# General comment on CRPD Article 11

## EDF written submission - February 2023

## Introduction

The barriers that persons with disabilities face in everyday life are exacerbated when society breaks down because of conflict or natural event. Article 11 of the CRPD obliges States to ensure the safety and protection of persons with disabilities in such situations. It is important to begin from the premise all other articles of the CRPD continue to apply in such situations; in this way, Article 11 can be seen as obliging States to respect all of the CRPD even during times of humanitarian emergency, and at all stages of the humanitarian program cycle.

## On linkages with the humanitarian principles

The CRPD underpins the humanitarian principles[[1]](#endnote-1) with legal obligations. In particular, the importance of the humanitarian principle of Impartiality in relation to discrimination against persons with disabilities is reinforced by CRPD Article 5 and General Comment No. 6.

## On strengthening the disability movement

Organisations of persons with disabilities must be supported to increase their influence in humanitarian action, including linkages with DRR and climate action. The form of this support will depend on the context and priorities of the organisation, but the sustainable strengthening of organisational governance structures must always be considered. In particular, the meaningful participation of organisations of persons with disabilities at the earliest possible stage of humanitarian preparedness activities is a fundamental requirement of partnership development. Donors must follow processes that will ensure organisations of persons with disabilities have equitable access to funds: by making application procedures fully transparent, accessible and accountable; by strongly encouraging meaningful partnerships with organisations of persons with disabilities for all mainstream activities and obliging this for disability-specific budget streams; and by providing support and guidance to all recipients of funding including organisations of persons with disabilities, where required.

## On linkages with disaster risk reduction (DRR)

The component of ‘risk’ in Article 11 should be expanded using all aspects of disability inclusive disaster risk reduction (DRR). In particular, the explicit mentions of disability inclusion in the Sendai Framework for DRR (SFDRR) should be referenced, including participation[[2]](#endnote-2), policies[[3]](#endnote-3), data disaggregation[[4]](#endnote-4), empowerment and leadership[[5]](#endnote-5), inclusiveness[[6]](#endnote-6), universal design [[7]](#endnote-7)and accessibility (information[[8]](#endnote-8), early warning systems[[9]](#endnote-9), data[[10]](#endnote-10), technology[[11]](#endnote-11), life-saving services[[12]](#endnote-12), media [[13]](#endnote-13)and preparedness[[14]](#endnote-14)). Sendai focal persons and governmental agencies responsible for disaster risk management must be seen as key interlocutors towards achieving disability inclusive DRR in line with the CRPD; they are accountable to their populations and should be fully engaged in cross-learning activities with organisations of persons with disabilities.

## On linkages with climate action (CA)

Climate change is one of the main drivers of the increasing frequency of natural events, which can lead to humanitarian disasters. This gives more urgency to ensuring that the policies, tools and processes existing in DRR are fully inclusive of persons with disabilities. Moreover, all initiatives taken to adapt to climate change must involve persons with disabilities and address their requirements. This means embedding the principles of accessibility and universal design in the development of new infrastructure, mass transport and climate-smart agriculture, while ensuring that persons with disabilities have equal access to all initiatives under the 'just transition', such as retraining and employment. The potentially negative effect on persons with disabilities of inappropriate climate action must also be taken into account including, but not limited to, the disproportionate impact of increased energy costs. Measures must be taken to foresee and negate these impacts.

## Basic principles (adapted from the Humanitarian Disability Charter[[15]](#endnote-15))

### Non-Discrimination

All persons with disabilities must have equal access to humanitarian aid, paying attention to removing barriers related to intersecting factors including (but not limited to) age, gender, ethnicity, religious beliefs and sexual identity. Particular attention must be given to the situation of women and girls with disabilities, to empower and protect them from physical, sexual and other forms of violence, abuse, exploitation and harassment. They should be adequately included in disability related policies, but also gender specific responses to disasters and humanitarian emergencies. See comment above on linkage with humanitarian principles.

### Participation

Persons with disabilities, through their representative organisations, must be able to meaningfully participate in all stages of humanitarian action, from planning through implementation to monitoring and evaluation (CRPD article 4.3 and 33.3). Humanitarian actors, including government, NGOs, UN agencies and regional governmental bodies should make specific effort to develop long-term effective and sustainable partnerships with organisations of persons with disabilities, also in funding applications, recognising that the provision of financial resources towards this collaboration is a long-term investment leading to more effective implementation of policy.

### Inclusive policy

All policy and planning towards humanitarian action must be based on relevant and current guidelines and standards regarding disability inclusion. The IASC guidelines on inclusion of persons with disabilities in humanitarian action[[16]](#endnote-16) is the most relevant resource at all levels, but effort should also be made to identify and apply international, regional, national and local standards, and other context-specific guidelines where possible. Such procedures should refer to data disaggregation by gender, age and disability, as well as budget planning that will ensure full accessibility and availability of reasonable accommodation at all stages of the humanitarian program cycle. The OECD DAC Disability Policy Marker[[17]](#endnote-17) should be used to track finance in support of disability inclusion within mainstream humanitarian programmes. Humanitarian funding must promote deinstitutionalisation, in line with the CRPD committee guide on deinstitutionalisation (specifically the chapter 'Emergency deinstitutionalization in situations of risk and humanitarian emergencies, including conflicts‘ [[18]](#endnote-18).

