

البيان الموجه من اللجنة المعنية بحقوق الأشخاص ذوي الإعاقة
بشأن إدماج مسألة الإعاقة إلى مؤتمر القمة العالمي للعمل الإنساني
اعُتمد في الدورة الرابعة عشرة للجنة المعنية بحقوق الأشخاص ذوي الإعاقة
17 آب/أغسطس - 4 أيلول/سبتمبر 2015

Formatted: Centered

Formatted: Font: 10 pt, Complex Script Font: 10 pt

Formatted: Centered

Formatted: Font: 10 pt, Complex Script Font: 10 pt

Formatted: Centered

Formatted: Font: 10 pt, Complex Script Font: 10 pt

Formatted: Font: 16 pt, Complex Script Font: 16 pt

The Committee on the Rights of Persons with Disabilities recalls that the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which is based on the human rights model of disability, establishes a legal framework which focuses both on human rights and social development of persons with disabilities. Within this legal framework persons with disabilities are directly addressed in a unique stand-alone article creating obligations that apply specifically in situations of humanitarian emergencies and have no derogation clause that can permit the suspension of human rights in public emergencies, wherever they occur in the world.

Through its reviewing of the states parties' reports, including in the list of issues, constructive dialogues and concluding observations, the Committee, since its inception, has given high priority to article 11 of Convention on the Rights of Persons with Disabilities, which requires that States Parties ensure protection and safety of persons with disabilities in situations of risk resulting from natural disasters, armed conflict and other humanitarian crises.

Persons with disabilities are among the most disproportionately affected in any disaster or conflict situation and emergency situations (often) result in an increase in the number of people who will acquire disabilities. Moreover, the prevalence of disability is greater in the countries that most often require humanitarian aid¹. For this reason, an inclusive response is better for all of society. The unique knowledge and skills of persons with disabilities, which are essential in the removal of barriers to aid, must be included. In addition, persons with disabilities and their representative organizations must be able to actively participate at all levels of humanitarian aid, from community action to national, regional and international policy-making.

Article 11 of the UN Convention on the Rights of Persons with Disabilities

Article 11 of the UNCRPD states that States Parties shall: "...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." As such, persons with disabilities have the same rights as all persons in times of conflict and emergencies, yet persons with disabilities are often excluded in emergency responses.² Negative attitudes towards persons with disabilities may escalate during situations of conflict and emergencies and barriers faced by persons with disabilities and their families are rarely acknowledged or included when assessing the impact of emergencies on populations. Moreover, persons with disabilities are rarely included as active participants in planning, implementing and monitoring of emergency response.

The gender dimension

Situations of risk and humanitarian emergencies considerably jeopardise the safety and protection of women and girls with disabilities, notably reducing their chances of survival. Women and girls with disabilities are more at risk before, during and after the occurrence of risks such as armed conflict, occupation of territories, natural disasters and humanitarian emergencies. They are at increased risk of experiencing sexual violence, including rape, and abuse. Humanitarian aid efforts must prevent such situations and address them if they do occur, including provision health care and mental health services to overcome psychological trauma. Appropriate services for women and girls with disabilities in situations of risk and humanitarian emergency, based on their individual needs, should be made available and their accessibility should be secured by removing physical, communicative, social, cultural, economic, political and other barriers, including the expansion of quality services in rural and remote areas.

Participation of persons with disabilities

In order that all persons with disabilities can actively participate towards the development of inclusive humanitarian structures, the World Humanitarian Summit and all processes leading up to it must be accessible to persons with disabilities, as stated in article 4 (3) of the Convention on the Rights of Persons with Disabilities and other internationally recognized accessibility standards and guidelines.

Disability inclusion encompasses the capacities, rights and requirements of persons with disabilities. But beyond disability, inclusive humanitarian action will benefit society as a whole and is not only an opportunity, but an essential prerequisite to successfully reshape humanitarian aid.

Disability and the four themes of World Humanitarian Summit

1. 'The effectiveness of humanitarian aid'

Persons with disabilities make up 15 per cent of the world's population. It is therefore impossible to reach all of society in humanitarian action without a fully inclusive response, which identifies the rights of persons with disabilities in the affected population then simultaneously addresses their specific requirements and ensures full access to mainstream services as well as disaggregating data by disability, sex and age. The effect of inclusion is not limited only to persons with disabilities as many other marginalised groups will benefit, and ultimately, society as a whole.

