



**Towards Inclusive and Comprehensive Guidelines for Women and Girls with Disabilities
in Contexts of Conflict and Colonial Occupation: Equality, Dignity, and Empowerment
from the Perspective of the Palestinian Experience**

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QADER for Community Development is a Palestinian non-governmental, not-for-profit, and rights-based organization specializes in the rights of persons with disabilities, and established in 2008 in Bethlehem, Palestine. QADER leads a twin-track approach, dedicated to the empowerment and protection of children, women, and youth with disabilities from marginalization, discrimination, and all forms of disability and gender-based violence. QADER is committed to aligning societal, organizational, and policy contexts with the principles of “disability inclusion” and “leave no one behind” in Palestine. Through this alignment, QADER strives to foster its active engagement and meaningful participation across diverse facets of life and to ensure their full entitlements of rights by local laws and international human rights conventions and standards. In addition, QADER leads its international advocacy efforts through monitoring and documentation of human rights violations and international crimes, legal analysis, and reporting, to foster avenues for accountability and the protection of the rights of persons with disabilities (www.QADER.org).

Contents

1. Executive Summary	4
2. Background and Context.....	5
3. Gaps and Challenges	7
3.1 Normative and Practical Gap between International Human Rights Law and International Humanitarian Law.....	7
3.2 Legislative and Policy Alignment Gap with the Convention on the Rights of Persons with Disabilities (CRPD).....	8
3.3 Gap in Access to Justice and Legal Protection	10
3.4 Gap in Protection from Gender-Based and Disability-Based Violence.....	11
3.5 Gap in Access to Health Services, Including Sexual and Reproductive Health	12
3.6 Gap in Protection During Armed Conflicts and belligerent occupation	13
3.8 The Gap in Data and Human Rights Indicators.....	16
4. Guiding Lessons and Directions for the CRPD Guidelines.....	17
4.1 General Guiding Principles	17
4.2 Lessons Learned from the Palestinian Experience.....	19
4.3 Operational Guiding Directions.....	20
5. Conclusion and General Recommendations	22
5.1 The Human Rights Meaning of the Guidelines.....	22
5.2 Shared Obligations of States and UN Bodies.....	22
5.3 Towards Inclusive Global Justice	23

1. Executive Summary

This paper aims to develop practical guidelines for the Committee on the Rights of Persons with Disabilities (CRPD) to strengthen the protection of women and girls with disabilities in situations of armed conflict and colonial occupation. It draws on the Palestinian experience as **a critical test case**, revealing that the problem lies not in the absence of international standards, but in the lack of organizational will, enforcement and accountability mechanisms, and the exclusion of genuine participation and lack of disaggregated data. The objective is to transform the disability inclusion approach from a gap within the protection system into a benchmark for assessing the credibility of international justice.

This paper identifies a set of interrelated gaps that undermine protection. These include: **a normative and operational gap between international humanitarian law and international human rights law**; a legislative and policy alignment gap with the Convention, particularly the golden Article (4/3); and a gap in access to justice and legal protection resulting from the absence of procedural accommodation and specialized support. It also highlights a gap in protection from gender-based violence, a health-related gap encompassing forced sterilization and the suspension of the (2021) Health Insurance Regulation, and a protection gap during conflicts, where women with disabilities are excluded from evacuation, shelter, and relief plans. In parallel, there is a gap in international accountability, which reduces grave crimes to “humanitarian crises” without binding legal characterization, and a gap in human rights data and indicators that obstructs effective planning and accountability.

Lessons learned indicate that laws without enforcement mechanisms grounded in a disability-inclusive approach, and the meaningful participation of organizations representing persons with disabilities remain ineffective. Fragmentation of obligations between “humanitarian” and “human rights” produces impunity. Disability is not a technical cause but a standard of justice, and the exclusion of women and girls with disabilities from decision-making processes undermines the implementation of UN Security Council resolution 1325. Furthermore, data disaggregated by sex, age, disability type, and geographic location is a prerequisite for accountability and evidence-based policymaking.

This paper proposes a set of **integrated and action-oriented guidance** for the Committee on the Rights of Persons with Disabilities (CRPD Committee). It calls for the explicit recognition of the complementarity

between the branches of international law—international humanitarian law and international human rights law—and for the classification of prolonged occupation based on annexation (colonial occupation) as a situation requiring continuous legal protection under international law. It further recommends establishing a binding periodic accountability mechanism within the CRPD Committee, automatically activated to address grave violations such as starvation, forcible transfer, and genocide, including urgent procedures, time-bound reporting, and special sessions. The paper also calls for the systematic integration of the disability perspective within the Human Rights Council and other United Nations mechanisms, with explicit linkage to the Sustainable Development Goals. It urges the inclusion of organizations of persons with disabilities as decision-making partners with independent funding, and the alignment of Security Council resolution 1325 with the Convention through indicators addressing multiple and intersecting forms of discrimination. Finally, it emphasizes the prohibition of forced sterilization, the development of measurable indicators for the implementation of legislation, and the treatment of international crimes from a disability perspective, in line with Security Council resolution 2475 (2019) and the principles of international criminal law.

