



Disability-Based Violence

Submission on the Draft Guidelines on Disability-Based Violence

Submitted to the Committee on the Rights of Persons with Disabilities

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Executive Summary

This submission is presented within the framework of the ongoing consultations on the Draft Guidelines on Disability-Based Violence. It stems from the need to develop a deeper and more comprehensive understanding of the violence experienced by persons with disabilities, extending beyond individual acts to encompass the structural, institutional, legal, and social factors that produce violence, enable its continuation, or hinder its prevention and response.

QADER for Community Development welcomes the efforts undertaken by the Committee on the Rights of Persons with Disabilities and considers the Guidelines an important opportunity to strengthen a comprehensive rights-based approach and advance toward a deeper understanding of the relationship between violence, discrimination, inequality, exclusion, and power imbalances. This includes contexts affected by armed conflict, humanitarian emergencies, and unlawful occupation, where the risks of violence, marginalization, and deprivation of protection are disproportionately heightened for persons with disabilities.

This submission is based on the premise that disability-based violence cannot be separated from the legal and institutional environment in which persons with disabilities live. Violence is not limited to physical, psychological, or sexual abuse; it may also manifest through the deprivation or restriction of legal capacity, exclusion from access to justice, institutionalization, guardianship and substitute decision-making, non-consensual interventions, the absence of reasonable accommodation, lack of accessibility, and policies and practices that create or perpetuate dependency and inequality. From this perspective, the submission emphasizes that legal capacity and access to justice are not merely procedural guarantees but are essential pathways for preventing violence, ensuring protection, and securing access to remedies.

The submission addresses a number of key themes, including structural violence and systemic discrimination, institutional violence, guardianship and institutionalization, gender-based violence against women and girls with disabilities, the relationship between legal capacity, access to justice, and legal protection, as well as monitoring, documentation, data, and accountability as fundamental pillars for preventing violence, advancing justice, and combating impunity. It also highlights issues that warrant further attention, including non-consensual medical interventions, forced sterilization, hysterectomies, violence in digital environments,

violence associated with guardianship and institutionalization, and disability inclusion as a cross-cutting principle for prevention and protection, thereby strengthening the interconnection between prevention, justice, accountability, remedies, and the commitment to leave no one behind.

The submission pays particular attention to the situation of persons with disabilities in contexts of armed conflict, emergencies, and unlawful occupation, where the risks of violence, exclusion, and deprivation of protection, essential services, and life-saving assistance are significantly intensified, while the number of persons with disabilities increases as a result of injuries, trauma, and widespread violations. It further underscores the importance of mainstreaming disability inclusion throughout humanitarian response, recovery, and reconstruction efforts, and draws attention to the shared responsibilities of States, the United Nations and its bodies and agencies, international organizations, and donors. The submission concludes that effective prevention of disability-based violence requires moving beyond addressing violations after they occur to tackling their structural and institutional root causes, linking protection with legal capacity, access to justice, monitoring, documentation, and accountability, and embedding disability inclusion as a guiding principle across legislation, policies, services, and humanitarian and development responses, thereby ensuring that persons with disabilities enjoy their rights, freedoms, and dignity on an equal basis with others.

1. Introduction and Methodology

Introduction

This submission has been prepared in response to the call issued by the Committee on the Rights of Persons with Disabilities for comments and proposals regarding the Draft Guidelines on Disability-Based Violence. It aims to contribute to the further development of the Guidelines and to strengthen their consistency with the Convention on the Rights of Persons with Disabilities, the Committee's General Comments, and relevant international normative developments, thereby supporting the establishment of a more comprehensive framework for the prevention of and protection from violence, and for strengthening access to justice, accountability, and remedies.

This submission is grounded in the understanding that the prevention of and protection from violence cannot be separated from the realization of legal capacity, access to justice, meaningful participation, and the mainstreaming of disability inclusion in legislation, policies, programmes, and services. From this perspective,

it seeks to support the development of comprehensive Guidelines that reflect the contemporary understanding of disability-based violence and strengthen the interrelationship between prevention, protection, justice, monitoring, documentation, and accountability, while giving particular attention to women, girls, children, and persons with intellectual or psychosocial disabilities, as well as to the situation of persons with disabilities in contexts of conflict, emergencies, unlawful occupation, and humanitarian crises.

This submission is based on a review of the Draft Guidelines in light of the Convention on the Rights of Persons with Disabilities and the General Comments issued by the Committee, particularly those relating to legal capacity, accessibility, women and girls with disabilities, equality and non-discrimination, and organizations of persons with disabilities, as well as the general principles and obligations set out in the Convention. It also draws on the lists of issues and concluding observations adopted by the Committee, particularly those concerning disability-based violence, gender-based violence, legal capacity, access to justice, protection from exploitation, violence and abuse, and the protection of persons with disabilities in situations of conflict and emergencies, in addition to relevant international instruments, standards, and normative developments.

This submission also builds on QADER's accumulated research and practical experience in the fields of the rights of persons with disabilities, international human rights law, and international humanitarian law. This includes specialized studies and analytical papers on legal capacity and access to justice, monitoring and documentation through a disability inclusion lens, inclusive policy analysis, and disability-inclusive humanitarian response, as well as extensive experience in the development of relevant policies, legislation, and programmes. The observations and recommendations have been organized around key thematic areas that reflect the core issues associated with disability-based violence, with a focus on enhancing the consistency, comprehensiveness, and practical effectiveness of the Guidelines; supporting the development of a more comprehensive framework for the prevention of and protection from violence; ensuring accountability for perpetrators and remedies for victims; strengthening the interrelationship between legal capacity, access to justice, monitoring, documentation, and accountability; and embedding disability inclusion as a guiding principle across relevant legislation, policies, programmes, and interventions¹.

¹ See the relevant publications issued by QADER for Community Development, available at: <https://www.qader.org/resources>

2. Disability-Based Violence: Concepts and Standards

QADER for Community Development welcomes the efforts undertaken to develop the Draft Guidelines on Disability-Based Violence and considers their significance to stem from the need to foster a deeper and more comprehensive understanding of the nature, causes, consequences, prevention, and response to violence experienced by persons with disabilities, as well as the structural and institutional factors that generate and sustain such violence. Disability-based violence is not limited to direct physical, psychological, or sexual abuse; it also encompasses multiple forms of practices, policies, and social and institutional structures that result in exclusion, harm, or deprivation of rights based on disability.

In this context, QADER emphasizes the importance of recognizing that disability-based violence is closely linked to discrimination, inequality, and power imbalances. Many forms of violence experienced by persons with disabilities do not arise in isolation from the legal, social, and institutional environments surrounding them; rather, they are fueled by stereotypes, negative attitudes, and preconceived assumptions that undermine their autonomy, legal capacity, or ability to make decisions and participate fully in society. Consequently, disability-based violence is not merely a consequence of discrimination but is often one of its manifestations and mechanisms of perpetuation².

