**Maat for Peace’ submission on the** **Draft General Comment on Article 11 of the Convention on the Rights of Persons with Disabilities concerning Persons with Disabilities in Situations of Risk and Humanitarian Emergencies**

**Introduction:**

Persons with disabilities face different and disproportionate forms of human rights violations in serious situations, including situations of armed conflict, humanitarian emergencies and natural disasters, as they are more vulnerable than others to the risks of discrimination and marginalization. They suffer from extreme difficulty in obtaining food and main services, including health and education services. In the Middle East, which is of interest to Maat, persons with disabilities in countries experiencing non-international armed conflicts, including Syria and Yemen, face increasing difficulties in escaping from the violence and hostilities taking place between all the conflicting parties compared to with other civilians, due to their lack of appropriate aids that help them move and communicate with others more quickly, including tricycles, wheelchairs, canes, crutches, hearing aids, and prosthetic limbs, in addition to the fact that they suffer great hardship in living in areas of displacement, as they encounter great obstacles in the camps for the displaced while trying to obtain the basic services necessary for their survival, safety and protection. They suffer from great difficulties in accessing health facilities in the camps for the internally displaced on an equal basis with others, and they face great difficulties in receiving humanitarian aid easily, and they face greater obstacles in obtaining quality education services and necessary health care, as a result of their inability to bear the educational and medical costs, and their inability to bear the hardship of traveling a long distance to go to educational and medical services centers and return back. Based on the invitation submitted by the Committee on the Rights of Persons with Disabilities to civil society organizations and other stakeholders to participate in the public discussion, on the general comment on Article 11 of the Convention on the Rights of Persons with Disabilities concerned with persons with disabilities in situations of danger and humanitarian emergencies, Maat presents proposals on draft public comment according to the attached outlines by the committee as follows:

**Normative Content:**

Maat believes that Article No. 11 of the Convention on the Rights of Persons with Disabilities, which is concerned with the conditions of persons with disabilities in situations of danger and humanitarian emergencies, which states that “state parties, in accordance with their responsibilities under international law, including international humanitarian law as well as international human rights law, undertake to take all possible measures to ensure the protection and safety of persons with disabilities who are in dangerous situations, including situations of armed conflict, humanitarian emergencies and natural disasters”. The article contains three main sections as follows:

**Section One:** Refers to the States Parties taking measures consistent with their obligations under international law, including international humanitarian law and international human rights law.

**Section Two:** Refers to the States Parties taking all necessary measures to ensure the protection and safety of persons with disabilities in cases of danger and humanitarian emergencies.

**Section Three:** Refers to the conditions of persons with disabilities in situations of danger, including cases of armed conflict, humanitarian emergencies, and the occurrence of natural disasters.

Accordingly, Maat suggests that the general comment on Article 11 of the Convention should include the previous three sections, or divide the general comment to be prepared on persons with disabilities in situations of danger and humanitarian emergencies into three sections, the first of which deals with a reference to the obligations of the state parties towards persons with disabilities under international law, including international humanitarian law and international human rights law. While the second section of the commentary deals with a reference to the conditions of persons with disabilities in situations of danger, including situations of armed conflict, humanitarian emergencies and natural disasters, while the third section of the commentary deals with a reference to the measures that States parties must take to ensure the protection and safety of persons with disabilities in dangerous situations and humanitarian emergencies.

**Obligations of States Parties under Article 11**

Maat believes that the general comment prepared on Article 11 of the Convention on the Rights of Persons with Disabilities must include a set of specific obligations on the States parties to the Convention to implement this article optimally, and in a way that guarantees the protection and safety of persons with disabilities who are in serious situations, including situations of armed conflict, humanitarian emergencies and natural disasters. Therefore, Maat believes that the general comment should impose on the states parties to the agreement the following obligations:

