



## Recommendations to the CRPD Committee’s concluding observations

---

### International Disability and Development Consortium

The [International Disability and Development Consortium](#) (IDDC) is a global consortium of 27 disability and development non-governmental organisations, mainstream development organisations and disabled people's organisations supporting disability and development work in more than 100 countries around the world.

The aim of IDDC is to promote inclusive development internationally, with a special focus on promoting the full and effective enjoyment of human rights by all persons with disabilities living in low- and middle-income countries.

### IDDC response to the EU’s replies to the List of Issues

IDDC welcomes the European Union’s (EU) replies to the Committee’s List of Issues (LoI) on the implementation of the CRPD, and in particular the responses to Article 11 (Situations of Risk and Humanitarian Emergencies) and Article 32 (International Cooperation)<sup>1</sup>. As the EU is the largest donor of Official Development Assistance and one of the most influential stakeholders at international level, its commitment to disability inclusion across all EU External Action is vital for persons with disabilities living in developing countries.

In issuing its responses to the EU’s answers to the Committee, IDDC focuses on re-iterating the EU’s legal and policy commitments to including persons with disabilities in international cooperation and humanitarian assistance. In addition, responses from a set of questionnaires conducted across a sample of EU agencies, ECHO, DEVCO and EEAS, as well as IDDC partners from low and middle-income countries are used to help form the basis for the recommendations to the Committee for the Concluding Observations on the EU.

---

<sup>1</sup> CRPD Committee. List of Issues to the initial report of the European Union. Addendum. Replies of the European Union to the list of issues, July 2015. CRPD/C/EU/Q/1/Add.1

## Article 11 Situations of risk and humanitarian emergencies

**Committee’s Lol Article 11:** Please explain how the Directorate-General for Humanitarian Aid and Civil Protection ensures that humanitarian aid and relief from the European Union are inclusive of and accessible to all persons with disabilities. In particular, please provide information on refugees with disabilities in the European Union.

The EU reply to the Lol says that the European Commission’s (EC) mandate in humanitarian aid includes assistance to persons with disabilities, defined to be among the most vulnerable. EU further explains that the needs of persons with disabilities ‘are expected to be mainstreamed’ in operations within all sectors of humanitarian aid<sup>2</sup>. While **IDDC welcomes** the inclusion of persons with disabilities in the European Consensus on Humanitarian Aid (2007)<sup>3</sup> **we also note** that the Council Regulation 1257/96/EC<sup>4</sup> governing the implementation of EU operation regarding humanitarian aid precedes the adoption of the CRPD by the EU, and makes no mention of persons with disabilities. IDDC **wants to see** a systematic and pro-active stance of the EU on mainstreaming disability in all sectors of humanitarian assistance in line with its obligations in Article 11.

There is no designated disability focal point within ECHO structures, which further indicates a need for systematic mainstreaming through better awareness, guidance and tools on disability-inclusive emergency practices throughout ECHO’s units and field offices.

The European Commission’s development of the gender-age marker toolkit in 2013 unfortunately missed the opportunity to mainstream disability. The inclusion of persons with disabilities in this toolkit could have been a ground-breaking initiative of the EU for ensuring gender, age and disability as crosscutting themes throughout its policies and operational mechanisms, and could also be used for awareness raising and capacity building, not only of ECHO staff but also of implementing partners.

**Committee’s Lol Article 11:** Please clarify whether there are protocols in place for the protection of all persons with disabilities, including those with communication difficulties, in the event of a natural disaster or in other situations of risk or humanitarian emergencies. If so, to what extent have persons with disabilities and their representative organizations been actively participating in all steps and procedures of those protocols?

**IDDC welcomes** the EU initiative to raise the awareness of the rights of persons with disabilities during emergencies and in disaster risk reduction (DRR) initiatives of emergency and civil protection actors in Europe during the Latvian Presidency, and **we especially welcome** the Council Conclusions on Disability-

---

<sup>2</sup> European Union’s replies to the Lol, para 58, p.17.

<sup>3</sup> European Consensus on Humanitarian Aid (2008/C25/01), Article 39 (available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF>)

<sup>4</sup> Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid (available at <http://eur-lex.europa.eu/legal-content/EU/TXT/HTML/?uri=CELEX:31996R1257&from=EN>)

Inclusive Disaster management.<sup>5</sup> IDDC **looks forward** to see the Council Conclusions integrated across the Union Civil Protection Mechanism and Member States in all relevant actions on emergency management and disaster risk reduction, and **hopes to see** the same standards of inclusion in external emergency management actions, including knowledge sharing and best practices exchanges not only with other Member States but also partner countries in the South<sup>6</sup>. **We positively note** the EU's development of shelter and settlement guidelines, and **encourage the EU** to make sure that civil society and especially representative organisations of persons with disabilities are consulted in the processes to develop them.

**IDDC also welcomes** the EU's commitment to the Sendai Disaster Risk Reduction framework (2015-2030). The Sendai Framework puts people at the centre and specifically requires at-risk groups, such as women and men with disabilities "to be empowered to publicly lead and promote gender equitable and universally accessible responses, recovery, rehabilitation and reconstruction"<sup>7</sup>. It also requires States to disaggregate data by gender, age and disability. IDDC and its partners **look forward** to participate in EU's work on implementing the Sendai Framework and make sure that disability is indeed mainstreamed across all DRR policies, funding and monitoring frameworks of the EU.

**In conclusion**, IDDC believes that to date, measures to include disability in a structured and systematic way in EU humanitarian aid policy and programmes are insufficient. In addition, we have seen very little evidence of the involvement of persons with disabilities in EU humanitarian policies and funded projects. Ensuring persons with disabilities are involved is a CRPD obligation (see article 4.3 and Article 11). Furthermore, while EU support to disability and age specialised organisations such as Handicap International and HelpAge is very important, the significance of the twin-track approach, which includes mainstreaming disability across all of EU's emergency response is the only way to make sure that persons with disabilities are not excluded from vital assistance during emergencies and disasters.

## Recommendations for Concluding Observations on Article 11

- We strongly recommend that the EU explores ways to revise its current policies and guidelines on humanitarian assistance to ensure they are inclusive of persons with disabilities. Actions taken in this regard could feed into the next report to the CRPD committee. In addition, the next report should also give details of the measures taken to implement the Council Conclusions on Disability-Inclusive Disaster management and measures taken to implement the Sendai framework
- We recommend that, within the next 24 months, the EU identifies mechanisms to share knowledge and good practices between different EU institutions and between the EU and its Member States on disability inclusion in humanitarian aid. Raising the awareness and building capacity of ECHO staff, including field staff is crucial. Such investment should lead to the appointment of disability focal points across ECHO. The good experiences of a number of EU delegations in consulting with civil

---

<sup>5</sup> Council of the European Union (2015). Council Conclusions on disability-inclusive disaster management. <http://data.consilium.europa.eu/doc/document/ST-6450-2015-INIT/en/pdf>

<sup>6</sup> Ibid. Para 23 and 24.

<sup>7</sup> Sendai Framework on Disaster Risk Reduction. Adopted in March 2015. Article 32.

society organisation and persons with disabilities and their representative organisations should be equally applied within ECHO.

- We recommend that within two years the EU establishes a mechanism to collect and monitor disaggregated data by disability, sex and age and investigate the feasibility of their implementation in all EU funded humanitarian aid projects, in order to attain quality data collection as outlined in Article 31 of the CRPD and as required in the Sendai Framework on Disaster Risk Reduction. The EU should consider the revision of the Gender and Age marker toolkit to make it disability inclusive.

## Article 32 International Cooperation

**Committee's LoI Article 32:** Please explain how the European Union ensures that all European Union international cooperation policies and programmes, including in the areas of development, humanitarian assistance and disaster risk reduction, are inclusive of and accessible to all persons with disabilities.

**IDDC welcomes** the positive trend of including references on disability in EU budgeting<sup>8</sup>, especially through the Regulations on the Development Cooperation Instrument (DCI), the European Instrument for Democracy and Human Rights (EIDHR) and the Instrument for the Pre-accession Assistance (IPA) for the period of 2014-2020<sup>9</sup>. **We also take positive note** on the inclusion of accessibility criteria for persons with disabilities in the EU regulation of common rules and procedures for financing EU's external actions<sup>10</sup>. Progress is however still needed on more systematically including persons with disabilities in the 11<sup>th</sup> European Development Fund (2014-2020), which reaches 30.5 billion EUR in EU's bilateral and programmatic funding.

**We also welcome** the fact that from 2010 to 2014, the EU funded over 250 disability-specific projects in over 87 partner countries, with a financial commitment of over 105 million EUR<sup>11</sup>. However, **we note** that this is a small proportion of the overall EU budget for international cooperation.

**IDDC further welcomes** the commitment by the EU to improve mainstreaming of the 'concerns and needs of persons with disabilities' in all of its development programmes and policies<sup>12</sup>, **noting however** the lack of systematic inclusion of persons with disabilities in all aspects of EU development cooperation. In its response to the Committee, the EU has not clarified what systems it has in place for mainstreaming the rights of persons with disabilities (e.g. disability-inclusive policies, focal point, monitoring and evaluation) in current EU development cooperation and external action structures.

**IDDC is concerned** about the lack of follow-up and monitoring mechanisms of the EU and its delegations to assess and document progress of persons with disabilities within mainstream development projects. **We also note** that the absence of disability-disaggregated data is a key gap in monitoring the progress and so is the lack of systems to gather data.

