaining Disability Law: Global Considerations, Limitations and Possibilities in the Global South and East,” 116 AJIL Unbound, 74–78 (2022), available at:

<https://www.cambridge.org/core/journals/american-journal-of-international-law/article/unchaining-disability-law-global-considerations-limitations-and-possibilities-in-the-global-south-and-east/6E61297C200AC99E3A934DAB6A150DE7>.

⁸⁹ Janet Lord, Rosemary Kayess, William Pons and Michael Ashely Stein, “The U.N. Process for Crimes Against Humanity Treaty Has Finally Started. Will it Account for Persons with disabilities,” JustSecurity (26 May 2023), available at: <https://www.justsecurity.org/86724/the-u-n-process-for-a-crimes-against-humanity-treaty-has-finally-started-will-it-account-for-persons-with-disabilities/>.

⁹⁰ William I. Pons, Janet E. Lord and Michael Ashley Stein, “Disability, Human Rights Violations, and Crimes Against Humanity,” 116 AMERICAN JOURNAL OF INTERNATIONAL LAW 1, at 73 (2022), available at:

<https://www.cambridge.org/core/journals/american-journal-of-international-law/article/abs/disability-human-rights-violations-and-crimes-against-humanity/5C47D5C49E84873D74C05F1AF8B9826A>.

⁹¹ *Ibid.*

missions and commissions of inquiry that the mandates effectuate operative paragraph two of resolution 2475 by explicitly listing persons with disabilities as a group of particular interest.

- The UN Security Council should request the UN Secretary-General to undertake a review of the current and past mandates of fact-finding missions, commissions of inquiry, and international tribunals to ensure future mechanisms implement operative paragraph two of resolution 2475.

6. Meaningful participation and representation of persons with disabilities

The sixth operative paragraph of resolution 2475 urges States to “enable the meaningful participation and representation of persons with disabilities, including their representative organizations, in humanitarian action, conflict prevention, resolution, reconciliation, reconstruction and peacebuilding, and to consult with those with expertise working on disability mainstreaming.”⁹² Relatedly, operative paragraph ten expresses the intention of the UN Security Council “to invite persons with disabilities, including their representative organizations” in order to increase participation, representation, and engagement of OPDs and persons with disabilities with the Council.⁹³

The CRPD via Article 4 explicitly guarantees the right of persons with disabilities to be closely consulted with and actively involved in decision-making processes, and it positions OPDs as representative and intermediary bodies, including at local, national, regional and international levels.⁹⁴ In General Comment 7 by the CRPD Committee, it is noted that representative organizations (i.e., OPDs), including umbrella organizations and coalitions, are to be understood as those established with the purpose of defending the rights of persons with disabilities, are appointed by persons with disabilities themselves, are not affiliated with political parties, and are independent of public authorities.⁹⁵ The CRPD Committee holds that OPDs can include those representing women with disabilities, children and youth with disabilities, and those that include family members and relatives of persons with disabilities.⁹⁶ In regard to consultations with OPDs, the CRPD Committee states that there must be accessible facilities, information and communication, and provision of reasonable accommodations, including supported decision-making regimes and informing persons with disabilities of outcomes of consultation processes.⁹⁷

⁹² S/RES/2475 (2019), para. 6.

⁹³ *Ibid.*, para. 10.

⁹⁴ CRPD Art. 4(3).

⁹⁵ CRPD/C/GC/7 (2018).

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

A. Assessment of progress

The vast majority of UN Security Council resolutions do not refer to resolution 2475 or persons with disabilities. Of the twenty-four (24) resolutions that do mention persons with disabilities, six include operative paragraphs calling for consultation with or participation of persons with disabilities, of which only one was a uniquely new reference occurring after the adoption of resolution 2475, while the other five are contained in resolutions with preexisting references to disability that predate adoption of resolution 2475.

