

State obligations on Disaster Risk Reduction under Article 11 of the Convention on the Rights of Persons with Disabilities



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International Disability Alliance

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1. Introduction

Disaster risk reduction is the concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.¹ Disaster risk reduction is also understood as the process of preparing for, reducing the risk of and planning to face disaster when it happens.²

Persons with disabilities are at greater risk of and experience the impacts of disasters disproportionately to the general population, and international norms and standards specifically obligate states to ensure protection and safety for persons with disabilities in such situations.³ Yet, states too often do not undertake their obligations to ensure disability inclusion when preparing for disasters and when responding to disasters or providing disaster recovery support. A recent survey conducted by the United Nations Office on Disaster Risk Reduction (UNDRR) revealed limited progress on inclusion of persons with disabilities over the last 10 years with no significant difference across the regions.⁴ Barriers faced by persons with disabilities and their families during disasters are rarely acknowledged or included when assessing the impact of emergencies on populations, and persons with disabilities are rarely included as active participants in planning, implementing and monitoring emergency responses.⁵ One study found that the mainstreaming of disability inclusive disaster risk reduction across community based inclusive development programmes, in practice, continues to face many barriers: lack of flexibility and bureaucracy; lack of funds; overstretched and under-resourced implementing local partners and organisations of persons with disabilities (OPDs); lack of data; and extraneous factors cutting across the policy, physical, cultural and socio-economic terrains.⁶

1. 'Terminology on Disaster Risk Reduction' (UNISDR 2009) <https://www.undrr.org/publication/2009-unisdr-terminology-disaster-risk-reduction>

2. 'Guidelines for Assisting People with Disabilities During Emergencies, Crises and Disasters' (Council of Europe 2014) Preamble <https://www.preventionweb.net/publication/guidelines-assisting-people-disabilities-during-emergencies-crises-and-disasters>

3. Convention on the Rights of Persons with Disabilities (United Nations 2006) art11 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>

4. 2023 Global Survey on Persons with Disabilities and Disasters available at <https://www.undrr.org/report/2023-gobal-survey-report-on-persons-with-disabilities-and-disasters>

5. 'Statement of the Committee on the Rights of Persons with Disabilities on Disability Inclusion for the World Humanitarian Summit' adopted during the Committee's 14th session, 17 August-4 September 2015 <https://www.un.org/disabilities/documents/WHS/Statement-of-the-on-disability-inclusion-for-WHS.pdf>

6. Shaun Grech 'Mainstreaming Disability Inclusive Disaster Risk Reduction (DIDRR) in Community Based Inclusive Development: A Situation Analysis' (Germany: CBM 2023) https://www.cbm.org/fileadmin/resourcespace/Situation_Analysis_Mainstreaming_DIDRR_in_CBID_CBM.pdf

This paper bridges the normative/practice gap in ensuring safety and protection of persons with disabilities throughout the disaster risk management process. It elaborates the obligations which states bear on disaster risk reduction under Article 11 of the Convention on the Rights of Persons with Disabilities (CRPD). The paper identifies trends, gaps and good practices in the exercise of state obligations in relation to disaster preparedness, disaster response and disaster recovery. Relevant actions in this regard include warning, evacuation, shelter, recovery and reconstruction.

The elaboration in the paper draws from the jurisprudence of the Committee on the Rights of Persons with Disabilities (Committee), and other relevant agencies and programmes in the United Nations (UN) System, including the United Nations Office of Disaster Risk Reduction (UNDRR). It is also informed by good practices and innovations from OPDs, international, regional and national policies and programmes, and academic writings.

For this purpose, first the general characters of the international norms on disaster risk reduction will be elaborated followed by core obligations created by the CRPD Article 11. As of next step, States obligations on different stages disaster preparedness, disaster response, and recovery will be discussed. Finally, the relationship between CRPD Article 11 and other key Articles of the Convention will be analysed.

2. Character of International Laws and Policies on disability-inclusive Disaster Risk Reduction

Article 11 of the CRPD provides as follows:

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.

This article establishes legal obligations on states parties to the CRPD to ensure the protection and safety of persons with disabilities in situations of disaster. Article 11 of the Convention is specifically anchored on international human rights law and international humanitarian law; but other legal regimes, such as international refugee law, also form part of the article's scope.⁷ A range of other provisions in the Convention address issues pertinent to disaster risk reduction. These include Articles 3 (general principles), 4 (state obligations), 5 (equality and non-discrimination), 9 (accessibility), 19 (independent living), 31 (statistics and data collection), 32 (international cooperation) and 33 (implementation and monitoring). Article 11 as well is key in ensuring that climate change programmes and policies are fully inclusive of persons with disabilities.⁸

The scope of this paper is on state obligations in relation to natural disasters, and excludes elaboration of state obligations on other situations of risk and humanitarian emergencies including armed conflicts, displacement and other forms of emergencies.

At the policy level, the Sendai Framework for Disaster Risk Reduction 2015-2030⁹ establishes a concrete basis for rallying action around disaster risk reduction. The Framework reflects a human rights based sustainable development agenda inclusive of and accessible to persons

7. Stephanie Motz 'Article 11: Situations of Risk and Humanitarian Emergencies' in Ilias Bantekas, Michael Ashley Stein and Dimitri Anastasiou *The UN Convention on the Rights of Persons with Disabilities: A Commentary* (Oxford University Press 2018).

