

Inclusion and Full Participation of Persons with Disabilities in Humanitarian Action

Overview

1. The report of the Secretary-General for the World Humanitarian Summit (2016) recognized that persons with disabilities are among the most marginalized in any crisis-affected community¹. Persons with disabilities are over-represented among those living in poverty², while an estimated 6.7 million persons with disabilities are forcibly displaced as the result of persecution, conflict, violence and other human rights violations³. In some cases, morbidity of persons with disabilities in a disaster was estimated at a rate 4 times higher than those without disabilities⁴.
2. Armed conflicts and emergency situations increase the number of barriers faced by persons with disabilities on a larger scale. In crisis situations, persons with disabilities require the same assistance common to all those affected, in addition to specific requirements related to disability. Conflicts and natural disasters heighten the risks faced by persons with disabilities as they seek out assistance, support and protection, and impact access to and the collapse of essential services. Where services exist, inaccessible communication strategies often exclude persons with disabilities from identifying and utilizing them⁵. Scant data, poor identification and registration and lack of provision of reasonable accommodation compound the exclusion of persons with disabilities in crisis needs-assessments⁶.
3. Multiple and intersecting forms of discrimination exacerbate the situation of persons with disabilities in situations of risk and humanitarian emergencies. For example, children with disabilities face higher risk of abuse and neglect⁷, while women with disabilities are at increased risk of sexual violence during humanitarian crises⁸.
4. Future humanitarian action inclusive of the human rights of persons with disabilities must be guided by the Convention on the Rights of Persons with Disabilities. International humanitarian law, codified under previously dominant understandings of disability—notably the medical model of disability, which focuses exclusively on the impairment of the person and reflects a paternalistic response

¹ General Assembly, *One Humanity: Shared Responsibility, Report of the Secretary-General for the World Humanitarian Summit A/70/90* (2 February 2016), available from undocs.org/A/70/709

² World Health Organization and the World Bank, *World Report on Disability* (2011) http://www.who.int/disabilities/world_report/2011/report.pdf

³ Women's Refugee Commission, *Refugees with Disabilities Fact Sheet* (2014) <https://www.womensrefugeecommission.org/disabilities/disabilities-fact-sheet>

⁴ UN ESCAP, *Overview of Natural Disasters and their Impacts in Asia and the Pacific 1970-2014* (2015) p.27 http://www.unescap.org/sites/default/files/Technical%20paper-Overview%20of%20natural%20hazards%20and%20their%20impacts_final.pdf

⁵ Handicap International, *Disability in humanitarian contexts: Views from affected people and field organisations*, (2015) <http://www.un.org/disabilities/documents/WHS/Disability-in-humanitarian-contexts-HI.pdf>

⁶ *The Sendai Framework for Disaster Risk Reduction 2015 – 2030* (2015) <http://www.unisdr.org/we/inform/publications/43291>

⁷ UNICEF, *The State of the World's Children: Children with Disabilities* (2013) https://www.unicef.org/sowc2013/files/SWCR2013_ENG_Lo_res_24_Apr_2013.pdf p.49

⁸ CRPD Committee, *General Comment No.3, Article 6: Women and girls with disabilities* (2016) <http://www.refworld.org/docid/57c977344.html>

to persons with disabilities⁹—has been superseded by the human rights-based approach to disability framed in the Convention¹⁰.

5. In the development of inclusive humanitarian action, the inclusion and participation of persons with disabilities and their representative organizations in the needs assessment, design, implementation, coordination, monitoring and evaluation of humanitarian and disaster preparedness and response programmes and policies is crucial. Drawing from the leadership, skills, experience and expertise of persons with disabilities and their active participation in decision-making and planning processes, including in appropriate coordination mechanisms, is an essential prerequisite to successfully reshape humanitarian aid and emergency response.

The Convention on the Rights of Persons with Disabilities, Relevant Frameworks and Reports

6. The Convention on the Rights of Persons with Disabilities (2006) is a legally binding human rights treaty with an explicit social development dimension, which recognizes the human rights and fundamental freedoms of all persons with disabilities¹¹. The Convention’s stand-alone article on situations of risk and humanitarian emergencies (Article 11) requires States Parties to 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*”¹².

7. Article 32 (International cooperation), recognizes the importance of international cooperation and its promotion for the realization of the purposes and objectives of the Convention. It commits States Parties to “*undertake appropriate and effective measures ... between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities*”¹³.

8. Additional articles of the Convention relevant to inclusive humanitarian action include Article 5 (Equality and non-discrimination), Article 9 (Accessibility) and Article 10 (Liberty of movement and nationality). The Convention recognizes the importance of universal design, defined in Article 2 as “*the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design*” which shall not exclude assistive devices for particular groups of persons with disabilities where it is needed¹⁴, and establishes States Parties’ obligation to undertake or promote research and development of universally designed goods, services, equipment and facilities, in line with Article 2, as well as to promote universal design in the development of standards and guidelines¹⁵.