This paper continues to build on the core directions pursued by the CRPD Committee by recommending the establishment of a **unified international data system** disaggregated from a disability perspective, in accordance with **Article (31) of the Convention**. This system should be directly linked to monitoring and accountability mechanisms to ensure transparency and accountability. The paper also proposes a **comprehensive training plan** to mainstream the disability inclusion approach within operational guidelines and field monitoring tools. Through this approach, the proposed guidance becomes an effective tool for transforming realities on the ground—measured by its ability to **save lives and uphold human dignity**. It reconnects the gap between legal provisions and justice in practice, placing **disability at the center of protection**, rather than at its margins.

2. Background and Context

Since the **Nakba of 1948**, which marked the peak of a **settler-colonial project** aimed at uprooting the Palestinian people from their land and identity, Palestinians — including **persons with disabilities** — have endured a **continuous Nakba** manifested in multiple forms of **forced transfer, blockade, collective punishment, starvation, apartheid, and direct belligerent occupation**. The Nakba has evolved from a

historical event into an **ongoing colonial structure** that continues to reproduce violence through different means, keeping the Palestinian people in a constant state of existential emergency.

The **International Court of Justice (ICJ)**, in its **historic advisory opinion issued on 19 July 2024**, and the subsequent **landmark resolution adopted by the United Nations General Assembly on 18 September 2024**, affirmed that Israel's continued presence throughout the entire **occupied Palestinian territory**, including **occupied Jerusalem**, constitutes an **unlawful settler-colonial regime based on annexation and apartheid**. This situation represents a **violation of peremptory norms of International Law (Jus Cogens)** and imposes an **obligation on all States** not to recognize, aid, or assist in maintaining this illegal situation.

Amid this ongoing Nakba experienced by the Indigenous Palestinian people, Palestine has faced, since **7 October 2023**, a **wide-scale aggression and acts of genocide**, characterized by the **systematic use of starvation, blockade, and forced transfer** as tools to subjugate and destroy the civilian population, including **women, children, and persons with disabilities**. The tragedy reached its peak when, the **United Nations declared, in August 2025, the outbreak of famine in Gaza**, marking a situation that reflects the **reproduction of genocide (the crime of crimes)—in the twenty-first century**.

In this context, disability is no longer a sectoral or group-specific issue, but **a revealing mirror of the ongoing Nakba** in all its dimensions. The discrimination, marginalization, and exclusion faced by persons with disabilities—particularly women and girls—intersect with other systems of structural oppression, including political, economic, social, and gender-based oppression. This makes the experience of disability **a central indicator of whether the international system upholds justice or strays from it**.

Although the State of Palestine acceded to **the Convention on the Rights of Persons with Disabilities (CRPD)** in April 2014 without reservations and later published it in the Official Gazette under Decree-Law No. (36) of 2023, the practical reality continues to reveal **structural shortcomings** in both alignment and genuine participation. Disability is still often approached through a charitable or welfare-based lens, rather than as a human rights and development issue, as required by the Convention.

In contrast, **QADER for Community Development (QADER)** has provided a **pioneering model** in transforming Palestinian suffering into **a driving force for legislative and organizational advocacy** through

parallel reports, human rights analytical studies, urgent appeals, and UN partnerships. The Palestinian experience has demonstrated that disability is not a symbol of weakness, but rather a **source of strength — a means to redefine justice and humanity amid adversity.**

The development of **comprehensive and inclusive guidelines** for **women and girls with disabilities** in contexts of **conflict and colonial occupation** is therefore not merely a research exercise, but a **historical act of preserving memory and correcting the course** — so that it may never be said: *we did not know that the Nakba is still ongoing.*

3. Gaps and Challenges

3.1 Normative and Practical Gap between International Human Rights Law and International Humanitarian Law

The **Palestinian situation** is **unique within the UN system**, as it represents an intersection between the **obligations of international human rights law**—which govern the relationship between the State and individuals—and those of **international humanitarian law**, which apply to a **State under unlawful occupation**.

This complex intersection has created a **persistent interpretive gap** that weakens international protection mechanisms for **persons with disabilities**, particularly **women and girls**, who face **multiple and intersecting forms of discrimination and marginalization** arising from **colonial occupation, armed conflict, and structural inequalities** at the national level.

The Palestinian experience has demonstrated that the traditional separation between the two branches of international law—international human rights law in times of peace and international humanitarian law in times of armed conflict and belligerent occupation—is **no longer adequate** in a context characterized by prolonged occupation, structural violence, and the dehumanization of civilians. The civil lives of persons with disabilities in Palestine take place under the authority of a permanent occupation and an apartheid system, which restricts their movement, limits access to services and prevents the full enjoyment of their fundamental rights. This makes the simultaneous application of both bodies of law a complementary obligation, rather than a parallel or optional one. **Ignoring this complex reality in UN literature and treaty bodies excludes**

women and girls with disabilities from effective monitoring and protection, thereby rendering international obligations practically meaningless.

