



MINA MOJTAHEDI:

Welcome everybody. I would like to invite you to take your seats so we can get started. My name is Mina Mojtaehedi and I am the disability inclusion advisor.

Welcome. I hope you enjoy the interesting discussion that we are having this evening. Without further ado, I'm going to invite Stephen Wilkinson who is the global international humanitarian law adviser from Diakonia.

STEPHEN WILKINSON:

Thank you very much. Ladies and gentlemen, it is with great pleasure that behalf of the (inaudible) that we have the opportunity to be here and share a few words on the project and a photography exhibition in particular.

I would like to thank the Geneva Academy for allowing us to partner on this endeavour and a huge congratulations to the Academy, Alice Priddy and (unknown term).

I will now try to do my best to share some words on unknown (unknown term). Viewing the photos and the accompanying stories is personal. Both in regards to the subject and the viewer.

For me, the importance of the photos is an important reminder of the fact that those with disabilities are often forgotten and I reflect on my own personal and institutions blindspots.

At the same time, those with disabilities should not be considered victims. They are active agents. The ones who have the same spectrum of rates we all share. However, largely due to stigma and discrimination, those with disabilities are often denied opportunities for participation and integration.

Such issues are further exacerbated during conflict. In the photo exhibition, it looks to provide some of those stories. A lens into what happens in reality. The inability to hear warning sirens due to deafness, mobility limitations to seek shelter from attack. These pictures taken from the perspective of someone who is disabled, are incredibly powerful and important for us to share stories and experiences to try to understand as best we can the reality for so many.

The pictures capture so many emotions, joy, pain, fear, sadness and hope. Emotions will experience. I am hopeful that this photography exhibition reminds us of how much work there is to be done and serves as an inspiration for us to continually reflect as humanitarian community in particular of how we can become the best possible allies for those with disability.

This is a fantastic first step. The project accompanied with the photo exhibition. It is so important that under humanitarian law under IHL are understood and applied in a manner which is inclusive of the perspective of those with disabilities. An incredibly simple almost throwaway phrase but to achieve that, there is so much work to be done. I believe through collective action of different agencies, academic institutions, we can come together and improve.

I will leave it there but I am looking forward to the panel discussion where I can maybe get back to my comfort zone of the international law. Thank you.

(Applause)

MINA MOJTAHEDI:

Thank you Stephen. Next I would like to invite Marco Sassoli who is the leading IHL expert. The director of Geneva Academy as well as Prof of International Law at the University of Geneva.

MARCO SASSOLI:

Good evening. Welcome.

I have to say some words about the Geneva Academy which are related to the joint Centre of Geneva and International Development Studies.

We do research like this one but we train people who become leaders and humanitarian world and I am proud that two of them will be in the panel tonight. I see a number of others in the room.

I would like to thank the ICRC who hosted us tonight and who have helped us in our research. I would like to thank the Diakonia who made this research possible as well as the Swiss Network for International Studies and (unknown term) for their support.

I just published a book of more than 600 pages about the international humanitarian law and the word 'disability' does not appear there. It is important that we admit that we learn and I learned mainly from the study.

There are sections on gender, LGBTIQ, families of missing persons, human remains, private military and security companies that I simply didn't think about it and this is a good symbol for the forgotten. For the fact that people with disabilities including and in particular in armed conflict are forgotten and the reason why I didn't write about it was I was not yet director of the academy and simply not aware of this project. I ignored out of mere ignorance the largest minority of people affected by armed conflict and we don't even know how many they are but we can start at 15% of all human beings are affected by disabilities and this must also be the case in armed conflict.

This ignorance is even more shocking because I met people with disabilities in conflict when I was more than 20 years ago an ICRC delegate in Yugoslavia and perhaps the story has some meaning for us. We visited and we assisted a centre where people with mental disabilities were, as it was called at that time, and they were saying things which the translator told us they said, "All these people outside are crazy." There was fighting outside and the question was who is more crazy - those who made the war or those who were inside?

Now I have turned for those of you who are Christians somehow from (inaudible) I am not a saint, nevertheless, I am conscious of the problem. I am proud that the Geneva Academy has engaged in this pioneering project and particularly I thank Alice Priddy, who was a senior researcher at the Academy, to have initiated and completed, that is also important, the project and she will present it tonight and she will also thank the many individuals who have contributed in one way or another.

I think the correct understanding of Rights of Persons with Disability is also important for international humanitarian law and public international law more generally.

You may know that the Convention on the Rights of Persons with Disabilities is one of the few human rights conventions explicitly stating that it applies to armed conflict.

Alice Priddy shows in my view correctly that the correct understanding of the interaction between IHL and the convention in particular, its requirement of reasonable accommodation to the needs or rather to the Rights of Persons with Disabilities makes the difference and allows or rather requires that persons with disabilities are no longer forgotten by university professors but that's not important.

Most importantly, the military and armed groups.

International law has always been flexible enough to take a better understanding in society of taking the realities of victimisation phenomena into account without a need to change the texts.

Think about the understanding of the role of women in armed conflicts in 1949 and today, the Geneva conventions have not been changed. OK, the additional protocols have some additional rules but it is mainly because we better understand the situation and the role that things have changed.

Once people understand, like me now, that there is a forgotten problem and I would like to add because of my personal experience, probably the mentally disabled are the forgotten about, the forgotten.

Once people understand that there is a problem, and that persons with disabilities do not deserve charity or just medical attention, that it is even not just a social or political phenomenon of exclusion but an issue of rights, the response seems to be obvious. The needs of persons with disabilities need to be taken into account in armed conflict and belligerence and humanitarians need to reasonably accommodate the practice and in IHL to this reality.

The study shows it is not impossible to implement that response, even in an armed conflict situation which is by definition a profoundly inhumane situation. If (unknown term) succeeded (inaudible) on the battlefield, if he succeeded that we must today, 170 years later be able...it must be possible to achieve the respect and nondiscrimination of persons with disabilities were nearly all civilians not contributing to the military potential of a party.

I think for everyone who has heard this, this seems to be an obvious message but as always, someone had to say it. Now our challenge is not just to say it in Geneva but to translate it into a reality in the field. You did not come here to hear me so now I invited the panellists to come forward aptly moderated by Mina.

