

INTERROGATION OF ART 11 OF UNCRPD ON ARMED CONFLICTS AND RIGHTS OF PERSON WITH DISABILITIES

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ABSTRACT

Armed Conflicts are inevitable now days. The international community wants to establish their power, domain and dominance over the weaker section with the aid of armed conflicts, either it may be internal or international. The risk factors in armed conflicts usually reflected on the vulnerable and disadvantaged group. In such group, the disabled persons stand first. The challenges faced by the disabled persons include access to medication, sanitation, food, water, shelter etc. The risk from the hands of combatants also threatens the person with disability. The Universal Declaration of Human Rights and the International Conventions on Civil and Political Rights, International Convention on Human Rights reaffirms the protection of human rights of the international community. The rights which are being protected through the international instruments are classified into International Human Rights Law (herein after referred to as the 'IHRL') and International Humanitarian Law (herein after referred to as the 'IHL'). United Nations Convention on the Rights of Persons with Disability (herein after referred to as the 'UNCRPD') is one kind of instrument protected under the IHL. Both the IHL and the IHRL complements each other in protecting the rights and dignity of the disabled during the armed conflicts. The international instruments which exclusively speaks on the rights of the disabled the UNCRPD, in the Art.11³ imposes obligation on the State parties to protect the rights. The approaches may differ between the IHL and the IHRL. The IHRL has no discrimination regarding armed conflict or at the time of peace. But the IHL will apply only during the time of warfare. The IHL also imposes the obligation on the combatants to spare the disabled persons during the attack and to ensure their safety with proper medical assistance. In contrast, the UNCRPD imposes the obligation only on the signatories of the Convention and has no binding effect on the opposite group. The objective of both the laws is to protect and promote the dignity, safety, integrity of the persons with disabilities and to ensure the easy access to rights.

KEYWORDS: Art 11 OF UNCRPD, Persons with Disabilities

³Article 11 Situations of risk and humanitarian emergencies: States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.