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**Promotion and protection of human rights: human rights  
situations and reports of special rapporteurs and representatives**

## **Rights of persons with disabilities**

### **Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, submitted in accordance with Human Rights Council resolution [44/10](#).

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\* [A/77/150](#).



## **Report of the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn**

### *Summary*

In the present report the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, examines the protection of the rights of persons with disabilities in the context of military operations. The report focuses on the implementation and application of obligations under international humanitarian law towards persons with disabilities during the conduct of hostilities.

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## I. Introduction

1. The present report is submitted by the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, to the General Assembly. It contains a thematic study on the protection of the rights of persons with disabilities in military operations.<sup>1</sup>

2. In preparing the report, the Special Rapporteur engaged in extensive regional consultations (in Africa, Latin America, and the Middle East and North Africa). The Special Rapporteur would like to thank the International Committee of the Red Cross (ICRC), the International Disability Alliance and the Diakonia International Humanitarian Law Centre for coordinating and assisting in the facilitation of the regional consultations. These first-of-their-kind consultations, bringing together the military with disability civil society, proved highly instructive. They lay the groundwork for continued dialogue of this kind in the future.

3. As part of the development process for the report, the Special Rapporteur also analysed the responses to a questionnaire addressed to States, their militaries, national human rights institutions, specialized agencies of the United Nations, persons with disabilities and their representative organizations. The Special Rapporteur received a total of 22 written inputs and expresses his deep appreciation to all respondents for their insightful contributions and cooperative demeanour.<sup>2</sup>

4. This report is the second in a three-part series on armed conflicts and disability. The first – presented in 2021 to the General Assembly – assessed the overall visibility of persons with disabilities along all points on the conflict/peace continuum, from conflict prevention to the conduct of hostilities, to evacuation and humanitarian relief, to peacekeeping and to peacebuilding (A/76/146). It found that persons with disabilities were relatively to absolutely invisible along all points on this continuum. To build on this foundation, the Special Rapporteur resolved to produce a more focused report on the implementation and application of obligations under international humanitarian law towards persons with disabilities during the conduct of hostilities.

5. The third and final thematic report in this series will be presented in 2023, and will focus on peacebuilding and disability, including accountability for past wrongs. It will round out the series by focusing on how to make more intentional space in peacebuilding processes for the voices of persons with disabilities, who have key insights into rebuilding broken societies and creating a more resilient and sustainable future for the benefit of all. These three reports may be seen as a focused and coherent contribution to larger debates in the United Nations system threading together peace and security with human rights, and particularly as they touch on the rights of persons with disabilities.

6. The purpose of this report is not to paint a picture of a more inclusive kind of warfare. Far from it. It is predicated on the essential illegality of all warfare under the Charter of the United Nations and aims at drastically reducing the lethality of armed conflict as experienced by one of the world's largest minorities, persons with disabilities.

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<sup>1</sup> See Protection of persons with disabilities during armed conflict: resource list, available at <https://www.ohchr.org/en/documents/research-papers/protection-persons-disabilities-during-armed-conflict>.

<sup>2</sup> Responses to the call for inputs to inform this report are available at <https://www.ohchr.org/en/calls-for-input/2022/call-inputs-armed-conflict-and-disability-conduct-hostilities-military>.

## A. Towards treaty coherence and reducing the invisibility of persons with disabilities

7. This section of the report sets the scene by discussing how and why coherence between international humanitarian law and the Convention on the Rights of Persons with Disabilities is important as well as eminently possible.

8. Separate treaty regimes tend to grow autonomously, even when they are addressing the same or similar subjects. Their core centre of gravity might change (protection in war or human rights in peacetime), with the effect of placing an accent on some issues, while relegating others to the margins. This interweaving of norms can create interpretive challenges, which are answered to a large extent by the Vienna Convention on the Law of Treaties<sup>3</sup> and special rules of interpretation where conflicts arise.

9. In this instance, while international human rights law and international humanitarian law are both regimes of protection for persons with disabilities – and other groups – during armed conflict, they are not conflicting. Rather, they are complementary, mutually strengthening and reinforcing, and highly pertinent to the protection of persons with disabilities during military operations and in their immediate aftermath. Indeed, international humanitarian law and human rights law have rightly been said to share a “common nucleus of non-derogable rights and a common purpose of protecting human life and dignity”.<sup>4</sup> And the bodies of law especially at issue, namely the Convention on the Rights of Persons with Disabilities and international humanitarian law, specifically embrace persons with disabilities and their protection in times of armed conflict.

10. In this context, it is useful to note that the International Law Commission has highlighted the importance of “relationships of interpretation” across different treaty regimes. Such cases arise “where one norm assists in the interpretation of another,” as in the instance of providing an “application, clarification, updating or modification of the latter.” The Commission emphasizes that “when several [different treaty] norms bear on a single issue, they should be, to the extent possible, interpreted as giving a single set of compatible obligations” (see [A/CN.4/L.682/Add.1](#), sect. B, paras. 2 and 4). This is certainly the case with international humanitarian law and the Convention on the Rights of Persons with Disabilities.

11. History tells us that a concern for disability is not new in conflict. As with gender, a consciousness of the traumatic and disproportionate impact of conflicts on persons with disabilities is evidenced in the very intellectual structure and text of the 1949 Geneva Conventions and the Additional Protocols thereto of 1977. It is also reflected in the rules of customary international humanitarian law.<sup>5</sup> It follows that advocacy in favour of a heightened consciousness of this impact is not to argue for any new or external impositions on the high contracting parties to the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977. Rather, a concern for the impact of hostilities on persons with disabilities is already deeply etched in international humanitarian law. That etching needs to be brought into sharper focus.

<sup>3</sup> Vienna Convention on the Law of Treaties, arts. 31–33. See generally, Anthony Aust, *Modern Treaty Law and Practice*, 3rd ed (Cambridge, Cambridge University Press, 2013), chap. 13.

<sup>4</sup> Inter-American Commission on Human Rights, *Juan Carlos Abella v. Argentina* (La Tablada case), Case No. 11.137, Report No. 55/97, 18 November 1997, para. 158.

<sup>5</sup> See Henckaerts, J.M., and Doswald-Beck, L., *Customary International Humanitarian Law* (Cambridge, Cambridge University Press, 2005) and the customary international humanitarian law database, available at <https://www.icrc.org/customary-ihl/eng/docs/home>.

## **B. Three ways that the Convention on the Rights of Persons with Disabilities informs the traditional framing of disability in international humanitarian law**

12. A core question is not whether international humanitarian law reaches disability – it does – but how disability is to be framed in an international humanitarian law context. More specifically, how does the Convention on the Rights of Persons with Disabilities inform the framing of disability in international humanitarian law? What difference does the Convention make to the application of the protective norms contained in international humanitarian law? In widening the lens of international humanitarian law to become more consciously self-aware of the realities faced by persons with disabilities in conflicts, what realities become salient in the future and what irreducible realities must be considered in planning or pursuing military operations?