In my time, there was no disability exclusion inclusion adviser at the ICRC. Thank you very much.

MINA MOJTAHEDI:

Welcome again. I just want to mention right from the start one of the most important things, we do have something at the end before I forget, I want to let you know. Please stay until the end. Let's get started. I would like to welcome our panellists to you, starting with Shahrzad Tadjbakhsh, the director in international protection at the UNHCR.

Next to him is Ezequiel Heffes, sorry, did I pronounce your name correctly? A legal advisor and an experience of working with IOC. And we have Hugo Slim the head of policy at the ICRC and has extensive experience and research from the University of Oxford. Leading expert.

Last but not least, Alice Priddy, a senior researcher at Geneva Academy and the author of the report we will be discussing today. I would like to start by inviting Alice to give us a briefing about your research and findings.

ALICE PRIDDY:

Thank you very much, Mina, and everybody for joining us this evening. And thank you ICRC for hosting us. I will spend the next 15, 20 minutes talking to you about the latest Academy briefing, disability and armed conflict, there are copies outside for those who wish to take one. The briefing is the outcome of three areas of research the Academy has been undertaking and we benefited from Mina's expertise, who has been generous in sharing your thoughts with us and sharing a draft of the briefing.

We have also benefited from the leadership of Professor Andrew Clapham as well as Annyssa from the Academy and the UN Special Rapporteur, she was our partner on this project. We had a number of partners in the field at various locations, conflict settings all over the world that assisted us throughout the project. It was a collaboration.

I should start by saying how the project came about actually because it may be insightful. I was looking at Sexual Violence round conflict which is really my background. I wanted to look at the interaction between gender and disability and I did research and found there was little to nothing out there on the topic.

I looked at disability more generally in armed conflict and was surprised to find there was nothing out there on the topic which led me to the UN Convention on the rights of Persons with disabilities which at the time I was new to and myself I had largely overlooked it.

The convention which came into force in 2008 is quite groundbreaking, as Marco said, it expressly states that it continues to apply in armed conflict and applies alongside IHL.

That was it for this project. We didn't just the desk research where we put together a legal map of how the CRPD interacts with humanitarian law, we went to the field and went to several conflict affected states included Palestine, the Ukraine, DRC, Vietnam as a post-conflict setting and Colombia.

We look at the implementation of both IHL and the CRPD in those conflict settings. That field of research enabled us to write reports on each of those conflict settings which fed into this overall report which as I said is what we are here to present a day and the findings of that report we hope draw on the different natures of conflict and conflicts involving nonstate actors.

We dropped eight key findings and recommendations for states, humanitarian organisations and nonstate actors. I will briefly go through a couple of those findings for you today before we open up the discussions. Although I have hopefully giving you an understanding of what the project is about, I want to make it clear what it is not about. It is not about prevention.

I want to stress that because throughout the course of this project prevention of disability, primary impairment is often mixed up with the rights of person with existing disabilities, it comes up time and time again when speaking with states, I will say what are you doing about implementing the CRPD, leading state reports on the rights of Persons with disabilities, it is often said we have ratified the MiNDbank convention.

That is not in implementing measure under the Convention on the Rights of Persons with Disabilities with disabilities, the convention is clear that it is about the persons of rights with existing disabilities and potentially prevention of secondary impairment. It is not about prevention of primary impairment and the two, as I said, often muddled which is dangerous, because of resources, advocacy, time is put into prevention at the expense of ensuring people with existing impairments have access to their rights.

Taking the treaty as an example, it is important in that some of the provisions it contains to add to some disability rights, especially around reparation for survivors but from a disability rights perspective what you should be taking from the (unknown term) treaty, education should be accessible, warnings around minefields accessible for people with vision impairments, having a mine sign outside a minefield in Colombia is no help if you are a local person with a visual impairment and cannot read that sign.

If we're going to take one thing away from tonight, I would say prevention is not part of the conversation in the study.

Returning to what the project is about, it is about persons with disabilities, I think it is worth spending some time thinking about what we mean by persons with disabilities and so we're looking at, considering in the study. Before the adoption of the Convention on the Rights of Persons with Disabilities with disabilities, are very medicalised approach and a charity approach, they were the two

main models used to understand disabilities. Those two approaches focused on a person's impairment rather than the person themselves.

And the person with a disability was seen as abnormal, in need of fixing in some way, leading a lesser and sad life and obviously fuelled by discriminatory understandings, prejudicial understandings of disabilities and therefore the responses to disabilities were under the same guise.

What we have when we have the CRPD is a social understanding of disability, rather than the focus being on the impairment, the focus is on the interaction between the impairments and environment. So how the environment response to persons' impairments is a stabilising factor.

From that perspective we can understand discriminatory barriers can be overcome and it is not the focus on the person with the impairment but the society and the broader context and the person more importantly. And disability is context dependent.

Our conversation tonight about conflict, it is easy to imagine a situation where a person with an impairment faces a greater level of disability, if you like, in a complex setting than they would in a non-conflict setting. If you are a wheelchair user for example, living in a state where there is fully accessible infrastructure, transport, education, public buildings, employment, you are not facing the same barriers as somebody in a wheelchair right now in Gaza.

The Social Model understanding of disability that allows us to better respond to disability and what we need to be doing to overcome the barriers of persons with disabilities face.

So moving to some of the key findings of the research, the first big takeaway which Marco alluded to and what was most surprising for me was how overlooked this issue is. We know that Marco has also said that roughly 15% of every population is made up of persons with disabilities, that is about 1 billion people worldwide. A large number of those people live in conflict affected states. Persons with disabilities are the largest minority group.

But when we come to discuss it, as has been said, there is very little uptake of the issue. I've been working on this for three years now. When I speak with states, it is considered a niche issue, even in humanitarian organisations as well.

And that complete overlooking of the topic means that, of course, policy and practice is not being made to respond to persons with disabilities and fuelled by the fact where people are being considered, they are being considered just for people with physical impairments, not psychosocial, sensory, or intellectual.

Persons are being forgotten and then within those being forgotten there is a distorted focus on physical impairment and not other types of impairment.

It is also at the UN level as well, there has not, to date, been a UN Security Council resolution dedicated to this topic, the same with the Human Rights Council. As Marco said, if you open the textbook of any IHL text, disability is often excluded. It is not listed there. Many IHL training manuals don't have a disability perspective.

