

**World Blind Union (WBU)**

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WBU submission on upcoming general comment on Article 11 of the Convention on the Rights of Persons with Disabilities

# INTRODUCTION

The World Blind Union (WBU) is a global organization representing over 253 million blind and partially sighted persons. We exist to co-create a future where people who are blind or partially sighted can live with full participation, autonomy and freedom. Our mandate is to advance human rights, empower members, and improve living conditions of all people who are blind or partially sighted worldwide. Our work is based on the deep conviction that full implementation of and compliance with the CRPD will lead to a more inclusive, accessible, and equal society.

WBU welcomes this opportunity to provide inputs into the development process of the general comment on Article 11 of the CRPD, which the Committee on the Rights of Persons with Disabilities (hereinafter referred to as “the Committee”) is developing. As the Committee develops the General Comment on CRPD Article 11 and clarifies its elements, we hope that our submission will be helpful, not only in pinpointing issues of relevance to the constituency of the WBU, but also in clarifying relevant points of concern to all people with disabilities.

# KEY RECOMMENDATIONS

WBU would like to propose to the CRPD Committee to:

* **Highlight data evidencing impact of emergencies, including on people who are blind or partially sighted**. For example, [the WBU COVID-19 survey](https://worldblindunion.org/covid-19-amplifying-voices-our-lives-our-say/) shows that the COVID-19 pandemic has exposed some deep structural inequalities in society, and more so, how they play out when crisis strikes. The pandemic has further exacerbated marginalization of people who are blind or partially sighted, and persons with disabilities in general, as support systems halted and the lockdown brought even the basic life services to a standstill. The findings show a clear failure to include people who are blind or partially sighted in the world’s efforts and responses to the pandemic. WBU also noted that many digital and technical solutions developed to continue teaching and learning, working, shopping, financial services, items such as masks, protective screens, distancing markers, were inaccessible to our constituency and intersecting groups. Many new regulations such as physical distancing, contactless payments, queuing guidelines, etc. did not consider reasonable accommodation requirements or accessibility preferences. While physical distancing meant some blind and partially sighted persons did not have access to the physical assistance they needed, their need for this assistance was even more increased as the new rules, regulations, equipment’s, measures, adopted to contain the virus, were inaccessible.
* Call upon States to put in place and enforce functional mechanisms across pre-evacuation, evacuation, and post-evacuation phases **to ensure strict and effective protection of blind and partially sighted women and girls from all forms of abuse, particularly physical and sexual abuse.**
* **Highlight the impact of other types of emergencies, including fire emergencies and disasters linked to climate change**, which continue to threaten lives of blind or partially sighted persons who live and work in places (buildings, housing, schools, etc) that are not equipped to adequate standards, plans and procedures for accessibility, inclusive evacuation, and fire safety for all.
* **Highlight the significance of Art. 11 in the achievement of the 2030 Agenda for Sustainable Development particularly SDG 10 (reduced inequalities), and realization of fundamental human rights including the right to life and access to education as well as health.**
* **Clarify the meaning of ‘effective inclusion and participation’ within the context of situations of risk and humanitarian emergencies** – reflecting the unique needs of blind and partially sighted persons and putting more stress on the phrase **“actively involved”** of Article 4.3 of the CRPD to facilitate inclusion of persons who are blind or partially sighted in emergency preparedness, relief, and rebuilding efforts. WBU further acknowledges the intersectional and multiple forms of discrimination especially faced by women who are blind or partially sighted, and by intersecting groups, including children and older persons, during situations of risk and humanitarian emergencies. National and sub-national disaster and humanitarian frameworks including laws and strategies often take siloed approaches to disability inclusion and accessibility. With this in mind, WBU calls on the Committee to explicitly stress that formulation, implementation, and monitoring of disaster risk reduction frameworks including laws, strategies and measures **should include active involvement and meaningful participation of all people with disabilities recognising their full and wide diversity through their representative organisations as experts in their own right, and State parties should specifically take into account the views and experiences of children and older persons who are many times among the groups most left behind in times of situation of risks and humanitarian emergencies.** The Committee may wish to go a step further in **highlighting State obligations to build the capacity of OPDs to meaningfully and effectively participate** in humanitarian emergency preparedness, planning, implementation and monitoring.
* **Strongly stress the State obligations related to accessibility (art 9 and General Comment 2) in the implementation of Article 11**, explicitly referring to concrete elements to consider, such as the duty to ensure physical accessibility to facilities, transportation, accessibility to information and communication, including through Braille, audio-description, and accessible digital formats, among others: accessibility of evacuation procedures and provision of reasonable accommodation and support to people who are blind or partially sighted.[[1]](#footnote-1)