* Provide the necessary measures to ensure the protection and safety of all civilians, including persons with disabilities, in situations of armed conflict, humanitarian emergencies and natural disasters.
* Enact new legislation and laws or amending existing laws, regulations and documents, including regulations and strategic documents that regulate disaster risk management, in a way that guarantees access for all individuals, including persons with disabilities, to the services and measures provided and taken by the state to protect civilians at risk in situations of armed conflicts, humanitarian emergencies and natural disasters. Hence, it is hoped that these laws and regulations serve as the basis for prohibiting all forms of neglect, isolation and discrimination that persons with disabilities may be subjected to in situations of danger and humanitarian emergencies.
* Work to identify all persons with disabilities who need support during risky situations, especially those with less visible disabilities.
* Take all necessary measures to prevent cases of exploitation and violence that may occur against persons with disabilities in cases of danger and humanitarian emergencies.
* Cooperate with local and international organizations of persons with disabilities and use their expertise and capabilities in planning and implementing relief and rescue efforts in cases where persons with disabilities are at risk.
* Establish national relief teams concerned with rescuing and protecting persons with disabilities in cases in which they may be at risk, and training these teams on the needs of persons with different types of disabilities, and methods of supporting and communicating with them.
* Ensure that persons with disabilities, who find themselves in dangerous situations, including situations of armed conflict and natural disasters, receive all basic assistance and services necessary for their survival, safety and protection on an equal basis with others, including humanitarian aid, medical, health and educational services, and adequate housing services.
* Ensure that persons with disabilities are able to participate in all decisions that affect them, including decisions regarding eviction and resettlement.
* Ensure that post-risk reconstruction efforts, including natural disasters, humanitarian emergencies and armed conflicts, ensure that persons with disabilities, on an equal basis with others, have access to the physical surroundings, transportation, and other facilities and services available to the general public or submitted to them.
* Ensure that persons with disabilities are not subjected to forced institutionalization in cases of danger and humanitarian emergencies.
* Ensure that persons with disabilities have access to justice and remedies in situations of armed conflict, humanitarian emergencies and natural disasters, and protect their rights through effective complaints and compensation mechanisms.

**Persons with disabilities are disproportionately affected and suffer disadvantages or disadvantages, especially in situations of risk**

Persons with disabilities are disproportionately affected in dangerous situations, as they face increasing difficulties and suffer from a number of violations and additional disadvantages in situations of armed conflicts, humanitarian emergencies and natural disasters. The following is a brief summary of the conditions of persons with disabilities in dangerous situations, especially in cases of armed conflicts in the Middle East:

**Women with disabilities**

Women and girls with disabilities face additional risks and disadvantages in critical situations in the Middle East, including natural disasters, humanitarian emergencies and armed conflicts. In all of the aforementioned cases, particularly in situations of escalating armed conflicts in a number of countries in the Middle East, women and girls with disabilities are disproportionately more likely to be at risk of gender-based violence and exploitation, risk of discrimination and violence based on gender and disability, and risk of being excluded from rescue efforts because of bias related to gender and disability.

In this context, reports obtained by Maat indicate that women with disabilities in conflict countries in the Middle East, including Syria, Yemen and the Occupied Palestinian Territories, are constantly subjected to a wide range of forms of sexual violence by parties to the conflict, including rape. sexual abuse and exploitation, and they face increased difficulties in fleeing violence and hostilities between all parties to the conflict compared to others, due to the lack of appropriate aids to help them move, including tricycles, wheelchairs, canes, crutches, hearing aids, limbs compensatory industries, and are increasingly being excluded from access to aid and humanitarian assistance, and from access to basic services necessary for their survival, safety and protection, including medical care services, health services, and adequate housing services.[[1]](#footnote-1)

**Children with disabilities**

Children with disabilities face serious threats to their lives and safety in dangerous situations, including situations of armed conflict, humanitarian emergencies and natural disasters. According to reports and information obtained by Maat from conflict countries in the Middle East of concern to Maat, including Syria, Yemen and the Occupied Palestinian Territories, children with disabilities are more at risk of being killed and injured in armed attacks between conflicting parties, less able to flee the exacerbated violence of hostilities occurring between all warring parties, and more at risk of abandonment and separation from parents and relatives during fleeing armed actions, and they are more deprived of all basic services, including medical care and educational services. In this context, reliable international reports obtained by Maat, on the situation of children with disabilities trapped in the Syrian war, indicate that children with disabilities in the Syrian conflict are more vulnerable to harm, killing and injury and are less able to flee if their communities are attacked by the warring parties, as a result of their lack of assistive devices that help them escape such as wheelchairs, prostheses, crutches and hearing aids. With the intensification of attacks and the difficulty of movement in children with disabilities, parents are often forced to abandon and leave their children with disabilities in order to flee safely with other family members, this puts these children at risk of being killed, injured, or separated from their families and caregivers. In addition, children with disabilities in the Syrian conflict face severe difficulties in accessing basic services, including health care services and educational services as a result of the deterioration of the health care infrastructure and other social services, due to the use of explosive weapons in areas inhabited by civilians in the midst of the worsening conflict between all parties for more than 12 years.[[2]](#footnote-2)