QADER also stresses the importance of clarifying the relationship between disability-based violence and several core provisions of the Convention on the Rights of Persons with Disabilities. Protection from violence is not linked solely to Article 16 on freedom from exploitation, violence, and abuse; it also intersects with Article 12 on equal recognition before the law, Article 13 on access to justice, Article 11 on situations of risk and humanitarian emergencies, as well as provisions relating to equality and non-discrimination, autonomy, independent living, and community participation. In this regard, legal capacity and access to justice are not only safeguards available after violence has occurred but also constitute some of the most important tools for preventing violence and reducing its risks.

² **Relevant paragraphs in the Draft Guidelines:** Paragraphs addressing the definition of violence based on disability, its root causes, and its relationship to discrimination and inequality.

QADER affirms that addressing violence solely as an individual act or isolated incident risks overlooking many other forms of violence experienced by persons with disabilities. Institutionalization that disregards a person's will and preferences or is carried out without free and informed consent, guardianship and substitute decision-making regimes, denial of reasonable accommodation, and exclusion from essential services or access to justice are all practices that can cause actual harm to persons with disabilities or expose them to heightened risks of violence, exploitation, and abuse, even when they do not take the form of conventional direct assault. This underscores the importance of adopting a human rights-based approach that recognizes persons with disabilities as rights holders possessing legal capacity, autonomy, and the ability to participate in decisions affecting their lives and rights, rather than merely as subjects of protection or care. Measures aimed at preventing and responding to violence should therefore empower persons with disabilities and strengthen their autonomy and meaningful participation, rather than impose additional restrictions or guardianship under the guise of protection.

QADER further notes that disability-based violence may take multiple and intersecting forms depending on the context. It may occur within the family, institutions, workplaces, care and protection facilities, or justice institutions, and may be particularly exacerbated in situations of armed conflict, humanitarian emergencies, unlawful occupation, disasters, and protracted crises. Understanding disability-based violence therefore requires a comprehensive approach that considers the various contexts in which persons with disabilities face risks and violations, as well as the factors that increase their vulnerability or limit their ability to report violations and seek remedies.

Finally, QADER for Community Development proposes that the Guidelines explicitly affirm that preventing disability-based violence is not limited to intervention after a violation has occurred, but begins with addressing its root causes, including discrimination, exclusion, poverty, social stigma, lack of necessary support, barriers to accessibility, and deprivation of participation and legal capacity. The greater the levels of equality, inclusion, autonomy, and participation, the more the environments that generate violence are diminished, the stronger the ability of persons with disabilities to protect and claim their rights becomes, and the weaker the structural and institutional factors that allow violence to persist or perpetrators to evade accountability.

3. Structural Violence and Systemic Discrimination

QADER believes that the Draft Guidelines could benefit from a clearer treatment of the concepts of structural violence and systemic discrimination as root causes of disability-based violence. Many of the violations experienced by persons with disabilities do not arise solely from direct individual acts; rather, they are linked to legal, institutional, social, and economic structures that result in marginalization, exclusion, and forced dependency on others, thereby creating environments that increase the likelihood of violence, exploitation, and abuse. From this perspective, violence is not limited to acts committed by individuals but is also manifested in systems, policies, and practices that produce or perpetuate inequality³.

In this context, QADER considers that denial of inclusive education, barriers to accessing health services, limited employment opportunities, inadequate social protection, and the absence of reasonable accommodation and accessibility should not be viewed merely as development or service gaps. Rather, they constitute manifestations of structural violence when they deprive persons with disabilities of their fundamental rights or place them in situations that increase their vulnerability to exploitation, harm, or forced dependency. Violence does not always begin with an act of abuse; it may begin when policies, systems, and institutions are designed in ways that exclude persons with disabilities or disregard their needs and rights.

QADER further considers that stereotypes and negative social attitudes towards persons with disabilities are among the most significant factors fueling disability-based violence. Assumptions of incapacity, incompetence, or inability to make decisions may be used to justify restrictive or exclusionary practices that undermine human dignity, autonomy, and equality, and diminish recognition of their legal capacity on an equal basis with others. Such assumptions are frequently invoked to justify excluding persons with disabilities from decisions affecting their lives, limiting their choices, or imposing forms of control over them under the guise of protection or care.

QADER also emphasizes that poverty and economic exclusion constitute an important dimension of structural violence. Persons with disabilities face disproportionately higher rates of poverty, unemployment, and economic insecurity, which increase their vulnerability and limit their ability to access services, legal protection,

³ **Relevant paragraphs in the Draft Guidelines:** Paragraphs addressing the root causes of violence based on disability, discrimination, exclusion, and the social and institutional barriers that increase exposure to violence.

and justice. Forced economic dependence on family members, caregivers, or institutions may also create environments that heighten the risk of violence, exploitation, and abuse while making it more difficult to report such violations or escape them.

QADER further notes that systemic discrimination may be embedded in laws, policies, practices, and administrative procedures when they fail to consider the rights of persons with disabilities or remove barriers to the enjoyment of those rights. Lack of accessibility, failure to provide reasonable accommodation, insufficient integration of disability inclusion into policies, plans, and budgets, and the absence of partnership with organizations of persons with disabilities all contribute to cumulative discriminatory effects that increase exposure to violence and violations.

QADER also considers that weak and insufficient specialized surveys, limited disaggregated data, and inadequate monitoring and documentation from a disability inclusion perspective may create fertile ground for structural violence when they result in the exclusion of persons with disabilities from planning processes, decision-making, resource allocation, and evidence-based responses. The absence of data not only weakens understanding but may also contribute to the persistence of patterns of exclusion and inequality and reduce the effectiveness of measures aimed at preventing and addressing violence.

The risks associated with structural violence and systemic discrimination become even more severe when they intersect with other factors such as gender, age, poverty, or displacement in the context of unlawful occupation. In such situations, multiple forms of exclusion and inequality are compounded, leaving persons with disabilities more vulnerable to deprivation of protection, services, and justice, thereby exacerbating both the risks and consequences of disability-based violence.

Finally, we consider that effective prevention of disability-based violence requires addressing the structural factors that enable its occurrence or perpetuation. Responses should move beyond a focus on individual incidents to include reform of policies, legislation, and institutions; promotion of equality and non-discrimination; expansion of accessibility; and the full and effective participation of persons with disabilities and their representative organizations across all areas of life. As discrimination and exclusion are reduced, the environments that generate violence are diminished and opportunities for protection, empowerment, and justice are expanded. Addressing structural violence therefore requires embedding disability inclusion as a governing principle within public policies, legislation, programmes, monitoring mechanisms, and

accountability frameworks, rather than treating it as an additional measure or a response implemented only after the effects of exclusion have already occurred.