The uniquely new reference was found in the previously mentioned resolution 2594 on the crucial role of peace operations.⁹⁸ The remaining five references from resolutions with preexisting references to disability were found in resolutions extending the mandates for UNMISS,⁹⁹ UNSOM¹⁰⁰ and UNAMA.¹⁰¹ Based on interviews conducted for this report, it has been found that the inclusion of this language has resulted from NGO advocacy and reporting on grave human rights violations against persons with disabilities. A key informant interview described collaboration between the International Disability Alliance, Humanity & Inclusion, Human Rights Watch, Women's Refugee Commission, Amnesty International, and Women Enabled International in advocating for increased awareness of resolution 2475.¹⁰²

Beyond these references, the UNDIS annual report from 2019 shows that 65% of peacekeeping operations and special political missions did not meet even the basic requirements for disability inclusion.¹⁰³ According to the latest report from 2021, there has been a 50% increase in the number of peace operations implementing and reporting on the Strategy and OPDs are being consulted more frequently.¹⁰⁴ Nonetheless, this data should be understood within the framework of the UNDIS annual reports, which do not differentiate progress between UN entities, even though peacekeeping operations and special political missions under the UN DPPA and UN DPO are analyzed separately.

The UN Special Rapporteur on the rights of persons with disabilities emphasizes that persons with disabilities and their representatives are an untapped resource in peacebuilding processes and post-conflict situations.¹⁰⁵ In his latest report on the protection of the rights of persons with disabilities in the context of military operations, the Special Rapporteur noted that the regional consultations that he convened between OPDs and State militaries demonstrated that despite the obligation to meaningfully engage with OPDs, State militaries have no contact or consistent engagement with the disability movement in their countries.¹⁰⁶

⁹⁸ S/RES/2594 (2021).

⁹⁹ S/RES/2625 (2022); and S/RES/2677 (2023).

¹⁰⁰ S/RES/2461 (2019); S/RES/2472 (2019); and S/RES/2568 (2021).

¹⁰¹ S/RES/2626 (2022).

¹⁰² Interview conducted on 24 June 2023 via email with Elena Bertozzi, former Senior Humanitarian Advisory at Humanity & Inclusion.

¹⁰³ A/75/314 (2019), pg. 22.

¹⁰⁴ A/77/344 (2021), pg. 30.

¹⁰⁵ A/76/146.

¹⁰⁶ A/77/203.

As for increasing the meaningful participation and representation of persons with disabilities and their representative organizations with the UN Security Council, access to seating, rooms, and accessible information continue to limit participation of persons with disabilities at the UN headquarters in New York.¹⁰⁷ To date, three persons with disabilities have briefed the UN Security Council about the situation of persons with disabilities, particularly on violence against women and girls with disabilities in their countries, with one of those briefings occurring before adoption of resolution 2475.¹⁰⁸

In terms of Human Rights Council resolutions that create international inquiries on conflict situations, in the preambular paragraphs of the Human Rights Council resolution that renews the mandate of the Commission of Inquiry on Ukraine, A/HRC/52/32, language from operative paragraph 6 of UNSC resolution 2475 was used, so covering both protection and participation, as follows:

"Expressing deep concern at the situation of persons with disabilities and of older persons, recognizing the urgent need to measure the effects of the conflict on their situations and to take enhanced measures to ensure their protection during conflict, and noting the importance of ensuring the full, equal and meaningful participation of persons with disabilities and older persons and their representative organizations in all stages of the peace continuum"

This paragraph clearly reflects operative paragraph 6 of UNSC resolution 2475, although adds 'older persons' as a separate group, despite there not being a stand-alone Security Council resolution on older persons and armed conflict. One could consider that any need for protection of older persons would be due to them being persons with disabilities, so a more appropriate wording would have been "including older persons with disabilities". As noted earlier, the preambular paragraph language is not formally part of the mandate, but can influence the drafting of reports by the Commission of Inquiry.

A preambular paragraph of HRC resolution 52/32 also included an intersectional perspective by mainstreaming women with disabilities into a paragraph on women peace and security, as follows:

"Reaffirming the importance of the full, equal and meaningful participation and leadership of women, including women with disabilities, in planning and decision-making with regard to mediation, confidence-building,

¹⁰⁷ Sofija Korac, "Removing Barriers," STATE MAGAZINE (July 2020), available at: <https://statemag.state.gov/2020/07/0720feat02/>.