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

Internally displaced persons, asylum seekers and refugees with disabilities face additional difficulties and disadvantages in situations of seriousness, including situations of armed conflict, humanitarian emergencies and natural disasters. They usually live in camps that lack the necessities of a decent life, and face severe obstacles in accessing health services, medical care services, and educational services. In this context, a report prepared by Maat for Peace, Development and Human Rights on the conditions of persons with disabilities, in light of the Yemeni armed conflict, detected that persons with disabilities live in camps for the displaced under inappropriate conditions that detract from their inherent dignity, as they live in sites that do not provide an adequate standard of living, and they are located in tents made of tarpaulin with wooden panels, and they live in wooden structures that are empty from the inside, and they suffer from a severe shortage of comfortable mattresses, which made most of them sleep on the floor without a mattress. In addition, they face great difficulties in accessing toilets and washing facilities in the camps, as the camps for the displaced in Yemen lack toilets for people with disabilities or special facilities for those who cannot move, and the toilets are not located in most cases near the tents in which people with disabilities live, which created great difficulties in accessing people with disabilities, which at the same time forced them to rely on their relatives to help them go to the toilets. In addition, they face great challenges in obtaining educational and medical services, as a result of the relative distance of educational and medical facilities from their places of residence in the camps and the absence of means of transportation that people with disabilities can use and afford in order to reach these facilities.[[3]](#footnote-3)

**Interrelationship with other Articles of the Convention**

Maat believes that Article 11 of the Convention on the Rights of Persons with Disabilities is interrelated with a wide range of other articles of the Convention. This article, in addition to the other articles of the Convention, works to ensure that persons with disabilities are not left behind, and to increase their ability to enjoy their rights and freedoms on an equal basis with others, even in situations of armed conflict, humanitarian emergencies and natural disasters, the interrelationship between Article 11 of the Convention and other articles of the Convention can be highlighted as follows:

**Article 4:** This article requires States parties to take all necessary measures to ensure the full and effective implementation of the Convention. This includes measures to protect and promote the rights of persons with disabilities in situations of armed conflict, humanitarian emergencies, and natural disasters.

**Article 5:** This article requires states parties to prohibit discrimination against persons with disabilities. This includes the need for persons with disabilities to have equal opportunities for protection and relief in situations of danger, including the provision of reasonable accommodation where necessary.

**Article 10:** This article requires States parties to take the necessary measures to ensure that persons with disabilities enjoy the right to life, and this includes the need to take all necessary measures to protect the right to life of persons with disabilities in situations of armed conflict, humanitarian emergencies, and natural disasters, especially since the right to life is more likely to be violated in the former cases.

**Article 15:** This article requires states parties to take all necessary measures to ensure that persons with disabilities enjoy the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment. This includes ensuring that persons with disabilities are protected from violence, torture and ill-treatment in situations of armed conflict, humanitarian emergencies and natural disasters.

**Article 16:** This article requires States parties to take all appropriate measures to protect persons with disabilities from all forms of exploitation, violence and abuse. This includes ensuring the protection of persons with disabilities from sexual exploitation, violence and abuse, which are exacerbated significantly in situations of armed conflict, humanitarian emergencies and natural disasters.

**Article 23:** This article requires States parties to ensure that no child is separated from his parents against their will, and this includes ensuring that persons with disabilities are protected from the risk of separation from the family in serious cases in which the risk of the child being separated from his family increases, particularly in cases of armed conflict.

1. The protection of women and girls with disabilities in armed conflict: Adopting a gender-, age- and disability-inclusive approach to select IHL provisions, International Committee of the Red Cross, November 2022, link: <https://bit.ly/3Xl4WAi> [↑](#footnote-ref-1)
2. At risk and overlooked: Children with disabilities and armed conflict, he International Review of the Red Cross, November 2022, link: <https://bit.ly/3Ib2dnB> [↑](#footnote-ref-2)
3. Huge Challenges... How Do People with Disabilities Live Under the Yemeni Armed Conflict, Maat for Peace, Development and Human Rights, August 29, 2021, link: <https://bit.ly/40LXu3Z> [↑](#footnote-ref-3)