**Submission to the Committee on the Rights of Persons with Disabilities Regarding Article 11 of the CRPD**

**February 22, 2023**

Human Rights Watch welcomes the opportunity to provide input to the Committee on the Rights of Persons with Disabilities ahead of its upcoming Day of General Discussion regarding persons with disabilities in situations of risk and humanitarian emergencies.[[1]](#footnote-2)

Human Rights Watch is an independent nongovernmental organization that monitors and reports on human rights in more than 100 countries around the world. Human Rights Watch has documented the impact of situations of risk and humanitarian emergencies on the rights of people with disabilities, including women, persons residing in institutions, children, older persons, and internally displaced persons, asylum seekers, and refugees with disabilities.[[2]](#footnote-3)

Human Rights Watch analyzes states’ obligations to situations of risk and humanitarian emergencies within the context of the general obligations (article 4) of the Convention on the Rights of Persons with Disabilities’ (CRPD).[[3]](#footnote-4) We list below some recommendations and contextual information from Human Rights Watch research that contribute to this end.

1. **Armed Conflict**
2. *Taking measures in accordance with obligations under international law to ensure protection and safety*

International humanitarian law applies to all parties to an armed conflict, to both state and non-state actors, and protects civilians in times of war.[[4]](#footnote-5) International human rights law applies at all times.[[5]](#footnote-6) The CRPD obligates the United Nations (UN) and states parties to apply a disability rights-centered approach to civilian protection. This includes being cognizant of the experiences and rights of persons with disabilities during attacks and evacuations, in accessing protection, shelter, basic necessities, education, and humanitarian services; and during recovery and peace processes. These experiences should be factored into governments’ targeted protocols, rules, and approaches to civilian protection.

Human Rights Watch research and reporting has observed the failure of humanitarian operations to identify and address the rights and needs of persons with disabilities during situations of risk.

To ensure that states’ measures are in accordance with their obligations under international law, governments, the UN, and donor entities should invest resources to better identify and report on the unique challenges that people with disabilities face during situations of conflict.

In Syria, Human Rights Watch reported that children with disabilities experience greater risks during attacks and lack access to basic services due to the failure of humanitarian agencies to sufficiently identify and address the rights and needs of children with disabilities.[[6]](#footnote-7) UN monitoring and reporting paid less attention to children with disabilities, compared with other children. And in the few instances in which children with disabilities were mentioned, data was provided on children who have been injured or “maimed,” but did not frame concerns or responses in the context of the rights of children with disabilities.[[7]](#footnote-8)

A January 2022 study commissioned by the Office of the Special Representative of the Secretary-General for Children and Armed Conflict found that children with disabilities have been overwhelmingly left out of 25 years of UN action to help children caught up in armed conflict.[[8]](#footnote-9)

The secretary-general’s reports on Afghanistan, the Central African Republic, Palestine, South Sudan, and Syria either did not mention the conflicts’ impact on people with disabilities at all or made only brief reference.[[9]](#footnote-10) Only one of the nine reports on the humanitarian situation in Syria since 2019 mentions the specific needs of people with disabilities and just two mention people with disabilities who had been killed.[[10]](#footnote-11)

Without detailed and careful monitoring and reporting on the experiences of persons with disabilities, the full impact of conflicts on them and their rights will remain unclear. Consequently, all necessary measures to ensure the protection and safety of persons with disabilities may miss or underserve them.

The protection of persons with disabilities is essential to the comprehensive protection of all civilians affected by armed conflict. The UN, governments, and humanitarian actors should promote a more concerted and coordinated protection response in armed conflict by focusing on the rights and situational needs of people with disabilities, including their right to be safe and protected, right to education, and access to humanitarian assistance, health care, assistive devices, and mental health and psychosocial support services. They should also focus on persons with disabilities who face discrimination due to their intersectional identities, such as women and girls with disabilities and racial, religious, and ethnic minorities with disabilities.

1. *Taking measures to stop discrimination on the basis of disability (Article 4(1)(e))*

Under international humanitarian law, parties who exercise effective control over an area have obligations to respect and protect rights, including of persons with disabilities, by providing services or facilitating the work of humanitarian agencies.[[11]](#footnote-12) In humanitarian settings, donors and organizations fill gaps in delivery and provision of services and basic needs, including rights to food, adequate housing, rehabilitation services, health care, mental health and psychosocial support services, and education.

