



## International Workshop

### ***The Protection of Persons with Disabilities during Armed Conflicts***

### ***Exploring the fit between International Humanitarian Law (IHL) and the UN Convention on the Rights of Persons with Disabilities (UN CRPD) and its relevance to NATO Operations***

University of Lund, Law Faculty, Sweden

&

Raoul Wallenberg Institute of Human Rights and International Humanitarian Law, Sweden  
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This Workshop, part-funded under the Science for Peace and Security Programme of NATO, offers a unique opportunity to reflect on a future agenda for the protection of civilians with disabilities during armed conflicts. Although general civilian protection obligations under International Humanitarian Law (IHL) extend to persons with disabilities, this has been a generally neglected field.

Article 11 of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) now demands that specific attention be paid to the protection of persons with disabilities during conflicts. Indeed, the framing of ‘protection’ in Article 11 is set against a broader philosophy of rights in the UN CRPD and this must have some implications for how ‘protection’ is achieved. This broader philosophy emphasizes voice – both individual and collective. It is against segregation in all forms including institutionalization. It advances accessibility which is of relevance to planning for evacuation. And its vision of flourishing in the community means that follow-through actions like humanitarian relief and re-construction should never lead to segregation and isolation.

Unpacking what “protection” for civilians with disabilities means within the framework of international disability rights law and practice during conflicts forms the core objective of this two-day Workshop. An additional area of exploration is the linkage of protection to some of the broader implications of the UN CRPD in order to avoid the risk that follow-up measures (no matter how well intentioned) reinforce the isolation and segregation of civilians with disabilities.

This Workshop should be of keen interest to those interested in the application of IHL to disability as well as those interested in how Article 11 of the UN CRPD is working to transform the field of humanitarian action.

In this vein, the Workshop also takes note of latest developments, including the clear signal by the UN Security Council of the salience of disability in the context of IHL. In this regard, the UN Security Council adopted in June 2019, Resolution 2475 (2019). This first-ever resolution of its kind calls upon Member States and parties to armed conflict to protect persons with disabilities in conflict situations and to ensure they have access to justice, basic services and unimpeded humanitarian assistance.

Resolution 2475 (2019) encourages Member States to ensure that persons with disabilities enjoy equal access to basic services, including education, health care, transportation and information and communications technology (ICT) and systems, and that States undertake measures to enable the meaningful participation and representation of persons with disabilities, including their representative organizations, in humanitarian action and in conflict prevention, resolution, reconciliation, reconstruction and peacebuilding. It also urges proactive steps to eliminate discrimination and marginalization on the basis of disability in situations of armed conflict and compliance with the UN CRPD.

**Day 1. Context: IHL, Human Rights and the protection of civilians with disabilities during conflicts.**

The purpose of the day is to set the scene before exploring how a new policy, capacity-building and research agenda can be formulated to protect persons with disabilities during conflicts. It will identify risks that are general to persons with disabilities during conflicts as well risks that are specific to certain impairment groups. These risks are spread across the traditional challenges of military authorities and include the challenge to mitigate risk, to protect against the risks posed by third parties, to support humanitarian aid and to implement with follow-through actions after hostilities cease. This sets the stage for a discussion about the interaction between traditional conceptualizations of IHL and Article 11 of the UN CRPD on the second day.

**Welcome:**

- Professor Mia Ronnmar, Dean of the School of Law at University of Lund.
- Professor Morten Kjaerum, Director of the Raoul Wallenberg Institute on Human Rights and International Humanitarian Law, University of Lund.
- Professor Goran Melander, Founding Director of the Raoul Wallenberg Institute & expert in international humanitarian law.

**Brief Introduction to the Event:**

Janet E. Lord, Harvard Law School Project on Disability, USA & Professor Gerard Quinn, Raoul Wallenberg Institute, University of Lund.

**Chair:** Ms. Catherine Naughton, European Disability Forum, Brussels, Belgium.

**Session 1 – Framing: Janet E. Lord & Gerard Quinn.**

The purpose of this session is to provide a framing for the two days. This will point to the history, evolution and current understandings of IHL and the UN CRPD as they apply to disability. It will paint a common ground where they both come together. It will suggest that, together, they point to a new agenda for protection that is of general relevance in the laws of war and specific relevance to NATO operations.

**Panel Discussion on the Framing:**

- Mr. Alexander Breitegger, Legal Advisor, Thematic Legal Advice Unit of the International Committee of the Red Cross Disability Focal Point, Geneva, Switzerland.
- Dr. Maria Kett, Deputy Director, Leonard Cheshire Disability and Inclusive Development Centre, University College London, England.

**Moderator:** Guest from Lund University. To be confirmed

**Session 2: Reality-check: Observations from the Field.**

The purpose of this session is to hear from accounts on the ground as to the actual situation faced by persons with disabilities.

- Lieutenant General Charles N. Pede, The Judge Advocate General for the United States Army, Washington D.C., USA.
- Ms. Virginia Gamba of Argentina, Special Representative of the Secretary-General for Children and Armed Conflict, New York, USA.
- Ms. Shantha Rau Barriga, Director of Disability Rights Division, Human Rights Watch, Brussels, Belgium

**Moderator:** William Pons, Harvard Law School Project on Disability, USA.

**Lunch.**

### **Session 3: General Risks to Persons with Disabilities during Conflicts.**

This session will look at general risks and the challenges posed in IHL in coping with them.