13. Answers to these questions are greatly assisted by article 11 of the Convention, especially its construction of a bridge between international humanitarian law and the Convention. It provides:

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

14. The Convention adds three novel dimensions to the pre-existing obligation to protect the variously labelled “wounded,” “sick,” “infirm” or “disabled” in the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977.

15. First, the Convention adopts a human rights-based concept of disability, in stark contrast to the medical model reflected at the time the 1949 Geneva Conventions were drafted. The individual with a disability is no longer framed as an inert object of protection or pity – the person is now framed as having equally legitimate rights, needs and expectations simply as a human being.<sup>6</sup> Personhood – not vulnerability – is now the main touchstone. Risk and vulnerability are not intrinsic to the person, but are to be found in the constellation of a person’s life circumstances, which often reflect historic discrimination and systemic wrongs.

16. A broader conception of disability therefore requires deeper attention to the accumulated disadvantages that persons with disabilities carry, and which can make them more likely to experience injury or worse during armed conflict. If persons with disabilities have been excluded from education, it is unlikely they will have transferable skills to ease the process of evacuation and relocation. If they are reliant on families, they will suffer greatly when family resources are depleted. If they are segregated in institutions, then an attack on such civilian objects can have devastating effects en masse. Institutionalization also makes persons with disabilities easy prey as human shields and in reprisals, and the degradation of critical civilian infrastructure, such as medical clinics, will compound the isolation.

17. Second, the Committee on the Rights of Persons with Disabilities has repeatedly pointed out that the Convention pivots on a new departure point – personhood – putting the accent on the moral agency of individuals with disabilities. The focus of “protection” is not an inert and helpless vulnerable object; the focus is on sentient

<sup>6</sup> See Lord, J.E., “International humanitarian law and disability: paternalism, protection or rights?”, in *Disability, Human Rights and the Limits of Humanitarianism*, Michael Gill and Cathy Schlund-Vials eds. (Burlington, Vermont, Ashgate, 2014).

human beings with agency who enjoy the right to be seen and heard. Among other things, this makes dialogue with civil society even more critical.

18. Third, the term “protect” or “protection” is used in a broad and expansive sense several times in the body of the text of the Convention.<sup>7</sup> Indeed, article 1, which states the very purpose of the treaty, asserts that a key objective is to protect the full and equal enjoyment of human rights by persons with disabilities. In a way, this extends the traditional philosophy of protection beyond mere bodily protection. It encompasses the comprehensive protection of the broad range of rights contained in the Convention – civil and political rights as well as economic, social and cultural rights. While these rights become especially important after the fog of war has lifted and rebuilding has begun, they are also relevant in rethinking what protection means in the context of disability and armed conflict.

19. For example, accumulated disadvantages that may have arisen because of persistent and systemic violations of rights (like institutionalization) can contribute to the risks faced by whole populations of persons with disabilities. Hence, any assessment of the risks to groups in theatres of military operation must account for those accumulated disadvantages. To do otherwise will only serve to compound historic wrongs. So, whereas reference to the “sick and infirm” in international humanitarian law texts designates persons with disabilities as persons of concern, the human rights model of disability broadens this lens considerably, to take their actual circumstances into account. This perspective adds a dose of realism and granularity previously absent from consideration.

20. Two overlapping provisions in the Convention deal, in their own way, with the traditional focus of protection. Article 16 (freedom from exploitation, violence and abuse) shines a light on circumstances that may give rise to heightened vulnerability, including circumstances during conflict that exacerbate situations of vulnerability. It also calls for an end to impunity – a topic that will be addressed in detail in the third report in this series. Article 17 (protecting the integrity of the person) highlights what ought to have been obvious: that persons with disabilities deserve the protection of their physical and mental integrity on an equal basis with others, and that includes within the context of conflicts. This reinforces the need to pay attention to their accumulated disadvantages as well as to the situations of vulnerability they find themselves in during times of conflict.

### **C. The international humanitarian law protection framework as it bears on persons with disabilities**

21. The Convention helps to generate a conjunction of compatible obligations by shining a light on existing obligations under international humanitarian law and refreshing them to reflect a fundamental change of philosophy on disability as well as a heightened consciousness of the real situations of risk that persons with disabilities can find themselves in in the context of hostilities. Forming the core of international humanitarian law, the Geneva Conventions of 1949 seek to limit the harm of armed conflict for those who are not or are no longer taking part in hostilities, through the regulation of the conduct of the parties to the conflict. The two Additional

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<sup>7</sup> See, for example, article 4 (general obligations), article 5 (equality and non-discrimination), article 11 (situations of risk and humanitarian emergencies); article 22 (respect for privacy), article 27 (work and employment); article 28 (adequate standard of living and social protection); article 29 (participation in political and public life); article 30 (participation in cultural life, recreation, leisure and sport); article 31 (statistics and data collection); and article 33 (national implementation and monitoring).

Protocols of 1977 to the Geneva Conventions of 1949 amplify protections for the victims of international and non-international armed conflicts.

### **Core obligations of international humanitarian law**

#### *Distinction*

22. The principle of distinction under international humanitarian law requires that the parties to the conflict distinguish at all times between civilians and combatants. Attacks may only be directed against combatants and, at the same time, attacks must not be directed against civilians.<sup>8</sup> The identification by parties to a conflict of who is a combatant and who is a civilian, what is a military object versus a civilian object, implicates disability in various ways.

23. How disability is implicated in the principle of distinction must be an integral aspect of military training and simulation exercises. Owing to barriers, persons with disabilities do not generally follow the same daily activities and patterns of movement and will likely not react or have the same challenges as the rest of the civilian population. Lack of consideration of and accounting for this reality entrenches discriminatory assumptions into targeting decisions that will characteristically fail to consider persons with disabilities, placing them at higher risk of harm during military operations.<sup>9</sup> Understanding the role of persons with disabilities and determining how best to overcome disability bias and discrimination in the context of armed conflict are complex and interrelated issues, yet solutions exist and have important roles to play in advancing disability equality within the protection of civilians agenda.

#### *Proportionality*

24. International humanitarian law prohibits attacks that may be expected to cause incidental harm or death to civilians, damage to civilian objects, or a combination of all three, that would be excessive in relation to the concrete and direct military advantage anticipated.<sup>10</sup> The determination of excessive incidental harm to civilians and civilian objects intimately involves civilians with disabilities.

25. Proportionality assessments must consider incidental harm to civilians and civilian objects that is foreseeable, and yet the actual harm to civilians with disabilities is often invisible. Disability discrimination and inequality are a reality generally and one that is amplified in the context of hostilities. The persistent data gap on the effects of military and peacekeeping operations on men, women, children and older persons with disabilities undermines the ability to fully comprehend the actual harm an attack might cause.

26. As work in relation to other protected groups reveals,<sup>11</sup> the application of proportionality requires value judgements to be made by commanders to assess incidental civilian harm, military advantage and excessiveness. These value judgments can benefit immensely from the inclusion of a disability perspective, given that they can be influenced by disability bias and lack of data as to the actual impact that attacks and operations can have on persons with disabilities. Disability-related

<sup>8</sup> 1977 Additional Protocol I to the Geneva Conventions of 1949, arts. 48, 51(2) and 52(2); and Additional Protocol II, art. 13(2).