According to the UN Humanitarian Needs Overview 2021 report, people with disabilities “face systematic challenges in accessing humanitarian services on an equal basis with others.”[[12]](#footnote-13)

In Syria, Human Rights Watch found that international and local humanitarian organizations that provide services to children with disabilities either do so in so-called special settings or separated from other children. Sometimes, only disability-focused organizations provide such services. Although targeted services provision is important, they should be provided alongside inclusive and universal programs.

Representatives of several international and Syrian humanitarian organizations told Human Rights Watch that some organizations believed that children with disabilities should be provided services either in segregated settings or by organizations solely focusing on people with disabilities.[[13]](#footnote-14) Two organizations said they were unable to include children with different types of disabilities in their programs. In some instances, children with physical disabilities were included in education and psychosocial programs, whereas children with other types of disabilities, particularly developmental, were left out of programs or referred to “specialized” organizations as general humanitarian organizations did not feel qualified to provide such support to children with developmental disabilities.[[14]](#footnote-15)

The intersections of poverty and inequality on access to basic services can have a disproportionate impact on women and girls with disabilities. Girls with disabilities can be at risk of child marriage due to poverty, as families often see marrying off their daughters as a way to alleviate financial pressures. The UN Syria Commission of Inquiry noted that the fragile economic situation, among other factors, contributed to child marriage. The Commission reported that a 12-year-old girl with physical disabilities was married off in Douma, Damascus governorate, for these reasons.[[15]](#footnote-16)

Parties to conflicts should allow prompt and unhindered humanitarian access to UN agencies and humanitarian organizations to deliver impartial assistance to civilians in need.

1. *Taking measures to promote the availability and use of new technologies, including assistive devices (Article 4(1)(g))*

In armed conflicts, people with disabilities face barriers to fleeing attacks without assistance. A key challenge for escaping hostilities is the absence of assistive devices—such as wheelchairs, prostheses, or hearing aids—that are largely unavailable. People with a hearing disability or developmental or intellectual disabilities may not hear, know, or understand what is happening during an attack.

In Gaza, sweeping Israeli restrictions on the movement of people and goods, at times exacerbated by restrictive policies by Palestinian authorities, curb access to and availability of assistive devices, health care, and electricity essential to many people with disabilities.[[16]](#footnote-17) People with disabilities in Gaza told Human Rights Watch they faced difficulties accessing assistive devices, such as wheelchairs and hearing aids, due largely to Israeli import restrictions on “dual-use” items, shortfalls in local authorities’ and aid groups’ provision of necessary devices, and a lack of expertise in Gaza to repair damaged devices. According to Gisha, an Israeli rights group, Israel restricts the entry of spare parts and batteries for assistive devices. Medical Aid for Palestinians further documented that Israel’s restrictions on dual-use items, including carbon fiber components used to stabilize and treat limb injuries, and carbon fiber and epoxy resins used to produce artificial limbs, resulted in patients being fitted with heavier, more uncomfortable alternatives.

When Gaza residents are able to access working assistive devices, especially wheelchairs, they cannot access many buildings because they lack ramps or elevators.

Homes and property are often destroyed as a result of war. This destruction has a disproportionate impact on people with disabilities. In Cameroon, Human Rights Watch documented numerous cases of people with disabilities whose homes were burned by the security forces, leaving them without accessible and familiar home environments, shelter, and assistive devices, and forcibly displacing them.[[17]](#footnote-18) A 41-year-old man with a physical disability said that he lost his wheelchair after soldiers burned his home in Kumbo, in the North-West region. He said, “My house was razed…. But I lost everything, including my wheelchair, and now I have no means to move myself around independently.”[[18]](#footnote-19)

1. *Taking measures to promote the training of professionals working with persons with disabilities on the rights enshrined in the CRPD to enhance service provision guaranteed by these rights (Article 4(1)(i))*

More than three million people with disabilities ages 12 and older require humanitarian assistance in Syria.[[19]](#footnote-20) Human Rights Watch has documented how people with disabilities are affected by armed conflict in humanitarian settings and are often overlooked by humanitarian assistance efforts. This is attributable to a variety of factors, including a lack of awareness and capacity on the part of the service provider, inaccessible assistance, stigma, and discrimination.

