Comments to General Comment on Article 11 - Situations of risk and humanitarian emergencies

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0. Introduction of Organization

Porque, the Organization of Persons with Psychosocial Disabilities is a Tokyo-based disability organization run by people with intellectual disabilities. It is a member of the Japan National Group of Mentally Disabled People (JNGMDP) and other networking organizations. It works for the realization of the Convention on the Rights of Persons with Disabilities in Japan and abroad. In Japan, the Sendai Conference on Disaster Reduction was held in 2015 in response to the Great East Japan Earthquake of March 2011. Mainstreaming disability in disaster management became an issue, and our organization, launched in 2016, has been working to institutionalize the experience of people with psychosocial disabilities in disaster management in the future by holding study sessions and hearings with friendship groups of people with psychosocial disabilities affected by the disaster in Fukushima and Kumamoto. Last year, we launched the DIARY project (Disability Inclusive Action and Disaster Risk Reduction surveY) in collaboration with the National Center of Neurology and Psychiatry to strengthen the creation of more concrete and effective measures that incorporate research perspectives The project is currently underway. We are currently in the process of creating more concrete and effective measures that incorporate research perspectives. We are currently strengthening the creation of more specific and effective measures that incorporate research perspectives. Last year, at the 15th Conference of the Parties to the CRPD, we co-sponsored the side event "2022 Disabilities in Disaster Risk Reduction & Humanitarian Action," which included perspectives on psychosocial well-being and psychosocial disabilities. During the side event "Reduction & Humanitarian Action", we co-hosted "Perspectives of Psychosocial Well-being & Psychosocial Disabilities in Disabilities in Disaster Risk Reduction & Humanitarian Action". Disabilities in Disaster Risk Reduction & Humanitarian Action" at the "Reduction & Humanitarian Action" side event. We participated as a co-organizer of "Disabilities in Disaster Risk Reduction. Last year, we also had the opportunity to participate in a meeting on "DIDRR: Disability Inclusive Disaster Risk Reduction" organized by the United Nations Economic and Social Commission for Asia and the Pacific (UN ESCAP). Based on the knowledge I have gained through these activities, I am sending the following comments, which I hope you will find useful in your deliberations in March.

1. The situation regarding disasters in Japan

The Japanese archipelago is said to be one of the world's regions with an extremely high risk of natural disasters such as earthquakes, windstorms, and floods. Disasters can take away people's livelihoods and workplaces, and sometimes endanger human lives. In 1961, the Japanese government enacted the Disaster Countermeasures Basic Act, and since then, based on the experience of major disasters, a multi-layered policy has been established. Based on the law, prefectural and municipal governments have created disaster prevention plans. The Tokyo Metropolitan Government's Regional Disaster Prevention Plan states, "We are promoting the participation of women in the review process of disaster prevention measures, and taking into consideration the viewpoints of people in need when living in evacuation centers, etc., and we are making efforts to ensure human rights in times of disaster. The keyword "human rights" has come to be used in recent years. This is because it has become clear that women, people with disabilities, and the elderly, who are often referred to as "vulnerable groups" in disasters, are more likely to suffer damage in times of disaster. The most serious damage caused by disasters is loss of life.

For example, the Great East Japan Earthquake of 2011 doubled the mortality rate of disabled people, as NHK reported in September of the same year. In addition, according to a report by the Japan Disability Forum based on the first Miyagi Prefecture report on "Damage from the Great East Japan Earthquake," the mortality rate due to the earthquake in the coastal areas of Miyagi Prefecture was 0.8% of the total population and 3.5% of the population of people with disability certificates. In fact, the death rate was about 4.3 times higher than that of the total population. There are various reasons for the high mortality rate. For example, there was a case in which a tsunami victim was unable to hear disaster prevention announcements due to hearing impairment. Some lives might have been saved if the necessary measures and support had been in place during normal times. It seems that more and more places are supplementing emergency evacuation announcements with visual and other information in addition to sound. It is also known that welfare facilities are often located in remote areas or areas at high risk of flooding due to local opposition or to reduce construction costs. It can be said that structurally, people living in facilities are at risk. In a psychiatric hospital in Fukushima Prefecture, the failure to evacuate resulted in the deaths of 100 people. In recent years, a tragic incident occurred in Kumamoto in July 2020 when a torrential rainstorm caused a river to overflow, claiming the lives of 14 residents aged 80 to 99 years old who were in an elderly care facility.