<sup>9</sup> See Organization for Security and Cooperation in Europe, Report on violations of international humanitarian and human rights law, war crimes and crimes against humanity committed in Ukraine since 24 February 2022, document ODIHR.GAL26/22/Rev.1, pp. 80 and 81. Available at <https://www.osce.org/files/f/documents/f/a/515868.pdf>.

<sup>10</sup> Additional Protocol I to the Geneva Conventions of 1949, arts. 51(5)(b) and 57; and Henckaerts and Doswald-Beck, *Customary International Humanitarian Law*, rule 14.

<sup>11</sup> International Committee of the Red Cross, *Gendered Impacts of Armed Conflict and Implications for the Application of International Humanitarian Law* (June 2022).

considerations will have an impact on determining whether civilian harm is foreseeable. Even in instances where the harm to individuals with disabilities is foreseeable, owing to disability-bias, a lesser value may be placed on them. The application of a disability lens will add further depth to value determinations by requiring an answer as to whether the incidental harm would likely contribute to high mortality or injury among persons with disabilities and should therefore be deemed excessive.

#### *Precautions*

27. International humanitarian law requires that, during military operations, constant care and all feasible precautions be taken to avoid and minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>12</sup> What constitutes all feasible precautions and the duty of constant care, necessarily has repercussions for women, men, children and older persons with disabilities, among others.

28. The application of feasible precautions in practice represents a balancing of what is possible under the circumstances ruling at the time, including humanitarian and military considerations. The inherent exclusion and invisibility of persons with disabilities require much more active consideration of the ways in which they interact with society and their environment. The provision of advanced warning or instructions for accessing safe passage for evacuation are examples of precautions that can be taken to minimize harm to civilians. Persons with disabilities are not a homogeneous group, which can lead to uneven access to vital warnings or instructions. For instance, information provided only verbally will not reach or be understood by persons with auditory impairments. The application of a disability perspective allows military operations to ensure precautions that consider and include the whole civilian population, instead of perpetuating the invisibility and associated harm of persons with disabilities.<sup>13</sup>

29. The constant care obligation, as its name suggests, applies constantly in the planning and conducting of military operations. As has been recognized, the higher the risk to the civilian population, the greater the amount of care that must be taken.<sup>14</sup> Recognition of the discrimination against and marginalization of persons on the basis of disability during military operations, particularly those who face multiple and intersecting forms of discrimination, such as women and children, will raise the visibility and understanding of their vulnerable situations and allow for the required care to be taken to address those risks. The effectiveness of precautions and constant care should be assessed from the perspective of the civilian population that may be affected, including, specifically, persons with disabilities.

#### *Weapons review*

30. International humanitarian law imposes an obligation on States to systematically review the legality of weapons.<sup>15</sup> As the debate on the morality, legality and efficacy of the use of artificial intelligence and machine learning in the deployment of autonomous weapons systems continues, consideration must also be

<sup>12</sup> See Henckaerts and Doswald-Beck, *Customary International Humanitarian Law*, rule 15.

<sup>13</sup> See Office of the United Nations High Commissioner for Human Rights, *Situation of Human Rights in Ukraine in the Context of Armed Attack by the Russian Federation, 24 February–15 May 2022* (29 June 2022), paras. 66–69.

<sup>14</sup> International Law Association, “The conduct of hostilities and international humanitarian law: challenges of 21st century warfare”, in *International Law Studies*, vol. 93 (U.S. Naval War College, 2017).

<sup>15</sup> Additional Protocol I to the Geneva Conventions of 1949, art. 36.

given to the potential risks that the use of such technology will pose to persons with disabilities.

31. Beyond the obvious problem of using biased data sets in supervised machine learning that do not include a disability perspective, there are also concerns about whether neural networks used in unsupervised machine learning could address a scenario involving a person with disability in a conflict setting. The need to ensure that autonomous weapons systems can identify the difference between a wheelchair and a tank may seem apparent; however, the need to ensure that the system can also recognize that the actions of a person with intellectual disability do not pose a threat is less apparent, though no less important. A disability perspective must be part of the development of artificial intelligence and machine learning to guarantee that the weapons systems they are deployed on, will not mistake a person with disability as a threat.

#### **Realization of disability-inclusive international humanitarian law norms**

32. All of the above overlaying of a disability lens on the relevant international humanitarian law norms requires a deeper and more granular analysis of the civilian environment (where certain core assumptions can and should be made) and the integration of a disability-informed assessment into military planning and training to generate precautions that are actionable in high-intensity combat environments.

## **II. Role of the United Nations in stimulating treaty coherence**

### **A. Aligning international humanitarian law and the Convention on the Rights of Persons with Disabilities in the United Nations system**

33. The need to bring international humanitarian law into more meaningful alignment with the Convention on the Rights of Persons with Disabilities has been widely endorsed in a variety of forums. Multiple actors are already working, in their own way, to achieve normative coherence across the different treaty regimes.

#### **Security Council**

34. In its historic resolution [2475 \(2019\)](#), the Security Council urges all parties to armed conflict to take measures, in accordance with applicable international obligations, to protect civilians, including those with disabilities, during conflicts. The resolution highlights the importance of dialogue between States and disability civil society organizations across a broad range of issues related to peace and conflict, including conflict prevention, resolution, reconciliation, reconstruction and peacebuilding. The Security Council's use of Arria-formula meetings has been useful in advancing understanding of a topic or field, such as disability, which is still relatively new. Greater use could be made of this formula to advance ongoing debate at of the Security Council on aligning international humanitarian law and the Convention.

35. Security resolution [2475 \(2019\)](#) is part of the broader agenda on the protection of civilians in armed conflict, which was launched in 1999, and signalled formal recognition of the protection of civilians as a matter of international peace and security. A key parameter of the protection of civilians agenda was then, and remains now, enhancing compliance with applicable international law and relevant Security Council resolutions on the conduct of hostilities.

### **Annual report of the Secretary-General on the protection of civilians in armed conflict**

36. The annual report of the Secretary-General to the Security Council on the protection of civilians in armed conflict first referenced the disproportionate impact suffered by persons with disabilities in 2007, noting a lack of reporting on the specific risks armed conflict poses for individuals with disabilities (see [S/2007/643](#), paras. 27 and 28). While not mentioned again in the annual report until 2019, each subsequent year has seen a section dedicated to the specific risks and harm faced by persons with disabilities in armed conflict. The annual report represents a unique and important opportunity to include disability in the broader protection of civilians agenda, as well as to ensure continued visibility and awareness of the need for disability-inclusive protection of civilians.

### **Protection of Civilians Week**

37. Since 2018, a series of side events have been organized around the open debate of the Security Council on the protection of civilians and the issuance of the annual report of the Secretary-General. Disability inclusion has been slow to gain traction within the broader protection of civilians agenda, and has only just begun to be discussed during Protection of Civilians Week. As the time when States Members and agencies of the United Nations and civil society organizations come together to discuss trends and good practices, build consensus and define normative developments, Protection of Civilians Week should ensure substantive integration of disability throughout its agenda and allow for meaningful participation of organizations of persons with disabilities, who have much to contribute.