# CONTEXT AND IMPLEMENTATION OF ART. 11

Situations of risk and humanitarian emergencies seriously disrupt and undermine efforts to realize human rights. These situations often reverse progress made towards achieving Sustainable Development Goals (SDGs) particularly SDG 1 (no poverty), SDG 2 (no hunger) SDG 3 (good health and well-being), SDG 10 (reduced inequalities) and SDG 11 (sustainable cities and communities). And finally, these situations threaten achievement of the ambitious New Urban Agenda[[2]](#footnote-2) by causing destruction to infrastructure and housing as well as disrupting access to basic services like education, healthcare, transport, social protection, water and sanitation, and access to justice, among others. In such situations, persons with disabilities, including blind and partially sighted people, are disproportionately affected[[3]](#footnote-3) due to barriers that worsen their situation and increase their suffering in the aftermath of such events. The COVID-19 pandemic has further exacerbated challenges to the safety, wellbeing and inclusion of blind and partially sighted persons. For example, evidence indicates that 90% of COVID-19 cases occurred in urban areas[[4]](#footnote-4) where people who are blind or partially sighted face significant discrimination and limited access to services.

Several global humanitarian and development frameworks have been adopted since the adoption of the CRPD in 2006, and these, as outlined in the following paragraphs, are critical key references for the effective implementation of Art. 11 and clarifications in the forthcoming general comment:

* [**IASC Guidelines Inclusion of Persons with Disabilities in Humanitarian Action**](https://interagencystandingcommittee.org/iasc-guidelines-on-inclusion-of-persons-with-disabilities-in-humanitarian-action-2019) **(2019):** sets out essential actions that humanitarian actors must take to effectively identify and respond to the needs and rights of persons with disabilities.
* **The Charter on the Inclusion of persons with disabilities in Humanitarian Action (2016):** seeks not only to ensure that persons with disabilities can fully benefit from humanitarian aid during emergencies but also that they are participants in the development, planning, and implementation of humanitarian programs. The charter has been endorsed by more than 150 stakeholders, including governments, UN agencies, other international organizations, and NGOs. It has five key principles:

1. Non-discrimination and recognition of the diversity of persons with disabilities
2. Involvement of persons with disabilities in developing humanitarian programs
3. Ensuring that services and humanitarian assistance are equally available for, and accessible to, all persons with disabilities.
4. Implementation of inclusive global policies
5. Cooperation and coordination among humanitarian actors to improve inclusion of persons with disabilities.

* **The Marrakesh Treaty (2016)** is key to people who are blind or partially sighted because it addresses the lack of access to information which has historically been the major barrier that blind and partially sighted people face worldwide. Copyright law often contributes to this barrier. In developed countries less than 7% of published materials are available in accessible formats such as Braille, large print, audio, DAISY, among others, and in many developing countries that number plummets to less than 1%. The Treaty is key to the realization of the 2030 Agenda including SDG 4 on quality education and CRPD’ articles on accessibility and education.
* **New Urban Agenda (2016) is critical to WBU as it offers the key to localization of the SDGs and to realization of the CRPD at the local or community level.** Local governments are the epicentre of the response to today’s challenges that impact persons with disabilities the most, including climate change, poverty and exclusion, Covid-19 pandemic and humanitarian emergencies. Today, more than half of the world’s population live in cities, 15% of them being persons with disabilities. By 2050, 70% of the world’s population will live in urban communities including over 2 billion persons with disabilities and older persons requiring inclusive and accessible infrastructure and services to live independently and participate in all aspect of society. The New Urban Agenda supports realisation of all CRPD articles, and its implementation is essential to ensure living independently and being included in the community (Article 19), to access health (Article 24), education (Article 25), work and employment, an adequate standard of living and social protection (Article 28), participation in political and public life (Article 29), and participation in cultural life, recreation, leisure and sport (Article 30). In total, there are 10 specific references to persons with disabilities in the New Urban Agenda. It calls for equality, non-discrimination, participation, universal design and accessibility in both urban and rural areas in line with CRPD Article 9 (see paragraphs 31, 36, 113, 148, 156 of the New Urban Agenda). The Agenda highlights the need to increase and ensure equal access to basic services, sustainable mobility, public spaces, adequate housing; and, provide effective and inclusive settlement growth and regeneration across urban and rural communities. It also calls for capacity building of governments at all levels and meaningful partnerships with civil society including organisations of persons with disabilities.
* **Sendai Framework for DRR (2015):** outlines the importance ofparticipation, accessibility and universal design across all DRR phases and priorities (e.g. “women and persons with disabilities must lead and promote gender equitable and universally accessible response, recovery, rehabilitation, and reconstruction approaches”).
* **The Paris Agreement (2015):** emphasises that governments must fulfil their obligations with respect to the human rights of persons with disabilities and other groups in situations of risk. Particularly, Article 8 addresses a range of areas of cooperation and facilitation, including across such DRR-related activities as early warning systems; emergency preparedness; comprehensive risk assessment and management; risk insurance facilities, climate risk pooling, and other insurance solutions; and resilience of communities, livelihoods, and ecosystems.
* **Accessibility Standards**[[5]](#footnote-5) including “ISO 21542 Building construction – Accessibility and usability of the built environment” and “ISO/IEC 40500 (Web Content Accessibility Guidelines (WCAG) 2.0)”