Three humanitarian workers in Syria highlighted some reasons for the limited inclusion of people with disabilities in the humanitarian response, including a lack of awareness and training.[[20]](#footnote-21) “When the Syrian conflict started, the focus was on children and women, without any specific responses to people with disabilities,” said one humanitarian worker. An advocacy worker working for an international children’s rights organization said:

Children with disabilities is not something I hear about from our colleagues. We talk about reaching the most vulnerable children, but I haven’t seen anything targeting children with disabilities. We assume Humanity and Inclusion [an aid organization primarily serving people with disabilities] is covering it. It doesn’t come up in advocacy.[[21]](#footnote-22)

Deliberate and proactive action is needed by both donors and humanitarian agencies to ensure persons with disabilities are systematically included in all humanitarian response, including through the provision of tailored interventions and the implementation of Inter-Agency Standing Committee (IASC) guidelines.[[22]](#footnote-23) UN agencies and humanitarian organizations should provide trainings on the rights of people with disabilities and disability inclusive approaches to humanitarian staff working with people with disabilities.

1. **Climate Change**
2. *Occurrence of natural disasters and extreme climate events as situations of risk*

An emerging issue within situations of risk and humanitarian emergencies is the occurrence of extreme weather events exacerbated by climate change. The World Meteorological Organization estimates that the number of climate-related emergencies has increased fivefold over the past 50 years and will continue to increase as the planet warms.[[23]](#footnote-24) Without greater emissions reductions, the World Bank finds that climate change could force 216 million people across six world regions to move within their countries by 2050.[[24]](#footnote-25)

Extreme weather events can take a heavy toll on an individual’s physical and mental health.

Human Rights Watch research has shown that while climate-related disasters impact everyone, they are especially detrimental to the health and well-being of people who are already at risk, live in poverty, and face marginalization.[[25]](#footnote-26) These include people with disabilities, older persons (including older persons with disabilities), Indigenous peoples, pregnant people, women, and children. The impact of heatwaves, floods, and other extreme climate events on persons with disabilities, including older persons with disabilities, has shown that they are excluded from climate change prevention and mitigation strategies.[[26]](#footnote-27) Yet, they also are at a greater risk of experiencing the adverse impacts of climate change and other extreme weather events.

In northeastern Bangladesh, flash flooding between May 17 and June 28, 2022, killed more than 100 people and severely affected over 7 million others. Thousands became homeless and had to move to shelters. Our research indicates that in situations of risk, people with disabilities and older persons with disabilities were at higher risk of death, as well as physical and mental health impacts, which were compounded by experiences of poverty and isolation. People with disabilities and older persons with disabilities faced greater issues accessing warnings and emergency information, as well as reaching humanitarian support in the aftermath.[[27]](#footnote-28)

Mohammad Montaz, a resident of Sunamganj, told Human Rights Watch that his 20-year-old daughter, Taslima, who had multiple disabilities, died because of the flooding: “Taslima had stumbled into a hole while coming out of the flooded toilet…. She was drowning when we found her and had already swallowed a lot of the dirty water. I pulled her out, but she lost consciousness.”

Although Taslima later regained consciousness, the family could not find a boat to take her to a major hospital or money for further local treatment, and she died 10 days later.

1. *Ensuring the protection and promotion of the human rights of persons with disabilities in all policies and programs (Article 4(1)(c))*

Climate impacts affect everyone but especially the health and well-being of people who face marginalization or are at risk. In 2020 and 2021, the UN issued reports warning that people with disabilities and older persons with disabilities are at increased risk of adverse climate impacts.[[28]](#footnote-29)

For example, people with psychosocial disabilities, or mental health conditions, have a two to three times higher risk of death from heat, in part because of the impact of certain medications on the body’s ability to regulate its temperature, but also because people with mental health conditions might have limited access to coping mechanisms when facing high temperatures.[[29]](#footnote-30) Some people with physical disabilities are prone to experience greater pain and fatigue on hot days, and some people with spinal cord and traumatic brain injuries are at higher risk of heat-related illnesses because of their limited capacity to sweat, the body’s primary mechanism for cooling down.

In Canada, inadequate government support compounded risks for people with disabilities and older persons with disabilities during the summer heatwave in 2021 in British Columbia.[[30]](#footnote-31) The province did not have a heat action plan, and a lack of access to cooling and targeted support for at-risk groups contributed to unnecessary suffering and possibly deaths.