### **Special Representative of the Secretary-General for Children and Armed Conflict**

38. The mandate of the Special Representative of the Secretary-General for Children and Armed Conflict was established by the General Assembly in 1996 following the issuance of a landmark report on the impact of armed conflict on children. Since 1999, the Security Council has recognized the need for special attention to be given to the protection, welfare and rights of children during armed conflict. In a January 2022 report assessing the results achieved over the past 25 years of the mandate, the Special Representative of the Secretary-General noted that the impact of conflict on children with disabilities was an underreported issue that had not been given sufficient space in the implementation of the mandate.<sup>16</sup> The Special Rapporteur notes this important finding and is encouraged by actions taken by the Special Representative of the Secretary-General to ensure the inclusion of children with disabilities in her work, including working closely with his mandate.

### **United Nations Children's Fund**

39. The United Nations Children's Fund (UNICEF) plays an outside role in ensuring the protection of children with disabilities in all manner of humanitarian crises and situations of risk, as noted by the Special Rapporteur in his previous report ([A/76/146](#), para. 72) Its work has helped shed light on how armed conflict affects children in direct and indirect ways.<sup>17</sup> It has drawn attention to risks children with disabilities face during armed conflict, such as risks in flight because of inaccessible evacuation

<sup>16</sup> Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Study on the evolution of the children and armed conflict mandate 1996–2021*, p. 52 (United Nations, January 2022).

<sup>17</sup> See United Nations Children's Fund, "Children with disabilities in armed conflict", discussion paper (2018).

routes, separation from family and risk of abandonment. UNICEF has also called attention to the fact that armed conflict increasingly takes the form of recurring civil wars and fragmented violence characterized by the indiscriminate use of force and weapons, including explosive remnants of war and anti-personnel landmines. As the work of UNICEF on children with disabilities in armed conflict underscores, more work is needed.<sup>18</sup>

### **United Nations Disability Inclusion Strategy**

40. The adoption of the Convention on the Rights of Persons with Disabilities brought about a shift in the way in which the United Nations addresses disability. The United Nations Disability Inclusion Strategy<sup>19</sup> was launched by the Secretary-General with the aim of ensuring that United Nations entities and programmes optimize the contribution of the Organization to realizing the goals of the Convention. It requires all United Nations entities and country teams to measure and track their performance with respect to disability inclusion.

41. Those with mandates relevant to the protection of persons with disabilities include the Department of Political and Peacebuilding Affairs, through its work on conflict prevention and peaceful resolution; the Department of Peace Operations, through its work on the protection of civilians; the Office for the Coordination of Humanitarian Affairs, through its coordination work among humanitarian actors with the aim of reducing the impact of conflict; and the Office of the United Nations High Commissioner for Human Rights, through its work on monitoring respect for human rights principles and international humanitarian law obligations during conflict situations.

42. In his most recent report on the implementation of the Strategy (A/76/265), the Secretary-General noted the overall improvement in the number of entities reporting and continued progress on disability inclusion from the previous year. For peacekeeping operations and special political missions, although their ratings are still lower than entity ratings as a whole, there was noticeable improvement made over the previous year, providing purchase for further engagement and progress on disability inclusion. However, the Secretary-General also signalled that considerable action, at a greater pace, is still required to have more entities meet the requirements in the future. While some hopeful signs of progress are beginning to emerge, much work remains to be done within the United Nations, as the implications for the protection of civilians with disabilities in armed conflict are critical.

## **B. Jurisprudence of the Committee on the Rights of Persons with Disabilities and engagement by other treaty bodies**

43. The Committee on the Rights of Persons with Disabilities has a vital role to play in fostering coherence between the Convention on the Rights of Persons with Disabilities and international humanitarian law. In its general comment No. 6, on equality and non-discrimination, the Committee took up article 11 of the Convention on situations of risk and humanitarian emergencies.<sup>20</sup> Notably, the Committee made a general reference to international humanitarian law and State obligations, noting the interrelationship between the international humanitarian law principle of distinction and the Convention's non-discrimination framework.

<sup>18</sup> See UNICEF, *The State of the World's Children 2013: Children with Disabilities*, United Nations publication, Sales No. E.13.XX.1.

<sup>19</sup> Available at <https://www.un.org/en/content/disabilitystrategy/>.

<sup>20</sup> CRPD/C/GC/6, para. 43.

44. The Committee has also invoked article 11 and the need to protect persons with disabilities in situations of armed conflict through other modalities of work. For example, in response to the conflict in the Syrian Arab Republic, the Committee issued a press release on 17 September 2013, in which it observed that persons with disabilities were too often the forgotten victims of conflict, were subject to gross violations of their human rights and faced disproportionate risks, such as being neglected, excluded or even abused because of their impairments and traumas, particularly the most vulnerable women and children with disabilities. The Committee did not explore international humanitarian law obligations in any extended sense. A review of the Committee's concluding observations and recommendations shows that it tends not to make specific reference to armed conflict and makes few references to the intersection of international humanitarian law and the Convention. The Committee should be encouraged to develop its own insights and jurisprudential understandings of the interconnectedness of international humanitarian law and the Convention.

45. Other treaty bodies have played important roles in relation to the protection of civilians in armed conflict, such as the Committee on the Rights of the Child, in particular.<sup>21</sup> This work could also benefit from more attention on persons with disabilities in such risk contexts. Greater engagement by the treaty bodies on international humanitarian law in relation to their work in their own domains might include coverage of specifically protected groups, of which persons with disabilities are a key population.

### **C. Critical role of the International Committee of the Red Cross**

46. The mission and mandate of the International Committee of the Red Cross (ICRC) derive from the Geneva Conventions of 1949 and their Additional Protocols and instruments of ICRC and the International Red Cross and Red Crescent Movement. It is an independent, neutral organization providing humanitarian protection and assistance for victims of armed conflict. In addition to responding to emergencies, ICRC promotes respect for international humanitarian law and its implementation in national law. The four Geneva Conventions and Additional Protocol I confer on ICRC a specific mandate to act in the event of international armed conflict, including the right to visit prisoners of war and civilian internees. In non-international armed conflicts, ICRC enjoys a right of humanitarian initiative recognized by the international community and enshrined in article 3 common to the four Geneva Conventions.

47. The Special Rapporteur recognizes the unique role that ICRC plays in advancing disability inclusion. In its work, ICRC has made progressive steps towards realizing the aims of article 11 of the Convention.

48. A resolution entitled "Bringing international humanitarian law home: a road map for better national implementation of international humanitarian law" was adopted at the Thirty-third International Conference of the Red Cross and Red Crescent. In the resolution, the Conference recognized that persons with disabilities could be affected differently by armed conflict and that these differences needed to be considered when implementing and applying international humanitarian law, in order to safeguard adequate protection for all.<sup>22</sup> The ICRC Vision 2030 on Disability

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<sup>21</sup> The Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities issued a joint statement on the rights of children with disabilities on 18 March 2022 underscoring the importance of protecting children with disabilities during situations of risk.