It is throughout all stakeholders, I would say, they are really overlooking the topic. Another understanding, another finding of the report is that disability is considered, being approached from a medical or charity understanding. It is not being approached from a Social Model understanding endorsing the CRPD.

As humanitarian lawyers are practitioners, we need to be aware when we interpret IHL norms, they may not reflect the Social Model understanding as we see today, we need to be aware of the language we are using and be aware that the IHL norms we are considering me to be applied using a Social Model understanding and not the medical and charity model largely reflected in IHL texts.

And then in the ICRC, another big takeaway, the main finding is that IHL is not being applied in a disability into the manner and that is resulting in a loss of life and serious injury.

Effective warnings, treatment of prisoners of war, for present purposes, proportionality assessment would be a good example from my research. Proportionality, expected harm has to be balanced against the anticipated military advantage of any attack.

When we look law of armed training manuals, and considered state interpretations of that norm, states widely considered the civilian population to be one homogenous group of able bodied persons, who are able to respond to the dangers around them in the same manner. That is a fallacy, as I said, 15% of every population will be made up of persons with disabilities.

They will have a diverse way, different way of responding to the dangers around them. So when we consider the incidental harm of any attack we need to be considering just that, how will this affect the civilian population in the vicinity, which will include persons with disabilities.

In the briefing we give a hypothetical example, which I am going to pose to you now just to get the conversation started. Say that an attack is being proposed against an elusive high-level commander who will be located next to a building for 30 minutes. It is decided that a precision guided missile strike is to be undertaken. It is known that the next or civilian building will be destroyed in the attack which is a drop-in centre for unemployed jobseekers. Normally has around 10 people in it at this time of day.

It is proposed that a telephone warning giving one minute warning to the drop-in centre is given. With the proportionality assessment change, if we know that the civilians attending the drop-in centre that morning have physical, sensory or intellectual impairments which would affect their ability to access and respond to the one minute warning? Of course potentially the incidental harm of that attack. I would strongly argue that it does affect the proportionality assessment.

Indeed taking IHL's own rules on adverse distinction which is the core of IHL, as well as the prohibition on discrimination on people with disabilities within the CRPD, we have an obligation to ensure that it is considered.

I think there is room for that as Marco alluded to, IHL has the flexibility for us to take our modern understanding of disability and read into IHL what might not have been considered by drafters.

I'm probably running over time but as a concluding remark, I would say that we all have an obligation to mainstream disability in our understanding and interpretation of IHL. This is not being done at the moment despite the fact that we know 15% of every population will be made up of persons with disabilities.

We have the CRPD which gives us the tools to look at IHL from a disability inclusive perspective and we have their own norms like the principle of humanity and adversity which demand we take this disability inclusive approach.

MINA MOJTAHEDI:

Thank you, Alice. That's extremely interesting. I look forward to hearing more examples and I encourage you to pick up a copy of the report which goes into each of those findings with concrete examples to exempt find what you're talking about.

I'd like to go to Hugo next. One of his main areas of work is promoting IHL and the understanding of IHL. Alice was telling her research that there are significant gaps in people with disabilities and protections.

A scenario we are working on an ICRC but I want to ask you from your perspective, how and with whom can ICRC advocate for people with disabilities.

HUGO SLIM:

Congratulations to Alice because it is a great report and we are lucky to have it. As Marco said, it is about time and that is very important.

It's been a good year for me and the humanitarian because we are at the beginning of May but I have had two panels where I am genuinely delighted to see a report. This one is on disability and armed conflict and they are deeply linked because it is about dignity and seeing the person.

In answer to your question, as ICRC, we must make sure that all parties to conflict are actively thinking about this and we are helping them to think about it in exactly the way that Alice has described. Thinking about the particular situation of disabled people, what it might mean for access, early warning, precautionary measures, proportionality, all these things are important. We must take that up now in our protection practice, legal dialogues and I'm sure we will.

There are several IHL lawyers who are actively engaged in this already and this will help us. This will bring it to policy level as well and that will help.

Also if I might just say, we have talked about proportionality and precautionary measures and early warnings, I think there are all sorts of ways in ICRC practice we can improve. In IHL, is clear and it would be in line with the CRPD on this that when you are engaged in the provision of relief and when other organisations are, we must think about disabled people. We must adapt and modify the way we give relief, the types of relief we give to include disabled people.

There's lots of other areas where we need to engage with relief providers, parties to conflict and the ICRC with detention authorities because that is another key area where obviously disabled people fall totally under the principle of humane treatment in detention but there has to be reasonable accommodation as well that we need to think about for people who are disabled and detained and particular measures that should be taken.

It's a big and practical agenda but you have clarified it and you have put it in the public mind and that's a great contribution.

MINA MOJTAHEDI:

I completely agree. There is a lot that we as ICRC can do as well. Alice, there are a few areas where ICRC works and how it can be inclusive. Could you give us, considering the people we are working with as you mentioned in the report, they don't have a good understanding about disability in fact, it is not just about people with disabilities being forgotten, it's about misunderstanding of disability.

What would be examples or messages you would want us to take forward and also others?

ALICE PRIDDY:

Going back to the question, the ICRC is in a unique position itself being able to gather disability inclusive data and that is dramatically missing at the moment. The data we do have is often under inclusive and based on the medical charity models and focuses just on persons with physical impairment and not sensory, intellectual and psychosocial impairment.

The ICRC is in a unique position to do that itself and also particularly in terms of access to places of detention, very little of nothing exists in terms of the treatment of prisoners of wars and internees with disabilities so that's where there is a serious void in our understanding and where the ICRC can play a role and that will involve delegates being trained on disability rights and the diversity of disability as well.

They can ensure that when they go about collecting data or the visits to places of detention, they know what to look for and how to engage with people with disabilities people with disabilities have access to all facilities within the place of detention and not just as focus on medical services and rehabilitation.

MINA MOJTAHEDI:

One thing I was mentioning was diversity of disability. The different kind of impairments and barriers. Different barriers that interact will stop one thing that we at the ICRC are discussing is intersectionality. Recognising that people with disabilities are not just one homogenous group but they have intersections with gender or age.

Hugo, you have some interesting blogs on this.