4. Institutional Violence, Institutionalization, and Guardianship

QADER considers that the Draft Guidelines require a clearer and more detailed treatment of institutional violence, institutionalization, and guardianship, given that these issues are associated with some of the most complex forms of violence based on disability. While violence is often understood as individual acts or direct assaults, international experience and practical evidence demonstrate that certain forms of violence may be embedded within legislation, policies, and institutional practices themselves, resulting in restrictions on liberty, autonomy, or decision-making, or creating environments that increase the risk of violence, exploitation, and abuse under the guise of protection, care, or treatment.

In this context, QADER considers that institutionalization in care and residential facilities that fails to respect the individual's will and preferences, or is carried out without free and informed consent, together with guardianship and substitute decision-making regimes, deserves particular attention within the Guidelines. The impact of these practices extends beyond restrictions on liberty; they create environments that increase the risks of violence, exploitation, neglect, and abuse, while weakening the ability of persons with disabilities to report violations or access protection and justice. Isolation from the community, forced dependence on institutions or the will of others, and deprivation of opportunities for independent living, inclusion, and community participation further exacerbate vulnerability and undermine the exercise of rights on an equal basis with others. Although these practices may differ in form or context, they share a common consequence: reducing control over decisions relating to one's personal life and limiting autonomy, thereby affecting the very essence of legal capacity, human dignity, and the right to live independently and be included in the community.

QADER also considers it essential to strengthen the linkage between violence based on disability and systems of guardianship and substitute decision-making. Depriving persons with disabilities of their right to express their will and preferences or replacing those preferences with decisions made by others on their behalf, creates significant power imbalances and increases the likelihood of coercion, control, exploitation, and other forms of violence. Addressing violence based on disability therefore requires careful examination of the consequences of systems and practices that restrict legal capacity or undermine the ability of persons with disabilities to exercise their rights independently.

QADER emphasizes that Article 12 of the Convention on the Rights of Persons with Disabilities, concerning the full legal capacity of persons with disabilities, constitutes a central element in this regard. Recognition of legal capacity on an equal basis with others is not limited to participation in legal, civil, or financial transactions; it also serves as a fundamental safeguard against violence, exploitation, and abuse. The greater a person's ability to express their will and preferences and make decisions concerning their own life, and the stronger the availability of supported decision-making arrangements instead of substitute decision-making, the lower the risk of being subjected to coercive, restrictive, or exploitative practices.

QADER considers it important to address the relationship between institutional violence and certain practices that may be justified in the name of protection, treatment, or care, despite their potentially harmful effects on the rights, human dignity, and personal autonomy of persons with disabilities. Depending on the national context, this may include forms of deprivation of liberty, isolation, restriction, or interventions carried out without free and informed consent or without effective legal and oversight safeguards. In this regard, independent monitoring, complaint and grievance mechanisms, and accountability measures should be emphasized as essential safeguards for preventing violations, detecting them, and ensuring accountability for perpetrators.

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Finally, QADER for Community Development considers that institutional violence should not be measured solely by the occurrence of abuse within institutions or care facilities, but also by the consequences of policies and practices that deprive persons with disabilities of their liberty, autonomy, ability to make decisions, or control over the course of their lives. Protecting persons with disabilities from violence therefore requires addressing the legal and institutional structures that generate risks and violations, alongside addressing the individual acts that occur within those structures.

5. Gender-Based Violence against Women and Girls with Disabilities

QADER considers that the Draft Guidelines require a more detailed treatment of the relationship between disability and gender, given the intersecting and overlapping forms of discrimination, violence, and exploitation experienced by women and girls with disabilities. The violence faced by women and girls with disabilities cannot be understood merely as an extension of gender-based violence, nor solely because of disability in isolation from other factors. Rather, it is the result of the interaction of multiple forms of inequality, discrimination, exclusion, and unequal power relations. In this regard, international and practical experience demonstrates that women and girls with disabilities face heightened risks of domestic violence, sexual violence, exploitation, coercion, forced marriage, and other violations linked to discrimination and inequality⁴.

QADER considers that the discrimination experienced by women and girls with disabilities cannot be understood by separating disability from gender; rather, both must be viewed through a single lens that reveals interconnected and compounded forms of discrimination and exclusion. The effects of this intersection extend to access to protection, justice, participation, and essential services. Disability may increase the risk of exposure to violence while also compounding the challenges associated with reporting, proving, or seeking remedies and protection, particularly when combined with poverty, economic dependency, geographic location, displacement, or other factors of marginalization and exclusion.

QADER considers that the Draft Guidelines should more clearly emphasize that many forms of violence experienced by women and girls with disabilities remain invisible, undocumented, or significantly underreported. The absence or low number of reports does not necessarily indicate the absence of violence; rather, it may reflect barriers to disclosure, reporting, and follow-up. These barriers include fear of stigma or retaliation, economic or social dependence on perpetrators, limited accessibility of complaint, protection, and justice mechanisms, as well as preconceived assumptions that undermine the credibility of women and girls with disabilities or their ability to communicate their experiences and advocate for their rights.

⁴ **Relevant paragraphs in the Draft Guidelines:** Paragraphs addressing women and girls with disabilities, gender-based violence, sexual exploitation and abuse, domestic violence, and intersectional discrimination.

QADER emphasizes that women and girls with disabilities, particularly those with intellectual or psychosocial disabilities, face significant risks that warrant greater attention within the Guidelines. These groups are frequently exposed to multiple forms of exploitation, coercion, and violence while simultaneously facing greater barriers when seeking justice, protection, or participation in legal proceedings. Addressing gender-based violence therefore requires ensuring full recognition of legal capacity and providing the necessary support and accommodations that enable women and girls with disabilities to exercise and defend their rights effectively and on an equal basis with others.

QADER considers it important and necessary to address forms of violence that affect the bodily integrity, autonomy, and sexual and reproductive rights of women and girls with disabilities, including practices or interventions carried out without free and informed consent or without effective legal and oversight safeguards. These issues are of particular significance because of their potentially permanent consequences for human dignity and the right to make decisions concerning one's body, private life, and personal autonomy.

QADER also considers that explicit attention should be given to practices affecting the bodily integrity and sexual and reproductive rights of women and girls with disabilities, including forced sterilization, hysterectomies, and medical interventions carried out without free and informed consent or without effective legal and oversight safeguards. These practices raise concerns that extend beyond healthcare, directly affecting human dignity, bodily autonomy, and the right to make decisions concerning one's body and private life. The Guidelines would therefore benefit from a clearer treatment of these issues in a manner that strengthens protection, prevention, accountability, and remedies.