<sup>22</sup> International Committee of the Red Cross (ICRC), Thirty-third International Conference of the Red Cross and Red Crescent, resolution 1.

should further progress and deepen disability inclusion in all of the Committee's work, including in humanitarian operations.

49. The Special Rapporteur welcomes the work of ICRC to ensure that international humanitarian law remains practical and relevant and its efforts to enhance and ensure the effectiveness of mechanisms of compliance with international humanitarian law.<sup>23</sup> Notably, the ICRC concept of international humanitarian law integration emphasizes that international humanitarian law should be interpreted and then reinforced throughout a soldier's training and education cycle and, moreover, be relevant to doctrine, equipment and sanctions.

#### D. Increasing engagement by research institutes

50. Academic interest in this topic is increasing around the world – which is a gauge of its importance. A workshop co-convened by the Special Rapporteur and the Independent Expert on equal enjoyment of all human rights by older persons, with the participation of the Special Rapporteur on the human rights of internally displaced persons, entitled “War – the Raw Edge of Intersectionality”, was held in May 2022 in Berlin. It brought into focus the risks faced by civilians with disabilities and older persons in the context of the Ukraine conflict. Other research institutes have also been engaged. The Harvard Law School Project on Disability has a decade-long interest and dedicated focus on article 11.<sup>24</sup> The study on disability and international humanitarian law by the Geneva Academy of International Humanitarian Law and Human Rights<sup>25</sup> and the ongoing research portfolio of the University of Geneva on ex-combatants with disabilities are impressive.<sup>26</sup> Also of note is the 2019 conference hosted by the University of Geneva on the role of human rights mechanisms in implementing international humanitarian law and the resulting study on the engagement of treaty bodies in relation to international humanitarian law, which found many gaps and offered useful entry points for engagement.<sup>27</sup>

### III. Voices from the ground

51. In preparing the present thematic report, the Special Rapporteur, together with ICRC, the International Disability Alliance and the Diakonia International Humanitarian Law Centre, organized three regional consultations bringing together the main stakeholders, State militaries and organizations of persons with disabilities. The regions included Central and South America, Africa, and the Middle East and North Africa, which were chosen to ensure geographic diversity and because each region is either currently undergoing or has recently experienced armed conflict. The

<sup>23</sup> See ICRC, Thirty-first International Conference of the Red Cross and Red Crescent, resolution 1; see also ICRC and the Government of Switzerland, background document of the Working Group Meeting on Strengthening Compliance with International Humanitarian Law, held in Geneva on 8 and 9 November 2012.

<sup>24</sup> Illustrative works include Pons, W.I., Lord, J.E., Stein, M.A., “Disability, human rights violations and crimes against humanity”, in *American Journal of International Law*, vol. 116, issue 1 (January 2022); and Lord, J.E., Heideman, E., and Stein M.A., “Advancing disability rights-based refugee and asylum claims”, *Virginia Journal of International Law*, vol. 62:3 (2022).

<sup>25</sup> Priddy, A., *Disability and Armed Conflict*, Academy briefing No. 14, Geneva Academy of International Humanitarian Law and Human Rights (2019).

<sup>26</sup> Rivas Velarde M. et al., “Disarmament, demobilization and reintegration in Colombia: lost human rights opportunities for ex-combatants with disabilities”, *Journal of Human Rights* (2021).

<sup>27</sup> Gaggioli G., ed, “The role of human rights mechanisms in implementing international humanitarian law” (forthcoming).

consultations followed the Chatham House Rule and therefore the information shared below is not attributed to any participating individual or affiliation.

52. The purpose of the consultations was threefold:

(a) To identify and discuss ways to integrate the protection of persons with disabilities at the operational, tactical and strategic levels;

(b) To facilitate the building of capacity of organizations of persons with disabilities and to sensitize/raise the awareness of State militaries to disability;

(c) To establish a shared space for the disability community and State militaries to encourage continuing dialogue.

53. Stakeholders from each region met for a total of three days during the span of a week. On the first day, participants were briefed. Topics included an overview of disability in armed conflict, the implications of article 11 of the Convention and obligations under international humanitarian law. On the second day, participants examined three hypothetical cases highlighting the common risks and challenges faced by persons with disabilities during military operations. Finally, on the third day, they engaged in an interactive dialogue to formulate joint recommendations and solutions to account for and better protect persons with disabilities during armed conflict.

54. To complement this methodology, a call for inputs was sent to State militaries, peacekeeping institutions, the Department of Peace Operations and others, including civil society. With respect to military authorities, this call enquired as to their integration of a disability perspective into relevant training and educational courses for weapon-bearers during the conduct of hostilities and in general military operations during an armed conflict.

55. A summary of the main issues that arose during the consultations and in the written submissions is set out in the paragraphs below.

## **A. The obligation to consider and protect persons with disabilities**

56. As underscored in the Special Rapporteur's first report on the topic (A/76/146), the consultations confirmed that persons with disabilities remain relatively invisible. They are mentioned in international humanitarian law obligations providing specific protections, but are not meaningfully included in operational terms. Adjustments in military and peacekeeping operations to consider and protect persons with disabilities are essential, as the same risks, harm and challenges continue to impact them, regardless of the location or type of conflict.

57. Consensus was evident among States across all regional consultations and responses to the call for inputs, that the general protections granted civilians under international humanitarian law include persons with disabilities. Also recognized was the clear obligation to provide specific protection on the basis of disability to persons with disabilities. At the same time, it was acknowledged that such recognition had not resulted in the inclusion of a disability dimension in the training and education of weapon-bearers or changes to the rules of engagement and predeployment preparations to consider and address the particular protection needs of persons with disabilities.

58. One notable exception stood out: the Hellenic Air Force Command and Staff College of Greece does provide coverage of the Convention on the Rights of Disabled Persons and specific protection to persons with disabilities under international

humanitarian law.<sup>28</sup> Indeed, many State militaries noted that their training and educational modules were based on those of partner organizations, such as the Department of Peace Operations, the North Atlantic Treaty Organization (NATO), the Organization for Security and Co-operation in Europe and the European Union, which track their coverage of key issues.

59. The most commonly cited training materials used by State militaries were those published by NATO and the Department of Peace Operations.<sup>29</sup> As yet, the NATO training materials contain no explicit reference to the obligation to provide specific consideration and protection to persons with disabilities. This stands in contrast to the coverage of women and children and the special protection considerations in relation to them under international humanitarian law in NATO training materials. This omission is notable, given that both disability and gender are explicitly covered in the original texts of the Geneva Conventions and under other rules of international humanitarian law.

60. The Department of Peace Operations training materials, by comparison, make generic reference to persons with disabilities as a vulnerable group which may need special protection measures. Curiously, this reference to protection was made in relation to international human rights law and not in relation to the specific protections provided under international humanitarian law.<sup>30</sup>

61. Although persons with disabilities receive mention, the materials do not reference Security Council resolution [2475 \(2019\)](#) or the general international humanitarian law obligation to provide specific consideration and protection to persons with disabilities. The Department of Peace Operations materials only note the protection requirement in relation to women and children.