WBU would welcome the Committee’s effort to reflect on global agendas and frameworks outlined above, and to further stress the obligations of States under Article 11 as it relates to the above-mentioned global agendas and frameworks.

# INTERELATIONS OF ARTICLE 11 WITH OTHER CRPD ARTICLES

WBU kindly encourages the Committee to take note of and reflect on how Article 11 interacts with the following CRPD Articles, especially in relation to the lived experiences of people who are blind or partially sighted:

* **Article 5 on Equality and Non-discrimination and its General Comment** **6** requiring State Parties to ensure the principle of non-discrimination in all programmes and actions for all persons with disabilities before, during and after emergencies, including through the provision of reasonable accommodation (Article 2). Provision of reasonable accommodation is critical for people who are blind or partially sighted to exercise and enjoy their rights, especially in the context of emergencies where accessibility is often limited and needs for support are exacerbated, and the right to access information including Braille, large print, or any other alternative formats is usually ignored.

* **Article 6 on Women with disabilities:** During situations of political unrest and/or armed conflict, people are forced to evacuate their homes to escape from danger and such forced evacuation poses extraordinary challenges for blind and partially sighted persons, and persons with disabilities in general. In such circumstances, blind and partially sighted women and girls require further protection as they are at additional risk of physical, sexual and emotional abuse. In this regard, WBU encourages the Committee to reflect more on the additional risk of physical, sexual and emotional abuse that blind and partially sighted women and girls are more likely to face during situations of risk and humanitarian emergencies.
* **Article 8 on Awareness Raising.** Experiencing discrimination is not new to blind and partially sighted people and COVID-19 is no different, as people shared their experiences of being denied access to health, education, transport, shopping and banking services during Covid-19.[[6]](#footnote-6) State Parties should promote a human rights-based approach to disability and advocate for changes in policy and practice. The focus should be on the removal of barriers to the inclusion and participation of persons with disabilities in society and on the enjoyment of their rights on an equal basis with others. Efforts should be made to combat stereotypes, prejudices and harmful practices in connection with emergency situations.
* **Article 9 on Accessibility and its General Comment 2** requiringState Parties to ensure access to the built environment, transportation, information and communication, technologies and services. Accessibility is a right, a core principle of the CRPD (Article 3) and precondition for participation and inclusion of persons with disabilities. Accessibility is a core principle of development and humanitarian actions including SDGs, Sendai Framework for DRR and the New Urban Agenda. People who are blind or partially sighted continue to face considerable barriers to accessing transportation, information, physical and digital environments including housing, clean water, education, employment, health services, information technology, etc. Article 9 requires the identification and elimination of barriers and the creation of an unrestricted chain of movement. In the context of emergencies, this means that people who are blind or partially sighted must have access to all elements that make up a journey, from starting point to destination including access to information and early warning systems, barrier-free streets and routes to evacuate, emergency vehicles and transportation, food distribution, shelters, buildings and facilities including WASH. People should be able to use technical aids and live assistance where necessary. Reasonable accommodation must be provided and adherence to accessibility standards and universal design principles (article 2), particularly during reconstruction must be ensured so that new barriers are not created. OPDs should be engaged in all accessibility initiatives to lead as experts in their own rights including the planning, design and management of refugee settlements, shelters and livelihood programs[[7]](#footnote-7)
* **Article 19 on living independently and being included in the community and its General Comment 5:** recognizes the right of people with disabilities, including those who are blind or partially sighted to live in their communities with the appropriate supports. The article states, “Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs”, which can reasonably be applied to community and temporary shelters and services established to address a disaster or emergency including refugee settlements. Shelters programs and settlement planning should not segregate people who are blind or partially sighted further from the community. The general comment mentions the importance of ensuring accessibility of reconstruction processes so that barriers are not rebuilt.
* **Article 20 on personal mobility**: States must ensure that persons with disabilities are able to take their assistive devices and equipment with them or, if impossible, to replace them. Attention should be given to the maintenance, repair and necessary update of assistive devices, as well as the support necessary for their effective use, particularly in rural areas and refugee settlements. Evacuation strategies should give specific attention to the requirements of persons who are blind or partially sighted especially those who use Guide Dogs or assistive devices like white canes for mobility. These are essential for blind or partially sighted people to keep with them throughout evacuation, sheltering and temporary housing.
* **Article 21 on Freedom of expression and opinion, and access to information** requiring provision of information in accessible formats and technologies. Lack of accessible information and support can prevent persons who are blind or partially sighted from having access to humanitarian aid, including shelter, food and non-food items, medical assistance and family tracing.
* **Article 24 on Education** requiring undisrupted provision of education to persons with disabilities, including people who are blind and partially sighted, on an equal basis with everyone. Key principles underlying provision of education in situations of risk and humanitarian emergencies include *accessibility, non-discrimination, individualised support, participation of OPDs* in decision-making processes that affect provision of education in refugee camps and settlements*.*
* **Articles 25 and 26 on Health and Rehabilitation services** outlining respect for autonomy, the right to community-based services and free and informed consent including the right for people who are blind or partially sighted to accept or refuse medical and mental treatment.
* **Article 27 on Work and Employment.** Measures should be taken to ensure that persons with disabilities have adequate support to rebuild their lives and livelihoods in post-disaster and post-conflict situations including cash programs. Addressing discrimination is also key to allowing persons who are blind or partially sighted to be better prepared and equipped for emergency situations. The Covid-19 pandemic, for instance, underlined how many blind and partially sighted people are not viewed by their employers as equal to their peers.[[8]](#footnote-8)
* **Article 28 on Adequate standard of living and social protection** recognizing the right of persons with disabilities to an adequate standard of living, on an equal basis with others. This means safeguarding equal access to humanitarian assistance and aid (e.g. accessible shelter, food, among others) and to post-emergency reconstruction (accessible housing programmes in line with the Right to Adequate Housing) and social protection schemes. Numerous people commented on how COVID-19 response plans and measures did not take into account blind and partially sighted people and any additional provisions they needed to remain protected, particularly in terms of social protection. This was largely because they were not consulted by their governments.[[9]](#footnote-9)
* **Article 31 on Statistics and Data Collection.** State Parties mustimprove the collection and use of disability-disaggregated data in humanitarian situations. This is critical to ensuring that persons with disabilities, particularly those who are blind or partially sighted, are protected and assisted during humanitarian emergencies.
* **Article 32 on International Cooperation** requires humanitarian actors, when using international cooperation funds, to comply with accessibility, provide reasonable accommodation and ensure the participation of persons with disabilities in decision-making. Article 32 promotes the transfer of accessible technologies as part of international cooperation.