QADER believes that the Guidelines require a clearer treatment of gender-based violence in digital environments. The expansion of digital platforms, social media, and emerging technologies has created new forms of harassment, exploitation, blackmail, bullying, and digital exclusion that disproportionately affect women and girls with disabilities, particularly considering barriers relating to accessibility, privacy, and digital security. Digital transformation and the rapid development of artificial intelligence and other technologies also present additional challenges that require increasing attention from the perspectives of equality, non-discrimination, and disability inclusion.

Addressing these challenges requires the development of clear legislative and policy frameworks, enhanced accessibility and digital protection measures, and capacity-building initiatives that enable women and girls with

disabilities to use digital technologies safely and effectively. It is also important to ensure the participation of organizations of persons with disabilities in the development of relevant measures and policies, as well as in monitoring implementation and assessing impact, in accordance with Article 4(3) of the Convention on the Rights of Persons with Disabilities. In addition, effective complaint, remedy, and protection mechanisms should be established within digital environments to ensure that the digital sphere does not become a new space for reproducing discrimination, violence, and exclusion.

QADER emphasizes the importance of linking the prevention of gender-based violence with broader policies relating to education, health, employment, social protection, and economic empowerment. Violence does not occur in a vacuum; rather, it is fueled by conditions of dependency, inequality, and social and economic exclusion. Strengthening the economic and social autonomy of women and girls with disabilities and expanding opportunities for participation, leadership, and decision-making are therefore essential components of efforts aimed at preventing and addressing violence.

QADER considers it important and necessary to devote greater attention to the situation of women and girls with disabilities in contexts of conflict, emergencies, and unlawful occupation, where the risks of violence, exploitation, displacement, and deprivation of services and protection are significantly heightened. In this regard, disability inclusion should be integrated into the implementation of the Women, Peace and Security agenda, as well as into humanitarian response, recovery, and reconstruction measures, to ensure that women and girls with disabilities are not excluded from protection efforts, participation, and decision-making processes.

Finally, QADER considers that the Guidelines should more clearly emphasize the importance of involving women and girls with disabilities and their representative organizations in the design of policies, programmes, and measures aimed at combating gender-based violence. The most effective and sustainable solutions are those built upon their meaningful and influential participation and informed by their lived experiences, needs, and priorities. Such an approach strengthens protection, empowerment, accountability, and access to remedies while contributing to dismantling the structures that allow violence to persist and perpetrators to evade accountability.

6. Legal Capacity, Access to Justice, and Legal Protection

QADER considers that the Draft Guidelines require a deeper treatment of the relationship between legal capacity, access to justice, and protection from violence based on disability. Persons with disabilities are not exposed to violence solely because of disability; they may also face additional forms of exclusion and deprivation when their legal capacity is restricted or when their ability to access justice and legal protection on an equal basis with others is limited. Accordingly, legal capacity and access to justice are not only independent rights but also among the most important tools for preventing and protecting against violence, exploitation, and abuse.

In this context, QADER emphasizes that Article 12 of the Convention on the Rights of Persons with Disabilities, which affirms full legal capacity, constitutes one of the fundamental safeguards for protection against violence and for promoting autonomy and human dignity. Recognition of legal capacity on an equal basis with others is not limited to enabling persons with disabilities to manage their legal, financial, or civil affairs; it is also an essential condition for enabling them to report violations, seek protection, participate in legal proceedings, effectively defend their rights and interests, and exercise control over decisions relating to their lives, will, and preferences.

QADER considers that persons with disabilities, particularly persons with intellectual or psychosocial disabilities, continue to face legislation and institutional procedures that deprive them of, or diminish, their legal capacity based on preconceived assumptions linking disability with an inability to make decisions, express one's will, or participate effectively in legal proceedings. Such assumptions may result in their exclusion from complaint mechanisms, investigations, or litigation processes, or in the substitution of their will by the decisions of others, thereby transforming the protection system itself into a factor that weakens their ability to confront violence or obtain remedies.

QADER considers it important to clearly emphasize that access to justice is not limited to the existence of courts or formal legal mechanisms; it also encompasses the ability of persons with disabilities to use those mechanisms effectively and on an equal basis with others. Access to justice begins with the ability to report violations, submit complaints, obtain information, understand procedures, and participate in them, and

extends to access to effective remedies, protection, and accountability. Accordingly, removing physical, communication, procedural, and legal barriers that hinder access to justice constitutes a fundamental obligation of States under the Convention.

QADER emphasizes that reasonable accommodation and support in decision-making are essential components in this regard. Enabling persons with disabilities to submit complaints and reports, provide testimony, understand legal procedures, or communicate with law enforcement and judicial authorities requires the provision of various forms of support and accommodation to ensure meaningful participation throughout all stages of the legal process without discrimination or exclusion. It is equally important to strengthen the capacities of justice sector personnel and law enforcement officials to engage with persons with disabilities through a rights-based approach grounded in equality and non-discrimination.

It is important to note that challenges relating to access to justice extend beyond the lack of accommodation or support and include deeper conceptual and institutional gaps within justice systems themselves. In many contexts, professional and legal practices continue to be based on assumptions linking intellectual or psychosocial disabilities with an inability to make decisions or participate in legal proceedings. Such assumptions result in the exclusion of persons with disabilities from exercising their rights or in the substitution of their will and preferences with decisions made by others on their behalf. Strengthening access to justice therefore requires a broader transformation of legal and institutional culture, including legal education, specialized training, capacity-building programmes, and the development of relevant professional and regulatory frameworks that promote an understanding grounded in legal capacity, supported decision-making, and respect for individual will and preferences.

QADER also considers it important to highlight the close relationship between violence based on disability, access to justice, and combating impunity. In many cases, the persistence of violence is linked not only to the existence of perpetrators or unsafe environments but also to legal, procedural, communication, and institutional barriers that prevent violations from being identified, reported, documented, investigated, or prosecuted. Effective access to justice is therefore not merely a means of obtaining remedies and reparation; it is also a critical tool for preventing violence, preventing its recurrence, strengthening accountability and the rule of law, and fostering trust in systems of protection and justice.

These safeguards become even more important when persons with disabilities experience violence within families, institutions, care settings, protection centers, or other closed environments, where relationships of authority, care, and support may intersect with power imbalances that heighten the risks of violence, exploitation, and abuse, particularly in contexts characterized by weak oversight, monitoring, and complaint mechanisms. In such circumstances, access to independent and effective mechanisms for complaints, protection, monitoring, documentation, and accountability becomes essential to protect victims, expose violations, ensure follow-up, hold perpetrators accountable, and prevent impunity.