The incident prompted the provincial government to overhaul emergency response to medical emergencies and future heatwaves.[[31]](#footnote-32) However, without including people with disabilities and older persons with disabilities in protection and response, the government risks repeating the same mistakes. The 2021 “Climate Preparedness and Adaptation Strategy” does not mention heat-related impacts on older persons with disabilities and people with disabilities and an official at the British Columbia Environment Ministry acknowledged to Human Rights Watch that these at-risk groups have not been at the center of past consultation efforts.[[32]](#footnote-33)

1. **Persons with disabilities disproportionately affected and experiencing particular disadvantages in situations of risk**
2. *Women with disabilities*

Crises have gendered and disproportionate impacts on women and girls, including women with disabilities.[[33]](#footnote-34) Women with disabilities may experience heightened risks due to unique barriers to escaping and staying out of harm’s way, as well as the degradation of support structures due to a lack of targeted services to women and girls with disabilities.

Human Rights Watch’s research has found that government forces and non-state armed groups have committed serious abuses against women with disabilities during armed conflicts in many countries including Armenia, Cameroon, the Central African Republic, Ethiopia, Guinea, Mali, Myanmar, and South Sudan.[[34]](#footnote-35)

In Tigray in Ethiopia, Human Rights Watch received reports of concerns from service providers and medical personnel about women and girls with disabilities who had been raped by soldiers and faced barriers to travel to health facilities due to inaccessible roads and lack of accessible transportation when roads were open.[[35]](#footnote-36)

1. *Children with disabilities*

Children with different types of disabilities are at risk of abandonment if their families feel unable to meet their needs or to bring them to safety.

In Syria, families of children with disabilities told Human Rights Watch that they were often unable to afford basic necessities, such as food and shelter, let alone the necessities a child with a disability might require, such as therapies and assistive devices.[[36]](#footnote-37) Parents of children with disabilities struggled to access health care for their children, information about their children’s disabilities, and early intervention services for children with developmental conditions and disabilities. Mental health and psychosocial support services were either lacking, generally not inclusive of, or inaccessible to, children with disabilities.

Children with disabilities in Syria also faced increased barriers to accessing public schools and educational services provided by humanitarian organizations. Inaccessible roads, inaccessible school facilities, and a lack of assistive devices pose challenges for children with physical disabilities. A lack of trained teachers, inclusive curricula, and stigma impede the right to education of children with sensory, intellectual, and psychosocial disabilities.

1. *Older persons with disabilities*

Human Rights Watch research from 2013 to 2021 in 15 countries found that older persons with disabilities experience abuses during armed conflict and other large-scale violence.[[37]](#footnote-38) Our research found that in many instances, older persons with disabilities have been unable to flee fighting because of limited mobility, disability, or because families could not assist their flight.[[38]](#footnote-39)

In South Sudan, a displaced older woman described government and militia attacks on the village where she lived in Mayendit county, saying that no civilians were off limits in the attacks: “The first time the government soldiers and militias came to my village in 2015, the old men and women who could not run were killed. There was Gatpan Mut, for example, who was a little old, and Gatkui Jich, who couldn’t move, and many, many more whose names I can’t remember. “[[39]](#footnote-40)

In the Central African Republic, in 2016, armed groups destroyed the l’Évêché camp for displaced people in Kaga Bandoro, forcing thousands of people to flee. Survivors told Human Rights Watch that at least three older people with disabilities could not flee on their own and family members could not assist in their flight.[[40]](#footnote-41)

Although older persons with disabilities are protected by international humanitarian law and international human rights law during armed conflict, in practice their rights and needs are often disregarded by the parties to the conflict.

1. *Internally displaced persons, asylum seekers and refugees with disabilities*

People with disabilities who become internally displaced due to natural disasters in humanitarian settings are often overlooked in the humanitarian response.[[41]](#footnote-42) In June 2022 in eastern Afghanistan, an earthquake killed at least 1,000 people, compounding the humanitarian crisis since the takeover by the Taliban in August 2021. Afghanistan is prone to earthquakes, with estimates of over 7,000 people killed in the past decade. Food insecurity and malnutrition had already affected Afghanistan prior to the earthquake, but has now become a matter of even greater urgency.

People with disabilities often face barriers to accessing humanitarian support, such as food, sanitation, and medical assistance, although they are often deemed as an at-risk group. In Afghanistan, post-earthquake data on the humanitarian needs of people with disabilities is lacking and many have already been left out of the delivery of aid.

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