8. 'Analytical Study on the Promotion and Protection of the Rights of Persons with Disabilities in the Context of Climate Change (Office of the High Commissioner for Human Rights 2020) para29 <https://www.ohchr.org/en/climate-change/impact-climate-change-rights-persons-disabilities>

9. Sendai Framework for Disaster Risk Reduction 2015-2030 (United Nations 2015) <https://www.undrr.org/publication/sendai-framework-disaster-risk-reduction-2015-2030#:~:text=It%20aims%20to%20achieve%20the,over%20the%20next%2015%20years.>

with disabilities.¹⁰ The Sendai Framework requires governments to engage with relevant stakeholders, including persons with disabilities, in the design and implementation of policies, plans and standards.¹¹ Governments should also integrate a gender, age, disability and cultural perspective into policies and practices of disaster risk reduction.¹² The Framework requires governments to take inclusive risk-informed decision making based on open exchange and dissemination of disaggregated data on disaster risk reduction, including by sex, age and disability.¹³ Governments should empower persons with disabilities to publicly lead and promote gender equitable and universally accessible response, recovery, rehabilitation and reconstruction approaches.¹⁴ The Framework exhorts governments, when determining roles and responsibilities for stakeholders, to work with persons with disabilities. It notes that persons with disabilities and their organisations are critical in the assessment of disaster risk and in designing and implementing plans tailored to specific requirements, taking into consideration, among others, the principles of universal design.¹⁵

The CRPD Committee has anchored many of its Article 11 recommendations on the commitments in the Sendai Framework. The Framework has also spurred the preparation of regional¹⁶ and national disaster risk reduction programmes, strategies and plans.¹⁷

The 2030 Agenda for Sustainable Development¹⁸ Includes goals and targets of particular relevance for disaster risk reduction in relation to persons with disabilities. One of the targets of goal 11 is to substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation

10. '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' (United Nations A/HRC/31/30) para20 <https://digitallibrary.un.org/record/819861?ln=en>

11. Sendai Framework for Disaster Risk Reduction para7 n8.

12. Ibid para19(d).

13. Ibid para19(g).

14. Ibid para32.

15. Ibid para36.

16. For example see 'Programme of Action for the Implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030 in Africa' (African Union 2017) https://www.unisdr.org/files/49455_poaforseidaiimplementationinafrica.pdf

Also see 'Action Plan on the Sendai Framework for Disaster Risk Reduction 2015-2030: A Disaster-Risk Informed Approach for all EU Policies' (2018) <https://climate-adapt.eea.europa.eu/en/metadata/publications/action-plan-on-the-sendai-framework-for-disaster-risk-reduction-2015-2030-a-disaster-risk-informed-approach-for-all-eu-policies>

17. By 2022, 91 states reported that they had national disaster risk reduction strategies. 'Status Report on Target E 2023' (United Nations Office for Disaster Risk Reduction 2023) <https://www.undrr.org/publication/status-report-target-e-2023#:~:text=The%20report%20highlights%20the%20continued,climate%20change%2C%20and%20sustainable%20development.>

18. 'Transforming our World: The 2030 Agenda for Sustainable Development' (A/RES/70/1 https://www.undp.org/destination-2030-accelerating-progress-sustainable-development-goals?gclid=EAlaIQobChMlvYPQ1M6PgQMVApSDBx3_8AnIEAAYAiAAEgl3CPD_BwE

and adaptation to climate change, resilience to disasters, and to develop and implement, in line with the Sendai Framework, holistic disaster risk management at all levels.¹⁹ Goal 13 commits the international community to take urgent action to combat climate change and its impacts, including by Promoting mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalized communities.²⁰

Finally, the Paris Agreement on Climate Change 2015²¹ aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty. It commits states to respect, promote and consider their respective obligations on human rights, including the rights of persons with disabilities, when taking action to address climate change.

19. Ibid Goal 11B.

20. Ibid Goal 13B.

21. Paris Agreement on Climate Change (UNFCCC 2015) https://unfccc.int/process-and-meetings/the-paris-agreement?gclid=EAIalQobChMI2PCCuZT3gAMVE-RRCh2CLQijEAAYAiAAEgJVqfD_BwE

3. General Obligations of States Parties on Disability Inclusive Disaster Risk Reduction

The CRPD establishes the general obligations which states should implement to ensure and promote the realisation of the human rights and fundamental freedoms for persons with disabilities,²² Including their right to safety and protection from disasters. It provides for so-called 'negative obligations', i.e. the limitations on the actions that a state may take – what a state must not do to an individual. It also covers 'positive obligations', i.e. the proactive measures that a state must take to ensure that the rights of persons with disabilities are realised, including policy, legislative, administrative, institutional and budgetary measures.²³ Taking its cue from the Committee on Economic, Social and Cultural Rights, the Committee too categorises these state responsibilities under the triple obligations framework of respect, protect and fulfil.²⁴

The Committee together with the Committee on the Rights of the Child have explained that the common obligation of states to take measures to eliminate all forms of discrimination includes multiple and intersectional discrimination. Those measures can be of a legislative, educational, administrative, cultural, political, linguistic or other nature, and in all areas, including situations of risk and humanitarian emergencies. Measures may include individualised support through the provision of reasonable accommodation and other measures, commensurate with the exercise of each right. Measures may be temporary or long-term and should overcome inequality, both in law and in reality.²⁵

The obligation to respect requires states to refrain from interfering directly or indirectly with the enjoyment of rights. Under the Convention, this obligation requires states to refrain from engaging in acts or practices inconsistent with the Convention and to ensure that public authorities and institutions act in conformity with the Convention.²⁶

22. CRPD art4(1).

23. Valentina Della Fina 'Article 4 (General Obligations)' in Valentina Della Fina, Rachele Cera and Giuseppe Palmisano (eds) *The United Nations Convention on the Rights of Persons with Disabilities* (Springer 2017).

24. For example see 'General comment No. 8 (2022) on the Right of Persons with Disabilities to Work and Employment' (Committee on the Rights of Persons with Disabilities) para55 <https://www.ohchr.org/en/documents/general-comments-and-recommendations/crpd-cgc8-general-comment-no-8-2022-right-persons>

25. 'Joint Statement: The Rights of Children with Disabilities' (Committee on the Rights of the Child and Committee on the Rights of Persons with Disabilities (2022) https://www.ohchr.org/sites/default/files/2022-03/CRC-CRPD-joint-statement_18March2022.docx#:~:text=States%20Parties%20shall%20respect%20the,of%20happiness%2C%20love%20and%20understanding.

26. CRPD art4(1)(d).

- State officials or their agents must not undermine the right to life of persons with disabilities by deprioritising them in the provision of essential vaccines in favour of non-disabled persons.
- State officials must not take actions that limit the right of persons with mobility disabilities to move from one place to another, for example, by prohibiting them from using wheelchairs or crutches in emergency evacuation centres.