**Moderator:** Ms. Mirjam de Bruin, Legal Advisor International Humanitarian Law Department, Netherlands Red Cross, Amsterdam, Netherlands.

#### **General civilian protection & disability.**

- Dr. Andrea Marrone, Expert on Security & Justice, Cordaid, Netherlands.
- Dr. Bernadette Dececchi, Assistant Professor, Royal Military College of Canada, Kingston, Ontario, Canada.

#### **Civilian Harm Mitigation & disability**

- Major Lena P. Kvarving, Norwegian Defence University College & Senior Staff Officer, Norwegian Defense Office, Norway.

### **Session 4. Risks that attach to Specific Groups of Persons with Disabilities.**

This session explores unique risks associated with different categories of disability. Any new approach has to be nuanced to take on board specific risks associated with these impairments.

**Moderator:** Ms. Catalina Devandas Aguilar, Special Rapporteur on the Rights of Persons with Disabilities, Geneva, Switzerland.

#### **Children with Disabilities**

- Mr. Gopal Mitra, Co-Chair, Inter Agency Standing Committee Co-Chair on Disability Inclusion in Humanitarian Action, UNICEF, New York, New York.

#### **Persons with Disabilities in Institutional Settings**

- Ms. Georgette Mulheir, LUMOS -CEO-, London, England.

#### **Women & Girls with disabilities.**

- Ms. Shantha Barriga, Director of Disability Rights Division, Human Rights Watch, Brussels, Belgium.

#### **Persons with Psycho-social Disabilities and Mental Health Issues.**

- Ms. Catherine Naughton, Director of the European Disability Forum, Brussels, Belgium.

#### **Persons with Sensory Disabilities.**

- Mr. Steven Estey, Human Rights Officer for Disabled Peoples International, Ottawa, Canada.

### Summing Up of the Day.

- Dr. Anna Bruce, Senior Researcher, Raoul Wallenberg Institute, Professor at University of Lund.

## Day 2 – Toward a New Protection Agenda for Persons with Disabilities During Conflicts.

### Session 5: How Article 11 of the UNCRPD helps to re-shape the protection agenda in IHL for persons with Disabilities during conflicts.

This session looks at lessons to be learned from the field of natural disaster preparedness and disability and then specifically at the implications of Article 11 of the UN CRPD.

**Moderator:** Dr. Bernadette Dececchi, Assistant Professor, Canadian Defence Academy, Kingston, Ontario, Canada.

#### Lessons from Natural Disaster Preparedness.

- Dr Mathew Scott, Team Leader People on the Move, Raoul Wallenberg Institute.

#### Article 11 as Understood by the UN OHCHR.

- Mr. Facundo Chavez Penillas, CRPD Committee Secretariat, OHCHR, Geneva, Switzerland.

#### Article 11 & Survivor Assistance under IHL

- Mr. Steven Estey, Human Rights Officer for Disabled Peoples International, Ottawa, Canada.

#### Article 11 as a Novel Bridge to IHL.

- Mr. Alexander Breitegger, Legal Advisor, Thematic Legal Advice Unit of the International Committee of the Red Cross Disability Focal Point, Geneva, Switzerland

#### Art 11 in the Jurisprudence of the UN CRPD

- Janet E. Lord, Harvard Law School project on Disability

### Plenary Discussion on Article 11.

### Session 6. Exploring Promising Practice to inform a New Agenda.

There are many promising practices to be drawn on in informing a new approach and the building of a new agenda and the purpose of this session is to highlight them.

### Co-Moderators:

- Dr. Maria Kett, Deputy Director, Leonard Cheshire Disability and Inclusive Development Centre, University College London, England.
- Major Lena P. Kvarving, Norwegian Defence University College & Senior Staff Officer, Norwegian Defense Office, Norway.
- **Plenary Discussion on Civilian Protection within the Context of Disability**

## Lunch.

### Session 7: Imagining a new Agenda for the Protection of Persons with Disabilities in Conflicts.

Based on the two days, this session will allow the participants to discuss among themselves what a new approach and agenda might look like. The participants will be divided into groups with discrete tasks association with the following topics:

- **Future Research – how it can support policy-making.**  
Facilitator: Ms. Alice Priddy, Researcher, Geneva Academy of International Humanitarian Law and Human Rights, Geneva, Switzerland.
- **Future Training & Capacity Building – how it can support IHL and Article 11.**  
Facilitator: Dr. Maria Kett. Deputy Director, Leonard Cheshire Disability and Inclusive Development Centre, University College London, England.
- **Future Policy-making – how the new agenda might be absorbed by bodies like NATO.** Facilitator –Lieutenant General Charles N. Pede, The Judge Advocate General for the United States Army, Washington D.C., USA.

They will then report back to plenary with their key recommendations which will be taken on board by the Workshop Rapporteur.

### Rapporteur's Report:

William Pons, Harvard Law School Project on Disability, USA. Professor Gregor Noll, University of Gothenburg, Sweden.

### Closing remarks

Janet E. Lord & Professor Gerard Quinn.

### Close

Professor Morten Kjaerum on behalf of the Raoul Wallenberg Institute: