

Emergency & Humanitarian Assistance and the UN Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

The Purpose of this Paper

This paper is intended for use by non-governmental organisations active in the field of humanitarian aid, including emergency aid, rehabilitation, disaster preparedness and conflict prevention. It is also intended to be a useful summary guide for policy makers and donors active in the field of emergencies and humanitarian assistance to include disability issues.

This paper is to inform and raise awareness about the UN Convention of the Rights of Persons with Disabilities and explain the significance of the UN Convention to the work of emergency and humanitarian assistance.

It includes points of recommendation from the IDDC Task Group on Conflict and Emergencies on how the needs of persons with disabilities and their families can best be addressed in emergency and humanitarian crisis situations.

The UN Convention: its relevance and significance for humanitarian and emergency work

The UN Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities was adopted in December 2006 and opened for signature on 30 March 2007.¹

The Convention underlines and reinforces the legal and political recognition of disability as a human rights issue. This Convention is tailored to protect and defend persons with disabilities against the specific risks and vulnerabilities they experience to their human rights, their right to equality and non-discrimination (both direct and indirect).

Further more, this international human rights instrument is the first of its kind to include both a stand alone article on International Cooperation plus a stand alone article on situations of risk and humanitarian emergencies

¹ <http://www.un.org/disabilities/convention/conventionfull.shtml>

Article 11 on Risk and Humanitarian Emergencies

Article 11 requires that States take all necessary measures to ensure that persons with disabilities are protected under international law in situations of risk.

Article 11 - Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

What we mean by 'Situations of Risk'

Situations of risk include armed conflict, complex humanitarian emergencies and natural disasters.

The World Health Organisation defines 'situations of risk' as:

- Sudden catastrophe (such as natural and/or man-made disasters)
- Complex and continuous emergencies (such as violent conflict)
- Growing threats (such as HIV/AIDS pandemic)

What Article 11 means in practice:

- Persons with disabilities and children with disabilities need to be considered as a key target group across all intervention processes from identification, assessment and planning, delivery of support programs, monitoring and evaluation.
- Local organizations of persons with disabilities, and parents of children with disabilities, together with NGOs working in the field of disability should be involved and consulted by humanitarian agencies to ensure the needs of persons with disabilities are recognised.
- Action and care is needed by humanitarian aid agencies to pro-actively seek-out persons with disabilities to ensure they are registered and supported in a humanitarian situation, as they are often hidden away and/or not easy to identify.
- Donor agencies should include, in their funding guidelines, information about systematic universal design for all reconstruction projects including temporary shelters and camps to ensure comprehensive accessibility.
- Sectoral agencies must include the needs of persons with disabilities, including with regard to disability access, in their operations (including shelter, water and sanitation, food distribution, health activities, education).
- Funding for post-conflict and post-disaster interventions needs to include persons with disabilities in a more tailored way, both to support persons with disabilities as beneficiaries of assistance and also as a means to enable persons with disabilities to be included as part of the community response to the disaster or the emergency.

Article 32 on International Cooperation: its relevance for humanitarian and emergency assistance work

Article 32 on ‘International Cooperation’ promotes and ensures that international cooperation, including international development programmes, are inclusive of, and accessible to, persons with disabilities. The Article requires pro-active measures to be taken in support of capacity building, information sharing and training, by all UN Member States who sign up to the Convention as well as by international and regional organizations (such as donors) and by civil society organizations, including aid and humanitarian agencies and NGOs.

Article 32 - International cooperation

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

- (a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
- (b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- (c) Facilitating cooperation in research and access to scientific and technical knowledge;
- (d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

What do we mean by Inclusion in the context of Humanitarian Assistance?

The full and equal participation, involvement and assistance to, persons with disabilities in all aspects of the humanitarian intervention process. To achieve disability inclusion, pro-active methods are needed to seek out and locate persons with disabilities living in the poorest communities where they are often hidden away by their families or are invisible for the simple fact that they are socially excluded and/or less independently mobile than non-disabled persons in the community.

What Article 32 means in practice:

- It means that development as well as emergency and humanitarian operations must be inclusive of persons with disabilities. The specific and basic humanitarian needs and requirements of persons with disabilities, with respect to the diversity of disabilities, must be included across all stages of the emergency and humanitarian assistance operation – from disaster preparedness to transition phase and hand over from relief operations to development phases of the operation.

- ‘*Nothing about disabled people without disabled people*’ - local organizations of persons with disabilities, and parents of children with disabilities together with NGOs working in the field of disability should be involved and consulted by humanitarian agencies to ensure the needs of persons with disabilities are recognised

- Persons with disabilities living in poor communities in developing countries are often invisible and hidden away due to the stigma and discrimination that exists about disability. Action is needed,

therefore, to pro-actively seek-out persons with disabilities to ensure they are properly registered and then supported in a humanitarian situation.

- Disability issues must be systematically taken-up across all aspects of the work of humanitarian aid agencies and provision must be made for disability awareness training and disability inclusiveness training of emergency relief personnel with the involvement of local disability NGOs. This will facilitate better needs-assessment at the early planning stages.

- Mechanisms for mainstreaming disability into all emergency and development initiatives should be developed and advocated for through international guidelines. This should include assessing the implications for persons with disabilities of any planned action, including legislation, policies and programmes in all areas and at all levels.

Issues to be aware of:

- The link between conflict, emergency situations and disability is incontrovertible. Conflict and natural disasters are a significant cause of impairment due to increased rates of injury, lack of medical care and disruption of medical health care services.

- Persons with disabilities are disproportionately affected by disasters and conflict. In the aftermath of a conflict or disaster, people with disabilities may find their situation exacerbated by the loss of assistive devices, the loss of family members or carers, as well as lack of medication or healthcare.

- Invisibility of Disability: Persons with disabilities living in poor communities in developing countries are often invisible and hidden away due to the stigma and discrimination that exists about disability.

- There is a lack of data about the extent to which persons with disabilities are affected by disasters or conflict, and this has affected the extent to which humanitarian assistance initiatives have been genuinely inclusive.

- Lack of consultation with DPOs - organisations of disabled people (DPOs) are rarely consulted or included at any level of planning and implementing programmes. Disabled people's organisations have a clear role in the process of linking emergency rehabilitation and development. Their participation in planning and implementing programmes will ensure that people with all kinds of disability (related to the emergency or not) will benefit equally from mainstream assistance.

- People with disabilities and their families may experience further upheaval (and may be moved to temporary housing or shelter), loss of mobility and other aids, and difficulty in accessing information, food, water or sanitation sources and lack of other infrastructure.

- Persons with disabilities, especially women and children, are particularly vulnerable to violence, exploitation and sexual abuse. Their vulnerability is even higher in emergency situations.

- There is a lack of awareness and knowledge about disability and the needs of persons with disabilities among mainstream emergency/relief agencies. As a result persons with disabilities are not prioritised or effectively included or supported within humanitarian aid and development programmes.²

² http://www.disabilitykar.net/research/thematic_conflict.html

- In distress situations people who have experienced trauma may develop psycho-social episodes which could develop into mental health problems.
- The potential of persons with disabilities to actively participate and to advise emergency relief workers and to give support in emergency and humanitarian situations is often over-looked.
- Article 32 of the UN Convention requires that international cooperation and funding for development is inclusive. This includes emergency assistance and infrastructural development projects as well as the provision of health and education services.

Appendix One

About the International Disability & Development Consortium (IDDC)

IDDC is made up of 20 international non-government organisations working in the field of disability and development and has a global, operational presence in over 100 countries. The aim of IDDC is to more effectively and efficiently promote the rights of persons with disabilities living in chronic poverty in developing countries. IDDC does this through advocacy on the rights and needs of persons with disabilities living in poverty through collaboration and the sharing of information and expertise. IDDC believes development policy and practice must be inclusive, encompassing the needs and aspirations of all discriminated and marginalized groups, including persons with disabilities living in the poorest communities.

The IDDC Task Group on Conflict and Emergencies works to raise awareness among the main emergency relief providers and donor agencies about the interests and concerns of persons with disabilities. The IDDC Task Group seeks to ensure that disability concerns are included in the preparation, design and implementation of emergency and humanitarian activities and that disability NGOs are consulted in the process.

Appendix Two: References and Resources

American Red Cross (1997) *Disaster Preparedness for People with Disabilities*. Washington DC: *American Red Cross*. URL:

www.redcross.org/services/disaster/beprepared/disability.pdf

CBM *Promoting Universal Access to the Built Environment*. Bensheim Germany

Handicap International (2005) *How to Include Disability Issues in Disaster Management: Following Floods 2004 in Bangladesh* Handicap International: Bangladesh

IDDC (2000) *Disability and Conflict* Report IDDC Seminar. URL:

http://iddc.org.uk/dis_dev/key_issues/dis_confl_rep.doc

Harris, A. Enfield S (2003) *Disability, Equality and Human Rights: A Training Manual for Development and Humanitarian Organisations*. Oxford: Oxfam Publishing

Handicap International (2005) *How to Include Disability Issues in Disaster Management Following Floods 2004 in Bangladesh*. Handicap International: Bangladesh:

http://www.addc.org.au/webdocs/Emergencies%20&%20Conflict/Manuals/HI_%20MANUAL%20How%20to%20Include%20Disability%20Issues%20in%20Disaster%20Management_Sept2005.pdf

IASC (2007) Guidelines on mental health and psychosocial support in emergency settings. URL:

http://www.wpro.who.int/NR/rdonlyres/5C6459EE-A916-4619-8C4F-0691E9D29DDE/0/iasc_mhps_guidelines_final.pdf

International Disability Rights Monitor (2005) *Disability and Early Tsunami Relief Efforts in India, Indonesia and Thailand*. IDN/CIR. URL: www.ideanet.org/cir/uploads/File/TsunamiReport.pdf

Jones, H & Parker, P. Reed, B. (2002) *Water supply and sanitation access and use by physically disabled people*. URL: www.Lboro.ac.uk/wedc/projects/auwsfpdp/

Kett, M., Stubbs, S and Yeo, R. (2005) *Disability in Conflict and Emergency Situations: Focus on Tsunami-affected Areas*. URL: http://www.iddc.org.uk/dis_dev/key_issues/conflict.shtml

Kett, M. and Twigg, J. (2007) *Disability and disasters: toward an inclusive approach* *World Disaster Report*: IFRC URL:

<http://www.ifrc.org/publicat/wdr2007/index.asp?gclid=COzr7ufnsZACFQIIMAodPQVLIA>

Sphere (2004) *Humanitarian Charter and Minimum Standards in Disaster Response*. URL:

<http://www.sphereproject.org/handbook/>

INEE (2004) *Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction*.

URL: <http://www.ineesite.org/>

Websites:

Benfield Hazard Research Centre:

http://www.benfieldhrc.org/disaster_studies/disability&disasters/d&d_index.htm

Handicap International:

http://www.handicap-international.org.uk/page_12.php

Source: Emergencies and disability

http://www.ids.ac.uk/sourcesearch/cf/keylists/keylist2.cfm?topic=dis&search=QL_DISEM05

Disability Resources:

<http://www.disabilityresources.org/DISASTER.html>

Australian Disability and Development Consortium:

<http://www.addc.org.au/emergenciesconflict.html>