Finally, QADER considers that the Guidelines being developed by the Committee should clearly affirm that effective legal protection is not achieved through imposing additional restrictions or guardianship on persons with disabilities, nor through depriving them of or limiting their legal capacity. Rather, it is achieved by enabling them to exercise their rights and full legal capacity and to access justice on an equal basis with others, while providing the necessary support, reasonable accommodation, and safeguards that respect their will, preferences, and human dignity. Such measures enable persons with disabilities to effectively access protection, remedies, and accountability. Legal capacity and access to justice are therefore not merely procedural guarantees; they are among the most important tools for preventing violence, exploitation, and abuse.

7. Violence in Situations of Armed Conflict, Emergencies, and Unlawful Occupation

QADER considers that the Draft Guidelines being developed by the Committee require a clear and detailed treatment of violence based on disability in situations of armed conflict, humanitarian emergencies, protracted crises, and unlawful occupation. While persons with disabilities face multiple forms of violence and discrimination across different settings, the risks and violations they experience increase significantly in contexts affected by conflict, disasters, institutional collapse, forced displacement, or large-scale humanitarian crises. In such situations, the impact of violence extends beyond direct harm and includes the erosion of protection networks, support systems, and essential services upon which many persons with disabilities depend for their survival, participation, and human dignity⁵.

⁵ **Relevant paragraphs in the Draft Guidelines:** Paragraphs addressing armed conflict, humanitarian emergencies, crises, and disasters.

In this context, QADER emphasizes that violence based on disability in situations of conflict is not limited to direct injuries, individual attacks, or the direct targeting of persons with disabilities. It also encompasses the cumulative effects of policies and practices that deprive them of protection, assistance, essential services, or life-saving needs. Persons with disabilities face compounded barriers in evacuation, shelter, humanitarian assistance, healthcare, access to water, food, medicines, and assistive devices, exposing them to risks not faced by persons without disabilities and increasing their vulnerability to neglect, violence, exploitation, and marginalization.

QADER considers that the Guidelines should clearly affirm that the absence of disability inclusion from humanitarian response plans can lead to serious consequences affecting the rights to life, health, dignity, and autonomy of persons with disabilities. Failure to incorporate the needs and requirements of persons with disabilities into planning, response, aid distribution, recovery, and reconstruction processes effectively excludes them from life-saving services and assistance, thereby worsening their circumstances and increasing threats to their right to life, as well as their exposure to violence, neglect, and exploitation. Disability inclusion should therefore not be viewed as an additional component of humanitarian response, but rather as a fundamental condition for ensuring its effectiveness, equity, and non-discriminatory character.

QADER also considers it important to address the relationship between armed conflict and the large-scale and systematic creation of new disabilities. Armed conflicts and situations of unlawful (colonial) occupation, together with their systematic violations, result in large numbers of permanent injuries, amputations, physical, sensory, and psychosocial disabilities, as well as long-term consequences associated with psychological trauma, violence, loss of family members, forced displacement, and loss of livelihoods. The Palestinian context, and particularly the military assault on the Gaza Strip, demonstrates how widespread violations can lead to a dramatic increase in the number of persons with disabilities, creating cumulative challenges for protection systems, healthcare, rehabilitation, psychosocial support, and community-based services.

These contexts of unlawful colonial occupation also reveal additional risks arising from the disruption or restriction of access by persons with disabilities to essential and life-saving needs, including specialized healthcare, rehabilitation services, medicines, assistive devices, prosthetic limbs, mobility and hearing aids, and other forms of support necessary for autonomy, survival, and human dignity. Addressing violence based on disability in conflicts and emergencies therefore requires more than responding to injuries and violations after they occur; it also requires ensuring sustainable and non-discriminatory access to essential needs and services,

and integrating disability inclusion into protection efforts, humanitarian response, recovery, and reconstruction.

QADER emphasizes the importance of giving special attention to women and girls with disabilities in situations of conflict and unlawful occupation. These groups face heightened risks of gender-based violence, exploitation, trafficking, sexual violence, and forced marriage, in addition to barriers that hinder access to protection, services, and justice. Preventive measures and humanitarian responses should therefore adopt an intersectional approach that takes into account the interaction between disability, gender, age, and other factors of discrimination and exclusion.

QADER considers that the Guidelines would benefit from highlighting the significance of United Nations Security Council Resolution 2475 (2019), which affirmed the need to protect persons with disabilities in armed conflict and ensure their full and effective participation in conflict prevention, response, recovery, and reconstruction efforts. The Resolution also emphasized the importance of ensuring non-discriminatory access to humanitarian assistance, essential services, and life-saving needs, strengthening the collection of data and information relating to persons with disabilities, and promoting accountability and ending impunity. It serves as an important international reference point for advancing disability inclusion within international frameworks and ensuring that persons with disabilities are not excluded from measures aimed at protecting civilians or supporting communities affected by armed conflict.

Finally, QADER considers that neglecting disability inclusion in monitoring, documentation, humanitarian response, and accountability processes leads to the marginalization of the suffering of persons with disabilities, weakens their access to protection and remedies, and poses a serious threat to their rights to life and physical integrity. Disability inclusion should therefore serve as a governing principle throughout all stages of response to armed conflict, emergencies, and unlawful occupation, beginning with data collection and disaggregation and needs and priorities assessments, continuing through planning and humanitarian response, and extending to accountability, recovery, and reconstruction. Effective protection of persons with disabilities in situations of conflict and emergencies is not limited to responding to violations after they occur; it requires the creation of more inclusive, equitable, and effective systems capable of prevention, protection, and the provision of remedies.

8. Monitoring, Documentation, Data, and Accountability

QADER considers that the Draft Guidelines would benefit from a more comprehensive treatment of the role played by monitoring, documentation, and data collection in preventing and addressing violence based on disability. Violence does not begin at the moment of documentation, nor does it end when an incident is recorded. Rather, the ability to identify patterns of violence, understand their root causes, respond effectively, and hold perpetrators accountable depends significantly on the quality of the monitoring, documentation, and data systems upon which policies, programmes, protection mechanisms, and justice systems are based⁶.

In this context, QADER considers that violence based on disability remains one of the forms of violence most affected by deficiencies in data, monitoring, and documentation at both the national and international levels. Many violations are not reported or are not documented in ways that reveal the role of disability in the victim's experience, the nature of the violation, or the barriers to accessing protection, justice, and remedies. Likewise, grouping persons with disabilities within broader categories, the absence of disability-based disaggregation, or the failure to use disability inclusion as an analytical lens in information gathering, analysis, and evidence collection can conceal widespread patterns of violence, discrimination, and exclusion, thereby weakening the ability to understand, address, or hold perpetrators accountable for such violations. The absence of data should therefore not be interpreted as the absence of violence; rather, it may indicate the existence of barriers to its detection, reporting, documentation, verification, follow-up, and accountability.