¹⁰⁸ UN News, "'You can and should do more' to include people with disabilities, wheelchair-bound Syrian advocate tells Security Council in searing speech" (2019), available at: <https://news.un.org/en/story/2019/04/1037291>; Human Rights Watch, "Disability Rights Activist to UN Security Council: No More Empty Promises" (2020), available at: <https://www.hrw.org/news/2020/08/05/disability-rights-activist-un-security-council-no-more-empty-promises>; and NGO Working Group on Women, Peace and Security, "Statement by Ms. Caroline Atim at the UN Security Council Open Debate on Conflict-Related Sexual Violence" (2021), available at: <https://www.womenpeacesecurity.org/resource/statement-uns-c-rsv-open-debate-april-2021/>.

conflict prevention and resolution, and reconstruction, and of their involvement in all efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations and abuses, such as all forms of sexual and gender-based violence, including conflict-related sexual violence”

These are the only paragraphs in Human Rights Council country specific conflict related resolutions that include persons with disabilities and can be linked to UNSC resolution 2475.

Throughout the reviewed materials and sources on persons with disabilities in contexts of armed conflict, persons with disabilities are generally treated as a homogenous group without intersectional considerations of gender and age. Participation of women and girls with disabilities and the child’s right to express views in matters affecting them, are not taken into account. Furthermore, underrepresented groups of persons with different types of impairments are also not considered.

In its Global Surveys conducted in 2019¹⁰⁹ and 2022,¹¹⁰ IDA took stock and monitored the participation of OPDs in decision-making processes at international and national levels, including in humanitarian action. Although the surveys did not focus on contexts of armed conflict and do not include findings on participation in decision-making in conflict prevention, resolution, reconciliation, reconstruction, and peacebuilding, findings on humanitarian action provide relevant insight. The survey findings indicate that OPD participation is very limited but that they are engaging with the government on humanitarian issues and increasingly partnering with international humanitarian organizations. For example, in 2019 1.2% of OPDs reported being involved with OCHA, which increased to 7.3% in 2022, and with UNHCR at 8.8% in 2022.

Despite increased engagement with OPDs, reports from Yemen,¹¹¹ Iraq,¹¹² and Ukraine¹¹³ shed light on how participation can often be superficial and is not followed up with action, particularly in relation to armed conflict and post-conflict. According to the reports, the majority of OPDs have never been invited to engage in peacebuilding, reconciliation, or

¹⁰⁹ International Disability Alliance (IDA), “Global Survey Initial Report. Participation of Organisations of Persons with Disabilities in Development Programmes and Policies” (2019), available at: <https://www.ohchr.org/Documents/Issues/IntOrder/GlobalGovernanceSpaces/InternationalDisabilityAlliance.pdf>.

¹¹⁰ International Disability Alliance (IDA), “Not just ticking the disability box? Meaningful OPD participation and the risk of tokenism. Findings from the 2nd IDA Global Survey on the Participation of Organisations of Persons with Disabilities (OPDs)” (2022), available at: https://www.internationaldisabilityalliance.org/sites/default/files/ida_global_survey_2022_final.pdf.

¹¹¹ Humanity & Inclusion, “Unshielded, Unseen: The implementation of UNSC resolution 2475 on the protection of persons with disabilities in armed conflict in Yemen” (May 2022), available at: https://www.hi.org/sn_uploads/document/HI-Case-study-Resolution-2475-YEMEN-2022_1.pdf.

¹¹² IOM Iraq, “Persons with disabilities and their representative organizations in Iraq: Barriers, challenges, and priorities” (2021), available at: <https://iraq.iom.int/sites/g/files/tmzbd11316/files/documents/OPDs%20report%20English.pdf>.

¹¹³ International Disability Alliance (IDA), “The situation of persons with disabilities in the context of the war of aggression by Russia against Ukraine” (2023), available at: <https://www.internationaldisabilityalliance.org/documents/idaukrainereport-pdf>.

reconstruction efforts.¹¹⁴ Those that have participated reported having been tokenized and invited only to share disability-related experiences, not perspectives on humanitarian response, peace, and conflict.¹¹⁵ In contexts where OPDs have been regularly consulted prior to armed conflict, invitations to consultations ceased upon the outbreak of war.¹¹⁶ In addition, accessibility of facilities and transportation are not adequately taken into account and accessibility of communication and information has been absent.¹¹⁷ Persons with disabilities from under-represented groups including women with disabilities, persons with intellectual disabilities, and deaf persons, or specific program areas including internally displaced people with disabilities or refugees with disabilities, are overlooked and excluded even further.¹¹⁸