HUGO SLIM:

I can try if I can remember the blog. That is right. We must not fall into the traps of seeing disabled people as one type of person and as we have said, is too easy to think of physical disability and to forget a much wider spectrum. The point again about mine warnings. If you can see it you need another way to know they are there.

That is classic intersectionality. You may be a child, a man, a woman, all types of identity but that would slice through a lot of that and determine whether or not you live and die in relation to a minefield.

We have to think about diversity with disability as we do with everything else today to understand the needs of people or as Marco said, the rights of people in this situation.

We can talk about rights and not just needs because of the applicability of the Convention and IHL and the clear statement in article 11 of the convention that this convention applies in IHL.

We must recognise diversity I think. It's difficult. We have to train ourselves.

MINA MOJTAHEDI:

Thank you very much. I'd like to go to Ezequiel next. Through your work at Geneva Call, you have a lot of experience in engaging with armed and nonstate actors.

Obviously, these negative stereotypes and stigma, stigmatisation of people with disabilities are prevalent among the armed nonstate actors as well. What avenues do you see there could be to engage with the nonstate armed actors to make them respect people's disabilities?

HUGO SLIM:

Thank you for the report. I found it great. For those who don't know Geneva Call we engage nonstate actors, both in human rights law and (inaudible) we talked about international law and we have open discussions about the challenges they might face when they try to comply with this norm.

What you said about… There is a key aspect about us engaging with them, we have to prepare to talk about this. We might think this is obvious but it's not always the case. When you come to a nonstate actor but when you come to state forces as well and you present some protection cases and to prioritise cases, it is key as humanitarians, we embrace also the problems that persons with disabilities have in the field.

I say this because engaging with nonstate actors, this is part of what I was going to say in the answer. There are different challenges in terms of compliance and this is why it is very important to engage with them because in general, first of all, there is a lack of knowledge of international law. They may know certain rules but not other rules.

In any given society, the number of people who know about the law is very small. Those who know about international law is even smaller. IHL, even smaller. Criminal law is tiny. I am an IHL lawyer and we have this expectation of saying there is an armed conflict and they follow this jurisprudence of ICRC, of course they know about international obligations. This is not always the case.

To increase their knowledge of international law, their obligations on the battlefield, one way is direct engagement and this is what Geneva Call does. And that engagement, we have to be prepared to raise the issues of persons with disabilities.

Otherwise, we will keep it at the surface of the topic, of the different protection level so we will raise issues about facilities but perhaps for… I have seen this with different people working in the field, for fear of perhaps losing contact with that person or the reaction of the interlocutor, we don't raise this issue. It is key and it should be raising issues with stakeholders to increase the protection of individuals in the field.

Lack of knowledge is one of the problems but there's also another issue in terms of lack of capacity. When we speak about states and they can become parties to international treaties including the conversion for the protections of people with disabilities, when we talk to these groups, how do we deal with their lack of capacity to deal with, to address persons with disability living in the territories that they control? Or conduct of hostilities or other related issues, lack of capacity is a challenge we see when we talk to them.

MINA MOJTAHEDI:

I think the lack of capacity is an issue which humanitarian organisations are facing, clear in Alice's report, what the gaps are in terms of humanitarian organisations not constructing programs so people with disabilities can access them. It is an open question to everybody, what can we do to build our own capacity and talk about this?

HUGO SLIM:

Shall I have a go? It is partly what I was saying earlier. It is not all of us, many of you are sensitised to this and you can see disability more than other people, but that must be the first step.

I think we have to keep banging on about inclusion, disability, types of disability and really insert into our policies and natural instincts of working, thinking about accessibility, thinking about modification. Reasonable accommodation, it is slightly clunky legally, but it is bringing that into the mindset of people doing needs assessments, program design, going into a prison and thinking…

Our own offices, it is pretty shocking, ICRC is no model on this. A lot of our offices are very badly accessible for disabled people of all kinds. And probably if we start there we really understand and think about what it means for people to be able to get where they need to be or to getaway from the danger.

EZEQUIEL HEFFES:

I absolutely agree and it has to be a protection priority. As a humanitarian actor and you are selecting the issues that you want to raise with parties of conflict, possible allegations, this has to be a priority. We need to have the reflex when addressing the problem, to identify this type and a lot of internal capacity of all actors, to have that reflex.

ALICE PRIDDY:

I agree with everything that was said about access and providing reasonable accommodation, the best people to speak with are persons with lived experience of disability.

The mantra of the disability rights community means nothing about us without us. And to all stages of policy and planning implementation and monitoring.

Persons with disabilities must be meaningfully and actively engaged.

SPEAKER:

One more question for Ezequiel, there is interesting work with commitments. Our state actors can commit to and apply international standards, for example deeds of commitment on child protection and prohibition and prevention of Sexual Violence.

Driving comparisons with work done against sexual violence, what would be the protections of people with disability look like?

EZEQUIEL HEFFES:

They respect international norms, come to Geneva to the town where the convention was adopted in 1864 and they signed the deed of commitment. This is a brief comment on the deeds. They respect international norms and Geneva Call has the ability to monitor whether Geneva Call through organisations, if the deed is respected or not.

It is a full package, not just a political statement and that is it. A new deed, this has been included as part of the research of the briefing, I think the deed, there are different problems with the deed. I like it very much but it entails a big amount of resources.

The deed should not be seen in isolation, it supplies training, it is not just one shot. The deed implies training, having a dialogue with the group, being able to monitor whether it is respected afterwards.

This is why there is... We launched the fourth deed healthcare but this is where we have only a few. We have a group assigns the deed, it is not just the signature but around the signature, the engagement process before the signing ceremony and what is coming after the signing ceremony.

A deed specifically respecting persons with disability, it would be interesting as a project in the future. We launched one on the protection of health care, of sick... There might be ones with protections of disabled persons, in November of 2018...

It is a big process, the drafting of the deed, engagement of the actors on a specific issue. The development of new training material, it is one part of the engagement process.

MINA MOJTAHEDI:

Absolutely and the monitoring of it too.

EZEQUIEL HEFFES:

It is a matter of resources, we have to go there and see if all the obligations are being respected or not and there is the possible violations to the commanders of the group.

It is quite resourceful.

MINA MOJTAHEDI:

Alice, this is one of the points you were raising, recommendation there should be a deal or commitment, what would it look like?