62. The thread of invisibility runs in other directions. Illustratively, the United Nations comprehensive protection of civilians training, while including a specific module on international humanitarian law, makes no reference to obligations under international humanitarian law to provide specific protection and consideration to persons with disabilities, despite mentioning such a requirement for women and children.<sup>31</sup>

63. Although the regional consultations involved a limited sampling, given the relative invisibility of persons with disabilities in situations of armed conflict and the disproportionate impact of armed conflict on persons with disabilities, it is clear that much work remains to be done to implement the obligation under international humanitarian law to provide specific protection and consideration to persons with disabilities in military operations. Thus far, States and other key stakeholders have not developed strategic, tactical or operational procedures to mitigate the harm of military operations to persons with disabilities, as required by the Convention on the Rights of Persons with Disabilities and the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977 and noted by Security Council in its resolution [2475 \(2019\)](#). That is not to say it cannot be done – it can – but there remains a glaring gap.

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<sup>28</sup> The Hellenic Air Force Command and Staff College in certain courses (military ethics, principles of international humanitarian law and law of armed conflicts) discusses the Convention, the specific obligation to protect and consider persons with disabilities found in the Geneva Conventions of 1949 and the Additional Protocols thereto and Security Council resolution [2475 \(2019\)](#). It also has instructors emphasize the importance of providing specific protection and consideration to persons with disabilities at an operational level during exercises (response of Greece to the call for inputs, (May 2022)).

<sup>29</sup> North Atlantic Treaty Organization, Standardization Agreement 2449 (2019) and Department of Peace Operations core predeployment training materials.

<sup>30</sup> Response of the Integrated Training Service to the call for inputs (July 2022).

<sup>31</sup> Ibid.

## **B. Main messages from the regional consultations and response to the call for inputs from stakeholders**

64. The invisibility of persons with disabilities in the implementation of obligations under international humanitarian law results in failures to consider persons with disabilities in military operations or to provide for their specific protection. This is more than a theoretical legal discussion, as the results of such an omission were evident throughout the regional consultations. The recurring themes arising from the voices heard during regional consultations are described below.

### **Failures in communication**

65. Throughout the regional consultations, organizations of persons with disabilities provided numerous first-hand accounts demonstrating the life and death impact for persons with disabilities of their invisibility in armed conflict. In a number of instances, organizations reported soldiers beating and even killing persons with auditory impairments because the soldiers did not understand or recognize that the individuals were using sign language, and in certain cases thought that they were conducting witchcraft. One participant, speaking from his own experience as a deaf person, plainly stated that he was certain that, if not for the assistance of others at a checkpoint, the soldiers would have beaten him, as he was unable to understand their verbal orders. Organizations also reported that militaries often mistakenly perceive the actions of persons with disabilities as being stubborn and non-compliant, resulting in arrests or beatings because soldiers were not sensitized or trained about how to identify, interact or communicate with persons with disabilities.

### **Exclusion during evacuation**

66. Organizations of persons with disabilities noted that, during the evacuation process before military operations, persons with disabilities were consistently left behind by their families and forgotten by their communities, leaving them in the path of violence without a way to flee. Organizations reported that, when persons with disabilities did try to flee, the evacuation procedures and warnings were not provided in formats allowing for the information to be communicated to persons with auditory, visual and intellectual disabilities. One member of an organization noted that, when the father of a child with an intellectual disability was asked why he took his cow rather than his son during the evacuation, he responded that at least the cow gives him milk. Organizations also reported that persons with intellectual and psychosocial disabilities in long-term care facilities and hospitals are often not part of or even considered during an evacuation and are left without the support they need, with many of the facilities being targeted and destroyed during hostilities. Ultimately, for those individuals with disabilities who are able to flee, shelters and camps for internally displaced people were inaccessible, thereby excluding them from access to housing and essential services.

### **Enhanced risk of sexual and gender-based violence**

67. The situation for women and girls with disabilities was emphasized by the organizations of persons with disabilities as being much worse during military operations, owing to the intersectionality of their gender and disability. This intersectionality, coupled with discrimination, places women and girls with disabilities in much more vulnerable situations, raising the risk of sexual and other violence exponentially. The issues of re-victimization and the double vulnerability of women and girls with disabilities were also raised by the organizations, in the light of the lack of sensitization of militaries to disability and the lack of training on how to communicate with women and girls with disabilities. The organizations also noted

that humanitarian organizations and assistance were not generally inclusive or accessible for persons with disabilities, and particularly women and girls with disabilities, thereby increasing their vulnerability to violence, neglect and abuse.

### **Disability data gap**

68. During the regional consultations, State militaries confirmed that there were no specific education, training or operational procedures on the obligation under international humanitarian law to consider and provide particular protection to persons with disabilities during military operations. In explaining this shortcoming, the State militaries noted a significant lack of data as to the number and location of persons with disabilities and the types of disability within the civilian population.

69. With this data, State militaries stated they would be able to update their rules of engagement and standard operating procedures to take the necessary precautions and develop training to more appropriately react to the needs of persons with disabilities. The regional consultations and responses to the call for inputs revealed, however, that State militaries do not collect any data on the impact of military operations on persons with disabilities. While data on the population seeking to be protected is essential, it cannot and should not be an impediment to the development of specific protections for persons with disabilities.

70. This self-imposed requirement for such specific demographic data is curious, since, for example, there is no need to predetermine how many women and girls are in a theatre of operations as a precondition for activation of the international humanitarian law obligation with regard to their specific consideration and protection. It can simply be assumed, as a general matter, that 50 per cent of civilians in the theatre will be women and girls. Similarly, it can and should be assumed that at least 15 per cent of a given population will be persons with disabilities (a percentage that reaches as high as 20 to 30 per cent in situations of armed conflict). This assumption would provide a necessary and useful starting point for State militaries in creating disability-inclusive civilian protection frameworks. The delivery of training, education and protocols that consider and protect persons with disabilities requires engagement and dialogue between State militaries and the disability community.

### **Lack of engagement with the disability community**

71. Dialogue is key to lifting invisibility. The regional consultations, unfortunately, demonstrated that State militaries – even through their civil-military relations branches – had no contact with the disability community. The absence of such connections means that, even for those State militaries that had strong engagement with civil society, the specific needs of persons with disabilities will be excluded from the mapping of requirements of the civilian populations during military operations. Without the involvement of the disability community in the development of training, education and protocols for weapon-bearers, a paternalistic approach to disability will be perpetuated, which will lead to ineffective outcomes. Realizing this, many State militaries and organizations of persons with disabilities suggested that, given the special role of the ICRC, it might help build the connections among the disability community, the military and civil society.

### **Building in visibility**

72. The regional consultations witnessed remarkable interactions, dialogue and breakthroughs between State militaries and organizations of persons with disabilities that was repeated in each of the regional meetings.

73. Among the numerous reflections by participants on the consultation process, there was a strong consensus among State militaries and the organizations that this

type of direct dialogue was immensely important and should continue. There was a shared eagerness to see these regional consultations as a starting point rather than an isolated incidence. The positive motivation to engage with and listen to the organizations of persons with disabilities on a topic that was wholly new to many of the State military representatives was greatly encouraging. In many cases, the military representatives stated that they would be returning to their commands and superiors with a consciousness that disability was explicitly covered by international humanitarian law, that the Convention on the Rights of Persons with Disabilities was useful in understanding how disability was covered and that there was no substitute for actively listening to organizations of persons with disabilities.