QADER emphasizes that the absence of disaggregated data is not merely a statistical or technical gap; it constitutes a fundamental obstacle to preventing and addressing violence. When persons with disabilities are absent from data and indicators, they are also absent from decision-making processes. When the violations they experience are not systematically monitored, opportunities for addressing, preventing, and ensuring accountability for those violations diminish. The implementation of Article 31 of the Convention on the Rights of Persons with Disabilities on statistics and data collection therefore constitutes a cornerstone for preventing violence and strengthening protection and accountability. Developing comprehensive and disaggregated data

⁶ **Relevant paragraphs in the Draft Guidelines:** Paragraphs addressing prevention, monitoring, information gathering, follow-up, and accountability.

systems is also essential for understanding the realities faced by persons with disabilities, identifying intervention priorities, allocating resources, and evaluating the impact of relevant policies and programmes⁷.

QADER considers that the development of data, monitoring, and documentation systems through a disability inclusion lens is closely linked to Article 32 of the Convention on the Rights of Persons with Disabilities concerning international cooperation. States, international organizations, United Nations entities and agencies, humanitarian actors, and donors share responsibility for supporting the production of disaggregated data, strengthening monitoring and documentation systems, building capacities, and promoting the exchange of knowledge and good practices. Significant gaps remain in integrating disability inclusion into humanitarian and development interventions and into monitoring, documentation, and evaluation mechanisms, resulting in limited data and inadequate responses to the needs of persons with disabilities. Strengthening effective international cooperation therefore requires the systematic integration of disability inclusion throughout planning, implementation, monitoring, and evaluation processes, while ensuring close coordination and consultation with organizations of persons with disabilities operating on the ground as key partners in identifying priorities, monitoring gaps, developing solutions, and enhancing accountability.

Monitoring and documentation should not be limited to recording individual incidents or producing statistics; they should also contribute to uncovering the structural and institutional patterns that allow violence or impunity to persist. Evidence-based monitoring conducted through a disability inclusion lens and in accordance with United Nations monitoring standards can help identify deficiencies in legislation, policies, services, and institutions, as well as the groups most exposed to risks and violence, including women and girls with disabilities, children with disabilities, and persons with disabilities living in closed institutions, care settings, or contexts of conflict, emergencies, and forced displacement.

QADER considers that disability inclusion, as a governing principle and analytical lens, should be embedded within monitoring and documentation methodologies themselves rather than added only during analysis or reporting. Tools, questionnaires, and information-gathering templates that fail to take disability into account

⁷ On the importance of strengthening **disability data systems and linking them to monitoring, documentation, evidence-gathering, accountability, and effective remedies**, see the statement issued by QADER for Community Development, available at: <https://www.qader.org/news-blogs/17557.html>

may effectively exclude persons with disabilities from documentation processes or underestimate the scale of violations they experience. Monitoring and documentation tools should therefore be designed to ensure accessibility, take into account different types of disabilities, and provide the accommodations and support necessary for safe and meaningful participation in information gathering, testimony, and evidence collection processes.

QADER emphasizes the importance of linking monitoring and documentation with evidence, accountability, and remedies. Documenting violations should not be an end in itself, but rather a means of strengthening protection, access to justice, remedies, accountability, and the prevention of recurring violations. The more accurate, comprehensive, and disability-sensitive monitoring and documentation processes are, the greater the ability of victims to substantiate the violations they have experienced and the stronger the capacity of national and international institutions to hold those responsible accountable and provide remedies to victims. Data, monitoring, and documentation are therefore inseparable from legal evidence, accountability, and justice processes and constitute one of their fundamental pillars.

In this regard, QADER considers that international actors, including the United Nations system, human rights mechanisms, treaty bodies, international commissions of inquiry, humanitarian organizations, and donors, bear a particular responsibility to ensure disability inclusion in monitoring, documentation, analysis, and reporting processes, including through effective coordination with national organizations of persons with disabilities. Excluding disability from these processes not only results in gaps in information and data but also contributes to the marginalization of victims themselves, weakens their access to protection, remedies, and accountability, and reduces the effectiveness of humanitarian, human rights, and policy responses.

QADER also considers that situations of armed conflict, emergencies, and unlawful occupation particularly demonstrate the importance of data, monitoring, and documentation from a disability inclusion perspective. In environments characterized by large-scale displacement, the collapse of services, and increasing numbers of injuries and newly acquired disabilities, the absence of disaggregated data becomes one of the greatest obstacles to identifying needs and priorities, directing resources, and ensuring equitable access to assistance, services, and protection. This becomes even more critical where the most vulnerable groups are exposed to intersecting forms of discrimination, violence, and exclusion that are difficult to identify and address without comprehensive and effective monitoring and documentation systems.

Finally, QADER considers that monitoring, documentation, and disaggregated data are essential components of systems of protection, justice, and accountability. When persons with disabilities are excluded from data, they are excluded from policies. When they are excluded from monitoring and documentation, they are excluded from accountability and remedies. Disability inclusion in data collection, monitoring, and documentation is therefore not merely an improvement in methodologies or tools; it is a fundamental requirement for preventing violence, protecting victims, strengthening accountability, and ensuring that no one is left behind.

9. Issues Warranting Further Consideration

QADER considers that the Draft Guidelines constitute an important step towards developing a more comprehensive understanding of violence based on disability. However, several fundamental issues still warrant deeper and more detailed consideration to ensure that the Guidelines are fully aligned with normative and practical developments in the field of the rights of persons with disabilities. The objective is not necessarily to introduce new topics, but rather to strengthen areas that have come to occupy a central place in the work of the Committee, international practice, and accumulated field experience, particularly with regard to legal capacity, access to justice, institutional violence, conflict and emergency settings, data and accountability, and disability inclusion. From this perspective, QADER considers that the following issues deserve further development and greater prominence within the final Guidelines.

9.1 Violence in Situations of Armed Conflict, Emergencies, and Unlawful Occupation

QADER considers that the Draft Guidelines require a deeper treatment of violence based on disability in situations of armed conflict, humanitarian emergencies, unlawful occupation, and protracted crises. Persons with disabilities are exposed not only to direct violence associated with hostilities, but are also disproportionately affected by siege, forced displacement, starvation, the collapse of health and social services, disruption of rehabilitation services, and the loss of assistive devices and support mechanisms. Armed conflicts not only expose persons with disabilities to additional risks but also generate large numbers of new disabilities resulting from injuries, amputations, and physical and psychological trauma, thereby expanding the number of individuals exposed to violence, exclusion, and the need for protection and support.