ALICE PRIDY:

I had the comfort of writing the report at my desk, I'm an academic, I'm politically unaware of the practical implementation issues, but the ultimate goal should be in nonstate actors, have a deed of commitment and it is something I argue for.

I appreciate in the short-term future that is wishful thinking but this is the start of the conversation from my understanding, the first major study that looks a disability in armed conflict. The first of many, I hope, and I hope in three or four years time we have the same conversation but we're talking about the new draft, the deed.

EZEQUIEL HEFFES:

I will finish with this, I have spoken too much about the deed of commitment, we have worked with other tools of engagement. It is not because there might not be tomorrow a deed of commitment on people disabilities, there cannot be an impact through code of conduct for internal loss of the groups.

This is something we could have an impact. It is part of our capacity building to sit down with groups and so you can include issues related to the protection of persons with disabilities in your code of conduct regarding the protection of the trainees or measures.

This is something more than civil in the near future.

MINA MOJTAHEDI:

Very interesting, I look forward to seeing some of that work. I'd like to turn to Shahrzad, the extensive consultations with member states on refugees, and this December UNHCR is convening in the Refugee Forum. It has come up here and Alice and her report mentions this many times and it shows how state and humanitarian organisations, there are gaps in implementation of the rights of Persons with disabilities in armed conflict.

Could you tell us how does the global conduct on refugees guide state actors regarding people disabilities forcibly displaced by armed conflict?

SHAHZRAD TADJBAKHS:

Thank you for having me, linked to the global conduct, we put a great deal of hope into that with regards to implementation. Before I get into that, if I could comment about a few things I heard and very much appreciated.

Firstly, I sincerely congratulate you, Alice, for this work and everyone behind it who was listed at the outset. I won't repeat. It is an incredible piece of work, it really is. I can't admit I have read everything in detail but if you do not have the time to read everything just read at least the recommendations at the end.

The page 74 to 78 or whatever the numbers are, you can tell us, what I found most striking and appreciated the most is we are in the midst of this whole excitement around the SDGs and leaving no one behind. Juxtaposed against the theme of title of what we are here to discuss around the First to be Forgotten, the two… It is very sad.

Realistically it is very sad that when you read the recommendations and tie to your question about how do you build capacities, I think the first thing to do to build capacities is to inform yourself. Including as humanitarian partners, humanitarian workers, lawyers, international humanitarian lawyer you are, I work in refugee law.

I found it surprising, I didn't think of that. It is incredible how much you didn't think of that. And that was an incredible realisation for me. That is the type of reflex that we need to start having, as we had Hugo said, we need to have that reflex in order for us to effectively build the capacities of others, we first need to build our own capacities in this field and as we heard at the outset, many books, documents written, many training and the word disability does not show up.

My strong plea at the outset, the first thing we need to do to have an impact is educate ourselves in this field and I think you have really left your mark with this, so thank you very much for that.

Tied to that, there is no doubt that there is a disproportionate impact in armed conflict for persons who have disabilities and you have obvious ones like higher mortality rates, being left behind in the context of any evacuation that might be taking place, a heightened risk of exploitation, abuse, violence.

These are all the realities of persons in situations of armed conflict that heightened the persons who have disabilities. Equally as humanitarian workers we are needing to increasingly appreciate that there are serious barriers that persons with disabilities face when they are seeking to access humanitarian support and humanitarian services.

Physical obstacles, communication, as humanitarian agencies and workers and we need to be aware of these barriers and seek to address them. And realise how higher than they are in armed conflict.

I have to say I appreciate this research, it aligns not only with our work but the vision that we set out when we did the global compact on refugees. The global compact does not set out new rights. It is not new legal obligations, it is a document to see how we can actually bring support to states, to those communities and refugees in a manner that strengthens refugee protection spaces that exist.

It draws on a range of existing legal frameworks, starting with the convention, but equally on the CRPD. That is the important aspect to stress and not to forget the incredible importance of the CRPD when it comes to armed conflict.

You talk about the deeds of commitment, I think we should not ignore that the CRPD foresees that its committee itself also requests questions and response from states on how they are dealing with these issues and the Rights of Persons with Disabilities in the context of armed conflict. We have to use tools to the full extent as we go forward.

Equally, what I think is very valuable in the report and what we sought to properly address in the context of the global impact on refugees, as the report says, not to view persons with disabilities as passive victims. You have articulated nothing about us without us. It is the mantra we feel is key.

In order to have the right impact, no one knows better barriers on how to overcome them than the persons who might be living them. So this was very much the vision we tried to place as we were drafting the global compact on refugees to the table for that discussion and to actually have us gain from the knowledge as we were seeking to draft the global compact on refugees.

Both in the drafting but moving forward in implementation, that has and will continue to be key. Maybe just a few words. To more directly respond to your question.

Like I said, it is not about rights, it is about creating what we feel has been a significant gap in the international community. It is recognising that 85% of the world's displaced refugees are actually hosted in developing countries that seriously have their own development challenges and so we want to find ways to establish a responsibility sharing scheme that brought additional support to those loads hosting communities so they can support their own nationals and refugees at the same time.

It foresees that responsibility but at the same time, it outlines a programme of action of what are the areas of support that are needed and it is in that context that we sought to weave in issues around Rights of Persons with Disability to ensure they are not ignored and the type of support that would be foreseen to be provided to member states as they're supporting hosting of refugees.

I have to say, it might not sound fantastic but I think it's a positive step in that if we look at the global compact refugees, I'd ask you to read that as well, not just Alice's study, but there are 20 references to disability issues in the Global Compact on Refugees.

This includes references to strengthening national capacities for reception of refugees, that are sensitive to the needs of people with disabilities, improving access to education, protection of children with disabilities, access to safe and nutritious food and self-reliance for persons with disabilities.

Importantly, at the outset of the Compact of Global Refugees, it takes a rights-based approach through an inclusive vision which calls on engagement of persons with disabilities, both in the host communities and in the refugee communities, in order to help develop the support that might be needed and the types of programs that might be needed in the right space to manner.

Importantly also, the Global Compact on Refugees at its outset, makes a call to states to bring people with disabilities to the table where these issues of responses are being addressed. That is clearly articulated at the outset.