B. Recommendations

- The UN Security Council briefings should more systematically include participation of persons with disabilities, including improved accessibility of facilities, information and communication, and availability of reasonable accommodations.
- UN peacekeeping operations and engagement between State militaries and civil society organizations in peacekeeping and peacebuilding should systematically include participation of and consultation with OPDs, including those representing women with disabilities, children with disabilities, and underrepresented groups of persons with different types of impairments.
- Information is needed on engagement of OPDs in countries affected by armed conflict, particularly from countries (e.g., South Sudan, Somalia and the Democratic Republic of Congo) in which UN Security Council resolutions mandating peacekeeping missions reference participation of and consultation with persons with disabilities. Studies on participation, and barriers of and enablers to participation in specific countries or contexts of armed conflict, could provide valuable information on engagement with OPDs, including those representing women with disabilities, children with disabilities, and underrepresented groups of persons with different types of impairments.

¹¹⁴ Humanity & Inclusion, “Unshielded, Unseen: The implementation of UNSC resolution 2475 on the protection of persons with disabilities in armed conflict in Yemen” (May 2022), available at: https://www.hi.org/sn_uploads/document/HI-Case-study-Resolution-2475-YEMEN-2022_1.pdf.

¹¹⁵ *Ibid.*

¹¹⁶ International Disability Alliance (IDA), “The situation of persons with disabilities in the context of the war of aggression by Russia against Ukraine” (2023), available at: <https://www.internationaldisabilityalliance.org/documents/idaukrainereport-pdf>.

¹¹⁷ Humanity & Inclusion, “Unshielded, Unseen: The implementation of UNSC resolution 2475 on the protection of persons with disabilities in armed conflict in Yemen” (May 2022), available at: https://www.hi.org/sn_uploads/document/HI-Case-study-Resolution-2475-YEMEN-2022_1.pdf.

¹¹⁸ IOM Iraq, “Persons with disabilities and their representative organizations in Iraq: Barriers, challenges, and priorities” (2021), available at: <https://iraq.iom.int/sites/g/files/tmzbd1316/files/documents/OPDs%20report%20English.pdf>.

7. Building capacity and knowledge

The seventh operative paragraph of resolution 2475 emphasizes the importance of building capacity and knowledge on the rights and specific needs of persons with disabilities across UN peacekeeping and peacebuilding actors. In addition, it places States in a central role to support this objective.¹¹⁹ Article 32 of the CRPD obligates that States in their actions related to international cooperation facilitate and support capacity-building, including through exchange and sharing of information, experiences, training programs, and best practices.¹²⁰ In addition, Article 4 of the CRPD on General Obligations requires States to promote training of professionals and staff working with persons with disabilities.¹²¹ Training for stakeholders is also emphasized in, for example, Article 9 on accessibility and Article 13 on access to justice.¹²²

Capacity building has two key elements. Firstly, it seeks to strengthen the capacity of OPDs to enable them to participate in policy making and decision-making processes.¹²³ The CRPD Committee notes that States are obligated to “support persons with disabilities and their representative organizations in the development of the competencies, knowledge and skills required to independently advocate for their full and effective participation in society.”¹²⁴ Secondly, building capacity applies directly to States themselves and partners involved in realizing the rights of persons with disabilities, such as in the humanitarian and peace and security sectors, and this should be done with active participation of persons with disabilities and their representative organizations.¹²⁵

A. Assessment of progress

As previously described, most UN Security Council resolutions do not refer to resolution 2475 and those resolutions that mention persons with disabilities refer to their protection needs and/or their meaningful participation. This remains the same regarding the building of capacity, knowledge, and training on disability as examples are sparse. Although no uniquely new references were noted, there are, however, two notable references from resolutions with preexisting references to disability that predate adoption of resolution 2475.

Both of these references occur in resolutions extending the mandate of UNSOM,¹²⁶ and are found in operative paragraphs mandating the UN mission to prioritize building the capacity of the Federal Government of Somalia and its Federal Member States in their efforts to enable the full, equal, and meaningful participation of persons with disabilities (among others).

As described in the previous section, peacekeeping operations and special political affairs are currently failing to meet the basic requirements of the UNDIS. The progress results for UNDIS from 2022 have not yet been reported but a recently published article indicates that both UN

¹¹⁹ S/RES/2475 (2019), para. 7.

¹²⁰ CRPD, Art. 32.