QADER considers that this issue has acquired increasing importance in light of United Nations Security Council Resolution 2475 (2019), Article 11 of the Convention on the Rights of Persons with Disabilities, and subsequent developments in international law, including the 2024 Advisory Opinion of the International Court of Justice and United Nations General Assembly Resolution A/RES/ES-10/24. The Guidelines should therefore include a clear articulation of the responsibilities of States, international organizations, United Nations entities and agencies, humanitarian actors, and donors to ensure the protection and inclusion of persons with disabilities in humanitarian response, recovery, and reconstruction efforts. Persons with disabilities should not be viewed merely as a group affected by conflict, but as rights holders who must be included in protection, monitoring, documentation, accountability, and remedy processes, with their needs, rights, and priorities taken into account throughout all stages of response, recovery, and reconstruction, ensuring their meaningful participation and that they are not left behind.

9.2 Institutional Violence, Guardianship, and Legal Capacity

QADER considers that the Guidelines would benefit from a clearer treatment of the relationship between violence based on disability and systems and practices related to guardianship, institutionalization, and substitute decision-making. These issues are not only linked to legal capacity but also to relationships of power, control, and dependency that may create environments conducive to exploitation, coercion, violence, and abuse, while limiting the ability of persons with disabilities to report violations or access protection and remedies.

QADER also considers that the Guidelines could devote greater attention to issues that continue to raise growing concern at the international level, including non-consensual medical interventions, forced sterilization, hysterectomies, denial of free and informed consent, inadequate independent oversight of closed institutions and care facilities, and ineffective complaint, grievance, remedy, and accountability mechanisms. These issues are not merely medical or administrative matters; they are directly linked to bodily integrity, human dignity, autonomy, and legal capacity, and therefore warrant deeper and more detailed consideration from the perspective of preventing and protecting against violence.

9.3 Violence in Digital and Technological Environments

QADER considers that rapid digital transformation presents new challenges that warrant greater visibility within the Guidelines. Violence is no longer confined to traditional physical spaces but increasingly extends into digital environments through harassment, bullying, blackmail, exploitation, hate speech, privacy violations, and digital exclusion. These practices become even more harmful when combined with barriers related to accessibility, limited digital literacy, inadequate protection and remedies, or the lack of inclusive design in digital technologies.

QADER also considers that developments related to artificial intelligence, algorithms, and automated digital systems require increasing attention from a disability rights perspective. While new technologies may help remove barriers and enhance participation, they may also reproduce discrimination, exclusion, and violence in ways that are less visible and more complex. The Guidelines would therefore benefit from a clearer treatment of the digital and technological dimensions of violence and of the legislative, policy, and institutional safeguards required to address them.

9.4 Monitoring and Documentation through a Disability Inclusion Lens

QADER considers that monitoring and documentation represent one of the most important areas requiring further development within the Guidelines. Violence that is neither monitored nor documented remains outside the spheres of knowledge, policy, protection, and accountability. The absence of disability from monitoring, documentation, and analytical methodologies conceals broad patterns of violations and barriers experienced by persons with disabilities and limits the ability to understand their causes, consequences, and appropriate responses. Monitoring and documentation should therefore be viewed not merely as technical tools for information gathering, but as essential components of systems for preventing, identifying, evidencing, and combating violence.

QADER also considers it important to emphasize clearly and in detail that monitoring and documentation through a disability inclusion lens are directly linked to protection, justice, remedies, and accountability. The more accessible and disability-inclusive monitoring and documentation methodologies are in reaching persons with disabilities, listening to their experiences, and documenting violations accurately and safely, the greater the capacity to uncover violations, pursue accountability, and prevent impunity. The Guidelines would

therefore benefit from emphasizing the development of methodologies and tools that consider different types of disabilities and ensure accessibility and the safe and meaningful participation of persons with disabilities and their representative organizations in monitoring, documentation, and analysis processes, thereby strengthening knowledge generation, evidence-building, protection, prevention, and remedies.

9.5 Data, Specialized Surveys, and Shared Responsibilities

QADER considers that the relationship between disaggregated data and the prevention of violence based on disability deserves greater emphasis and elaboration within the Guidelines. The absence of accurate data and specialized surveys not only limits knowledge but also directly affects planning, resource allocation, intervention design, and impact assessment. Reliance on general or non-disaggregated data may conceal significant differences in the situations of persons with disabilities and the forms of violence they experience, limiting the ability to identify those most at risk or assess the effectiveness of measures aimed at prevention, protection, and accountability. Data are therefore not merely a statistical tool but one of the foundations upon which public policy, justice, protection, and remedies are built.

QADER further considers that addressing this gap is not the responsibility of States alone, but a shared responsibility involving the United Nations system, its specialized agencies, donors, and international humanitarian and development actors, consistent with Articles 31 and 32 of the Convention on the Rights of Persons with Disabilities (CRPD). In this context, strengthening international cooperation, supporting national capacity-building, developing specialized surveys, improving data collection and analysis methodologies, and ensuring that data are effectively used in decision-making are of particular importance, alongside effective coordination and consultation with organizations of persons with disabilities operating on the ground. Producing more accurate and inclusive data not only improves knowledge but also strengthens violence prevention, guides policy and response measures, supports accountability and the fight against impunity, and ensures that persons with disabilities are not excluded from protection and remedies.

9.6 Disability Inclusion as a Governing Principle for Prevention and Protection

QADER considers that one of the most important issues warranting further attention within the Guidelines is the recognition of disability inclusion as a governing principle for prevention and protection, rather than merely an additional element within policies, programmes, and interventions. Many forms of violence and exclusion

arise not only from harmful practices or direct violations but also from the absence of disability inclusion in the design of laws, policies, services, and protection mechanisms from the outset. When systems, institutions, and programmes are designed without considering the rights, needs, and diversity of persons with disabilities, they may indirectly contribute to the creation or perpetuation of discrimination, violence, and exclusion.

Accordingly, preventing violence based on disability requires a shift from a reactive approach to one based on proactive and comprehensive inclusion. The more disability inclusion is integrated into legislation, policies, justice systems, education, healthcare, social protection, humanitarian response, recovery, and reconstruction, the less likely it becomes that discrimination, violence, and exclusion will be reproduced, and the stronger protection, participation, accountability, and remedies will become. QADER therefore considers that disability inclusion should not be treated as a separate sector, a subsidiary component, or a consideration added at a later stage of planning, implementation, monitoring, and evaluation. Rather, it should be recognized as a governing principle that guides all measures aimed at preventing violence, ensuring protection, advancing justice and accountability, and guaranteeing that no one is left behind.

10. Key Messages

The observations and recommendations presented in this submission highlight a number of key issues that can contribute to strengthening the coherence, comprehensiveness, and effectiveness of the Guidelines in addressing violence based on disability through a human rights-based approach and a disability inclusion lens. In this regard, QADER for Community Development wishes to emphasize the following key messages:

1. **Violence based on disability cannot be understood as a series of isolated individual incidents.** Rather, it should be understood as the result of the interaction of multiple forms of discrimination, marginalization, exclusion, inequality, and power imbalances embedded within laws, policies, institutions, and social practices, and the resulting complex forms of violence, exclusion, marginalization, and deprivation of rights.
2. **Persons with disabilities should be recognized as rights holders rather than merely as recipients of protection or care,** in line with the principles of dignity, autonomy, equality, and non-discrimination, and in a manner that promotes their meaningful participation in all decisions affecting their lives.
3. **Full legal capacity for persons with disabilities, regardless of disability type, represents one of the most important tools for preventing violence, exploitation, and abuse.** Its significance extends beyond the

exercise of legal and civil rights to enabling persons with disabilities to express their will and preferences, defend their indivisible rights, and access protection, justice, and remedies.