If I can give a couple more examples. You have the Global Compact that talks about persons with disabilities being at a heightened risk of violence, and abuse. It recognises these risks are further heightened in conflict and it emphasises the need for the systems in the states to respond to these heightened risks and requires that all prevention and response programs are accessible to people with different types of disabilities.

These are hooks that enable us to have that reflects, to not forget to think about these issues... I speak very fast. Just another quick example accessing jobs and livelihoods. That is core to the Global Compact on Refugees about bringing partners to the table, to bring greater investment to these developing countries and hosting refugees for job creations and so the Global Compact talks about stakes and stakeholders promoting economic opportunities, decent jobs and entrepreneur programs for refugees with disabilities.

Silly it might sound but it was like a period where probably all of us at this table are old enough to remember how we used to edit documents and we would put in, 'including women'.

It got us where we are today so these references are actually very important. We had great support from states to see them included in the global compact on refugees.

The other key aspect… I'm sorry. I have to mention it. It is the need for data that it is disaggregated data. Importantly it recognises people with disabilities are not homogenous and that needs to very much be considered, you have to know your population in order to have the effect of the response and impact you want to have.

Lots of references in the Global Compact on Refugees. Lots of possibilities. He is mentioning and key is ensuring that we get the support, the states get the support they need to ensure that they can actually follow through with all of these commitments but we need the hooks there and hopefully with this growing reflex, we will start having proper responses that consider very much the right approach to people with disabilities.

MINA MOJTAHEDI:

Thank you for mentioning data. That was my follow-up question. Also it's interesting to hear how this process has been done in a way that engages with those organisations of persons with disabilities in a participatory way and that's one of the things that Alice mentioned is important.

Before the Q and A, I want to ask Alice a final question about one of your recommendations. It touches upon what was mentioned earlier about the committee on the rights of persons with disabilities being one of the tools.

When it comes to state obligations, that is also one of the mechanisms that can follow-up with the states. In your key findings and recommendations, you mentioned that the committee on rights of persons with disabilities (inaudible) the committee enhances its own capacity on IHL so how would you envision this happening? What does that mean for the committee?

ALICE PRIDDY:

I have maybe made myself unpopular with that recommendation on the committee.

I go further when I say it can be, I say it should be a mechanism and the committee has the mandate already and an obligation already to be considering state reports what is the state doing to implement the Rights of Persons with Disabilities in armed conflict alongside IHL norms that would be applicable.

Of the state reports I've read to date, they are not fulfilling their mandate in that regard. Speaking with the committee, it appears that there is a lack of capacity at the moment. We actively need to be engaging with the committee to help increase their capacity, the committee itself when it appoints new committee members needs to not be seeking out committee members with expertise and disability but also expertise on IHL.

There is no excuse if they are coming into Geneva, they have the ICRC and as at the Geneva Academy. We can all help enhance that capacity and we are ready to actively engage with them on that but as I said, for me, it is not a voluntary, it's an obligation you already have and that mechanism is not meeting its potential.

Not very diplomatic, I'm sorry. It's in the report so I can't hide behind it.

MINA MOJTAHEDI:

Thank you to our panellists. I'd like to open up for Q and A for the audience. I can see a hand up there. We have a couple of microphones coming round.

Please introduce yourself…

QUESTION FROM FLOOR:

My name is Tina. I work as an adviser on provision of sexual exploitation and abuse at the International Federation of Red Cross. I am lucky to be a colleague of Mina. Congratulations to the author. This is very important stuff.

We had a celebration in this room in December 2016 of the 10th anniversary of the convention. We had fabulous speakers. We had two speakers coming in from the US who are experts on technical assistance, assistive technologies were blind. We had fabulous moderator who is a lawyer from the commission for human rights who was in a wheelchair.

We had a Skype call from a Red Cross volunteer with a mental disability from Trinidad and Tobago. This is a very good room for us to be in.

I have a question for anyone in the panel who has any idea. I am interested in representation in any organisation that we have people on board who actually have experience living with a disability. This often falls by the wayside in recruitment strategies.

How would you recommend to convince the leadership of organisations to set a target, a quota of for instance 15% of people with disabilities and this would be very relevant for humanitarian agencies because of all the challenges we have heard about in terms of emergencies.

If we could try to work on recruiting people with disabilities to our organisations, let's try and do that. Thank you.

MINA MOJTAHEDI:

Let's take a couple more questions. I see one at the back.

QUESTION FROM FLOOR:

My name is Joseph. I am from (unknown term).

My question is about… Before I came here, I used to work with the national society. I was managing a project on mainstreaming disability and emergency fund recovery operations. It was very frustrating because in the project, it was the second phase because there was a previous phase about three years.

Before I came here, there is a third phase now of another project.

It is interesting how organisations have a learning disability. It becomes difficult to address issues about disability when we ourselves cannot be able to learn or disseminate the knowledge we have acquired.

I don't know what the approaches that we can use to address this issue as far as learning and organisational learning culture is concerned. Thank you.

MINA MOJTAHEDI:

Thank you. There is a question here at the front.

QUESTION FROM FLOOR:

Thank you very much. My name is Alexander. I'm a legal adviser at the ICRC among other somatic files, I also have the disability file within the legal division.

I was especially pleased to see such an in-depth analysis of the complimentary relationship between (unknown term) and the CRPD. As well as the overall message that I got, I think that is worth taking further to bring the various practitioners communities.

Traditional humanitarians but the disability community together in terms of then strengthening the implementation operationally of this issue and my question now picks up on the one aspect that was touched upon last during the panel when you talked about reviewing the implementation. You were emphasising the unique and potentially in practice even further reaching rule of the Committee on the Rights of Persons with Disabilities but you mentioned some of the other stakeholders including one forum, the Red Cross this year further down the line will be pretty actively engaged in notably the international conference on the Red Cross and Red Crescent. Just look at something in the near future. You also said this could also be a forum to review the implementation. I wondered if you could say something further on that and elaborate a bit more on what would be your vision of this forum for advancing these issues. Thank you very much.