74. Most State militaries represented at the regional consultations indicated ongoing work or plans to update their military manuals, standard operating procedures, rules of engagement and training curricula. These processes constitute a significant opportunity to ensure that the protection of civilians during military and peacekeeping operations includes persons with disabilities. State militaries also affirmed their particular interest in more guidance and assistance from ICRC on how to appropriately consider and protect persons with disabilities.

## IV. Conclusions and recommendations

75. The Special Rapporteur sets out the following conclusions and recommendations to ensure that persons with disabilities are protected during military operations and peacekeeping operations in armed conflict consistent with the obligations set out in international humanitarian law and utilizing the contemporary approach to disability as expressed in the Convention on the Rights of Persons with Disabilities and as informed by experience on the ground.

### A. Conclusions

**76. The starting point has to be that a concern for the protection of persons with disabilities is enshrined in the texts of international humanitarian law and in customary rules of international humanitarian law, just as concern for the protection of women, children and older persons is. It follows that advocacy in this regard should not be seen as imposing a new external obligation to existing international humanitarian law obligations, but as making manifest what is already there.**

**77. However, the obligation under international humanitarian law to provide specific consideration and protection to persons with disabilities during military and peacekeeping operations is not reflected in the training and education of weapon-bearers or in military manuals, standard operating procedures, rules of engagement or protocols.**

**78. Since knowledge is power, data disaggregated by disability, age and gender, among other attributes, must be collected by States. The lack of such granular data should not be an impediment to the development of specific protections for persons with disabilities by State militaries – in the same way that it does not amount to an impediment for other protected groups.**

**79. Dialogue is key to lifting invisibility. State militaries and organizations of persons with disabilities should build platforms to allow for the sharing of experience and insights, especially in the mapping of civilian needs. As the regional consultations showed, this works. Sustained regional workshops bringing together organizations of persons with disabilities and State militaries**

to regularly discuss specific protection for persons with disabilities during the conduct of hostilities are necessary.

## **B. Recommendations**

80. States should:

(a) Proactively engage with organizations of persons with disabilities in developing military policy as part of civil society engagement (article 4, paragraph 3, of the Convention on the Rights of Persons with Disabilities);

(b) Adopt necessary legislative, administrative and practical measures at the domestic level to implement international humanitarian law effectively in relation to the protection of persons with disabilities;

(c) Undertake an analysis of the areas requiring further domestic implementation in order to ensure the protection of persons with disabilities in armed conflict consistent with obligations under international humanitarian law and under the Convention on the Rights of Persons with Disabilities, including those arising under article 11 of the Convention;

(d) Increase understanding of the disability dynamics of armed conflict, develop and disseminate disability-specific knowledge of international humanitarian law and promote respect for obligations and commitments under international humanitarian law regarding persons with disabilities, including by raising awareness among civilians and military personnel, consistent with article 8 of the Convention;

(e) Collect data disaggregated by disability, age and gender, consistent with article 31 of the Convention, to assess in the implementation of obligations under the Convention and to identify barriers and accessibility issues faced by persons with disabilities;

(f) Consider, for States that have not already done so, ratifying or acceding to and fulfilling the obligations under international humanitarian law and human rights treaties to which they are not yet party, including the Protocols Additional to the Geneva Conventions, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and the Convention on Cluster Munitions;

(g) Encourage national committees on international humanitarian law to deepen their knowledge of the obligation under international humanitarian law to provide specific consideration and protection to persons with disabilities, while also seeking to include persons with disabilities on those committees and ensure a dialogue between the committees and national frameworks for monitoring the Convention on the Rights of Persons with Disabilities, consistent with article 33 of the Convention;

(h) Adhere to principles of accessibility in the dissemination of international humanitarian law, including in new and innovative methods of promoting respect for international humanitarian law through digital and other means, and incorporate the voice and image of persons with disabilities affected by armed conflict and their perception of international humanitarian law into such efforts, with their free and informed consent;

(i) Implement international legal obligations to safeguard civilian populations, including civilians with disabilities, from harm resulting from cyberoperations and examine the impact of new weapons on individuals with disabilities, including autonomous weapons systems, and engage in multilateral discussions, including at the United Nations, on the application of international humanitarian law to such systems.

81. State militaries should:

(a) Integrate the obligation under international humanitarian law to specifically consider and protect persons with disabilities during armed conflict into military doctrine, education, training, rules of engagement and standard operating procedures;

(b) Increase the visibility of the obligation under international humanitarian law to specifically consider and protect persons with disabilities in military operations and the application and complementarity of the Convention on the Rights of Persons with Disabilities to international humanitarian law in military manuals;

(c) Raise awareness and sensitization at all levels of the military, through specific training developed in collaboration with organizations of persons with disabilities, on the particular risks and harm to and the needs of persons with disabilities during military and peacekeeping operations;

(d) Develop civil-military relations and meaningful sustained dialogue with organizations of persons with disabilities to engage on the development and implementation of practical procedures and protocols to protect persons with disabilities during armed conflict, with specific attention to organizations for women, children and older persons with disabilities;

(e) Maintain an operational assumption that persons with disabilities will comprise at least 15 per cent of any civilian population that will be affected by military or peacekeeping operations;

(f) Ensure the inclusion of specific training modules examining the obligation under international humanitarian law to specifically consider and protect persons with disabilities and ensure that a disability perspective is present in protection of civilian training;

(g) Collect civilian casualty data disaggregated by disability, age, gender and other attributes, paying specific attention to the effects of past attacks on persons with disabilities to include in after-action reports to better understand operational, tactical and strategic deficiencies in the consideration and protection of persons with disabilities in military and peacekeeping operations;

(h) Develop specific training and simulation exercises on the operationalization of the principles of distinction, proportionality and precautions, using a disability lens for those involved in targeting decisions (both pre-planned and dynamic);

(i) Support the availability within States' armed forces of legal advisers to advise commanders, at the appropriate level, on the application of the obligation under international humanitarian law to specifically consider and respect persons with disabilities;

(j) Ensure that military academies integrate coverage of obligations in respect of persons with disabilities into international humanitarian law curricula and facilitate the development of a sensitivity towards the rights of persons with disabilities in the military ethos;

(k) **Include disability-specific guidance in rules of engagement and standard operating procedures to ensure that soldiers, in their behaviour and actions, appropriately consider and protect the rights of persons with disabilities;**

(l) **Work with organizations of persons with disabilities to ensure that guidance, training and protocols appropriately reflect the on-the-ground reality for persons with disabilities.**

**82. Regional security and defence organizations should:**

(a) **Include the obligation under international humanitarian law to provide specific consideration and protection to persons with disabilities during military operations and in training and educational resources distributed to member militaries;**

(b) **Develop policies, procedures and protocols for joint military operations that include the obligation under international humanitarian law to protect persons with disabilities and ensure that a disability lens is applied to the protection of civilians framework employed;**