⁹See for example the Geneva Conventions of 12 August 1949 and the Protocols additional to the Geneva Conventions of 1977, as well as OHCHR: <http://www.ohchr.org/EN/Issues/Disability/Pages/Article11.aspx>

¹⁰ OHCHR, *Thematic study on the rights of persons with disabilities under article 11 of the Convention on the Rights of Persons with Disabilities, on situations of risk and humanitarian emergencies*, (2015) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/271/74/PDF/G1527174.pdf?OpenElement>

¹¹ United Nations Convention on the Rights of Persons with Disabilities (2006)

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

¹² Ibid. p.10

¹³ Ibid. p.24

¹⁴ Ibid. p.4

¹⁵ Ibid. p.6

9. Article 4.3 of the Convention requires States Parties to closely consult with and actively involve persons with disabilities through their representative organizations in the development and implementation of legislation and policies to implement the Convention, and in other decision-making processes concerning issues relevant to persons with disabilities¹⁶.

10. The 2030 Agenda for Sustainable Development promotes the key principle of “leaving no-one behind”. The Sustainable Development Goals include a number of targets relevant to situations of risk and humanitarian emergencies, including 1.5 (building resilience of those in vulnerable situations and reducing their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters); 10.2 (empowering and promoting the social, economic and political inclusion of all), 11.b (development and implementation, in line with the Sendai Framework for Disaster Risk Reduction 2015-2030, holistic disaster risk management at all levels); and 13.1 (strengthening resilience and adaptive capacity to climate-related hazards and natural disasters in all countries)¹⁷.

11. The Sendai Framework for Disaster Risk Reduction 2015 – 2030, requires that in addition to certain guiding principles such as inclusive, accessible and non-discriminatory participation, persons with disabilities must be empowered to publicly lead and promote universally accessible response, recovery, rehabilitation and reconstruction approaches¹⁸. The framework notes the importance of strengthening disaster resilient public and private investments, particularly through “*building better from the start to withstand hazards through proper design and construction, including the use of the principles of universal design*”¹⁹. Furthermore, the Framework notes that disaster risk reduction requires a multi-hazard approach and inclusive risk-informed decision-making based on the open exchange and dissemination of disaggregated data.

12. The Charter on Inclusion of Persons with Disabilities in Humanitarian Action²⁰ was launched in May 2016 during the World Humanitarian Summit and has been endorsed by more than 140 stakeholders including States, UN entities, organizations of persons with disabilities, and humanitarian and civil society organizations as of February 2017. The Charter presents five core commitments endorsers agree to uphold, in line with the Convention on the Rights of Persons with Disabilities: non-discrimination; participation; inclusive programming; inclusive response and services; and cooperation and coordination.

13. Other relevant documents include the 2016 Human Rights Council Resolution on the rights of persons with disabilities in situations of risk and humanitarian emergencies²¹, the 2015 Office of the High Commissioner for Human Rights Thematic Study on the Rights of Persons with Disabilities under Article 11²², the 2011 UN High Commissioner for Refugees Need to Know Guidance on working with persons with disabilities in forced displacement²³; and the UNICEF Child Protection Strategy²⁴.

¹⁶ Ibid. p.6

¹⁷ *Transforming our world: the 2030 Agenda for Sustainable Development* (2015)

http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

¹⁸ *The Sendai Framework for Disaster Risk Reduction 2015 – 2030* (2015) <http://www.unisdr.org/we/inform/publications/43291>

¹⁹ Ibid. p.19

²⁰ *Charter on Inclusion of Persons with Disabilities in Humanitarian Action* (2016) <http://humanitariandisabilitycharter.org/>

²¹ Available at: <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G16/055/82/PDF/G1605582.pdf?OpenElement>

²² Available at: <http://www.ohchr.org/EN/Issues/Disability/Pages/Article11.aspx>

²³ UNHCR, *Working with persons with disabilities in forced displacement* (2011) <http://www.unhcr.org/en-us/publications/manuals/4ec3c81c9/working-persons-disabilities-forced-displacement.html>

The Way Forward: Inclusive Humanitarian Action for Persons with Disabilities

14. In November 2016, the United Nations Inter-Agency Standing Committee established a Task Team to develop system-wide guidance on inclusion of persons with disabilities in humanitarian action²⁵. Comprising organizations of persons with disabilities, humanitarian and civil society actors and UN agencies, and with the support of Member States, the Task Team will run for a finite period (January 2017 – December 2018) to establish guidelines for inclusive humanitarian action for persons with disabilities, in line with the Convention on the Rights of Persons with Disabilities.

15. As an example of good practice at national level, following the 2015 earthquake in Nepal, CBM International's Emergency Response Unit (ERU) worked in partnership with DPO umbrella organization National Federation of the Disabled Nepal (NFDN), to ensure that the earthquake-affected population, including persons with disabilities, was supported to recover and contribute to the recovery process. Within five days of the earthquake, NFDN had used an SMS campaign to reach approximately 180 DPO members, and noted that many reported material damage and difficulties accessing relief. As part of their response activities, the ERU and NFDN set up and ran 'Ageing and Disability Focal Points' (ADFPs) in three of the worst-affected districts, to ensure that persons with disabilities and older people were included in mainstream relief and early recovery initiatives. The ADFPs operated as specialized hubs, identifying people and their requirements, as well as existing stakeholders and the services they provide, in order to refer people to these service providers accordingly²⁶.

²⁴ Available at: https://www.unicef.org/disabilities/index_65318.html

²⁵ <https://interagencystandingcommittee.org/iasc-task-team-inclusion-persons-disabilities-humanitarian-action>

²⁶ http://www.cbm.org/article/downloads/54741/Nepal_earthquake_2015_-_One_year_report_-_CBM.pdf