MINA MOJTAHEDI:

Thank you for really excellent questions. We had a question on recruitment of persons with disabilities into our organisations, how do we convince our leadership of the importance of this and how to go about it? Open it up…

ALICE PRIDDY:

It is sad we have to convince leadership for a start, there is a huge talent pool not being tapped into if you do not insure you can recruit people with disabilities. CRPD makes it clear through the provision of reasonable accommodation, it means including the private entities like employers, they must take measures to accommodate the needs of persons with disabilities so they can access their place of employment.

It is not a complete obligation in that it must not pose an undue burden on the place of employment but, for example, for somebody who relies on an assistive dog, ensuring that employee allows the dog into the place of employment, that would be a reasonable accommodation for the employer to make.

As I said, it is an obligation under the CRPD and the argument should be put to those… Maybe those slightly hesitant that you are missing out on a massive talent pool. That would be… Yeah.

MINA MOJTAHEDI:

Sounds like you had something.

SHAHRZAD TADJBAKSH:

I would agree we are missing out on incredible talent pools. That will bring to the table aspects that persons who do not have disabilities would actually not know about, we had issues before joining UNHCR, working for the Commissioner of human rights, around geographic composition, the case has been made from different perspectives needed to be in the discussion.

In a lot of ways if we want to have the right impact we need to understand. The greater non-homogenous group in our staff is equally as relevant. To my mind and based on what I personally actually experienced when I tried to raise one of these issues for a colleague with disabilities, it is not that often with our management, that there is no will, but with all due respect to management, I am one as well, often we don't think about it.

We don't think about the impact and we need someone to raise it. For example, the UN has policies where it forces some of our colleagues to take contract breaks, it is a simple example. Contract breaks, we have colleagues who do not have stable contracts are required to take a three-month contract break for obligations that would not attach them to the UN subsequently.

The impact of someone who then has to take a forced three-month contract break is greater on a person with disabilities than it is for someone who does not have disabilities. If you look on the accommodation aspect, where they have had according to the colleague I had working in my team, they have gone through great expense and effort to find a place in Geneva where they could live

because of the elevator scheme and basically we made a case to the management that forcing all colleagues across the world to take this three-month contract break without noting the different impacts, one could make a discrimination case.

We appreciated and understood and it is beyond our salary scales to understand issues which the fifth committee might have decided on why there needs to be contract breaks but what is actually is the legal difference between a three week to one month contract that the person could handle versus a three-month contract break. So we changed the rules in that context.

We are able to say a one-month contract break would meet the needs and requirements of the UN, legal, while at the same time was respective of the impact and different impact. These are the types of things I think we need to reflect upon and I sincerely believe the management is open to it. We don't have this reflex, I go back to Hugo's point about the need for greater reflex in this context.

HUGO SLIM:

Thinking of the first two questions, you get the answer to the second question from the first question. If you want to create better learning organisations that understand disability better and what to do about it, the simple way to do it as Alison said, it is to include more of them in the organisation and get better representation.

I'm not sure what we're doing at ICRC but I hope we are aiming for a 15% target, that would seem normal to me. I think that will help us become much more instinctively understanding of disability. So let's hope we are, you will have to tell me later if we are.

MINA MOJTAHEDI:

It is on the table, we are trying to work on this. That brings us to the second question, based on experience from the field, how do we learn from our experiences, get better at being more inclusive and adapting our program. This is one point in terms of staff diversity. It was touched upon, by Shahrzad, diverse work in decision-making. Any other thoughts on this?

SPEAKER:

There are two points, to the first two questions. One, everyone needs to be more vocal about this. We have the speak about this, there should be public campaigns aiming to raise awareness about this in the humanitarian realm, until now I don't think that was the case. On the other one, because this is the Geneva Call approach, we are bottom up, not top-down, but in states, it is important. It is key as well.

They are the ones behind giving funds to the organisations and there is a role to play as well there. Pushing for this agenda within the humanitarian… International organisations. I think it is very interesting there is a human rights treaty that allows international organisations to become parties to the Treaty.

That is something that should be further explored.

MINA MOJTAHEDI:

Thank you for that, we have many representatives from permanent missions who will be glad to hear this. The third question was about the international conference, Alice, your recommendation that we should put these issues on the table. So how would you see… What are some of the issues if I understood correctly, we can take forward?

ALICE PRIDDY:

As has been said, it should be on the agenda. Is it? This year? I don't think so, it should be and should be a permanent item. I would argue that you have a reflection of lived experience of persons with disabilities, from conflicts, they should be included as participants in the conference itself. And disability is not just put as a side issue on a specific topic, a side panel, it should be mainstreamed throughout the entire conference and every thematic issue looked at should include a disability perspective. Silence.

MINA MOJTAHEDI:

I'm happy to let you know we are doing it for the international conference but it is true, it is not on the agenda. This is something where our colleagues from the permanent missions can help bring that message forward as organisations.

So we are running out of time so to close I would ask… Sorry, one more question.

QUESTION FROM FLOOR:

If I may, I already have a microphone. Can I go ahead? I have a question, I am Radha, an international research, I am working on a project where I am going on a mission to Yemen and the rights of people who have been impaired by the current conflict and who's impairments have been worsened by the current conflict.

I'm struggling with one thing from a practical perspective, the CRPD is great in Yemen has ratified it, it is optional protocol, my understanding is it is an obligation of means, how would you deal with the fact that the population has a high proportion of disabled and impaired people due to different reasons, and a state that does not have the means to provide for them, I came here for that answer today because I'm struggling so I thought I would ask that question.

MINA MOJTAHEDI:

We have the second question and last question from over here.

QUESTION FROM FLOOR:

Thank you, I have two short comments then a question. One is the slogan that persons with disabilities use I found very helpful, not about us without us, it is incredibly simple to remember and really helpful in terms of… I say that all of you, it is easy to take that one home with you, it would go along with the mindset issues we were talking about.

I want to add to the list of things we didn't say, we did not say investment directly. We talked about investment in human resources, donor involvement, we have to get to the point where we have some figures and measurement around this. I'm talking about investing in this. If we do not invest we spend a lot of time talking about a lot of things and it moves forward.

I would say it is about donors but our own organisations taking a decision to invest money and resources into this. My question is about good practice, I was wondering, Alice, if you might give us a few more examples. I'm really asking about shaping humanitarian policy.

Have you seen on the ground interesting practice, of how, how to do it, but you might share with us.