The obligation to protect requires states to prevent third parties from interfering with the enjoyment of rights by persons with disabilities or to sanction third parties when they interfere with the rights of persons with disabilities. Under the Convention, states are required to take appropriate measures to eliminate discrimination on the basis of disability by any person, organisation or private enterprise.²⁷

States must prohibit and sanction third parties undertaking disaster response against discriminating persons with disabilities by choosing to prioritise the rescue of non-disabled persons.

The obligation to fulfil requires states to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realisation of the rights of persons with disabilities. The Committee and other human rights treaty bodies have sometimes delineated this obligation further into the obligation to facilitate, the obligation to provide and the obligation to promote.²⁸

The obligation to fulfil (facilitate) requires states to take positive measures to enable individuals to enjoy their rights. The CRPD requires states to take legislative, administrative, budgetary, judicial and other measures towards the full realisation of the rights of persons with disabilities. It requires states to adopt appropriate legislative, administrative and other measures for the implementation of the rights recognised in the Convention.²⁹ It also requires states to take appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities.³⁰

States must establish disability inclusive national disaster preparedness, disaster response and disaster recovery plans.

27. Ibid art4(1)(e).

28. For example see 'General comment No. 8 (2022) on the Right of Persons with Disabilities to Work and Employment' n23.

29. CRPD art4(1)(a).

30. Ibid art4(1)(b).

The obligation to fulfil (provide) requires states to provide individuals with direct assistance or services when they are unable for reasons beyond their control to realise those rights by the means at their disposal. In this regard, the CRPD obligates states to provide accessible information to persons with disabilities regarding mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities.³¹

States must provide persons with disabilities live assistance, assistive devices and technologies as part of disaster response and disaster recovery.

Finally, the obligation to fulfil (promote) imposes a duty on states to disseminate information and undertake educational measures to raise awareness about rights. The CRPD requires states to promote the training of professionals and staff working with persons with disabilities on their rights so as to better provide the assistance and services guaranteed by those rights.³²

States must ensure that emergency staff are trained on inclusive evacuation and early warning systems.

Following unprecedented flooding in northern Bangladesh in June 2022 which had adverse impacts on persons with disabilities, Bangladesh was urged to act urgently to respond to the foreseeable harms of climate change and ensure protection of people with disabilities, older people and other at-risk groups, including by carrying out its existing policies. It was urged to act on its commitments under the National Plan for Disaster Management 2021-2025 and the Climate Change National Adaptation Plan 2023-2050 to ensure older people and people with disabilities would be meaningfully included in disaster response and adaptation.³³

The elaboration in this study is guided by the understanding that state obligations, however categorised, are not mutually-exclusive but rather intersect and interweave with each other. In other words, states do not necessarily apply clinical or mathematical precision on the various typologies of obligations as they prepare or implement policies, laws and regulations. For this reason, the elaboration in this study takes a thematic inclusive approach as opposed to an exclusive dogmatic obligations approach.

31. Ibid art4(1)(h).

32. Ibid art4(1)(i).

33. 'Bangladesh: Protect People Most at Risk During Monsoon Season' (19 June 2023) <https://www.hrw.org/news/2023/06/19/bangladesh-protect-people-most-risk-during-monsoon-season>

4. Core Obligations of States Parties on Disaster Risk Reduction for Persons with Disabilities

4.1 Disaster preparedness, disaster response and disaster recovery

States parties bear specific obligations under Article 11 of the CRPD with regard to disaster preparedness, disaster response and disaster recovery. These obligations cover the occurrence of disasters such as earthquakes, volcanic eruptions, tsunamis, hurricanes, cyclones or typhoons, floods, wildfires, drought and disease.³⁴ States also bear specific obligations to address climate change which has engendered more frequent extreme weather events that also impact persons with disabilities adversely.

Disaster preparedness focuses on the knowledge and capacities developed by governments, professional response and recovery organisations, and communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions.³⁵ disaster response focuses on the provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected.³⁶ Disaster recovery focuses on the restoration, and improvement where appropriate, of facilities, livelihoods and living conditions of disaster-affected communities, including efforts to reduce disaster risk factors.³⁷

States are obligated to ensure disability inclusive preparedness, response and recovery in the following critical regards:

34. Tehmina Khan and Saeid Eslamian 'Global Standards for Disaster Risk Reduction' in Saeid Eslamian and Faezeh Eslamian (eds) *Disaster Risk Reduction for Resilience* (Springer Nature 2022).

35. 'Terminology on Disaster Risk Reduction' n1.

36. Ibid.

37. Ibid.

- Early warning systems. Effective early warning systems enable persons with disabilities to respond to imminent disasters or as they occur. States must provide for inclusive and accessible early warning systems to communicate eminent or actual disasters. For example, where a state establishes a disaster alert app to provide timely information to the public, the app must be accessible to persons with various disabilities; or the app must be used as part of a combo of diverse communication options to fit the needs of persons with different accommodation needs. Communication options may include text messages, cellular phones, online alerts, legacy media and social media.
- Evacuation. States must establish protocols for evacuating persons with disabilities that take account of the distinct requirements of persons with different disabilities. For example, during an earthquake, a person using a wheelchair may not be able to take refuge under a table or exit a building downstairs rapidly, particularly since emergency conventions discourage the use of lifts in such situations. As well, a deaf person may not hear verbal evacuation orders, while a blind person may not see emergency lights.³⁸
- Assistive devices. States must establish stocks of equipment and supplies that include assistive devices that persons with diverse needs may use during disaster responses and recovery. They must also plan contingencies to provide or support live assistance.
- Coordination. States must ensure that mechanisms for coordinating disaster response and recovery are inclusive of persons with disabilities.
- Training. States must ensure that personnel undertaking preparedness, response and recovery tasks are trained on disability inclusion.
- Accessibility. States must ensure that emergency shelters are accessible to persons with disabilities.
- Food and other relief. States must put in place protocols for ensuring persons with disabilities benefit from food and clothing relief, sanitation, water and health services. Persons with disabilities may not receive emergency food and other rations if they are required to queue with non-disabled persons.³⁹
- Building back better. States must ensure that their post-disaster recovery policies, laws and plans are anchored on the 'build back better' approach for inclusive, culturally appropriate and accessible services, communications and environments.