(c) **Engage with organizations of persons with disabilities to ensure the development of training, procedures and protocols that are reflective of the on-the-ground reality of persons with disabilities during military operations.**

**83. The United Nations should:**

(a) **Continue the dialogue at the Security Council level, using the Arria formula or other means, on the implementation of Security Council resolution [2475 \(2019\)](#);**

(b) **Ensure that United Nations-mandated fact-finding bodies, including those from the Office of the United Nations High Commissioner for Human Rights, explicitly include persons with disabilities in their monitoring of whether human rights principles and obligations under international humanitarian law are being respected during conflict situations;**

(c) **Encourage the Department of Peace Operations, the United Nations police and the Office of the Military Adviser to issue guidance on integrating explicit reference to the obligation under international humanitarian law to provide specific consideration and protection to persons with disabilities in training materials and educational curricula for peacekeeping operations;**

(d) **Develop specific training modules within the protection of civilians framework, in collaboration with organizations of persons with disabilities, that reflect the risks and harm to and needs of persons with disabilities during military and peacekeeping operations;**

(e) **Strengthen the work of the Office for the Coordination of Humanitarian Affairs through its coordination work among humanitarian actors by specifically considering the impact of conflict on persons with disabilities, with a particular focus on women, children and older persons with disabilities;**

(f) **Encourage the Department of Political and Peacekeeping Affairs to deepen its coverage of the disability dimension in its work on conflict prevention and peaceful resolution of conflict;**

(g) **Support the Special Representative of the Secretary-General for Children and Armed Conflict to ensure that children with disabilities are taken into account in the implementation of the children and armed conflict mandate,**

including through better data, capacity-building for actors, raising of awareness, resource mobilization and targeted responses;

(h) Support the continued work of UNICEF on the protection of children during humanitarian crises to advance the principles of the Convention on the Rights of Persons with Disabilities on the protection of children with disabilities during armed conflict, including children fleeing institutions;

(i) Strengthen the capacity of the Mine Action Service, within the Department of Peace Operations, to better reflect the principles of the Convention on the Rights of Persons with Disabilities in its work on victim assistance, including its work as Chair of the International Mine Action Standards Review Board.

84. The Committee on the Rights of Persons with Disabilities and other treaty monitoring bodies should:

(a) Consider strategies to develop and advance an understanding of the Convention on the Rights of Persons with Disabilities in relation to article 11 and international humanitarian law;

(b) Incorporate into the State reporting process coverage of the implementation of obligations under international humanitarian law with regard to persons with disabilities in situations of armed conflict as part of the review of compliance with article 11;

(c) Consider a general comment specifically in relation to article 11 and the protection of persons with disabilities in armed conflict;

(d) Continue the practice of calling attention to violations of international humanitarian law in individual instances and in cooperation with other treaty monitoring bodies and United Nations entities, as appropriate.

85. The Conference of States Parties to the Convention on the Rights of Persons with Disabilities should:

(a) Harness the mandate of the Conference of States Parties under article 40 to provide a platform for the exchange of promising policy practice in the implementation of article 11 during situations of armed conflict as they affect persons with disabilities;

(b) Encourage Bureau members to regularly address the issue of persons with disabilities in armed conflicts and ensure that panellists include those impacted by armed conflict.

86. ICRC should:

(a) Deepen its capacity to understand, identify and help address the impact of disability inequality in the contexts within which it operates;

(b) Ensure that its humanitarian action does not exacerbate or perpetuate disability-based discrimination;

(c) Consider and fully integrate into its current workstreams in relation to international humanitarian law, including, but not limited to, workstreams on the conduct of hostilities and urban warfare, internally displaced persons, detention, autonomous weapons systems and the digital emblem, the potential impacts and implications for persons with disabilities;

(d) Carry forward the deliberative process of regional consultations among militaries, organizations of persons with disabilities and other

stakeholders in relation to raising the visibility of persons with disabilities during armed conflict;

(e) Ensure that when it is providing guidance to State militaries and assisting in the dissemination of international humanitarian law, the requirement to provide specific consideration and protection to persons with disabilities in armed conflict is emphasized;

(f) Support national committees on international humanitarian law and similar bodies to develop knowledge and capacity on international humanitarian law in relation to persons with disabilities and strengthen their relations with organizations of persons with disabilities;

(g) Advance within ICRC and other components of the International Red Cross and Red Crescent Movement the incorporation of disability-specific material into educational materials on international humanitarian law and ensure their dissemination in accessible formats to all of those called upon to implement or apply international humanitarian law, including military personnel, civil servants, parliamentarians, prosecutors and judges.

87. Humanitarian organizations should:

(a) Build capacity to understand and account for the intersection of disability rights and international humanitarian law in work on the protection of civilians in armed conflict;

(b) Engage with organizations of persons with disabilities to deepen understanding of disability rights and obligations under international humanitarian law, advance credible and high-quality research into the practical application of international humanitarian law and the Convention on the Rights of Persons with Disabilities in military operations and ensure disability inclusion in humanitarian field operations.

88. Civil society, including organizations of persons with disabilities, should:

(a) Build capacity within organizations of persons with disabilities to interact with organizations engaged in work related to the protection of civilians in armed conflict, States, military organizations, relevant regional bodies and specialized United Nations bodies on disability rights and international humanitarian law;

(b) Produce credible and high-quality research into the practical application of international humanitarian law and commitments under the Convention on the Rights of Persons with Disabilities in military operations;

(c) Enhance advocacy supporting the inclusion of disability as an agenda item in engagement with militaries, United Nations entities and programmes, including in the important work of the Protection of Civilians Week, and others to ensure effective consideration of persons with disabilities in civilian protection;

(d) Adhere to principles of dignity, research ethics and best practices, pursuant to article 31 of the Convention on the Rights of Persons with Disabilities, in the investigation, documentation and dissemination of reporting on the impact of armed conflict on persons with disabilities.

89. Universities, research bodies and research funders should:

(a) Support the inclusion of a disability perspective in existing international humanitarian law programmes and in the coverage of international humanitarian law in university curricula;

(b) Undertake research and develop guidance and practical tools to make visible patterns of disability discrimination and harm experienced by persons with disabilities to military planning and operations in the light of obligations under international humanitarian law to reduce civilian harm during armed conflict;

(c) Adopt a participatory approach and work towards the co-production of research with civil society reflective of the experience of persons with disabilities affected by armed conflict and scrupulously adhere to research ethics during the course of research and fact-finding endeavours;

(d) Encourage research into good practices of national implementation measures taken in accordance with obligations under international humanitarian law aimed at the protection of persons with disabilities, in complementarity with the Convention on the Rights of Persons with Disabilities, and the dissemination of research findings in multiple accessible formats;

(e) Advance credible research on intersectional (e.g. gender and disability, age and disability) impacts of attacks, including regarding how systemic inequality influences the harm that hostilities cause to persons with disabilities, including those with intersectional identities;

(f) Expand, among funders of research, disability-inclusive research in the field of international humanitarian law and disability (whether national, regional, international or philanthropic) and actively encourage the creation of transnational networks to advance understanding of international humanitarian law and disability.

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