¹²¹ *Ibid.*, Art. 4(1)(i).

¹²² *Ibid.*, Arts. 9 and 13.

¹²³ See CRPD/C/GC/7 (2018).

¹²⁴ *Ibid.*, para. 60.

¹²⁵ See A/75/186 (2020).

¹²⁶ S/RES/2540 (2020), para. 5(d); and S/RES/2592 (2021), para. 6(e).

peace operations and humanitarian entities have planned a range of training and capacity-building initiatives on disability inclusion for staff.¹²⁷ One example is available from South Sudan, where UNMISS provided training to OPD members on advocacy skills with the purpose of empowering them with knowledge on how to advocate for their rights leading up to national elections.¹²⁸

Annual reports from UN humanitarian entities showcase efforts to build capacity of and train staff on disability inclusion. For example, the latest UN Refugee Agency Age, Gender and Diversity Accountability Report from 2021 mentions a series of disability inclusion trainings for staff, partners, and persons of concern across fourteen (14) countries.¹²⁹ The report also mentions the use of an assessment on the situation and priority needs of refugees, displaced persons, and migrants with disabilities in the Americas region to build capacity of staff to understand disability inclusion.¹³⁰ However, the OCHA Field Handbook (2018) does not include information on inclusion or participation of persons with disabilities.¹³¹ Information on the content of UN Humanitarian Civil-Military Coordination training was not available for review.

The UN Special Rapporteur on the rights of persons with disabilities report on military operations highlights the lack of a disability dimension in the training and education of weapon-bearers.¹³² The report also points out that States militaries' training and educational modules are based on those of partner organizations, such as the UN DPO, North Atlantic Treaty Organization (NATO), the Organization for Security and Co-operation in Europe (OSCE), and the European Union, only some of which make a generic reference to persons with disabilities but do not actually include any disability-specific knowledge or awareness-raising.¹³³ Military manuals, training, and rules of engagement/standard operating procedures lack any explicit mention of the IHL obligation of avoiding adverse distinction against persons with disabilities or CRPD Article 11.¹³⁴ The Special Rapporteur goes on to call for capacity-

¹²⁷ Gopal Mitra and Georgia Dominik, "United Nations Disability Inclusion Strategy: A framework to accelerate transformative change for persons with disabilities in the peace and security pillar," 105 *International Review of the Red Cross* 922, 459–464 (2023), available at: <https://international-review.icrc.org/articles/united-nations-disability-inclusion-strategy-persons-with-disabilities-922>.

¹²⁸ UNMISS / UN Peacekeeping, "As elections approach, building capacities of people with disabilities remains an UNMISS priority" (27 Feb. 2023), available at: <https://peacekeeping.un.org/en/elections-approach-building-capacities-of-people-with-disabilities-remains-unmiss-priority>.

¹²⁹ UN High Commissioner for Refugees, "Advancing Participation and Inclusion. Age, Gender and Diversity Accountability Report" (June 2022), available at: <https://www.unhcr.org/age-gender-diversity/reporting-on-agd/>.

¹³⁰ *Ibid.*

¹³¹ OCHA Civil-Military Coordination Service, "UN Humanitarian Civil-Military Coordination Field Handbook, Version 2.0" (2018), available at: <https://www.unocha.org/sites/unocha/files/Guide%20for%20the%20Military%20v2.pdf>.

¹³² A/77/203, para. 57.

¹³³ *Ibid.*, paras. 58–59.

¹³⁴ *Ibid.*, para. 77; although the report by the UN Special Rapporteur does note that the Hellenic Air Force Command and Staff College has certain courses (military ethics, principles of international humanitarian law and law of armed conflicts) that discuss the CRPD, and the specific obligation to protect and consider persons with disabilities found in the Geneva Conventions of 1949 and the Additional Protocols thereto and Security Council resolution 2475 (2019) *see* A/77/203, para. 58; additionally the Denmark, Ministry of Defense, Military Manual on International Law Relevant to Danish Armed Forces in International Operations (Copenhagen,

building of and raising awareness also among other major actors, such as the UN Mine Action Service, the ICRC, and humanitarian organizations. Importantly, he emphasizes building capacity of OPDs to interact with organizations working with protection of civilians in armed conflict, States, military organizations, relevant regional bodies, and specialized UN bodies on disability rights and international humanitarian law.¹³⁵