38. David Alexander 'Disability and Disaster' in Ben Wisner, JC Gaillard and Ilan Kelman (eds) *The Routledge Handbook of Hazards and Disaster Risk Reduction* (Routledge 2012).

39. *Ibid.*

The nuts and bolts of disability-inclusive evacuation plans

Pertinent questions include the following:

- Are there emergency responders designated to provide support to persons with disabilities when disasters occur? Do they have appropriate training and equipment?
- Are procedures in place to ensure no one is left behind in pre or post-disaster evacuation?
- Are rest centres and temporary dormitories equipped to accommodate persons with disabilities?
- Is temporary post-disaster accommodation accessible to persons with disabilities? Does it meet their essential needs?
- Are procedures in place to ensure people with disabilities are treated on the basis of equality during planning, warning, alert, evacuation, emergency response, respite, transitional shelter and recovery from disaster?⁴⁰

Training for emergency personnel

Training for emergency personnel may include:

- General diversity training;
- The prevalence of disability in modern society and the diversity of forms that it takes;
- The moral and ethical case for inclusiveness;
- Legal and jurisdictional responsibilities of support;
- Planning provisions for persons with disabilities;
- Scenarios for action when incidents occur or disaster strikes; and

40. Adapted from David Alexander and Silvio Sagramola 'Major Hazards and People with Disabilities: Their Involvement in Disaster Preparedness and Response' (Council of Europe 2014) <https://rm.coe.int/16801e8bcc>



Practical matters connected with first response to an incident or disaster. These matters may include how to work with persons with disabilities, how to ensure that warnings are disseminated to people with diverse disabilities, and how to ensure that people with disabilities are able to maintain their dignity when evacuated to unfamiliar surroundings.⁴¹

Good practices:

- ➔ **Inclusive and accessible warning system.** Switzerland has a nationwide network of audible sirens that may be used to alert the population to disasters and emergencies. Alertswiss, a web and mobile app based system, complements this audible warning system. The system provides real-time information on various hazards as part of the alert chain, makes specific behavioural recommendations, and provides tips for emergency planning. It also makes specific recommendations for conducting and facilitating emergency planning. The warning and alert system is inclusive and accessible. It ensures that at least two senses are engaged by a warning: one can hear the sirens and/or see the warning through the app or through a push notification.⁴²
- ➔ **Communicating in accessible means and formats.** New Zealand's National Emergency Management Agency (NEMA) is translating its Get Ready website for information about emergency preparedness into different languages, including New Zealand Sign Language. NEMA also signed a memorandum of understanding with Deaf Aotearoa in 2019, signalling its commitment to provide fully accessible information to the deaf community.⁴³

41 Ibid p30.


42 'Switzerland: Voluntary National Report of the MTR SF 2022.


43 'New Zealand: Voluntary National Report of the MTR SF' 2022.

4.2 Inclusive policies

As already stated, one of the general obligations of states under the CRPD is to take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes⁴⁴ or, in other words, to use a disability-inclusion approach. Disability inclusion ensures the meaningful participation of the diversity of persons with disabilities in programmes, the promotion and mainstreaming of their rights across such programmes, the development of disability-specific responses to programmes, and consideration of disability-related perspectives.⁴⁵ Disability inclusion, therefore, is a necessary hallmark of disaster risk reduction programmes.

The core obligations of states in relation to inclusive policies and plans on disaster risk reduction include the following:

-  **Twin-track approach.** States must implement the twin-track approach⁴⁶ in line with their general obligation of taking into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes.⁴⁷ In other words, states must employ the principle of mainstreaming,⁴⁸ which involves the inclusion of disability rights by focusing on disability-specific programmes as well as on non-disability related policies and programmes.⁴⁹ Regarding disaster risk reduction, the twin-track approach ensures that persons with disabilities have full access to disaster risk reduction policies and services by removing barriers, while at the same time it addresses specific requirements through more individualised support for persons with multiple disabilities or high support needs.⁵⁰

-  **Diversity of disabilities.** States must ensure that inclusive disaster risk reduction plans cover all persons with disabilities, including children, women, persons with multiple disabilities, persons with psychosocial disabilities, persons with intellectual disabilities and persons with sensory impairments,⁵¹ including persons who are deaf, deaf blind or hard of hearing in.⁵²

44. CRPD art4(1)(c).

45. 'United Nations Disability-Inclusion Programme' (United Nations <https://www.un.org/en/content/disabilitystrategy/>)

46. CRPD/C/AUT/CO/1 (2013) para26.

47. CRPD art4(1)(c).

48. Valentina Della Fina 'Article 4 (General Obligations)' n22.

49. Andrea Broderick 'Article 4: General Obligations' n6.

50. 'Disability Inclusive Disaster Risk Management: Voices from the Field and Good Practices (CBM 2013) https://www.cbm.org/fileadmin/user_upload/Publications/Disability_Inclusive_Disaster_Risk_Management.pdf

51. CRPD/C/KOR/CO/2-3 (2022) para24.

52. CRPD/C/LTU/CO/1 (2016) para24.

- Application at national and local levels. States must implement those initiatives in collaboration with OPDs⁵³ at the federal, cantonal and municipal levels.⁵⁴
- Climate change. States must formulate inclusive disaster risk reduction policies and plans on climate change with persons with disabilities.⁵⁵
- Health pandemics. States must mainstream disability in their response and recovery plans for health pandemics such as COVID-19, including by ensuring equal access to vaccines and other economic and social programmes to tackle the negative impacts of pandemics,⁵⁶ and ensuring information on pandemic measures such as mask exemptions is provided to the public, relevant authorities and media.⁵⁷ They must compile data on infections, illness and death of persons with disabilities as a result of health pandemics disaggregated by type of impairment, gender, residence in rural and urban areas and socioeconomic status.⁵⁸
- Training, awareness-raising and advocacy. States must take measures to regularly and effectively train rescue and emergency personnel on the inclusion of age and disability perspectives based on human rights.⁵⁹ They must train and equip emergency response teams with knowledge and skills to assist persons with disabilities in disaster risk situations.⁶⁰ States must also undertake awareness-raising and advocacy to explain the importance of disability inclusion in disaster risk reduction to the public.
- Inclusive institutional mechanisms. States must establish appropriate inclusive institutional mechanisms for disaster risk reduction. National offices of disaster preparedness and emergency management must adequately address the specific requirements of all persons with disabilities in disaster risk responses.⁶¹ States, therefore, may opt to establish an inclusive working group as a platform for coordinating a joint approach for developing disaster preparedness, response and recovery strategies.