4. **Guardianship systems, substitute decision-making, institutionalization, segregation, and non-consensual interventions** are associated with heightened risks of violence, exploitation, and deprivation of liberty and autonomy. These issues therefore require clearer, deeper, and more detailed treatment within the Guidelines and related protection systems in order to reduce risks of violence and strengthen respect for individual will, preferences, and dignity.
5. **Addressing gender-based violence against women and girls with disabilities requires an intersectional approach** that views disability and gender as a single analytical lens for understanding overlapping forms of discrimination and violence, including sexual violence, digital violence, and practices affecting bodily integrity and sexual and reproductive rights, thereby strengthening protection, dignity, autonomy, and substantive equality.
6. **Effective access to justice is not achieved merely through the existence of courts or legal procedures.** It requires the removal of legal, procedural, communication, and institutional barriers, the provision of reasonable accommodation and necessary support, and respect for individual will and preferences on an equal basis with others, enabling persons with disabilities to access protection, remedies, and accountability without discrimination or exclusion.
7. **The situation of persons with disabilities in contexts of armed conflict, humanitarian emergencies, and unlawful occupation should receive particular attention in the new Guidelines** due to the compounded risks they face in relation to protection, access to services, humanitarian assistance, life-saving needs, recovery, and reconstruction. The Palestinian context, particularly in the Gaza Strip, illustrates the profound impact of conflict and widespread violations on persons with disabilities, both through the increase in disability resulting from injuries and trauma and through the growing barriers to protection, services, and support.
8. **United Nations Security Council Resolution 2475 (2019), together with Articles 11 and 32 of the Convention on the Rights of Persons with Disabilities (CRPD),** provides an important framework for strengthening disability inclusion in humanitarian protection, emergency response, recovery, and reconstruction efforts, ensuring that persons with disabilities are neither excluded nor marginalized and that they participate meaningfully in the design, implementation, and evaluation of these efforts.
9. **Data, monitoring, documentation, and accountability are fundamental human rights obligations.** Systems should be developed that accurately reflect the realities of persons with disabilities and the patterns of violence and violations they experience, thereby supporting protection, remedies, and the fight against

impunity, while ensuring that evidence-based data inform decision-making, public policies, resource allocation, and interventions.

10. **States, the United Nations and its entities and specialized agencies, international organizations, humanitarian actors, and donors share responsibility** for preventing and addressing violence based on disability in all its forms. This includes strengthening data systems and monitoring and documentation tools, improving access to justice, integrating disability inclusion into international cooperation and humanitarian and development responses, and ensuring effective and institutionalized coordination with organizations of persons with disabilities operating on the ground, including their meaningful participation in planning, implementation, monitoring, and evaluation processes.
11. **Disability inclusion constitutes a governing principle for preventing and protecting against violence.** It should not be treated as a separate theme or a subsequent addition, but rather as a foundational lens reflected throughout legislation, policies, programmes, budgets, services, and protection, monitoring, and accountability mechanisms, ensuring substantive equality, human dignity, full participation, and that no one is left behind.
12. **The new Guidelines being developed by the Committee on the Rights of Persons with Disabilities should reflect a broader and deeper understanding of violence based on disability.** Such an understanding should extend beyond direct acts of violence to include legal, institutional, and medical structures that may restrict autonomy and self-determination or permit decisions affecting the rights and dignity of persons with disabilities without their free and informed consent, thereby potentially transforming certain forms of protection, care, or treatment into sources of violence, coercion, or exclusion.

11. Concluding Observations

QADER welcomes the efforts undertaken by the Committee on the Rights of Persons with Disabilities to develop Guidelines on violence based on disability and considers this process an important opportunity to advance the contemporary understanding of violence from a human rights perspective. QADER further considers that the Draft Guidelines represent an important step beyond narrow approaches that reduce violence to individual acts or isolated incidents, moving instead towards a more comprehensive understanding that links violence to discrimination, exclusion, inequality, and power imbalances, while highlighting the structural, institutional, legal, and social dimensions that produce violence, enable its continuation, or hinder its prevention and effective response.

In this context, QADER hopes that the observations and recommendations contained in this submission will contribute to strengthening areas that warrant further development and elaboration, particularly with regard to the full legal capacity of persons with disabilities as a tool for preventing violence; institutional violence, guardianship, and substitute decision-making; access to justice and legal protection; gender-based violence against women and girls with disabilities; violence in digital environments; monitoring, documentation, data, and accountability; as well as the situation of persons with disabilities in contexts of armed conflict, humanitarian emergencies, and unlawful occupation. Strengthening these dimensions would enhance the consistency of the Guidelines with the Convention on the Rights of Persons with Disabilities and relevant international normative developments, while improving their capacity to respond to the diverse and evolving realities experienced by persons with disabilities around the world.

QADER emphasizes that preventing violence based on disability cannot be achieved solely through responding to violations after they occur. It also requires addressing the structural and institutional causes that enable violence to be produced, sustained, or perpetuated through impunity. This requires a shift from protection alone to empowerment and autonomy; from guardianship to respect for will and preferences; from exclusion to participation; from merely collecting data to utilizing it for monitoring, documentation, accountability, and remedies; and from fragmented responses to a comprehensive approach grounded in human rights and disability inclusion that addresses the root causes of violence and promotes sustainable prevention and protection.

QADER for Community Development believes that building more just, secure, and inclusive societies requires recognizing persons with disabilities as rights holders and full partners in policymaking, decision-making, development processes, humanitarian response, recovery, and reconstruction. It also requires a shared responsibility among States, the United Nations and its entities and agencies, international organizations, donors, and other relevant actors to prevent violence, ensure protection, and strengthen accountability and remedies.

The real challenge lies not merely in recognizing the presence of persons with disabilities within legislation, policies, and programmes, but in removing the barriers that prevent them from fully enjoying their rights, freedoms, and human dignity. Likewise, true success should not be measured by the number of measures or programmes adopted, but by their ability to bring about meaningful change in the lives of persons with disabilities and to enable them to live independently, safely, and on an equal basis with others. From this

perspective, disability inclusion is not a technical or sectoral issue; it is a governing principle of justice and human rights and an essential condition for building more equitable and dignified societies in which no one is left behind.