IDA's Global Surveys also draw attention to the need for OPDs to build their capacity and for donor investments in building capacity of OPDs in engaging in newer and emerging issues, such as humanitarian action, peacebuilding, and reconstruction.¹³⁶ The report describes how OPDs often lack experience and knowledge about decision-making processes and have too few trained experts to cover advocacy priorities as the scope of issues they need to engage with gets broader.¹³⁷

B. Recommendations

- Disability inclusion should be mainstreamed in training of State militaries, military academies, UN DPPA, UN DPO, UN Humanitarian Civil-Military Coordination, NATO, OSCE and other relevant actors. The Special Rapporteur on the rights of persons with disabilities has called for, for example, specific training modules and simulation exercises.¹³⁸
- States and UN entities should develop and implement capacity building programs and trainings for OPDs on peace and security issues to enable them to better engage with and inform all processes in the peace continuum.
- State Parties to the CRPD should seek to comply with Article 4 on General Obligations and Article 32 on International Cooperation to ensure fulfillment of the obligation to build capacity and knowledge on rights and specific needs of persons with disabilities.

8. Data collection and reporting

The ninth operative paragraph of resolution 2475 requests the UN Secretary-General to provide information and related recommendations on issues of relevance to persons with disabilities in the context of armed conflict, including in thematic and geographic reports and regular briefings.¹³⁹ The paragraph also outlines the disaggregation of data by disability where pertinent within existing UN mandates.

2020), available at: <https://www.forsvaret.dk/link/a5fe7b14d0a541b3bcbce2af5725207e.aspx>, also recognizes the IHL obligation towards persons with disabilities and applicability of Article 11 of the CRPD.

¹³⁵ A/77/203, paras. 81(c), 83(a)-(i), and 86(d).

¹³⁶ International Disability Alliance (IDA), “Not just ticking the disability box? Meaningful OPD participation and the risk of tokenism. Findings from the 2nd IDA Global Survey on the Participation of Organisations of Persons with Disabilities (OPDs)” (2022), available at:

https://www.internationaldisabilityalliance.org/sites/default/files/ida_global_survey_2022_final.pdf.

¹³⁷ *Ibid.*

¹³⁸ A/77/203, para. 81(h).

¹³⁹ S/RES/2475 (2019), para. 9.

CRPD Article 31 obligates States to collect and disseminate information and statistical and research data, including disaggregated information, to inform policy making and implementation of the CRPD. Data should be collected for identifying both persons with disabilities as well as the barriers that prevent their effective participation on an equal basis with others.¹⁴⁰

For the identification of disability and disaggregation of data, there is a growing consensus on using a functional approach instead of diagnoses or identifying medical conditions.¹⁴¹ The Washington Group on Disability Statistics, established by the Statistical Commission of the UN, has developed an internationally validated methodology and sets of questions which are increasingly being used also in the humanitarian sector.¹⁴²

A. Assessment of progress

The scarcity of reliable quantitative and qualitative, global and national, census data on disability and indicators disaggregated by disability is well documented,¹⁴³ including in contexts of armed conflict.¹⁴⁴ In his report based on regional consultations with OPDs and States militaries, the UN Special Rapporteur on the rights of persons with disabilities encapsulates the significant harm that the lack of data on disability in military operations can cause to persons with disabilities.¹⁴⁵ Moreover, gaps in disability data maintain the invisibility of persons with disabilities and perpetuate their exclusion and discrimination.¹⁴⁶

According to State militaries, the lack of disability data is one of the reasons protection of persons with disabilities is not included in education, training or operational procedures.¹⁴⁷ However, State militaries themselves are not currently collecting data on the impact of military operations on persons with disabilities and disability-related information that could inform their standard operating procedures.¹⁴⁸ The OCHA UN Humanitarian Civil-Military Coordination publication on recommended practices mentions the need to share information between operational stakeholders on differing humanitarian needs of the affected population

¹⁴⁰ See A/HRC/49/60 (2021).

¹⁴¹ *Ibid.*

¹⁴² Humanity & Inclusion, “Disability Data in Humanitarian Action,” available at: <https://www.humanity-inclusion.org.uk/en/disability-data-in-humanitarian-action> (accessed 7 July 2023).

¹⁴³ See A/HRC/49/60 (2021).