53 CRPD/C/LTU/CO/1 (2016) para24.

54 CRPD/C/CHE/CO/1 (2022) para24.

55 CRPD/C/TUN/CO/2-3 (2023) para18.

56 CRPD/C/AGO/CO/1 (2023) para18, CRPD/C/GEO/CO/1 (2023) para24, CRPD/C/TGO/CO/1 (2023) para 24, CRPD/C/IDN/CO/1 (2022) para 27.

57 CRPD/C/CHE/CO/1 (2022) para24.

58 CRPD/C/EU/CO/1 (2015) para33.

59 CRPD/C/TUN/CO/2-3 (2023) para18.

60 CRPD/C/RWA/CO/1 (2019) para22, CRPD/C/MEX/CO/1 (2014) para22.

61 CRPD/C/JAM/CO/1 (2022) para21.



Earmarked funding. States must earmark funding for the collection of disaggregated data, and they may seek financing under international cooperation protocols.⁶²

The dangers of improvisation. Planning for disaster preparedness and response should reduce improvisation to a necessary minimum by foreseeing needs that can be fulfilled in advance of the moment when they become imperative. As has been noted, improvisation can be particularly prejudicial to persons with disabilities who require more individual attention because of their supplemental and diverse needs.⁶³ States, therefore, must anticipate the need to establish individualised responses for persons with disabilities where natural disasters occur.

Building back better. Over and above disaster preparedness and disaster response measures being disability inclusive, recovery measures must be anchored on the imperative to build back better to enable communities to build resilience. States must ensure that reconstructed buildings and other infrastructure are accessible where they were not before. As one study notes, a more inclusive recovery can ensure that the poorest and most vulnerable access the support they need to reconstruct, so that they may fend off long-term consequences caused by health issues and disability, loss of schooling and education, or the inability to save or borrow to rebuild or replace lost assets.⁶⁴ That study understands building-back better to mean that: '... the repaired or replaced assets are more resilient, but also that the recovery process is shorter and more efficient, and that the entire recovery process does not leave anyone behind—i.e. that even the poorest and most vulnerable receive the support they need to fully recover.'⁶⁵

62. CRPD/C/COK/CO/1 (2015) para22.

63. David Alexander and Silvio Sagromola 'Major Hazards and People with Disabilities: Their Involvement in Disaster Preparedness and Response' n39 p27.

64. 'Achieving Resilience through Stronger, Faster, and More Inclusive Post-disaster Reconstruction' (World Bank 2018) <https://www.gfdrr.org/sites/default/files/publication/Building%20Back%20Better.pdf>

65. Ibid.

Good practices:

- ➔ Following the 2010 floods, Pakistan employed the building-back-better concept to reconstruct more resilient and sustainable infrastructure. The government instituted a housing reconstruction programme with earthquake resistance features, and it included women, persons with disabilities and youth in the design and implementation of reconstruction projects.⁶⁶
- ➔ Thailand's National Disaster Risk Management Plan (2015) includes actions for building up the early warning process and extending the range and scope of early warning activities, including by creating web services and mobile applications to provide additional access to a wide range of information sources and to disseminate warning information to the general public and persons with disabilities via smartphones or tablets. The emergency evacuation process prioritises need-based evacuees including persons with disabilities, patients with special healthcare needs, the elderly, children and women.⁶⁷
- ➔ In response to storm and flood disasters, Japan amended its Flood Control Act in 2017 to obligate owners of facilities for persons requiring special care located in dangerous areas to undertake drills in preparation for evacuation operations; and to formulate extreme disaster management plans and business continuity plans for social welfare facilities. In 2021, Japan amended the Flood Control Act again to make reporting of evacuation drills mandatory and to establish a system of advice and recommendations for ensuring evacuation operations and drills by mayors of municipalities. In the same year, the Basic Act on Disaster Management was amended to oblige municipalities to create individual evacuation plans, i.e. plans to provide evacuation support, etc., for individuals that have difficulty in evacuating by themselves such as the elderly and persons with disabilities.⁶⁸

66. 'Pakistan: Voluntary National Report of the MTR SF' 2023 p30 <https://www.preventionweb.net/publication/pakistan-voluntary-national-report-mtr-sf>

67. 'Thailand Mid-term Review of the Implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030: National Voluntary Report of Thailand' (2022) <https://www.preventionweb.net/publication/thailand-voluntary-national-report-mtr-sf>

68. 'Mid-term Review of the Implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030 Voluntary National Report Submission by Japan' (September 2022) <https://www.preventionweb.net/publication/japan-voluntary-national-report-mtr-sf>

- ➔ India has developed a standalone guideline that provides practical directions supporting implementation mechanisms of disability inclusive disaster risk reduction and climate change. The guideline contributes to the knowledge base by providing disability inclusion actions in disaster mitigation, preparedness, response, and recovery efforts; and highlights the strength of persons with disabilities and their representative organisations to facilitate action.⁶⁹

- ➔ States have legislated disability inclusive human rights-based action on climate change. These include:
 - Jordan whose law on the rights of persons with disabilities guarantees persons with disabilities a barrier-free legislative environment based on equal opportunity, equality and non-discrimination, including in relation to climate change protection;⁷⁰ and

 - Colombia, whose National Plan for Climate Change Adaptation highlights the importance of analysing adaptation measures with differential approaches, taking into account the perspectives of persons with disabilities.⁷¹

69. 'National Disaster Management Guidelines on Disability Inclusive Disaster Risk Reduction 2020' Government of India 1.3.