The illegal Israeli occupation of the Palestinian territory constitutes a system of structural oppression and discrimination, based on forced annexation of land, structural deprivation of resources, and physical restrictions on civilian movement. It conducts repeated and wide-scale attacks on civilians and civilian objects, including **acts of genocide, starvation, and forced transfer**, in systematic violation of both branches of international law. Accordingly, the Palestinian situation serves as **a critical benchmark for assessing the ability of new guidelines to bridge the gap between legal texts and on-the-ground realities**. Success in addressing this case would serve as a measure of their global effectiveness in contexts of prolonged conflict and occupation.

Accordingly, international guidelines should be directed toward harmonizing the normative and practical application of both international humanitarian law and international human rights law, through mutual recognition of the complementarity of obligations in times of conflict and peace. They should adopt a definition of prolonged occupation based on unlawful annexation as a continuous conflict **requiring ongoing protection for persons with disabilities** and ensure that the **colonial dimension** is integrated into rights-based analysis as an organizational factor in discrimination against persons with disabilities. Guidelines must also employ precise legal characterizations in relation to **genocide, starvation as a method of warfare, and forced transfer**, rather than substituting these with vague terminology that diminishes their meaning in committee reports and UN documents. This approach should be consistent with the principles of justice, non-selectivity, and the standardization of international norms.

3.2 Legislative and Policy Alignment Gap with the Convention on the Rights of Persons with Disabilities (CRPD)

Despite the State of Palestine's accession to the CRPD and its publication in the Official Gazette (Palestinian Records), **legislative alignment remains largely formal and ineffective**, due to political system deterioration, lack of political will for genuine reform, and insufficient commitment to advancing rights, freedoms, and human dignity, as well as a neglect of the compounded suffering of the most vulnerable groups.

Reports by QADER (2023–2025) indicate that most national laws, including the Personal Status Law and its draft amendments, the Disabilities Rights Law and its draft revisions, the Penal Code, the Code of Criminal

Procedure, judicial laws, and the Labor Law, as well as subordinate regulations related to women's protection centers and the national referral system for survivors of violence, **have failed to produce substantial change consistent with the CRPD and a disability inclusion approach.** Disability continues to be treated as a medical or welfare issue, rather than recognized as a human rights matter grounded in a development-oriented rights framework.

In this context, there is a notable weakness in implementing the principle of “**substantive equality**”, as emphasized in General Comment No. (3) of the CRPD Committee, due to the absence of effective policies to combat multiple and intersecting forms of discrimination against women and girls with disabilities. A clear example is the 1999 Disabilities Rights Law, which does not mention women and girls with disabilities at all. While Article (9) of the law explicitly requires the State to establish regulations and measures ensuring protection from all forms of violence, discrimination, and exploitation, the Palestinian Cabinet has yet to issue these regulations and guidelines, more than a quarter of a century after the law's adoption.

The 2025 Draft Personal Status (Family) Law reproduces outdated concepts and terminology that reflect a discriminatory view of disability (such as “**insane**,” “**mentally deranged**,” “**foolish**”) and enacts systematic discrimination by denying persons with disabilities—**particularly those with intellectual disabilities**—their legal capacity. The draft contains numerous provisions that constitute multiple and intersecting forms of discrimination based on gender and disability, affecting areas such as **legal capacity, guardianship, custody, and representation.** The draft lacks a disability inclusion approach, fails to incorporate the principles and obligations of the CRPD, and does not provide reasonable accommodations, accessibility, or programmatic and environmental alignment. It also ignores the specific needs of women and girls with disabilities in the regulations of women's protection centers and the national referral system for survivors of violence, contrary to the obligations set out in the Convention.

The core problem lies in undermining the obligations of the Convention, **particularly Article (4/3) — the “golden” article** — which requires close consultation and genuine participation of persons with disabilities and their representative organizations in the development and implementation of legislation and policies. Instead, these obligations are treated formally, with legislation filled with general statements that lack practical application.

To this day, the Palestinian government maintains the disability issue within the Ministry of Social Development, which inherited the old welfare-oriented approach of the former Ministry of Social Affairs. This approach fundamentally contradicts the philosophy of the CRPD, which is grounded in **a rights- and development-based framework emphasizing inclusion**, equal participation, and accountability.

This bureaucratic centralization undermines efforts to transform disability from a matter of care into a matter of rights and development, leaving women and girls with disabilities hostage to distant organizational goodwill, rather than benefiting from policies of justice, participation, equal opportunity, and empowerment.

3.3 Gaps in Access to Justice and Legal Protection

Studies and analytical reports by QADER (2021–2024) indicate that access to justice remains a privilege rather than a guaranteed right under the Palestinian Basic Law (Constitution) for women and girls with disabilities. Criminal and procedural legislation fails to mainstream disability and does not address the specific needs of women and girls with disabilities throughout the criminal justice process, including investigation, prosecution, and trial stages, regarding privacy, reasonable accommodations, protection mechanisms, and access to justice. Similarly, women with disabilities face significant barriers in accessing Shari’a courts, enduring a long and challenging journey in pursuit of justice that remains largely out of reach.

Judicial organizations, (civil and Shari’a courts), as well as security organizations, lack mechanisms to facilitate access, procedural accommodations, and specialized legal assistance. Existing laws do not criminalize forms of violence, exploitation, or abuse based on disability, despite recommendations from the CEDAW Committee and other UN treaty bodies urging Palestine to adopt national legislation that provides a comprehensive definition of discrimination against women, including prohibitions, enforcement mechanisms, and penalties in line with the CRPD.

