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Jorge Araya, Secretary of the Committee

CRPD Secretariat

United Nations OG-OHCHR

CH-1211 Geneva 10

Switzerland

VIA Email: janna.iskakova@un.org and laia.evia@un.org

RE: CRPD DGD on art 11

February 7, 2023

Dear Secretary Araya,

Thank you for your email of December 20, 2022 soliciting my comments on the rights of persons with disabilities in situations of risks and humanitarian emergencies (article 11 of the Convention on the Rights of Persons with Disabilities). As I shared in my initial response, I am a K-12 educator and will respond from that perspective. I appreciate being included despite my lack of the background typical of your other respondents.

**Introduction**

Of the 50 million K-12 students in the US, [14.5% of those students are considered special education students, the term for “students with mental, physical, emotional, and behavioral disabilities.”](https://www.edweek.org/teaching-learning/special-education-definition-statistics-and-trends/2019/12) That’s more than 7 million children. Other than sharing a building and perhaps a classroom with those children with disabilities, the other 43 million students don’t learn much about their peers. They come to their own conclusions about disability. Nine states [teach about disability](http://www.emergingamerica.org/blog/humanity-worth-defending-disability-history-state-standards-2021) rights in required curricula. It’s a better-than-nothing, scattershot approach that leaves disability to be largely framed by inaccurate if not demeaning portrayals in media, television, and film. Disability is seen as a mystery, with students’ understanding of disability emerging mostly from a vacuum.

When it comes to challenges during situations of risk and humanitarian emergencies, American students with disabilities face a variety of circumstances including the ability to be served by physically accessible emergency services that understand their particular needs, the use of transportation under such circumstances, having housing under emergency conditions that adequately accommodates specialized needs, food options that take into account differing abilities to eat and digest, and electrical access to power medically necessary life support equipment. As noted in numerous media stories, adults with disabilities have not fared well in US disaster situations such as fires, floods, and extreme weather events. Students under these same conditions are especially vulnerable due to their age and their reliance on adults.

**Normative Content**

a) “States parties shall take measures, in accordance with their obligations under

international law, including international humanitarian law and international human

rights law.”

Children require norms and routines to find success, and these are directly threatened and overturned in crisis situations. I would hope “measures” would include provisions to reestablish educational routines aligned with the students’ cultural contexts. As an educator, it is vitally important that children benefit from the routines and norms of schooling.

b) “all necessary measures to ensure the protection and safety of persons with

disabilities”

Students with disabilities require special protections. Because of their age and reliance on adults, they are vulnerable to exploitation under crisis circumstances, as has been seen in recent war zones. Disabled children already suffer a higher incidence of abuse and neglect. These risks are only magnified in emergency situations. All necessary measures must include access to schooling and the guidance of adults who care about their emotional and physical safety as well as their intellectual growth.

c) “persons with disabilities in situations of risk, including situations of armed conflict,

humanitarian emergencies and the occurrence of natural disasters”

Children with disabilities are cared for and educated through a variety of methods in American schools, but because US public schools are funded by local taxes, services and resources can widely vary from location to location. As a result, various school districts will respond to risk situations with different levels of preparedness. Further, because disability is a term that can encompass a vast range of conditions and abilities, no single approach will address this challenge. Engaging students and their caretakers in preparation for situations of risk will ensure that they have a voice in the process, a voice that is fundamental to their adequate protection and support.

**States obligations under article 11.**

This is beyond my area of knowledge.

**IV. Persons with disabilities disproportionately affected and experiencing particular**

**disadvantages in situations of risks, such as:**

a) Women with disabilities.

b) Persons with disabilities in institutions.

c) Children with disabilities.

d) Older persons with disabilities.

e) Internally displaced persons with disabilities, asylum-seeking and refugee persons with

disabilities.

V. Interrelation with other articles of the Convention

I am most concerned with children with disabilities. What I know to be true after thirty years in education is that *if* these children are even visible–and that is a significant assumption–they are subject to marginalization, as are their families. Too often, children with special needs of any kind have to fight for their rights to basic care and educational access and, in reality, it is their parents who are fighting on their behalf. This means that families have to care and have the time, energy, expertise, and resilience to fight for their children’s needs. This is often not the case. As a result, children with disabilities often have substandard access to education and poorer educational outcomes than their able-bodied peers.

As you hear from individuals and organizations far more expert in this area than I ever hope to be, I hope you will remember and act upon the needs of children with disabilities.

**VI. Please indicate at least 5 issues, topics, comments, or recommendations your organization considers critical for the Committee to include in the draft general comment.**

Children with disabilities are especially vulnerable to risk, abuse, and exploitation in situations of risk.

Children’s reliance on adults, especially teachers, requires that these individuals are given the training and resources they need to serve and protect their students.

When educational infrastructure is weakened or destroyed due to armed conflict, humanitarian emergencies, and natural disasters, children suffer more and longer as their routines are upended and their educational progress is delayed or entirely derailed. In cases where children are refugees for extended periods, this circumstance is especially exacerbated.

Families of children with disabilities face exceptional stresses in times of risk, and parents need resources and support to successfully support children during the best of circumstances, and all the more so under extreme situations.

Every child, disabled or abled, has a right to an education. Schooling must continue in some format to stimulate and support a child’s physical, social, emotional, and intellectual development.

Thank you for the opportunity to respond, in my way, to your request.

Sincerely,

*David W. Liebmann*