70. 'Analytical Study on the Promotion and Protection of the Rights of Persons with Disabilities in the Context of Climate Change' n7.

71. Ibid para50.

5. Relationship with other Articles of the Convention

Disability inclusive disaster risk reduction in accordance with Article 11 of the Convention is supported by a host of other provisions in the Convention.

5.1 Articles 3 and 5 of the Convention

Article 3(b) of the Convention establishes non-discrimination as an anchor principle of the CRPD. Article 5 of the Convention obligates states to prohibit discrimination on the basis of disability, to take all steps to ensure the provision of reasonable accommodation, and to use specific measures to accelerate or achieve de facto equality for persons with disabilities. Non-discrimination anchors all policies in disaster risk reduction, and the principle is the basis for identifying and removing exclusion factors which prevent persons with disabilities from accessing relevant supports and services.⁷² Discrimination on persons with disabilities occurs on the basis of multiple and intersecting factors, including gender, age, ethnicity and minority status.⁷³

A study on the impact of climate change on persons with disabilities from two indigenous communities in Kenya found they faced patterns of discrimination and non-inclusive evacuation methods that exacerbated health conditions and sometimes proved fatal to them. Living conditions for displaced persons with disabilities were often inaccessible, unsafe and lacking in measures for social protection and employment opportunities.⁷⁴

Specific state obligations towards ensuring non-discrimination for persons with disabilities in situations of disaster, which must also cover underrepresented groups, include the following:

72. 'Disability Inclusive Disaster Risk Management: Voices from the Field and Good Practices n49.

73. See 'General comment No. 6 (2018) on Equality and Non-discrimination' paras44-45 n46. Also see 'General comment No. 3 (2016) on Women and Girls with Disabilities' (Committee on the Rights of Persons with Disabilities) para49-50) <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no3-article-6-women-and-girls#:~:text=These%20barriers%20create%20situations%20of,ability%20to%20participate%20in%20politics>

74. 'The Impact of Climate Change on Indigenous People with Disabilities in Baringo County Kenya' (International Disability Alliance 2023).

- They must ensure that disaster management legislation reinforces protections of persons with disabilities from discrimination, including by providing persons with disabilities in all situations of risk with reasonable accommodations,⁷⁵ which must be provided in urban as well as rural settings.⁷⁶
- States must ensure that measures for containing pandemics provide for reasonable accommodations for persons with disabilities, including homebased assistance, online working environments, and the use of transparent masks for supporting deaf persons.⁷⁷
- States must ensure that persons with disabilities in disasters, including from underrepresented groups, access services such as emergency accommodation, accessible shelters, water and sanitation, education and health.⁷⁸ These underrepresented groups must also have access to social protection, assistive technologies and information, and individualised support.⁷⁹
- States must calculate aid priorities in disaster preparedness, response and recovery on the basis of need alone, and aid must be provided without adverse distinction on the basis of disability.⁸⁰
- States must not use the principle of progressive realisation established in Article 4(2) of the CRPD to justify discrimination against persons with disabilities in situations of disaster, since the prohibition of discrimination is a norm of immediate application.⁸¹

Ensuring the rights to safety and protection for children with disabilities in situations of risk should be underpinned by the principle of the best interests of the child, under which they are informed, consulted and heard, taking account of their evolving capacities and circumstances.⁸²

75. CRPD/CTGO/CO/1 (2023) para22, CRPD/C/JPN/CO/1 (2022) para26.

76. CRPD/C/LAO/CO/1 (2022) para18.

77. CRPD/C/FRA/CO/1 (2021) para24.

78. CRPD/C/FRA/CO/1 (2021) para24, CRPD/C/IND/CO/1 (2019) para25, CRPD/C/KEN/CO/1 (2015) para22).

79. CRPD/C/GRC/CO/1 (2019) para16.

80. *Sphere Handbook* (Sphere Association 2018) <https://spherestandards.org/wp-content/uploads/Sphere-Handbook-2018-EN.pdf>

81. Valentina Della Fina 'Article 4 (General Obligations)' in n22.

82. 'Joint Statement: The Rights of Children with Disabilities' (Committee on the Rights of the Child and Committee on the Rights of Persons with Disabilities 2022) paras4-5 n50.

5.2 Article 9

Article 3 of the CRPD establishes accessibility as one of the general principles of the Convention. Article 9 of the Convention obligates states to ensure persons with disabilities access the physical environment, transportation, information and communications, and other facilities and services open or provided to the public, on the basis of equality.

Ensuring accessibility enables persons with disabilities to exercise rights which in turn facilitate their protection in relation to disaster preparedness, disaster response and disaster recovery. Barriers to accessibility during the occurrence of disasters may be physical, informational and communicational, and they impact persons with different (mobility, visual, hearing, speech, cognitive or psychosocial) and even with similar impairments in different ways.⁸³

Specific state obligations on accessibility for persons with disabilities in relation to disaster risk reduction include the following:

- States must ensure that emergency and early warning strategies and systems are accessible and fully available and free for all persons with disabilities. These strategies and systems must be available in local languages and accessible formats, including Easy Read, Sign Language and Braille, and through hotlines, text message-warning applications, and visual and vocal alarm systems. They must be accessible to persons with visual impairments, hearing impairments and those with intellectual disabilities.⁸⁴
- States must ensure that information of all types is accessible, including on health pandemics.⁸⁵
States must ensure that shelters, temporary housing and other services provided when disasters occur are accessible and disability-inclusive, taking into account age and gender.⁸⁶
- States must ensure that information, publicity and advertising activities engage with persons with disabilities in disasters as dignified human beings, not as hopeless objects.⁸⁷

83. 'In Disaster Risk Management: Promising Practices and Opportunities for Enhanced Engagement' (Global Facility for Disaster and Recovery 2017) https://www.gfdrr.org/sites/default/files/publication/GFDRR%20Disability%20inclusion%20in%20DRM%20Report_F.pdf

84. CRPD/C/JAM/CO/1 (2022) para23, CRPD/C/DJI/CO1 (2021) para18, CRPD/C/ALB/CO/1 (2019) para26, CRPD/C/IND/CO/1 (2019) para25, CRPD/C/NOR/CO/1 (2019) para22, CRPD/C/UGA/CO/1 (2016) para21.