MINA MOJTAHEDI:

Thank you for the really good questions again. Sorry, we cannot take more questions but our speakers are staying for the refreshments at the end, if you have further questions I encourage you to approach them.

State obligations to the CRPD, many are low income countries. How do you respond?

ALICE PRIDDY:

The CRPD, the unique aspect, it includes civil and political rights and social and cultural rights. It is the latter where there is progressive realisation. For civil and political rights they need to be implemented now, the moment a state ratifies it and included is nondiscrimination. Progressive realisation does not apply to services already available if they are applied in a discriminatory manner, that is discrimination and in violation of the CRPD.

Of course there are economic and social rights. Culture, education which does allow for the states economic situation to be taken into account but when you go to Yemen and you're looking at provisions of services, look at how the services are being provided. Are they accessible? And if they are not, that may amount to discrimination. That would be in violation of the CRPD.

EZEQUIEL HEFFES:

State parties take all necessary measures and when you go to the drafting of this article and it is based on the article of the conventions of the rights of the child which is drafted in the same way but instead of saying necessary, it says 'feasible' so I don't know what happened in between but the changing of this word - necessary and feasible, it's important.

MINA MOJTAHEDI:

Thank you. Good point.

SHAHRAZAD TADJBAKSH:



I was in two minds whether to respond. I thought I should. In the spirit of partnership between NGOs such as Amnesty. State responses one thing. If I were in your shoes, I would be interested to see how humanitarian services are being provided. In a place like Yemen.

And in the spirit of increasing capacities and knowledge on this area, acknowledging that it is relatively new, our appreciation of the needs and importance of doing this to maybe help guide some of the colleagues in Yemen in terms of carrying out that type of humanitarian service and assistance in a matter that is respectful of the rights and conscious of the impact including evacuations for migrants and refugees.

MINA MOJTAHEDI:

Thank you.

HUGO SLIM:

The problem of means is not an uncommon problem. The answer has to be partnership and responsibility. I would tend to agree with the last point that the culture at this stage of encouragement and connection rather than shaming and critique might help. Amnesty. Possibly.

MINA MOJTAHEDI:

Thank you. Our last question from Mary who was asking about examples you might have.

ALICE PRIDY:

Good practice. There wasn't much to go by am afraid. In Gaza, and Ukraine, I met with cluster groups who work in coordination with each other about implementation of humanitarian responses. They were beginning to go about gathering data which is an essential starting point in disaggregated data.

It doesn't just focus on one type of impairment but includes other characteristics like gender and age. That was one good practice starting to be done. It was starting to be an agenda item, not a permanent agenda item but it was the start of a conversation.

Unfortunately, I can't offer you good examples in our states. Happy to from you if you know of any others or better.

MINA MOJTAHEDI:

Waterbed examples to learn from? One of the things I constantly get asked for, like best practices and I personally don't believe there is a best practice. I feel there is good practice. Sometimes it's useful for us to think about what is happening and what we can learn from them and how others are learning from them. Do you have anything to share?

ALICE PRIDY:

So many bad practices of how not to do it.

HUGO SLIM:

Those are very helpful.

ALICE PRIDDY:

The report is full of… Lots of poor practice around on the collection of disability data. I met with numerous states and they said they only had 3% of our population had some form of disability which is dramatically under the official start from the WHO.

That's because they have under inclusive data, that feeds under inclusive policy, resources are not allocated in the proper manner and it feeds the cycle of ignorance of disability.

Maybe the take-home message for me for all of this is that we need to immediately start gathering good data, all actors do. And ensure that is fully inclusive and representative the real lived experience of persons with disabilities and then developing policy on the basis of that.

It's not easy but it needs to be done now and until we have that data, using 15% which is a strong estimate from the WHO as a basis.

MINA MOJTAHEDI:

Thank you.

Sorry, we are going to have to close. I would like to thank our panellists very much for your insights and the interesting discussion and to close, I would like to hear from you what is one important takeaway message that you got yourself from this evening and start Shahrzad.

SHAHRZAD TADJBAKSH:

I am a notetaker. As you were speaking, there were so many issues that came to my mind and I thought this is so interesting, I don't know from my notes what I want to identify is the most important. I'm not going to identify which is most important.

There are a lot of things I want to take away but personally, I'd like to say that I very much realise and appreciate the importance of not looking at this as a niche. Someone said it. The importance of not seeing this as a niche and really also not falling into the trap… You also said that when you do look at it, we have to stop looking at it from a distorted focus on physical impairment. To really look at it more comprehensively.

Once we get out of that mentality that it is a niche area and start looking at mainstreaming this issue, I think we'll make important advances.

MINA MOJTAHEDI:

Thank you. Ezequiel?

EZEQUIEL HEFFES:

I'm not a notetaker so I don't have many notes but I think one key aspect for the people working in the field and engaging in states and nonstate actors about this, we need to be prepared in terms of the knowledge of the reflexes, about this topic.

If you want to convince someone to change their behaviour, we have to be convinced about this. In order to be convinced, we have to know what are the rules that are applicable, the protections that persons with disabilities have.

It is key as humanitarian workers, we are more prepared in this aspect in order to externalise and change the behaviour of the parties and in the end, we want to protect individuals in the field.

MINA MOJTAHEDI:

Thank you.

HUGO SLIM:

I have learned, relearned the importance of inclusion, participation, representation and to follow as everyone has said, that instruction for people with disabilities themselves. Nothing about us without us.

Then doing that, let's work with people with disabilities to generate some good examples so that when you come to do your next one in a couple of years, there are good examples and we know what it means to do it well and we can do it a lot better.

MINA MOJTAHEDI:

Thank you.

ALICE PRIDY:

My big takeaway from tonight would be similar to what you go said but the importance of collaboration, learning from one another on this. Capacity building across the board. Engaging with disability rights holders and vice versa. Learning from one another and also, maybe I come across as being negative with my lack of good practices but I am positive. I am a glass half full person.

I've been encouraged by the enthusiasm for the project and it seems to have been embraced. There is a willingness to embrace it. There was a as before and now we are overcoming it.

MINA MOJTAHEDI:

Great. Ending on a positive note.

(Applause)

MINA MOJTAHEDI:

I invite you to join us just outside of the humanitarian year for some refreshments. Please grab a copy of Alice's report.

SPEAKER:

She is signing.