**Model pledge**

# International humanitarian law and persons with disabilities

# Taking into account the specific barriers and risks faced by persons with disabilities when interpreting and implementing international humanitarian law

**Proposed by:** International Committee of the Red Cross (ICRC)

**Contact:** Alexander Breitegger

**Email:** abreitegger@icrc.org

*Note:* *This model pledge offers an array of potential actions that States, National Societies and observers can choose from to make their priority commitments. It gives a list of examples, which are not intended to be adopted in full. The proposed actions can be prioritized and adapted to the national context.*

This pledge is related to the spotlight session entitled **“Promoting disability-inclusive interpretations and implementation of international humanitarian law in complementarity with the Convention on the Rights of Persons with Disabilities”**.It aims to build on the recommendations resulting from the groundbreaking 2022 regional consultations which brought together State armed forces and persons with disabilities and their representative organizations (organizations of persons with disabilities, hereinafter OPDs)[[1]](#footnote-2) and were co-organized by the UN Special Rapporteur on the rights of persons with disabilities, the International Disability Alliance, the Diakonia International Humanitarian Law Centre, the European Disability Forum and the ICRC.

## A. Objective/introduction of the model text

Expressing serious concern regarding the disproportionate impact that armed conflict has on persons with disabilities, irrespective of whether their impairments pre-date an armed conflict or have been acquired during an armed conflict, including the inaccessibility of precautions such as advance warnings, shelter or evacuation, abandonment, violence and the inaccessibility of humanitarian relief;

Recognizing that the specific barriers and risks faced by persons with disabilities in military operations in armed conflict are often overlooked in the interpretation and implementation of international humanitarian law (IHL);

Recalling that women, men, girls and boys of different ages, disabilities and backgrounds can be affected differently by armed conflict and that these differences need to be considered when implementing and applying IHL in order to safeguard adequate protection for all;

Recalling that Article 11 of the Convention on the Rights of Persons with Disabilities provides that States parties to the Convention shall take, in accordance with their obligations under international law, including IHL 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;

Recognizing the need to support further participation and inclusion of persons with disabilities in the development of measures and decision-making processes in order to interpret and implement IHL in a disability-inclusive manner;

We, [Government/National Society/the Government[s] and National Society[ies]/Observer xxx of [Country/Region], [jointly]] pledge to undertake the following actions by the year 2028:

## B. Actions to be considered

*States, National Societies and Observers may select one or more commitments from the following sample list, combine them and add their own* *in accordance with their respective powers, mandates and capacities:*

1. **Organize an expert meeting/conference** at the national/regional/international level to bring together State armed forces and persons with disabilities and their representative organizations, using all possible means to mobilize armed forces, including strengthening links between veterans with disabilities and civilian OPDs, and to prepare a report, with a view to raising further awareness and examining how considerations concerning the specific barriers and risks faced by persons with disabilities in military operations in armed conflict could be integrated into military training, education, doctrine, planning, the conduct of military operations and after-action reviews, bearing in mind intersectional approaches that take into account how different persons with disabilities experience such barriers and risks differently.
2. **Integrate the issue of IHL and disability inclusion into IHL dissemination activities** for armed forces and other target audiences, such as prosecutors, judges, parliamentarians, humanitarian organizations and medical personnel, and encourage participation by persons with disabilities and their representative organizations in these activities.
3. **Promote/advocate for the integration of IHL and disability inclusion into relevant national legislation, law of armed conflict/military manuals, military orders and directives, and related policy documents**,encourage participation by persons with disabilities and their representative organizations in the drafting process and **dedicate adequate resources to their dissemination and implementation**.
4. **Bring/advocate for bringing the issue of IHL and persons with disabilities before national IHL committees or similar bodies** and encourage participation by persons with disabilities and their representative organizations in such bodies, with a view to advocating for the development or amendment of national legislation and regulations on this subject, integrating considerations concerning the specific barriers and risks faced by persons with disabilities in military operations in armed conflict into military manuals/orders/directives/policies/practices, including this issue in IHL dissemination in armed forces and/or organizing expert conferences on IHL aiming to raise specific awareness of this issue and develop legal and operational recommendations.
5. **Integrate disability inclusion into operational humanitarian activities** by implementing actions such as (choose from non-exhaustive list):
* work to strengthen links and cooperation between States and National Societies, with a view to supporting persons with disabilities and their representative organizations
* ensure the meaningful participation of persons with disabilities and their representative organizations in order to incorporate their perspectives into the design, implementation, monitoring and review of humanitarian responses and, more broadly, strive to include persons with disabilities on the staff and volunteer teams of the relevant line ministry/National Society
* ensure National Societies have adequate financial and skilled human resources (e.g. a dedicated disability inclusion focal point) to support disability inclusion in humanitarian response
* consider and establish appropriate methods for the collection and analysis of sex-, age- and disability-disaggregated data, employing accepted methodologies such as the Washington Group Short Set of Questions, and use the data in the planning of their humanitarian activities and to monitor the access of persons with disabilities to humanitarian services and assistance
* ensure accessibility considerations (concerning the environment, communication and information) are incorporated into the planning and implementation of humanitarian relief for civilians with disabilities, especially where States/National Societies themselves carry out evacuations, with such considerations including measures such as identifying persons with disabilities, ensuring accessible means of transport and the availability of assistive devices and allowing for support persons to accompany them
* ensure national disaster preparedness plans take persons with disabilities into account.

## C. Potential indicators for measuring progress

* Number of expert meetings/conferences on IHL and persons with disabilities bringing together State armed forces and persons with disabilities and their representative organizations
* Number of participants in such expert meetings/conferences on IHL and persons with disabilities
* Number of IHL dissemination activities that incorporate the issue of IHL and persons with disabilities and involve the participation of persons with disabilities and their representative organizations
* Diversity of the persons with disabilities who participate in terms, for example, of impairments, sex, age and barriers faced
* Number of national laws specifically covering different persons with disabilities in armed conflict
* Number of military orders, directives, manuals, policies and after-action reviews that specifically refer to barriers and risks faced by persons with disabilities in military operations in armed conflict
* Number of civilian protection and crisis preparedness plans that specifically refer to barriers and risks faced by persons with disabilities in crisis contexts
* Proportion of civil protection, rescue and emergency staff, humanitarian actors and members of armed forces who are trained in inclusive evacuation and early warning systems
* Consultation processes undertaken to ensure the active involvement of persons with disabilities, including through their representative organizations, in the design, implementation and monitoring of laws, regulations, policies and programmes concerning humanitarian and emergency planning, response and recovery-related initiatives
* Percentage of emergency awareness and preparatory campaigns and materials that are accessible to all persons with disabilities
* Proportion of persons with disabilities who receive support during evacuation processes disaggregated by impairment, sex, age and barriers faced
* Number of personnel in relevant humanitarian implementing agencies and/or National Societies with responsibility for disability inclusion in humanitarian response
* Existence of action plans with concrete timelines to measure progress
* Budget allocated to and spent on the design and implementation of disability-inclusive humanitarian activities

## D. Resource implications

The States and/or National Societies will determine the resources that may be required to carry out this pledge, based on their chosen objectives and actions.

1. Representative organizations or organizations of persons with disabilities (OPDs) are those that are led, directed and governed by persons with disabilities. [↑](#footnote-ref-2)