**DRG Fellows’ written submission to the general comment on article 11**

**Relation with other CRPD articles**

As human rights are indivisible, and as the different articles of the CRPD affect each others and are interrelated, it is necessary to remember and remind others that article 11 is directly and indirectly related to some articles or to certain parts of other articles of the CRPD. It is directly related to the part on communication in article 2 Definitions. That implies that in humanitarian emergencies there is a dire need to make good, or rather excellent, use of accessible information and communication technology. It has some relation to paragraphs A, B,C and D of article 3 General Principles. Giving the proper attention and care to assist victims with disabilities of humanitarian emergencies implies the respect for their inherent dignity, while insisting on non-discrimination as well as full and effective participation and inclusion in society and respect for difference. An implicit and indirect relation with article 4, General Obligations, paragraph H of clause 1, may be observed. Though many could claim that paragraph applies best in normal times, the paragraph recommends providing “accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities” also in situations of risk and humanitarian emergencies. That implies that parties concerned with relieving the affected population need to make sure they have a clear and good idea about such mobility aids, devices and assistive technologies, and able to spread the right information about them.

A direct and frank link has to be noted between articles 11 and 5 Equality and Non-discrimination. Clauses 1 and 2 of article 5 insist on “equal protection and equal benefit of the law” and guaranteeing “equal and effective legal protection against discrimination on all grounds.” Clause 3 moves one step further by stipulating “In order to promote equality and non-discrimination, state parties shall take all appropriate steps to ensure that reasonable accommodation is provided.” That is why those concerned with relief and refugee hosting have to think of securing the provision of reasonable accommodation. Clause 4 goes still further by stating that “Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present convention.” Many persons with disabilities from places stricken with situations of risk and humanitarian emergencies report that authorities and humanitarian actors ten to neglect people with disabilities as a result of disability-based discrimination. Consequently, persons with disabilities are often excluded in the process of managing a humanitarian crisis and responses.

We may infer a link between articles 11 and 6 on women with disabilities and 7 on children with disabilities. Girls, women and children with disabilities frequently fall victims to physical violence and sexual abuse. Measures are taken to end discrimination against both groups, and taking care of them in situations of risk is such a measure that is implied, but must be strictly applied. It is necessary to note the disproportionate effect of crises on women and children with disabilities as well as the multiplicity of their adverse effects. This makes both articles duly relevant to relieving people affected by all kinds of situations of risk.

Article 11 is also directly related to article 8, in particular paragraphs A and B of clause 1, and all the paragraphs of clause 2. In order to get persons with disabilities make good use of assistance in situations of risk and humanitarian emergencies, families should respect the dignity and rights of their children and other members with disabilities. By combating stereotypes and prejudices, family members may be given the proper placement for getting evacuated or receiving help in emergencies. Without receptiveness of the rights of persons with disabilities as well as positive perceptions of persons with disabilities, they may be overlooked and neglected in cases of displacement or even when affected population get evacuated. Article 8 thus gains special importance as regards dealing with frontline workers and organizations involved in the response process in order to treat persons with disabilities humanely and equally.

The article seems directly related to paragraph B of clause 1 of article 9, which stipulates that persons with disabilities living independently shall be enabled to get served by information and other services, including electronic services and emergency services, as paragraph B of clause 1 of article 9 states. It is also important for humanitarian actors and local authorities hosting refugees to “develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility to facilities and services open provided to the public,” as specified by paragraph A of clause 2 of article 9. When authorities and humanitarian actors organize training for stakeholders on accessibility issues facing persons with disabilities, people would tend not to overlook persons with disabilities in risk situations. The link becomes much clearer as article 9 relates to access to information and physical environment.

It seems logical and realistic to see a link between articles 11 and the one immediately preceding it, article 10 on the Right to Life “State parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.” In all types of humanitarian emergencies, persons with disabilities like the rest of the population are negatively affected. They may suffer a double loss as they may lose their material belongings and personal security plus the social support and solidarity they enjoy in their families and local communities. Agricultural infrastructure gets destroyed by floods, cyclones, storms, drought and wars. As a result, food security gets wasted and persons with disabilities are badly affected much more than other population groups.

