

## **Addressing disabilities in large-scale movements of refugees and migrants**

### **Joint Statement by the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), and the Committee on the Rights of Persons with Disabilities (CRPD)**

Building upon the New York Declaration in which States recognize and agree to address the special requirements of all people in vulnerable situations who are travelling within large movements of refugees and migrants, including persons with disabilities, the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), and the Committee on the Rights of Persons with Disabilities (CRPD) call upon States to ensure that the intergovernmental negotiations leading to an international conference and adoption of a global compact for safe, orderly and regular migration in 2018 align with, and reflect, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), the Convention on the Rights of Persons with Disabilities, (CRPD) and the other core international human rights instruments.

Persons with disabilities comprise a significant minority of migrants and refugees, yet there is little information available on their situation. Without data on their specific requirements, States cannot fulfil their legal duty to ensure effective protection and safety in situations of risk and to provide services that meet their specific requirements.

The Committees are also concerned about the lack of formal procedures in many States to identify migrants and refugees with disabilities. This issue is particularly

relevant in that migrants with disabilities are often hesitant to disclose their disabilities to authorities for fear of affecting their asylum applications.

Given the high number of arrivals and limited resources in certain countries, the Committees are also concerned that services are often inaccessible to migrants and refugees with disabilities. The large movements of migrants and refugees are due to a number of root causes, many of which are traumatic for these individuals. Given this background, anecdotal evidence suggests that mental health issues, and notable post-traumatic stress disorder, are prevalent. For women, mental health issues are often linked to experiences of gender-based and sexual violence. Recognising such consequences on physical and mental health, States should provide access for persons with disabilities, including migrants and refugees with disabilities, to all necessary support services, on an equal basis with other citizens.

In the context of migration, the identification of, and support for, persons with disabilities also depend heavily on properly trained professionals. However, persons with disabilities face exclusion and discrimination due to a lack of accessibility, including with respect to humanitarian assistance, and denial of reasonable accommodation.. This is exacerbated by the fact that migrants with disabilities are often hesitant to disclose their disabilities to authorities for fear of affecting their asylum applications.

In addition, housing and other kinds of support for migrants and refugees are inadequate. Both Committees' are deeply concerned about the precarious situation of persons with disabilities in the current migration crisis. States have failed to provide appropriate shelter and support, including adequate information in accessible formats, and reasonable accommodation.

Identifying persons with disabilities is the first step in ensuring that they can benefit from the specific protections afforded to them in accordance with the international human rights treaty obligations of the States concerned. States should ensure that formal, legally defined procedures are put into place to ensure accessibility for persons with disabilities, including women and children with disabilities and persons with psychosocial and intellectual disabilities, in reception and detention centers. States must ensure that psychosocial and legal counselling, support and rehabilitation is provided for persons with disabilities, and that protection services are age, gender and disability sensitive. States duties concerning freedom from exploitation, violence and abuse of persons with disabilities must guide response programmes targeting victims of torture and other forms of violence, including sexually-based violence.

States should also ensure that reception conditions provide an adequate standard of living for all migrants and refugees which protects their physical and mental well-being and that the situation of vulnerable persons is given due consideration.

Finally, access to support services, including health and social services, for migrants and refugees with disabilities is often inadequate, or limited to emergency care. Much more must be done to ensure that persons with disabilities are provided with appropriate support services, including psychosocial care.

We call on Member States to realize the rights of migrants and refugees with disabilities in accordance with their international human rights treaty obligations. The implementation of these legal obligations should be integrated with the operationalization of the 2030 Agenda for Sustainable Development, which recognizes the importance of empowering people in vulnerable situations, including persons with disabilities, refugees and migrant workers.

We call upon States to ensure that the situation of persons with disabilities is addressed as part of the new global framework on refugees and migrants. Dedicated human and financial resources must be made available to address these needs in practice. In order to develop the right measures, we encourage States to ensure the engagement of persons with disabilities through their representative organizations in policy formulation and their full and equal participation in decision-making. Research, collection and analysis of data on persons with disabilities in situations of migration should increase. States, their leaders and the global community must recognize the contributions of migrants, including those with disabilities, to fostering more equitable, inclusive and sustainable growth and human development for countries of origin, transit and destination.

In the design, implementation, monitoring and evaluation of the new international framework on migration, States will benefit from hearing the voices of persons with disabilities in situations of migration. In doing so, they will respond to their rights to ensure that no one is left behind.

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For more information on migrants with disabilities, please see the related article by the European Union Agency for Fundamental Rights at:

<http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-disability>