2. 'Reducing vulnerability managing risk'

Humanitarian preparedness measures must be integrally inclusive, ready to respond from the very beginning, in a way that reaches everyone. To comprehensively manage risk, preparedness must take into account, and be developed in harmony with parallel measures being undertaken in development, disaster risk reduction and climate change. This is particularly important for persons with disabilities since they are among the most adversely affected in an emergency, sustaining disproportionately higher rates of morbidity and mortality, and at the same time being among those least able to access emergency support. For example, research indicates that the mortality rate among persons with disabilities was twice that of the rest of the population during the 2011 Japan

earthquake and tsunami.³ Moreover, for every person that dies during a disaster, it is estimated that three people sustain an injury, many causing long-term disabilities, such as the case in Haiti after the 2010 earthquake in which approximately 200,000 people are expected to live with long-term disabilities as a result of injuries (UN Enable, 2013).⁴ While primary prevention of impairments is not an implementation measure of the CRPD which protects the rights of persons living with disabilities, primary prevention of impairments may be part of the general health strategies. They should however neither use derogatory language on persons with disabilities, nor should awareness raising in this regard present disabled persons as suffering or being unfortunate. Primary prevention should not divert resources from disability-related programmes.

3. Transformation through innovation

Innovation provides an opportunity for inclusion, and the humanitarian community must embrace it as such, with accessibility as one of the prerequisites to any innovative development. Using accessible Information and Communications Technology (ICT) as an example, ensuring access across all channels, from mobile phones to social media, will improve the reach of warning/alert messages and information about relief availability, and increase the speed and efficacy of search and rescue. Accessible information and communications technology can provide persons with disabilities increased access to information in emergency settings and provide inclusion of persons with disabilities in relief efforts. Also, sharing of accessible knowledge and information through accessible mobile communication technologies and services as well as sign language interpreters, audio description and closed captioning on television can significantly increase access to important information creating a safer and more inclusive environment overall for persons with disabilities.⁵

4. Serving the needs of people in conflict

Persons with disabilities are at greater risk in situations of conflict, most likely to be left behind when populations flee and at greater risk of violence and discrimination, both in the setting of the conflict and in displacement situations, including refugees and internally displaced persons.

When the emergency strikes they may have difficulty reaching safe areas, become separated from family and friends which is a key to survival and coping, have trouble accessing vital emergency information, or lose assistive devices such as wheelchairs, crutches, prostheses, white canes or hearing aids. In addition, moving and transferring persons with disabilities requires handling techniques to avoid injury or further injury. Accessibility for and the inclusion of persons with disabilities must be included in conflict situations.

The Committee calls upon all States parties, the United Nations and all agencies within the United Nations system and the international community to:

1. Ensure persons with disabilities, including women, girls and boys with disabilities, participate in decision-making and are active stakeholders at all stages of emergency response from planning to implementation within the most accessible condition possible or, at least, reasonable accommodation provided.

2. Ensure humanitarian needs assessments and audit mechanisms are inclusive of and accessible to persons with disabilities and incorporate improved collection, analysis and reporting of sex, age- and disability-disaggregated data.
3. Ensure that preparedness and disaster risk reduction measures, emergency evacuation procedures and early warning systems reach all members of the community, including persons with disabilities regardless of physical environment, transportation, information and communication barriers and take all necessary measures to eliminate such barriers.
4. Implement paragraph 36 of General Comment No. 2 of the CRPD 'Emergency services in situations of risk, natural disasters and armed conflict must be accessible to persons with disabilities, or their lives cannot be saved and well- being protected (Article 11).'
5. Ensure all post-emergency reconstruction and rebuilding is inclusive and accessible; applying principles of universal design in all reconstruction and rebuilding programmes, including public buildings and spaces, water and sanitation points, information and communication infrastructure, technologies and services.
6. Encourage all stakeholders – Member States, UN agencies, organisations of persons with disabilities, humanitarian agencies, families and communities to work together to rebuild more inclusive societies using "build back better"¹ practices.

¹ Based on the assumption that 80% of persons with disabilities live in developing countries, and developing countries are the main recipients of aid.

²http://www.cbm.org/article/downloads/71140/Fact_sheet_Disability_in_Conflict_and_Emergencies.pdf

³ UN. (2013). Panel Discussion on Disaster resilience and disability: ensuring equality and inclusion. United Nations Headquarters on October 10, 2013.

⁴ UN Enable. (2013). Disability, natural disasters and emergency situations: A need to include persons with disabilities. Retrieved from <http://www.un.org/disabilities/default.asp?id=1546>

⁵ See for example: http://www.unicef.org/spanish/emerg/disasterinasia/files/Tsunami_E_BOOK_spreads.pdf