An implicit link may be registered between articles 11 and 16, Freedom from exploitation, violence and abuse. In fact the different five clauses of this article need to be activated and made use of in situations of risk, armed conflicts in particular. Warring factions usually commit serious violations against human rights, and use extra violence and abuse against persons with disabilities. They often exploit them.

Recognizing the equal right of all persons with disabilities to live in the community, and taking the effective and appropriate measures to facilitate their full enjoyment of this right, are measures meaning that those people may be fully included and given complete part in the community. This way persons with disabilities will not be overlooked in emergencies, and the relation looks apparent and direct between articles 11 and 19. Nevertheless, it is important to note that persons with disabilities living independently may sometimes be forgotten and neglected because others could easily assume that they are not with disabilities and in fact need special care and assistance in unfamiliar conditions particularly situations of risk. Consequently, neighbors may not pay attention to their special needs, inform rescue teams of their presence and leave them to their own ways to manage in situations of risk and emergencies.

We have to remember also that there is some direct relation between articles 11 and 20, especially when thinking of taking effective measures by concerned authorities and humanitarian actors to “ensure personal mobility with the greatest possible independence for persons with disabilities,” as specified by the initial sentence of article 20. However, the relation of article 11 with the three following paragraphs A through C of article 20 could be regarded implicit and indirect. In any case, persons with visual and physical disabilities need proper mobility training in the long term, particularly after being settled in the new hosting community. The same needs appear in the case of persons with cognitive or intellectual disabilities.

There is also a direct link between articles 11 and 21. The latter insists on the possibilities of providing and accessing information “intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost,” as specified by paragraph A of article 20. This resonates the relations of article 11 with the different parts of articles 2, 3, 8 and 9. Proper public information in humanitarian emergencies may assist in the operations of evacuating persons with disabilities and settling refugees and internally displaced disabled people. As those people are in need to be included in the communities of refugees.

Article 11 is indirectly linked to article 22 demanding the respect for privacy that stipulates: “No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, … protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.” That signifies the importance humanitarian actors and local authorities need to attach to respecting the privacy of young and older persons with disabilities, whether they are living independently or with their own families or other families.

Another direct, but not so clear, link is with article 23 respect for the home and family, particularly clauses 2 and 3. The first states, “state parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship…” Clause 3 stipulates, “State parties shall ensure that children with disabilities have equal rights with respect to family life.”

Article 11 is also directly linked to article 24. Article 24 on the right to education has to be properly applied to the inclusive schooling of refugees and internally displaced persons with disabilities. Education of refugees with disabilities need to be given top priority by camp supervisors and those providing assistance to camp inhabitants, though such need or right may be overlooked or delayed in the first stages of camp erection. In many camps children may not be schooled, but that has to be deemed a wrong situation that should be treated and corrected, particularly in the case of children with different disabilities. Those need and right reveal an indirect relation between these two articles and article 9 as well as article 2.

Article 11 has a direct link with article 25 on health, because “persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability…” In emergency situations, health conditions linked to certain disabilities have to be taken into account: epilepsy, skin infections, respiratory infections, swallowing difficulties, etc. They have to be appropriately treated; medication and specific resources must be in place. The link also seems direct with article 26 on habilitation and rehabilitation. However, with respect to articles 25 and 26 the duties of states shall be somewhat transferred to local authorities and humanitarian actors in camps. Palestinian refugees with disabilities in Lebanon, Jordan and the Gaza Strip, for instance, are under the patronage of the UNRWA as far as health and rehabilitation are concerned.

In cases of long-term displacement and refuge, persons with disabilities need as much as people without disabilities to be granted the right to work and employment. That shows the somewhat direct, though implicit, relation between articles 11 and 27.