85. CRPD/C/DJI/CO/1 (2021) para18.

86. CRPD/C/JPN/CO/1 (2022) para26.

87. Sphere Handbook n79.

Good practices:

- The Finnish Ministry of Transport and Communication prepared a video in sign language and text on the Special Report on the Ocean and Cryosphere in a Changing Climate by the Intergovernmental Panel on Climate Change. A website includes a section on climate change in plain language.⁸⁸
- In India, the State of Kerala launched a full-fledged disaster preparedness training program for persons with disabilities. As part of this endeavour, it released a Handbook on Disability Disaster Risk Reduction together with training materials. The material has been transcribed into braille and converted into Digital Accessible Information System (DAISY). Sign language-based training materials have also been prepared.⁸⁹

5.3 Articles 4 and 33

Article 3 of the Convention establishes the full and effective participation and inclusion in society of persons with disabilities as a general principle of the CRPD. Article 4(3) of the Convention also obligates states to consult closely with and actively involve persons with disabilities and their representative organisations in the development and implementation of legislation and policies. Article 33(3) requires states to ensure that OPDs participate in monitoring the Convention's implementation.

These obligations relate to Article 11 of the CRPD which obligates states to ensure the protection and safety of persons with disabilities in situations of risk. This means that persons with disabilities must be active participants in planning for, implementing and monitoring disaster risk reduction programmes and climate change policies. Barriers to active participation must be removed and capacity building programmes enhanced.⁹⁰

88. 'Analytical Study on the Promotion and Protection of the Rights of Persons with Disabilities in the Context of Climate Change' n7 para 54.

89. 'National Disaster Management Guidelines on Disability Inclusive Disaster Risk Reduction 2020' chapter 5 n68.

90. 'Disability Inclusive Disaster Risk Management: Voices from the Field and Good Practices' N49.

The participation and inclusion of persons with disabilities in disaster preparedness, disaster response and disaster recovery cannot be overstated. Consulting persons with autism might, for example, result in the addition of a quiet, calming, destruction-free room in evacuation shelters.⁹¹ Yet, persons with disabilities continue to face barriers to participate on the basis of equality in the policy, technical and advocacy spaces where decisions on disaster risk reduction are made. References to persons with disabilities still frame them as vulnerable individuals in need of assistance and protection rather than as key stakeholders and contributing actors to disaster risk reduction.⁹²

State obligations towards ensuring the full participation and inclusion of persons with disabilities in disaster risk reduction programmes must cover the following areas:

- States must ensure the equal participation of persons with disabilities and their representative organisations, including organisations for women and girls with disabilities, in all stages of developing and implementing preparedness, response and recovery plans.⁹³
- They must ensure that persons with disabilities through their representative organisations validate prevention and risk-reduction protocols, and they must allocate specific budgets and assign trained staff for that purpose.⁹⁴
- States must involve persons with disabilities in drafting risk reduction disaster management legislation to ensure accessible and disability inclusive disaster risk management.⁹⁵
- States must involve OPDs in designing and implementing legislation and policies relating to climate change and disaster risk reduction and management,⁹⁶ as well as responses to pandemics such as COVID-19.⁹⁷

91. 'Guidance Note: Disability Inclusion in Disaster Risk Management Operations - An Exploration of Good Practices and Resources (Global Facility for Disaster Reduction and Recovery 2022) <https://www.gfdr.org/en/publication/disability-inclusion-disaster-risk-management-operations-exploration-good-practices-and>

92. 'Including Persons with Disabilities in Disaster Risk Reduction: A Research Study from Eight Countries of Africa, Asia and South/Central America' (Molteser International 2021) https://www.molteser-international.org/fileadmin/Files_sites/molteser-international/A-About_us/E-Service/C-Publications/Specialized_Publications/DiDRR_Study_in_English.pdf

93. CRPD/C/AGO/CO/1 (2023) para18, CRPD/C/TGO/CO/1 (2023) para24, CRPD/C/CHN/CO/2-3 (2022) para66.

94. CRPD/C/VEN/CO/1 (2022) para21.

95. CRPD/C/MUS/CO/1 (2015) para20.

96. CRPD/C/LAO/CO/1 (2022) para19.

97. CRPD/C/AGO/CO/1 (2023) para18.

- States must involve OPDs actively in the development, implementation and monitoring of emergency-related legislation and policies, and the establishment of priorities for aid distribution.
- States must avail funding for the independent, full and effective participation of civil society in disaster risk reduction.⁹⁸
- States must establish regulations to ensure that Persons with disabilities are involved in the development, procurement and deployment of artificial intelligence technology as applied to situations of risk. The Special Rapporteur on the Rights of Persons with Disabilities notes that while artificial intelligence systems have a role to play in actively protecting persons with disabilities from situations of risk, they may also be a potent for causing or exacerbating harm on persons with disabilities.⁹⁹ Hence, guidance should be provided to states on their obligation to ensure that the use of artificial intelligence systems such as facial or emotion recognition technology is not used in ways discriminatory or adverse to persons with disabilities on account of incomplete or biased data sets.¹⁰⁰

Good practice:

In Tanzania, the government requires that 30 per cent of the budget for road repair and maintenance be set aside for marginalised groups such as women, persons with disabilities and youth. This allocation also involves mandatory participatory consultation processes.¹⁰¹

98. 'General Comment No. 7 (2018) on the Participation of Persons with Disabilities, Including Children with Disabilities, through their Representative Organisations, in the Implementation and Monitoring of the Convention' para78

99. 'Report of the Special Rapporteur on the Rights of Persons with Disabilities on Artificial Intelligence, Situations of Risk and Humanitarian Emergencies (Article 11)' (2021) para53-54 <https://www.ohchr.org/en/calls-for-input/2021/report-special-rapporteur-rights-persons-disabilities-artificial-intelligence#:~:text=in%20March%202022.,Summary,from%20a%20disability%20rights%20perspective>.

