

**QUESTIONNAIRES TO INFORM THE THEMATIC REPORT OF THE SPECIAL RAPPORTEUR ON THE RIGHTS OF PERSONS WITH DISABILITIES ON ARMED CONFLICT, 76<sup>TH</sup> GENERAL ASSEMBLY – 2021**

**I. Context**

For his thematic report to the United National General Assembly, 76<sup>th</sup> session, the Special Rapporteur on the rights of persons with disabilities, Mr. Gerard Quinn, intends to focus on the protection of persons with disabilities in the context of armed conflict.

The Special Rapporteur intends to undertake innovative research related to the protection of persons with disabilities in the context of armed conflict. In the report, he aims to examine the current application of the specific obligations enumerated in Article 11 of the [United Nations Convention on the Rights of Persons with Disabilities \(CRPD\)](#) and United Nations [Security Council Resolution 2475 \(2019\)](#) to ensure the protection and safety of persons with disabilities in the context of armed conflict.

The report will also seek to present good practices, emerging trends, existing challenges, and identified gaps in the interpretation, operationalization and engagement of the above obligations.

The Special Rapporteur hopes to further align the disability rights perspective with international humanitarian law by providing effective guidance on how to ensure persons with disabilities and their rights are respected on an equal basis with other civilians.

Toward this end, the Special Rapporteur transmits these Questionnaires which focus on policy (A: States), operationalization (B: Military authorities) and collective voice in the process (C: civil society).

**II. Questionnaire/s.**

**A. Questionnaire for States**

The purpose of this set of questions is to elicit information regarding how States apply and interpret Article 11 of the CRPD and Security Council Resolution 2475 (2019) as they pertain to armed conflicts to identify best practices and gaps.

These are policy-oriented questions and will be supplemented by more detailed operational questions directed at military authorities and engagement questions directed at civil society organizations, contained in the questionnaires as below.

Please attach links to official documents, policies, and/or legislation as appropriate.

**QUESTIONS**

1. Please describe what obligations Article 11 of the CRPD establishes on a State in relation to the ‘protection’ of persons with disabilities in the context of armed conflict, conflict prevention, humanitarian action, and peacebuilding operations.
  - a. Have the above obligations been officially recognized? If so, please provide examples such as legislation, press releases, policy statements, official remarks, etc.

- b. How broadly is ‘protection’ interpreted in regard to civilians with disabilities in the context of armed conflicts?
  - c. Have you made arrangements to give effect to UN Security Council Resolution 2475 (2019)?
2. Please provide information on (1) the existence of any specific institution/government entity, such as a national committee on international humanitarian law (IHL), tasked with the responsibility of overseeing the implementation of IHL; and (2) how that body addresses persons with disabilities in the context of IHL implementation.
3. Please identify and provide information on the institution/government entity(s) tasked with overseeing the implementation of obligations under the CRPD (Article 33 framework).
  - a. Does that institution/government entity advise or interact with the military and security forces on how to implement Article 11 of the CRPD in their operations?
4. Please identify any domestic laws or statutes that seek to punish criminal acts that specifically target persons with disabilities.
  - a. Do the laws or statutes apply to acts of violence against or abuse of persons with disabilities in the context of armed conflict, conflict prevention, humanitarian action, and/or peacebuilding operations?
  - b. Do the laws or statutes apply solely to government actors, individual actors, or both?
  - c. Does the criminal code provide for the prosecution of crimes against humanity and if so, could disability-related crimes be prosecuted under such provision(s)?
5. Please provide information on any formal complaints, official investigations, and related jurisprudence arising from allegations of abuses and violence against persons with disabilities.
6. Please identify and describe any efforts undertaken to build capacity across stakeholders—including military and civilian, peacekeeping personnel, and other field workers—who intervene in emergency situations, including armed conflict, regarding the rights of persons with disabilities.
  - a. How, if at all, are organizations of persons with disabilities (OPDs), involved in the process?
7. Please provide information on relevant legislation and policies related to:
  - a. Whether persons with disabilities are excluded from serving in the armed forces on the basis of their disability.
  - b. The existence of policies or programs that allow persons serving in the armed forces to continue serving in cases where they acquire a disability.
  - c. What supports are available to assist persons experiencing psycho-social trauma as a consequence of armed conflict (civilian, current military, or former military).
  - d. The existence of differential obligations or services granted to veterans with disabilities on the one hand and civilians with disabilities on the other.