This gap is further exacerbated by structural discrimination based on gender and disability within the police and judicial units, where specialized training is absent, and the testimonies of women with disabilities—particularly those with intellectual disabilities—are alienated in both criminal and civil proceedings.

3.4 Gaps in Protection from Gender-Based and Disability-Based Violence

A study on **gender-based and disability-based violence** (QADER, 2019) found that 83% of women and girls with disabilities in the field sample experienced physical, psychological, economic, or sexual violence, often perpetrated by close family members.

Despite the establishment of several governmental and community centers, the protection system for women survivors of violence **remains fragmented and fragile**, lacking **coordination, adequate financial resources, and specialized expertise**. It continues to operate through a **welfare-oriented rather than a rights-based** approach, focusing on temporary service provision instead of building an **inclusive framework** grounded in prevention, empowerment, and accountability. Moreover, existing procedures still lack accessibility and reasonable accommodation measures that ensure the meaningful participation of women and girls with disabilities in the design, implementation, and evaluation of protection programs.

This inaction entrenches a culture of impunity and perpetuates systematic and prolonged violence against women and girls with disabilities in the State of Palestine, in blatant violation of the State's obligations under the CRPD, which it ratified without reservations. This includes legislative, policy, and practical obligations, particularly Article 16, which addresses protection from exploitation, violence, and abuse.

Furthermore, official authorities have failed to establish and adopt regulations and guidelines that ensure protection from the forms of violence, exploitation, and discrimination stipulated in the existing Disabilities Rights Law, in full and meaningful partnership with organizations representing persons with disabilities, as required by Article 4(3) — the “golden” article — of the CRPD, which has no equivalent in other core human rights treaties. Authorities have also failed to criminalize multiple and intersecting forms of discrimination against women and girls with disabilities and have not adopted disability-sensitive protocols for responding to cases of violence, which are essential to ensure prevention, protection, and accountability.

This inaction prompted the CRPD Committee, in its **List of Issues** related to Palestine's initial report (CRPD/C/PSE/Q/1), to urge the State Party to provide practical mechanisms and methodologies that ensure the inclusion and consultation of persons with disabilities **through their representative organizations** across all government sectors and administrative levels. Article (4/3) of the CRPD **is not merely a procedural provision**; it represents a core “golden” principle **embodying the participatory philosophy of the**

Convention. It guarantees that the voices of persons with disabilities—**women and men alike**—are an integral part of decision-making and the effective implementation of policies, rather than being passive recipients. Accordingly, **the international guidelines currently being developed by the Committee must translate this principle into binding mechanisms, clearly defining standards for genuine participation, measurable indicators, and accountability safeguards in cases of non-compliance.**

Undoubtedly, this failure **entrenches a culture of impunity** and perpetuates patterns of systematic and prolonged violence against women and girls with disabilities in the State of Palestine, in clear violation of the State Party's obligations under the CRPD, which it ratified in April 2014 without reservations. This applies at the legislative, policy, and practical levels, particularly with respect to the explicit obligations under Article (16), which addresses protection from exploitation, violence, and abuse.

3.5 Gaps in Access to Health Services, Including Sexual and Reproductive Health

Reports by QADER indicate that women and girls with disabilities face **systematic discrimination within the Palestinian health system**, both in access to services and in the quality and nature of care, including sexual and reproductive health: QADER's monitoring has documented cases of **forced sterilization** and denial of the right to make independent decisions regarding marriage, pregnancy, and childbirth, in direct violation of Articles (12), (23), and (25) of the CRPD. These challenges are further compounded by the lack of accessible medical facilities and trained healthcare personnel and are exacerbated in contexts of colonial occupation and military aggression, intensifying violations within the health sector.

Despite the issuance of the **Health Insurance System for Persons with Disabilities No. (2) of 2021**, published in the Official Gazette following a 63-day rights-based campaign by persons with disabilities in the Palestinian Parliament, **it has not yet been implemented**. This reflects a serious gap between law and practice and constitutes a violation of the principles of non-discrimination and meaningful participation enshrined in Article (4/3) — the “golden” article — of the CRPD.

The CRPD Committee, in its List of Issues (CRPD/C/PSE/Q/1), emphasized the need for the State of Palestine to provide disaggregated data on **women and girls with disabilities' access to health services**, including sexual and reproductive health, noting the failure to inform evidence-based health policy design by **specialized surveys and indicators**. A health system that excludes women with disabilities from decision-making,

information, and care is a system that legitimizes disability twice: **once in the body, and once in consciousness.**

Accordingly, the forthcoming international guidelines should **translate the prohibitions established in the CRPD into concrete, practical obligations, moving beyond theoretical descriptions to measurable and accountable standards.** This requires establishing clear criteria to monitor and prevent forced sterilization in health policies, ensuring the bodily integrity and decision-making autonomy of women and girls with disabilities, and setting mandatory indicators to assess the implementation of enacted health legislation, such as the 2021 Health Insurance System for Persons with Disabilities. Their practical impact should be monitored through States Parties' periodic reports, in alignment with the objectives of the international guidelines.