100. Ibid.

101. 'Mid-Term Review of Implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030: Good Practices in Disaster Risk Reduction' (United Nations Office for Disaster Risk Reduction 2023) <https://www.undrr.org/publication/good-practices-disaster-risk-reduction-midterm-review-implementation-sendai-framework>

5.4 Article 19

Under Article 19 of the CRPD, persons with disabilities have the equal right to live in the community with choices equal to others. Article 19 obligates states to ensure that persons with disabilities are not made to live in particular living arrangements, and that they have access to a range of in-home, residential and other community support services. As well, they must avail community services and facilities for the general population on an equal basis to persons with disabilities and be responsive to their needs.¹⁰²

Specific obligations on disaster risk reduction include the following:

- States must provide disaster risk reduction programmes for persons with disabilities within the community where they live.
- States must not institutionalise persons with disabilities in preparation of, in response to or during recovery after disasters.
- States must adopt measures to deinstitutionalise persons with disabilities in times of emergency, relocate persons with disabilities from institutions to community living settings with appropriate support, and provide them with appropriate support to live in their communities. These measures must accord with the Committee's Guidelines on Deinstitutionalisation, Including in Emergencies.¹⁰³
- States must build resilient communities by engaging communities, including persons with disabilities and their families, to reduce and plan for disasters, by developing individual emergency plans and support systems based on community focal points, and by identifying safe and accessible gathering points, emergency shelters and evacuation routes.¹⁰⁴

102. Also see 'General comment No. 5 on Article 19: Living Independently and being Included in the Community' (Committee on the Rights of Persons with Disabilities) para 80 <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no5-article-19-right-live#:~:text=Independent%20living%20and%20inclusive%20life,in%20line%20with%20universal%20design>

103. *CRPD/C/AGO/CO/1* (2023) para18, *CRPD/C/GEO/CO/1* (2023) para24, *CRPD/C/TGO/CO/1* (2023) para24, *CRPD/C/SGP/CO/1* (2022) para24, *CRPD/C/IDN/CO/1* (2022) para29.

See 'Guidelines on Deinstitutionalisation, Including in Emergencies' (Committee on the Rights of Persons with Disabilities 2022) paras107-114 <https://digitallibrary.un.org/record/3990185?ln=en>

104. *CRPD/C/JPN/CO/1* (2022) para29.

- States must implement their obligations on the right of persons with disabilities to live independently in the community also in instances where severe forms of disability preclude that. In such instances, the principles of autonomy and self-determination must remain paramount when disasters strike.

Good practice:

Thailand implemented disaster risk reduction measures for vulnerable groups to ensure no one was left behind in its COVID-19 responses. The Thailand Association of the Blind collaborated with multi-stakeholders to implement measures to reduce health risks for blind people from COVID-19. Thailand also established multi-stakeholder cooperation to make risk communication more inclusive during COVID-19 responses: the Department of Empowerment of Persons with Disabilities collaborated with multi-stakeholders to manage infodemic and to provide effective risk communication to persons with disabilities.¹⁰⁵

Articles 30, 31, 32 and 33

Article 32 of the CRPD obligates states to take appropriate and effective measures to promote international cooperation to realise the Convention's purposes and objects. That cooperation is between and among states and in partnership with international and regional organisations, and with civil society organisations including OPDs. International cooperation enables states to implement their obligations of providing protection and safety to persons with disabilities in disaster risk reduction. Article 33 of the Convention obligates states to designate focal points within government to coordinate implementation of the Convention, in this instance in relation to disaster risk reduction. As well, they must establish independent mechanisms to monitor implementation of disaster risk reduction programmes. Implementation and monitoring of disaster risk reduction programmes is facilitated by the collection of disability-disaggregated data and statistics. In that regard, Article 31 of the Convention obligates states to collect information on disaster risk reduction programmes for purposes of formulating programmes on disaster risk reduction, including identifying and addressing barriers faced by persons with disabilities.

105. 'Thailand Mid-term Review of the Implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030: NATIONAL Voluntary Report of Thailand' n121.

These three articles establish the following arising obligations pertinent to disability inclusive disaster risk reduction:¹⁰⁶

- Ensuring that disaster risk reduction programmes are inclusive of and accessible to persons with disabilities;
- Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- Facilitating cooperation in research and access to scientific and technical knowledge;
- Providing technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies;
- Ensuring that the collection and use of information complies with international norms and legal safeguards to protect the human rights of persons with disabilities and to ensure confidentiality and respect for their privacy; and
- Disseminating information on disaster risk reduction and ensuring its accessibility to persons with disabilities.

Regarding the foregoing, the Sendai Framework anticipates the enhancement of the implementation capacity and capability of developing countries, particularly the least developed countries, small island developing states, landlocked developing countries and African countries, as well as middle-income countries facing specific challenges, including the mobilization of support through international cooperation for the provision of means of implementation in accordance with their national priorities.¹⁰⁷ Nonetheless, while states may source financing on disaster risk reduction under international cooperation frameworks, the absence of such financing cannot justify dereliction from implementing their obligations to persons with disabilities in relation to disaster risk reduction.¹⁰⁸

106. CRPD arts32, 33 and 31.

107. 'Sendai Framework for Disaster Risk Reduction 2015-2030' n8 para17.

108. CRPC art32(2).

Good practice:

Some countries, including Australia, Bangladesh, Ecuador, Indonesia, New Zealand, and the United States, have begun to work more effectively with persons with disabilities to promote disability-inclusive disaster risk management. These countries are taking measures to identify and mitigate risks and build community resilience, including by reviewing policies, developing guidelines, amending handbooks, and related interventions.¹⁰⁹

109. 'In Disaster Risk Management: Promising Practices and Opportunities for Enhanced Engagement' n82 p32.