Internally displaced and refugees with disabilities, who successfully move from one region to another inside their countries or who cross the borders to another country, need to enjoy adequate standard of living and social protection. Otherwise, they may face dangers of malnutrition and health problems resulting from food insecurity. Persons with disabilities have “the right to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions,” as stipulated by clause 1 of article 28. Social protection also applies to disabled people forced to leave their homes because of natural disasters or armed conflicts, as mentioned by clause 2 of article 28. True the article does not specifically mention refugees and internally displaced persons with disabilities, but that should be implied by all those concerned with relieving and hosting refugees and internally displaced people. That is a good example of the significant though indirect relation between articles 11 and 28.

One cannot ignore a simple and indirect link between articles 11 and 30 on participation in cultural life no matter how basic or rudimentary cultural activities may be in refugee camps.

Article 11 is also linked to article 31 on statistics and data collection. Authorities and humanitarian actors do not care about the collection of data on people with disabilities. The data often presented for the assessment of the impact of a humanitarian crisis on the population, the data are not disaggregated by age, sex and disability. In the case of Haiti, for example, the report of the Haitian authorities on the casualties of August 14, 2021, there is no mention of the number of victims with disabilities, whether they are wounded or dead, or homeless and affected by the disaster. The three clauses need to be applied strictly in humanitarian emergencies, which means not only gathering data about persons with disabilities, but also makes it necessary to provide those persons with the right data to help them when displaced. OPDs may be of great value in providing data and helping humanitarian actors and authorities.

One may infer an implicit link between articles 11 and 32 on international cooperation. Since most disasters often exceed the capacity of a single state or more (e.g. the earthquake that hit Turkey and Syria on February 6, 2023), governments are obliged to seek external assistance and foreign support giving thereby effect to international cooperation, Paragraph D of clause 1 that states, “provide, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

The link to other CRPD articles is complemented by being applied in complementarity with the Refugee Convention of 1951, and the 1967 protocol.

**The dangers facing persons with disabilities in humanitarian emergencies**

The article stipulates that governments and other actors, humanitarian actors in particular, have to take the necessary and appropriate measures to protect persons with disabilities while addressing situations of risk and humanitarian emergencies. Those measures are supposed to precede, accompany and follow situations of risk. That demand implies that such emergencies need to be detailed, and that the parties concerned should distinguish the different disasters. Humanitarian emergencies or situations of risk are categorized in three wide types of hazards—evolving hazards such as armed conflicts and epidemics, seasonal hazards such as hurricanes and floods, and static hazards such as volcano eruptions and earthquakes.

Hazards Of all types leave various impacts that have greater effect on persons with disabilities and their families. However, risks and their effects are aggravated for persons with disabilities, particularly children with disabilities who are not fully accepted by their parents; women and girls with disabilities who are exposed to multifaceted discrimination; elderly people with disabilities who are easily overlooked, or considered additional, useless burden in the arduous and long trip out of troubles to a safe haven or refuge. As a result of leaving their own communities because of an armed conflict, persons with disabilities will lose their ability to be socially included. Supporting social networks may collapse with the separation of families, their own families in particular. Systems of basic services-- including health, education and protection services—may be disrupted alongside the devastation of buildings and the fleeing of workers as well as the emergence of other difficulties to continue providing the services. Another danger persons with disabilities face in situations of risk is the lack of knowledge and skills required for rescue team members to help save and assist disabled victims of natural disasters and other types of situations of risk.

As a consequence of the collapse of the systems of protection for victims, there is a great danger of them being exposed to violence, exploitation and abuse. It is sometimes impossible to attain information about humanitarian assistance. There are also obstacles that forbid contact with humanitarian workers. The growth of the high level of stigma leads to the isolation of persons with disabilities and excluding them from taking part in making decisions related to a humanitarian response.

Persons with disabilities could be left on their own as a result of material barriers and obstacles that prevent them from acquiring the necessary information about seeking asylum as well as attitude-related barriers besides institutional and organizational barriers. Evacuation-related obstacles include the absence of any early warning system and the inability to take certain tools and aides when leaving their homes. It is sometimes almost impossible to acquire information about the evacuation operations. Some barriers prevent persons with disabilities to reach the safe haven as a result of inaccessible ways to reach the safe haven and the inability to get information about the assistance needed in the centers of refugees. Internally displaced persons are in many cases hosted outside the refugee camps. Refugees with disabilities find it difficult to move around and out of the camp. Accessible means of transport are not available for the use of persons with disabilities. That leads to the inability of those persons to get humanitarian assistance and to be isolated from taking part in the community life and decision-making processes in the camps.