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### **B. Questionnaire for military authorities**

The purpose of this set of questions is to elicit information from national military and security authorities on how they operationalize Article 11 of the CRPD and UN Security Council Resolution 2475 (2019) into the overall imperative of protecting civilians in the context of armed conflict.

These are operationally-oriented questions and will be supplemented by more detailed policy questions directed at States (see A. above) and engagement questions directed at civil society organizations (see C. below).

Please attach links to military manuals, official policy statements and directives, and/or training materials as appropriate.

### QUESTIONS

1. How have 'protection' issues, as they relate to civilians with disabilities, been reflected in military doctrine, operational planning, and/or military training?
2. Please identify measures taken to ensure the inclusion of persons with disabilities within the framework for 'protecting civilians' from violence and abuse in the context of armed conflict.
  - a. Do military manual(s) or policies refer to, or recognize, State obligations to ensure specific protection of persons with disabilities in armed conflict?
  - b. Do rules of engagement (ROEs) and standard operating procedures (SOPs) for military and security forces consider persons with disabilities?
    - i. What process of review exists to determine whether the ROEs and SOPs address human rights and specifically the rights of persons with disabilities?
  - c. Do trainings on international humanitarian law (IHL) for military and security forces include a module on disability or otherwise address the protection of civilians with disabilities in the context of armed conflict?
3. Does the military engage with civil society organizations representing persons with disabilities (including organizations of veterans with disabilities), for example in discussions regarding the 'protection' of persons with disabilities during or after armed conflict?
  - a. Who initiated the engagement?
  - b. What was the motivation, purpose, and outcome of these engagements?
  - c. Was Article 11 of the CRPD and/or UN Security Council Resolution 2475 (2019) discussed in these engagements?

### C: Civil Society

The purpose of this set of questions is to ascertain whether and to what extent civil society has engaged with their respective governments and militaries on the implications of the CRPD and UN Security Council Resolution 2475 (2019) in relevant military operations (including peace keeping and peacebuilding operations) and what impact they can report from such engagement.

These are engagement-oriented questions and will be supplemented by more detailed policy questions directed at States (A: above) and operational questions directed at military authorities (B: above).

Please attach links to any relevant reports, trainings, press statements, or other documents.

### QUESTIONS

1. Please provide information on whether and how your organization engages on the protection of persons with disabilities under international humanitarian law.

2. Please provide information on the engagement of your organization with the government and/or military authorities relating to the protection of persons with disabilities in armed conflict.
    - a. Who initiated the engagement?
    - b. What was the motivation, purpose, and outcome of these engagements?
    - c. Was Article 11 of the CRPD and/or UN Security Council Resolution 2475 (2019) discussed in these engagements?
  3. Please provide information on whether your organization engages with the government on laws or statutes that punish criminal acts that specifically target persons with disabilities.
  4. Please provide information on relevant legislation and policies related to the following:
    - a. Are persons with disabilities excluded from serving in the armed forces on the basis of their disability? Do you engage with the government on this issue?
    - b. Do policies or programs exist that allow persons serving in the armed forces to continue serving in cases where they acquire a disability? Do you engage with the government on this issue?
    - c. What supports are available to assist persons experiencing psychosocial trauma as a consequence of armed conflict (civilian, current military, or former military)? Do you engage with the government on this issue?
    - d. Are there differential services granted to veterans with disabilities on the one hand and civilians with disabilities on the other? Do you engage with the government on this issue?
    - e. Are there veterans groups with disabilities and do they interact with organizations of persons with disabilities (OPDs) on protection or general disability rights issues?
  5. Please provide information on how civil society, specifically OPDs, are involved in the process to identify and address discrimination and marginalization of persons with disabilities in situations of armed conflict, conflict prevention, humanitarian action, and peacebuilding operations.
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