# ADDITIONAL REMARKS

WBU is mindful of the diversity and intersectionality of persons with disabilities, also within WBU’s own constituency of persons who are blind or partially sighted. We would specifically like to call on the CRPD Committee to pay particular attention to the situation of persons living with albinism who in some contexts face risks of ritual killings and abuse, and are increasingly at risk in times of disasters and humanitarian emergencies.

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1. IDA’s submission on draft general comment on Articles 4.3 and 33.3 of the CRPD [↑](#footnote-ref-1)
2. The United Nations Development Programme (UNDP) notes that “urban areas are increasingly epicentres of crises, insecurity, and violence, fueling displacement and forced migration” – See Xu & Tuts (2021) ‘Five years on, taking stock of the New Urban Agenda’, available at <https://www.undp.org/blog/five-years-taking-stock-new-urban-agenda> [↑](#footnote-ref-2)
3. OHCHR (2015) ‘Report on the rights of persons with disabilities under article 11 of the CRPD relating to situations of risk and humanitarian emergencies’, A/HRC/31/30 [↑](#footnote-ref-3)
4. Antonio Guterres (2020) ‘Policy Brief: COVID-19 in an Urban World’, available at <https://www.un.org/sites/un2.un.org/files/sg_policy_brief_covid_urban_world_july_2020.pdf> [↑](#footnote-ref-4)
5. For instance, the International Organisation for Standardisation (ISO) has published more than 30 technical standards on accessibility across several areas (built environment, transportation, information and communication, graphic symbols and safety signs, and accessible tourism). [↑](#footnote-ref-5)
6. See WBU Covid-19 report at <https://worldblindunion.org/covid-19-amplifying-voices-our-lives-our-say/>; and <https://worldblindunion.org/wbu-call-to-action-19-actions-for-an-inclusive-covid-19-response/> [↑](#footnote-ref-6)
7. See WBU Accessibility Go! A guide to Action at <https://worldblindunion.org/wp-content/uploads/2021/12/Accessibility-GO-A-Guide-to-Action-WBU-CBM-Global-Dec2021.pdf> [↑](#footnote-ref-7)
8. WBU Covid-19 report, supra note 6 [↑](#footnote-ref-8)
9. Ibid. [↑](#footnote-ref-9)