The guidelines should integrate the meaningful participation required under **Article (4/3) – the golden Article - as a core condition** for the design and implementation of health programs, rather than treating it as a formalistic form of consultation. States should be obliged to develop national systems for collecting disaggregated data by gender, type of disability, and geographic location, directly linking this data to the right to health and non-discrimination. Through **this approach**, the guidelines transform from an interpretive document into an effective tool for harmonizing international standards and ensuring genuine accountability in health and reproductive policies.

3.6 Gaps in Protection During Armed Conflicts and belligerent occupation

The Palestinian experience reveals an almost complete absence of effective protection mechanisms for persons with disabilities, particularly women and girls, during armed conflicts and belligerent occupation. In every wave of aggression, including the comprehensive assault since 7 October 2023, evidence shows that persons with disabilities are left without safe evacuation, accessible medical care, or protection from bombardment and siege. This is a result of the collapse of humanitarian access and assistance systems and the absence of national emergency plans that incorporate a disability-inclusive approach in planning, implementation, and monitoring.

Studies, reports, and documentation by QADER (2023–2025) show that women and girls with disabilities face compounded discrimination in conflict and occupation settings. They are denied access to shelters and safe health facilities, exposed to gender-based violence and exploitation in displacement environments, and often lose assistive devices or caregivers, leaving them more vulnerable to isolation, danger, and deprivation of a

dignified life. These realities reflect not only local failures but also a **systemic gap within the UN humanitarian protection framework**, which has yet to integrate **disability as a core component** in international standards for response in conflicts and occupations.

The systematic disconnection between International Humanitarian Law obligations and the obligations under the CRPD in the context of long-term Israeli occupation based on annexation and apartheid renders the protection system ineffective in practice. The occupying power continues to commit serious violations without genuine accountability under the Convention framework, while the State Party under occupation is unable to fulfill its obligations due to lack of effective control on the ground. **This gap is further exacerbated internally by the absence of official Palestinian political will, which has not prioritized disability in legislative and policy agendas**, despite possessing authorities and resources that could have been mobilized to alleviate suffering and enhance protection. Consequently, persons with disabilities remain caught between two legal systems, each denying responsibility, in the absence of effective UN coordination to ensure accountability and comprehensive enforcement of international obligations.

The use of starvation as a method of warfare during the Israeli assault targeting civilian populations, particularly women and children in Gaza, which left thousands with disabilities, **exemplifies a clear failure of the UN protection system**. Civilians, including persons with disabilities, were denied food, medicine, water, and humanitarian assistance, culminating in the **UN's official declaration in August 2025 of a famine in Gaza**. These systematic crimes, documented by QADER in its 2025 report "Starvation as a Weapon of Genocide and Forced transfer", reveal how legal norms become mere slogans when enforcement, implementation, and accountability mechanisms are absent.

Accordingly, **the forthcoming international guidelines** should redefine protection in conflict and occupation contexts by obliging States, parties to the conflict, and UN agencies to adopt a **disability-inclusive approach** at all stages of conflict, from prevention and evacuation to relief and recovery. The guidelines should establish binding standards to include persons with disabilities, particularly women and girls, in evacuation and humanitarian assistance plans, ensure physical and informational access to shelters and essential services, and criminalize the use of siege and starvation as tools of war. Clear mechanisms for international accountability must be incorporated so that disability is no longer a gap in the humanitarian justice system, but rather a

benchmark for assessing the credibility of UN commitments to protect civilians in emergencies, armed conflicts, and belligerent occupation.

The Palestinian experience clearly exposes the **failure of the United Nations accountability system** in situations of conflict and prolonged, unlawful colonial occupation. UN mechanisms remain unable to move from description to protection and accountability, despite the gravity of the documented violations—including the use of starvation as a method of warfare, forced transfer, and genocide. Periodic reports submitted by States Parties to the Convention on the Rights of Persons with Disabilities have largely become a formal exercise, lacking clear timelines for follow-up actions or binding corrective measures. This reflects **the absence of an effective periodic review system specifically tailored to exceptional contexts** such as armed conflict and belligerent occupation.

Reports by QADER for Community Development—particularly its 2025 report on the use of starvation as a weapon of genocide and forced transfer—reveal that the Committee on the Rights of Persons with Disabilities (CRPD), along with other relevant UN treaty bodies, has not addressed starvation as an explicit **war crime**, as clearly defined under Article (8/2/b/25) of the Rome Statute. Instead, such acts have often been characterized merely as a “**humanitarian crisis**,” overlooking the binding legal obligations established under international humanitarian law and Article (11) of the CRPD, which requires States to take all necessary measures to protect persons with disabilities in situations of emergency and armed conflict. The same applies to **the crime of genocide**, as confirmed by the Independent International Commission of Inquiry (COI) in its report issued on 16 September 2025.

Accordingly, the forthcoming international guidelines of the CRPD Committee should be directed toward establishing a **binding periodic accountability mechanism** within the Committee, to be automatically activated in contexts of conflict and occupation when grave violations—such as genocide, starvation, or forced transfer—are documented. This mechanism should include urgent procedures, time-bound follow-up reports, and dedicated hearings. The guidelines should also set clear standards for the **meaningful participation of representative organizations of persons with disabilities** (Article 4/3 of the CRPD) as active partners in **monitoring, documentation, fact-finding, and accountability processes**.