2. Matters to be Adopted for General Comments

2-1 Basic Position on Disaster Preparedness

Disaster preparedness requires preparation before a disaster strikes and regular evacuation drills. Often, this is done in environments that are inaccessible to people with disabilities, and the division of people from the local community is an issue. In addition, due to prejudice and discrimination against people with psychosocial disabilities, it is difficult for them to be encompassed in the framework of disaster management. It should be emphasized that efforts for accessibility and deinstitutionalization of persons with disabilities and anti-discrimination measures in normal times will generally contribute to the development of a foundation for disaster reduction measures. In particular, deinstitutionalization efforts are once again necessary in light of the impact of the new coronavirus. A survey conducted by a Japanese NGO has published statistics showing that community-acquired infections in psychiatric hospitals are more than four times higher than those in other areas of the country. The implementation of the deinstitutionalization guidelines should receive attention from the perspective of Article 11 implementation.

2-2 Continuation of Peacetime Support

Another extremely important point related to Article 25 is the stable supply of medical care. Many psychosocially disabled persons receive medication treatment in normal times. During past major earthquakes, there have been reports of problems with the availability of regular medication due to the effects of distribution problems. However, at present, this is not treated as a major problem in the medical field. It is also important to increase informed consent for medical treatment in preparation for emergencies.

2-3 Problems in shelters

There have been reports of people being evicted from evacuation centers due to discriminatory treatment on the basis of disability. This is an extremely serious violation of human rights. There are issues of accessibility, lack of privacy, and sexual abuse of women with disabilities in shelters. Surveys and other studies have revealed that a certain number of people with disabilities prefer to evacuate at home, considering the physical and psychosocial burden of evacuation life. The Tokyo Metropolitan Government's disaster prevention plan tends to recommend home evacuation, but there is no mechanism in place to prevent problems with the provision of daily commodities due to the disability of the evacuees. Home evacuation is the key to disaster prevention and mitigation of urban disasters. It is important to seek the establishment of a system to ensure that people with disabilities are not left behind.

2-4 Promoting inter-regional cooperation on the theme of disaster prevention

The biggest concern about urban disasters is the limited capacity of evacuation facilities to accommodate people with disabilities. Once certain transportation infrastructure is restored, evacuation to other areas becomes an option. In such cases, building a familiar relationship with the area in question on a daily basis will help ensure a safe evacuation. It is necessary to create social support for such relationships through a network of organizations for people with disabilities. Efforts to encourage empowerment are required.

3. Good practices for disaster risk preparedness

As mentioned earlier, it is clear that people with disabilities are at a higher risk of being harmed during disasters, and from the perspective of the SDGs, mainstreaming disability into disaster preparedness is essential. Japan's domestic efforts include the establishment of a system to register those who are most in need of evacuation guidance in the event of a disaster. Efforts are also underway to create individual evacuation plans for each person with disabilities. This system allows us to centralize support relationships and contact information during normal times. In Ota Ward, where our organization is based, workshops similar to those for water disaster preparedness are being held for people with disabilities. These are good examples of initiatives, although some issues remain.

4. Good Examples of Efforts by Disabled People's Organizations after the Disaster

In Sendai and Kumamoto, organizations of people with psychosocial and developmental disabilities promptly set up self-care shelters after the earthquakes and practiced supporting each other's lives. This is a good example of how an inclusive community can function organically in times of disaster. However, there was no support from the government. It is regrettable that the efforts themselves have not been well received by the local community.

5. Challenges in Promoting the Participation of People with Disabilities

In the Sendai Framework for Disaster Reduction, the following issues should be addressed: participation of persons with disabilities in these processes for planning and implementation of policies, plans, and standards; collection of data classified by disability as well as age and gender; investment in innovation and technological development around disability and other issues; response, reconstruction, and recovery from disasters. The importance of empowering people with disabilities in the approach is included, but many challenges remain in implementation. It is important to clearly state in the General Comments the participation of organizations of persons with disabilities based on the Sendai Framework for Disaster Reduction.

The participation of disabled people's groups in administrative meetings on disaster reduction has been extremely slow. Disability is still under-appreciated in the section in charge of disaster prevention.

This is due to the fact that the handling of disabilities is still underestimated in disaster management divisions. Policies in the disability field are not only a matter of welfare and medical care. Due to the large administrative organization, there is a problem of difficulty in cooperation across areas of responsibility. This problem is by no means limited to the area of disaster management, but it is also important to indicate it to each country as a matter of note from the perspective of implementation.