Some trends with respect to these points also came from the IDDC survey<sup>13</sup>. A number of respondents in EU delegations highlighted how disability was not systematised throughout their work and where successful disability inclusion was done, it is usually linked to having a previous disability specific project receiving EU funds in the country. Other responses highlighted that while there is some awareness about

---

<sup>8</sup> A study on EU external call for proposals was published in 2012. An update is currently being made and some data has been extracted from this for the period 2013-2015. [http://www.cbm.org/article/downloads/79871/IDDC\\_Research\\_Study\\_-\\_EU\\_External\\_Action\\_Calls\\_for\\_Proposals.pdf](http://www.cbm.org/article/downloads/79871/IDDC_Research_Study_-_EU_External_Action_Calls_for_Proposals.pdf)

<sup>9</sup> Regulations (EU) [233/2014](#) (instrument for development cooperation); [235/2014](#) (instrument for democracy and human rights worldwide); and [231/2014](#) (Instrument for Pre-accession Assistance, IPA II).

<sup>10</sup> European Union. [Regulation No 236/2014](#) of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instrument for financing external action.

<sup>11</sup> European Union's replies to the List of Issues, para 129, p. 34.

<sup>12</sup> Ibid, para 130, p. 34.

<sup>13</sup> 40 EU delegations responded to the IDDC survey out of the 99 delegations. 33 answers were complete.

other disability-related documents at the EU level, there is a low level of awareness on the EU disability strategy and the guidance note on disability inclusive development<sup>14</sup>. Furthermore, a significant number of respondents from the EU delegations felt they did not have sufficient knowledge on inclusive development to implement the CRPD commitments and the EU Disability Strategy. It seems therefore that awareness raising activities and training across EU structures have yet to be improved with regards to building knowledge on the CRPD and inclusive development.

Finally, there was confusion among survey respondents about the role of the disability focal point and concern raised about the need for the EU and its implementing partners to strengthen mechanisms to engage with DPOs in consultations and meetings.

The IDDC survey also highlighted **where progress is being made** on mainstreaming disability. An example given by the EU delegation in Bangladesh shows there has been increased attention and discussion on disability-inclusive development during all programming phases. The survey also shows that majority of delegations (75%) invited representative organisations of persons with disabilities to the consultation for the drafting of the EU Country Roadmap for Engagement with civil society. Good examples were also highlighted in Bosnia and Herzegovina. Survey respondents, while not universal, also highlighted accessibility, as positive progress made by several of the EU delegations.

Finally, **IDDC welcomes** the fact that disability was included in several priority areas of the EU's communication on post-2015 Sustainable Development Goals<sup>15</sup>. Disability was included in areas such as health, education, employment and accessible cities. In order for the implementation of the post-2015 framework to be inclusive of the rights of persons with disabilities, it **is welcome** that the EU has advocated for disability-disaggregated data<sup>16</sup>. However, **IDDC regrets** that the EU did not confirm this commitment in its most recent Council Conclusions on 'A New Global Partnership for Poverty Eradication and Sustainable Development after 2015'. Disability was not specifically mentioned in the reference to disaggregation of data and not mainstreamed throughout the Conclusions.

## Recommendations for Concluding Observations on Article 32

- We recommend that the EU adopts a systematic and institutionalised approach to mainstream the rights of persons with disabilities across all its international cooperation policies and programmes. The EU should take appropriate steps to identify quality disability markers and investigate the feasibility of their implementation in all EU funded programmes and projects by the mid-term review of the Multi-Annual Financial Framework in 2017, including a systematic assessment of CRPD compliance in the awarding and evaluating processes of EU-funded projects.

---

<sup>14</sup> 45% of respondents were not aware about the EU's CRPD report, 50% had not read the updated Guidance Note on disability-inclusive development cooperation, and 78% said they don't have sufficient knowledge on inclusive development and implementing the CRPD and the EU disability strategy.

<sup>15</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions. A decent Life for all: from vision to collective action.

<sup>16</sup> EU replies to the LoI, para 131, p. 34.

- We recommend that the EU improves the communication of its strategies, policies and guidance to the EU delegations through training and information exchange. This could further build on positive initiatives taken so far in training EU staff.
- We recommend an updating of the Guidance Note on disability-inclusive development cooperation inline with the Committee's concluding observations and the Sustainable Development Goals. This revision should include sector specific policy work with good examples on accessibility, work and livelihood, health and education and other development areas.
- We recommend that the EU establishes a mechanism to increase coordination and coherence amongst the various disability focal points across different EU institutions in the next 24 months. Furthermore, we underline the importance for the contact details and role of the disability focal points and advisers in EU delegations to be made publicly available in accessible formats.
- We recommend that the EU takes a leading role in the implementation of the post-2015 development framework and champion the development of disability-inclusive indicators and data at all levels. All programmes and policies developed by the EU and its Member States for the implementation of the post-2015 frameworks, including the Sendai framework for DRR, must be accessible to and inclusive of persons with disabilities, paying specific attention to women and girls with disabilities.