¹⁴⁴ Alice Priddy, “Disability and armed conflict” GENEVA ACADEMY OF INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS, Academy Briefing No. 14 (2019), pgs. 12-15, available at: <https://www.geneva-academy.ch/joomlatools-files/docman-files/Academy%20Briefing%2014-interactif.pdf>.

¹⁴⁵ “The persistent data gap on the effects of military and peacekeeping operations on men, women, children and older persons with disabilities undermines the ability to fully comprehend the actual harm an attack might cause. As work in relation to other protected groups reveals, the application of proportionality requires value judgements to be made by commanders to assess incidental civilian harm, military advantage and excessiveness. These value judgments can benefit immensely from the inclusion of a disability perspective, given that they can be influenced by disability bias and lack of data as to the actual impact that attacks and operations can have on persons with disabilities.” A/77/203, paras. 25-26.

¹⁴⁶ *Ibid.*

¹⁴⁷ A/77/203, paras. 68-70.

¹⁴⁸ *Ibid.*

and notably a recommended practice also mentions persons with disabilities as a group where sharing information on their particular needs is relevant.¹⁴⁹

Information on how the UN DPPA and UN DPO are developing or building capacity for collection and analysis of disability data is not available. International humanitarian organizations are advancing on developing systems and processes as well as building internal capacity for collecting and analyzing disability data.¹⁵⁰ The Washington Group methodology has been piloted in humanitarian contexts¹⁵¹ and is being applied in Humanitarian Needs Overviews,¹⁵² from which data is starting to be available on the prevalence of disability in humanitarian contexts. However, little information is currently available on how this data is used to inform operations and identification of persons with disabilities using validated methods is not yet systematic.¹⁵³ By way of example, OHCHR which has been documenting civilian killings since 2014 through the UN Human Rights Monitoring Mission in Ukraine (HRMMU) and does occasionally include references to killings of persons with disabilities in the context of the armed conflict. However, this data collection is not systematic, and in the comprehensive updates on civilian casualties in Ukraine, disaggregating by sex and age (child or adult) but not on disability.¹⁵⁴ Without this data, it is difficult to adequately assess compliance with Article 11 of the CRPD or implementation of UNSC 2475. Also, as yet, operational results and indicators reported by international humanitarian organizations are mostly not disaggregated by disability.

B. Recommendations

- Under the obligations of CRPD Article 31, States should collect data disaggregated by disability, age, and gender to assess the implementation of the CRPD and to identify

¹⁴⁹ Office for the Coordination of Humanitarian Affairs (OCHA) Humanitarian Civil-Military Coordination Service (CMCS), “Recommended Practices for Effective Humanitarian Civil-Military Coordination of Foreign Military Assets (FMA) in Natural and Man-Made Disasters” (Sept. 2018), available at: <https://www.unocha.org/sites/unocha/files/180918%20Recommended%20Practices%20in%20Humanitarian%20Civil-Military%20Coordination%20v1.0.pdf>.

¹⁵⁰ See e.g., UN High Commissioner for Refugees, “Advancing Participation and Inclusion. Age, Gender and Diversity Accountability Report” (June 2022), available at: <https://www.unhcr.org/age-gender-diversity-reporting-on-agd/>; and World Food Programme “Mainstreaming of Disability Disaggregation: A Phased Approach,” Technical Note (March 2021), available at: <https://docs.wfp.org/api/documents/WFP-0000125214/download/>.

¹⁵¹ Humanity & Inclusion, “Disability Data in Humanitarian Action,” available at: <https://www.humanity-inclusion.org.uk/en/disability-data-in-humanitarian-action> (accessed 7 July 2023).

¹⁵² See Gopal Mitra and Georgia Dominik, “United Nations Disability Inclusion Strategy: A framework to accelerate transformative change for persons with disabilities in the peace and security pillar,” 105 INTERNATIONAL REVIEW OF THE RED CROSS 922, 459–464 (2023), available at: <https://international-review.icrc.org/articles/united-nations-disability-inclusion-strategy-persons-with-disabilities-922>; OCHA, “Humanitarian Needs Overview: Syrian Arab Republic” (Feb. 2022), available at: <https://reliefweb.int/report/syrian-arab-republic/syrian-arab-republic-2023-humanitarian-needs-overview-december-2022-enar>; and OCHA, “Humanitarian Needs Overview: Ukraine” (Dec. 2022), available at: <https://www.unocha.org/sites/unocha/files/Ukraine%20Humanitarian%20Needs%20Overview%202023.pdf>.