In the case of armed conflicts male assistants of persons with disabilities may not be permitted to cross the borders to another country, where they may seek refuge. The lack of information guiding persons with disabilities in the wake of any type of hazard forms a real danger those persons confront during and after the rise of the situation of risk or emergency. Those persons have vociferously expressed the sharp anxiety and fear they profoundly felt in the period of the COVID-19 pandemic eruption and expansion. Not only do seasonal hazards threaten to turn medical and food supplies scarce. All kinds of humanitarian emergencies cause such rarity of resources in addition to supply disruptions, but persons with disabilities are the victims that will be most affected by lack of medicines, food, information and security as well as the rise and spread of stigma particularly in the camps of refugees and the safe refugee gatherings inside their home countries or outside them. Hazards and their impacts expose those persons to the dangers of famine or at least food insecurity. Those persons in many, if not most, cases lose their personal assistants, family members and other individuals forming their support networks. Camps hosting them may be inaccessible. They may not be marked properly to make them familiar with the places and believe they are able to move easily and safely around the camps.

It therefore seems necessary to draw attention to the disability-related cost in the aftermath of humanitarian emergencies. Persons with disabilities shall not be denied reasonable accommodations and the possibility of using separate structures. That is why it becomes necessary to consider a limited number of different practical ways to make the application of article 11. The objective of such suggestions and recommendations is to figure out what appears to be helpful methods to have the different actors concerned with the effective implementation of article 11 come together and cooperate in the right manner. True the article makes authorities and humanitarian actors look as if they are the only parties obliged legally to serve persons with disabilities. However, those persons cannot individually and collectively be negative recipients of assistance by members of local and foreign rescue teams. In order to fully and properly apply article 11, persons with disabilities and their own organizations at the national, regional and international levels need to raise awareness of ordinary people, NGOs, and other different actors concerned with providing support, protection and relief to persons with disabilities inside the community in situations of risk and humanitarian emergencies.

**Recommendations**

In order to make evacuation operations more effective as regards assisting persons with disabilities, OPDs need to be trained on properly classifying basic information about their members as well as all persons with disabilities that are being served or are in touch with the different OPDs.

OPDs also need to raise the awareness of different parties and train their humanitarian staff, who gather information about persons with different types of disabilities. They also need plan ways to aid them in case of situations of risk and humanitarian emergencies.

Information about individuals with disabilities need to be updated regularly, annually or biannually perhaps. In some countries, where persons with disabilities are issued personal disability cards, the state does not update information for longer periods, perhaps each three or five or seven years. Old and not updated information may not be of real value in providing proper assistance to persons with disabilities in many cases.

OPDs need to be a source of valid and updated information about as many persons with disabilities as possible. One good way for OPDs to provide assistance and awareness is to publicize the Inter-Agency Standing Committee IASC guidelines among their staff and government and humanitarian personnel. OPDs need to insist on implementing these guidelines.

An important way to help in the evacuation of persons with disabilities is to run training courses for policemen, civil defense workers and employees, Red Cross and scouts volunteers, who may offer a hand in the evacuation operations.

The staff of humanitarian organizations, whether governmental or non-government, need to get trained on dealing properly with persons with disabilities during and after evacuation as well as in the camps. They also have to be trained on the proper handling of issues that specifically concern refugees with disabilities in camps whether old and established or new and promptly arranged. In the phase of reconstruction, persons with disabilities and their needs must be counted for.

Though IASC guidelines are not obligatory, they need to be used and adopted in training courses and in deliberations on how to act in rescue and relief operations.

Humanitarian actors shall know that it is necessary to train teachers on inclusive schooling for students with disabilities in refugee camps. Health workers need to be trained on that inclusive approach as it seems to be the most helpful and proper treatment. Inclusion is the best way to successfully apply the rules of article 11.