### Inclusive response and services

All barriers to accessing humanitarian aid (including physical, communication, environmental, attitudinal, institutional) should be identified and removed. This applies to all basic services (including but not limited to shelter, food, health) as well as specific requirements (including but not limited to assistive technology and support networks). This must be done by taking into account the diversity of disability, using the experience and knowledge of persons with disabilities, ensuring accessibility and providing reasonable accommodation where required.

In 2021, 12 persons with disabilities lost their lives in Germany because they were not evacuated on time during flooding after heavy rainfall[[19]](#endnote-19). During the 2017 Grenfell Tower fire in the UK, 15 of the 72 people who lost their lives were persons with disabilities[[20]](#endnote-20). During the COVID-19 pandemic, persons with disabilities were disproportionately impacted by the disease, and the lockdown measures[[21]](#endnote-21). For persons with intellectual disabilities, this discrimination was even greater.

Preparedness measures must include outreach to people living in residential institutions, including persons with intellectual disabilities and those with Alzheimer's[[22]](#endnote-22). Fire alert systems and evacuation procedures must be fully accessible[[23]](#endnote-23). There must be explicit reference to the need for disability inclusion in preparedness for fast and efficient evacuation, search and rescue plans, where locations of persons with disabilities are mapped in advance (in accordance with data protection and privacy regulations). All communication regarding emergencies (alerts, response information, instructions to citizens etc.) must be provided in accessible formats over all communications channels being used; this includes providing information in clear and easy to understand language.

### Cooperation and coordination

All humanitarian actors, including organisations of persons with disabilities, must maximise sharing of knowledge, both in the field during implementation and during preparedness activities through a practice of cross learning. Specifically, there should be training for all humanitarian actors on the inclusion of persons with disabilities, including training for first responders. Such trainings can be led by organisations of persons with disabilities, and/or can be crossed learning events where persons with disabilities and their representative organisations increase their knowledge and understanding of humanitarian action. In line with the concept of localisation, meaningful engagement with and funding of organisations of persons with disabilities at national and local level must be prioritised.

## The European Disability Forum

The European Disability Forum is an independent NGO that represents the interests of 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisations of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

## Contact

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1. <https://www.unocha.org/sites/unocha/files/OOM_Humanitarian%20Principles_Eng.pdf> [↑](#endnote-ref-1)
2. SFDRR paragraphs 7, 19 D and 36 [↑](#endnote-ref-2)
3. SFDRR paragraph 19 D [↑](#endnote-ref-3)
4. SFDRR paragraph 19 G [↑](#endnote-ref-4)
5. SFDRR paragraph 32 and Priority 4 [↑](#endnote-ref-5)
6. SFDRR paragraphs 7, 19 D, 19 G, 36 A and 47 B [↑](#endnote-ref-6)
7. SFDRR paragraphs 30 C and 36 [↑](#endnote-ref-7)
8. SFDRR paragraph 19 G [↑](#endnote-ref-8)
9. SFDRR paragraphs 18 G and 33B [↑](#endnote-ref-9)
10. SFDRR paragraph 24 F [↑](#endnote-ref-10)
11. SFDRR paragraphs 25 I and 47C [↑](#endnote-ref-11)
12. SFDRR paragraph 30 K [↑](#endnote-ref-12)
13. SFDRR paragraph 36 D [↑](#endnote-ref-13)
14. SFDRR paragraph 33 H [↑](#endnote-ref-14)
15. <https://humanitariandisabilitycharter.org/the-charter/> [↑](#endnote-ref-15)
16. <https://interagencystandingcommittee.org/iasc-guidelines-on-inclusion-of-persons-with-disabilities-in-humanitarian-action-2019> [↑](#endnote-ref-16)
17. <https://www.edf-feph.org/oecd-dac-disability-marker/#:~:text=What%20is%20the%20disability%20marker,inclusive%20of%20persons%20with%20disabilities>. [↑](#endnote-ref-17)
18. <https://www.ohchr.org/en/documents/legal-standards-and-guidelines/crpdc5-guidelines-deinstitutionalization-including> [↑](#endnote-ref-18)
19. <https://www.edf-feph.org/europe-flooding-disability-inclusion-must-be-a-priority-in-disaster-risk-reduction/> [↑](#endnote-ref-19)
20. <https://www.bbc.com/news/disability-61566282> [↑](#endnote-ref-20)
21. <https://www.edf-feph.org/human-rights-report-2021-covid19/> [↑](#endnote-ref-21)
22. <https://www.alzint.org/u/2020/08/Forgotten-in-a-Crisis_Report_2019.pdf> [↑](#endnote-ref-22)
23. <https://www.insidehousing.co.uk/news/news/fire-chiefs-warn-government-proposals-on-evacuation-of-disabled-residents-do-not-go-far-enough-77913> [↑](#endnote-ref-23)