In this regard, it is recommended that the Palestinian Guideline developed by QADER, titled **‘Fundamentals of International Law and Tools for Monitoring, Documentation, and Accountability from a Disability Perspective,’** be adopted as a practical model for a comprehensive disability-inclusive oversight and accountability protocol. This model provides rights-based performance indicators that are gender-sensitive and linked to transparent, measurable follow-up mechanisms. Such an approach would transform disability from a gap in the humanitarian justice system into a core standard of credibility for UN commitments to civilian protection—especially for women and girls with disabilities—during armed conflict and belligerent occupation.

3.8 The Gaps in Data and Human Rights Indicators

The data - indicator gap represents **one of the most profound structural weaknesses in the system for protecting the rights of persons with disabilities** in Palestine. No comprehensive national survey has been conducted since 2011, leaving public plans and policies dependent on inaccurate estimates. The absence of specialized, disaggregated data based on a disability inclusion approach undermines monitoring and accountability and prevents rights-based planning—at a time when the need for updated indicators has become more urgent than ever to reflect the catastrophic realities following the assault on Gaza.

The Committee on the Rights of Persons with Disabilities (CRPD), in its List of Issues for the State of Palestine (CRPD/C/PSE/Q/1), emphasized the importance of collecting, analyzing, and disseminating both qualitative and quantitative disaggregated data on persons with disabilities. It also called for the development of **a national system** for regularly updated data collection—disaggregated by age, sex, gender, ethnicity, and place of residence, to enable effective monitoring of obligations under the Convention.

Accordingly, it is essential that the forthcoming international guidelines be directed toward establishing a unified human right-based data and indicator system grounded in a disability inclusion perspective, specifically tailored to contexts of emergency, conflict, and occupation. This system should be anchored in **Article (31)** of the Convention on the Rights of Persons with Disabilities and built on **full partnership** with representative organizations of persons with disabilities, particularly women and girls. The guidelines should also set **mandatory standards for the periodic updating of data** and for linking this data directly to **international monitoring and accountability mechanisms**. In doing so, human rights indicators would

become a **central tool** for assessing the extent to which States and parties to conflict fulfill their obligations to protect the full spectrum of rights of persons with disabilities.

4. Guiding Lessons and Directions for the CRPD Guidelines

The Palestinian experience clearly demonstrates that the persistent gaps within the international protection system for persons with disabilities—from the normative gap between international human rights law and international humanitarian law to the gaps in accountability and data—**do not stem from the weakness of legal instruments**, but rather from the lack of organizational will to activate and harmonize them in contexts of conflict and prolonged occupation. Palestine, as an extreme test case, has exposed the fragility of the line dividing the “**humanitarian**” from the “**human rights**” dimensions, and has underscored the urgent need for an approach that unites humanitarian and legal justice on the basis of inclusion, equality, and dignity—where the credibility of the law is measured by its ability to protect the vulnerable, not the powerful.

In this context, the international guidelines currently being developed by the CRPD Committee carry historic significance, as they represent the first opportunity to establish a **binding normative framework** applicable to armed conflicts and situations of prolonged occupation—one that ensures **the integration of disability inclusion** as a legal obligation, not a policy choice. The Palestinian experience serves as a **genuine testing ground** from which critical lessons must be drawn to inform these guidelines, including the failure of protection mechanisms, the absence of accountability, the lack of meaningful participation, and the persistent gaps in independent data and funding.

Accordingly, this section aims to **distill the key lessons and guiding directions** drawn from the Palestinian reality, serving as a unique entry point for shaping the forthcoming international guidelines of the CRPD Committee. These insights are presented **across three interrelated levels**: the first relates to the general guiding principles, the second draws on the lessons learned from the Palestinian experience, and the third outlines proposed practical directions for the development of the international guidelines.

4.1 General Guiding Principles

The international guidelines of the CRPD Committee should be grounded in a set of overarching principles that redefine protection in contexts of conflict and prolonged occupation. Protection must move beyond a narrow

technical concept to become a comprehensive legal obligation founded on the principles of equality, dignity, and non-discrimination.

a. **The Principle of Complementarity between International Humanitarian Law and International Human Rights Law**, as the foundational reference for overcoming the historical divide between “peace” and “conflict,” and for establishing continuous protection for persons with disabilities at all times, particularly in situations of prolonged occupation.

b. **The Principle of Systematic Inclusion** and Mainstreaming of Disability in Planning, Programming, Monitoring, and Accountability, whereby disability is considered a core dimension in all stages of emergency, conflict, and reconstruction, not merely a target group or a secondary issue.

c. **The Principle of Meaningful Participation** as stipulated in the golden article (4/3) of the Convention on the Rights of Persons with Disabilities, which requires close and continuous consultation with representative organizations of persons with disabilities, especially women and girls, as equal partners in shaping humanitarian and human rights decision-making.

d. **The Principle of Non-Impunity**, which links protection to accountability and recognizes that violations of rights, including starvation or forced displacement, constitute crimes requiring investigation and prosecution in accordance with international humanitarian law and the Rome Statute of the International Criminal Court.

e. **The Principle of Data, Transparency, and Periodic Accountability** to ensure the standardization of approaches and the measurement of the real impact of international commitments on the lives of persons with disabilities, beyond formal practices and unverifiable reports.