¹⁵³ Humanity & Inclusion, “Ukraine, where sirens sound day and night: A focus on persons with disabilities and provision of emergency health services” (Oct. 2022), available at: https://www.hi.org/sn_uploads/document/Factsheet-Ukraine-Advocacy-EN-final-14102022.pdf.

¹⁵⁴ <https://www.ohchr.org/en/news/2023/08/ukraine-civilian-casualty-update-28-august-2023#:~:text=Total%20civilian%20casualties,9%2C511%20killed%20and%2017%2C206%20injured.>

barriers and accessibility issues faced by persons with disabilities. This must be applied also to contexts of armed conflict and other situations of risk.

- UN entities, as well as other relevant non-governmental actors operating in humanitarian, peacekeeping, and peacebuilding contexts, should collect, analyze, and report on disability data, including indicators, results, and analysis disaggregated by disability, age, and gender.
- Although data on disability is clearly needed for better and more informed decisions in State military and UN operations, as highlighted by the UN Special Rapporteur on the rights of persons with disabilities, operations should assume that a proportion of the affected population are persons with disabilities and be designed to be inclusive of persons with disabilities.¹⁵⁵

9. Conclusions

In conclusion, the main finding of this report is that the adoption of resolution 2475 has had limited impact in the peace and security agenda and in operational implementation. For example, reference to and language from resolution 2475 is minimally included in UN Security Council resolutions (only in one resolution on peacekeeping and peacebuilding). Those resolutions that do mention disability or persons with disabilities appear to have been the result of other influencing factors, such as advocacy of civil society actors and preexisting references to disability that predate adoption of resolution 2475.

Throughout the reviewed materials and sources on persons with disabilities in contexts of armed conflict, persons with disabilities are generally treated as a homogenous group without intersectional considerations of other personal and socio-economic characteristics. This means that disability was rarely mentioned separately from the catch-all phrase of ‘vulnerable groups’ and subordinated under gender and age, thereby leading to the specific interests and needs of persons with disabilities remaining unaddressed.¹⁵⁶

Major milestones in the humanitarian sector, such as the World Humanitarian Summit in 2016, the Charter on Inclusion of Persons with Disabilities in Humanitarian Action, the IASC Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action, and the UNDIS have influenced humanitarian actors to adjust their practices and become more inclusive of persons with disabilities. Based on this preliminary assessment, it seems that there is still a good deal of work necessary, particularly in the form of advocacy by OPDs and persons with disabilities to see the same sort of impact from resolution 2475. Further, given the overlap between UNDIS and resolution 2475, in potential future analysis, it may be difficult to distinguish impacts of resolution 2475 from impacts of other initiatives like UNDIS.

¹⁵⁵ A/77/203, para. 81(e).

¹⁵⁶ See Sean Molloy, “Peace-agreements and persons with disabilities,” PA-X Research Report (2019), available at: <https://www.politicalsettlements.org/wp-content/uploads/2020/02/Peace-Agreements-Disability-Report-DIGITAL-1.pdf>.

Lessons could be learned from progress made in the humanitarian sector and on how advocacy by key stakeholders could bring more attention to the importance of implementing resolution 2475. Likewise advances in the women, peace and security and youth peace and security agendas could inform next steps for future UN Security Council resolutions specifically on persons with disabilities to ensure the fuller implementation of resolution 2475.

Table 1 - New disability mentions in UN SC Resolutions since the adoption of Res. 2475 per unique or preexisting mentions.

Theme	Unique mentions	Mentions in res. with preexisting mentions	Total
Protection	3	4	7
Inclusive Peacebuilding	2	4	6
End to Impunity*	0	3	3
Meaningful Participation	1	5	6
Building Capacity	0	2	2

Table 2 - New disability mentions in UN SC resolutions since the adoption of Res. 2475, per type of recommendation.

Theme	Operative	Preamble	Operative & preamble	Total
Protection	5	1	1	7
Inclusive Peacebuilding	5	0	1	6
End to Impunity*	3	0	0	3
Meaningful Participation	6	0	0	6
Building Capacity	2	0	0	2



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IDA
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Disability Alliance