These principles constitute **the normative and policy foundation** for any new international guidelines and serve as the **moral and legal compass** that should guide the United Nations system in addressing conflicts and prolonged occupations, where justice is tested in its most severe forms.

4.2 Lessons Learned from the Palestinian Experience

The Palestinian experience—marked by the realities of unlawful colonial occupation and recurrent hostilities—reveals a set of **profound lessons** that should inform **the forthcoming international guidelines** to ensure their effectiveness and inclusiveness in similar contexts.

a. **Laws alone do not ensure protection** unless they are translated into integrated mechanisms for implementation and accountability, guaranteeing the genuine and effective participation of representative organizations of persons with disabilities and ensuring their independence, in line with the spirit of the CRPD. Palestine has shown that international instruments, regardless of their scope, remain suspended unless they are implemented on the ground within a genuine accountability system that deters violations and addresses their consequences.

b. **The fragmentation of obligations between international humanitarian law and international human rights law weakens protection and opens the door to impunity.** The realities in Gaza and the West Bank have demonstrated that colonial occupation does not distinguish between “peace” and “conflict,” but rather enforces a continuous system of structural violence, compounded for women. This makes the complementarity between the two bodies of law a duty, not a choice.

c. **Disability is not a technical issue but a genuine standard against which justice is tested.** When the requirements of disability inclusion are excluded from emergency, relief, and reconstruction systems, protection becomes a selective privilege, and structural discrimination is reproduced in even harsher forms.

d. **Women and girls with disabilities are at the heart of the crisis yet are alienated from decision-making.** Human rights reviews of “QADER’s” reports and the observations of the CRPD Committee have shown that absence of genuine participation of this group in planning and policymaking is one of the fundamental reasons for the failure of protection at both the national and international levels, as well as for the failure to localize and implement UN Security Council Resolution (1325) for the year 2000 on Women, Peace, and Security in the Palestinian context—across planning, implementation, and monitoring and evaluation processes.

e. **Specialized surveys and accurate data as the first conditions for accountability.** The absence of information disaggregated by disability, gender, and geographic location makes victims invisible in international reports and keeps policies dependent on assumptions and justifications.

These lessons drawn from Palestine are **not exclusive to Palestine**; they serve as a mirror reflecting the limitations of the international system and its ability to fulfill its own commitments. When the needs and rights of persons with disabilities in the Gaza Strip are ignored or neglected, **it is humanity itself that stands exposed.**

4.3 Operational Guiding Directions

Building on the principles and lessons learned from the Palestinian experience, the forthcoming international guidelines of the United Nations Committee on the Rights of Persons with Disabilities (CRPD) should focus on developing **an integrated, just, and binding operational framework** to ensure the effective protection of persons with disabilities in situations of armed conflict and prolonged occupation. This framework should be structured in the following key directions:

a. Normative and Operational Guidance: The guidelines should explicitly affirm the complementarity of legal obligations under international humanitarian law and international human rights law, requiring States and parties to armed conflict to implement the Convention throughout periods of conflict. Disability must be integrated as **a core dimension** in all stages of emergencies—from prevention to recovery—while recognizing prolonged occupation as a continuous state of conflict that necessitates sustained protection.

b. Organizational Framework and International Accountability: It is recommended to establish **a binding and periodic accountability mechanism within the CRPD Committee, to be automatically activated in situations of armed conflict or belligerent occupation** when serious violations—such as starvation, forced transfer, or genocide—are documented. This mechanism should include urgent procedures, time-bound reporting, and dedicated hearings. Furthermore, the Committee should work to institutionalize disability as a **permanent item on the agenda of the Human Rights Council and across UN mechanisms**, ensuring its explicit integration within **the implementation frameworks of the Sustainable Development Goals**. Accountability for the rights of persons with disabilities in contexts of conflict and occupation must be recognized as an essential condition for achieving equality and non-discrimination under the 2030 Agenda, guaranteeing a holistic and indivisible organizational response that links justice to development.

c. Meaningful Participation and Independent Funding: The guidelines should affirm the obligation to **ensure the genuine participation of representative organizations of persons with disabilities—particularly women and girls—as equal partners in decision-making, rather than symbolic advisors.** Dedicated, independent, and sustainable financial resources must be allocated to support their engagement in planning, monitoring, and accountability processes, thereby ensuring the continuous and meaningful presence of local actors within UN operations and humanitarian mechanisms.

d. Gender Integration and Disability Inclusion within Security Council Resolution 1325 (2000): The guidelines should include explicit commitments to ensure the inclusion of women and girls with disabilities within national action plans on Women, Peace, and Security, recognizing them as a priority group in relief and recovery programs. They should also establish performance indicators that address multiple and intersecting forms of discrimination, while promoting the integration of Resolution 1325 and the CRPD as **complementary** frameworks for protecting women in conflict settings.

e. Data, Transparency, and Field Monitoring: The forthcoming international guidelines should emphasize the establishment of a unified international system for collecting, analyzing, and disseminating disaggregated data—by gender, type of disability, and **inclusion** indicators—in line with Article (31) of the Convention. This data must be directly linked to international monitoring and accountability mechanisms, ensuring that information serves as a tool for justice. The absence of accurate data is an absence of justice.

f. Core Humanitarian Obligations: The guidelines should underscore that acts such as starvation, blockade, and collective punishment constitute **international crimes, not merely humanitarian crises.** They should call for the inclusion of specific measures criminalizing the use of siege or the deliberate denial of aid as methods of warfare, in accordance with the Rome Statute, Article (11) of the CRPD, and UN Security Council Resolution 2475 (2019) on the protection of persons with disabilities in armed conflict.

g. Mainstreaming, Training, and Capacity Building: The forthcoming international guidelines of the CRPD Committee should include an **operational plan to train UN and national personnel on disability inclusion within humanitarian action.** Disability inclusion must be embedded in operational manuals and field monitoring processes, ensuring that disability is not treated as an additional component but as an overarching framework integrated across all activities.

The proposed guiding directions are not intended merely to add another chapter to United Nations discourse, but to redefine the very concept of protection as both a legal obligation and a moral duty toward persons with disabilities in every context of conflict and occupation. The success of the international guidelines being developed by the CRPD Committee will not be measured by their length or terminology, but by their ability to save lives and restore human dignity in the darkest moments of history. **This is an opportunity to realign the global agenda and place disability at the center of justice—not at its margins.**

5. Conclusion and General Recommendations

5.1 The Human Rights Meaning of the Guidelines

The forthcoming international guidelines of the Committee on the Rights of Persons with Disabilities (CRPD) represent more than an interpretative document—they constitute a renewed United Nations declaration on the meaning of protection in an era where genocide intersects with organizational paralysis. Their true measure of success will not lie in theoretical formulation but in their capacity to create tangible impact in the lives of persons with disabilities living under conflict and prolonged colonial occupation. The Palestinian experience offers the world a stark lesson in the language of the United Nations when tested by starvation, bombardment, isolation, and abandonment. In this light, the forthcoming guidelines stand as an opportunity to correct the global course—to embody justice, not merely describe it.

5.2 Shared Obligations of States and UN Bodies

The Palestinian experience reaffirms that the protection of persons with disabilities in situations of conflict **cannot be the responsibility of a single State**. It must be understood as **a shared obligation** among States Parties to the CRPD, United Nations bodies and agencies, and humanitarian and human rights organizations. The forthcoming guidelines should therefore clearly define **roles and responsibilities** and establish binding monitoring mechanisms that link funding, implementation, and accountability. The protection of the human dignity of persons with disabilities is not measured by the number of resources allocated, but by the degree of coherence between law and political will—when both converge on the shared organization of justice, equality, and human conscience.

The Committee should explicitly call for the harmonization of United Nations frameworks—including the **Human Rights Council, the Office of the High Commissioner for Human Rights (OHCHR), the Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations Development Programme (UNDP), the United Nations Children’s Fund (UNICEF)**, and all other UN agencies—to ensure the integration of disability inclusion across all stages of humanitarian response, reconstruction, and sustainable development. These efforts should be anchored in the **“golden article” Article (4/3)** of the CRPD, as the overarching legal basis for consultation and meaningful participation. Disability, at its core, is not a separate sector but a measure of the credibility of the UN system’s commitment to human dignity—an essential lens through which to assess its capacity to transform commitments into real and effective protection.

5.3 Towards Inclusive Global Justice

The State of Palestine, which has become a mirror to the world’s conscience, compels the international community to redefine justice as a universal and indivisible responsibility. Justice that overlooks persons with disabilities is not justice, and humanity that remains silent in the face of systematic starvation and genocide is not humanity.

Therefore, the international guidelines being developed by the CRPD Committee must lay the groundwork for an inclusive global justice—one that restores recognition to those who have been forgotten, unites law with compassion, principle with practice, and dignity with life itself. The adoption of these guidelines will serve as a moral test for the world before it is a legal one—an opportunity to affirm that dignity is indivisible, protection is a right not a privilege, and that the voices of women and girls with disabilities in Palestine and across the world are the heartbeat that must guide the path toward justice.

Building on the comprehensive analysis presented in this paper, along with other reports and studies submitted by **“QADER”** to the Committee on the Rights of Persons with Disabilities—grounded in International Human Rights Law, International Humanitarian Law, and International Criminal Law—these contributions together form a solid knowledge and methodological organization upon which the Committee may rely in developing **the forthcoming General Comment on Article (11) of the Convention, concerning situations of risk, humanitarian emergencies, and armed conflict**. This collective work contributes to advancing a unified and

effective normative framework that strengthens the protection of persons with disabilities in contexts of conflict and prolonged colonial occupation.

In conclusion,

These guidelines are not merely a UN document, but a deferred promise of dignity and justice. If the world truly listens to the voice of Palestine—where laws are tested through lived pain rather than written lines—a new human covenant may emerge from the ruins, one that ends the silence of the international system and restores the true meaning of justice: that nations are measured by their ability to protect human beings in times of greatest adversity and to uphold their dignity amid the harshest trials.