# Emergent opinions and comments on the Draft General Comment (Article 11) concerning persons with disabilities in situations of risk and humanitarian emergencies in light of a recent disaster.

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Views are independent from the author’s affiliated institute.

The author is of the opinion that the catastrophic event; the 7.8 magnitude earthquake which occurred in Turkey[[1]](#footnote-1) and in Syria, on February 6th 2023 and its devastating outcomes, could and must provide some vital lessons for the State Parties, from the perspective of the situations of persons with disabilities in natural disasters. This event has proven that the Article 11 of the Convention, drafted in a quite broad way is perhaps one of the most important articles in the Convention, given that the environmental destruction and change all over the globe will likely cause more natural disasters in a near future and the most vulnerable populations are prone to more damages. The author in this regard takes the opportunity of submitting this brief comment with regard to the potential draft of the General Comment on the Article 11 of the Convention, with the hope of no other nation or group of people going through the same results which Turkey is currently going through.

It is of crucial importance that the global disability human rights society and States Parties to the CRPD should learn from the outcomes and observations of this very recent yet most overwhelming natural disaster. This particular disaster is worth taking great lessons from it, not only because of its damage but also because it affected more than a single group of vulnerable persons with disabilities. In case of Turkey, an example of this is asylum seekers and refugees.[[2]](#footnote-2) This event will also likely be a game changer in field of national disability rights and policies since the catastrophic outcomes, unfortunately, have already begun to create many more physical and psychosocial disabilities.

Noting that the disaster is quite recent and that those official first stake responsible organizations are currently expected to be dealing with the disaster management and emergency and thus no official data or information is available concerning the situation of persons with disabilities, the information and observations relied on in this document will be based on the media responses and from the ongoing efforts and social media releases of local NGO’s, disability groups, networks and aid requests of mostly nondisabled and disabled individuals. In this sense, the author would like to stress the crucial necessity of the potential inputs of the Turkish disability civil society and various actors in the forthcoming General Comment, and kindly reminds the Committee for reaching out for such contributions.[[3]](#footnote-3) Currently, it is the national and local disability civil society organizations, groups but mostly concerned individuals that seem to be providing the correspondence between the responsible agencies and persons with disabilities, in spontaneous ways and with most creative and voluntary methods.[[4]](#footnote-4)

With respect to the Article 10 of the CRPD, The right to life, equal worth and dignity of persons with disabilities must be not only respected but also internalized by all the actors during the disaster management. In this respect the general comment would be most effective if it specified that:

* The rescue and aid programmes and activities have sufficient means and professional knowledge concerning persons with disabilities and that the States Parties are responsible in protecting the lives of all members of the society. Achieving this goal however is up to prior precautions and duties and that States Parties must demonstrate that such duties were conducted.

Once again, the disaster has shown the importance of access and usage of new information technologies, the importance of the robust use of the social media in reaching out for help.[[5]](#footnote-5) The necessity of free, uncensored and unrestricted[[6]](#footnote-6) access to these information services has revealed its cruciality for persons with disabilities, disability organisations in achieving aid, social correspondence and cooperation. In this respect:

* With respect to Article 21, States Parties must create the conditions for people belonging to different disability groups to benefit from communication technologies during natural disasters. In this sense, the States Parties should encourage the design, production and distribution of the necessary technological tools and equipment in order to reach different disability groups.

The General Comment concerning Article 11 would be most effective if it specifies the state’s duties in all stages concerning a disaster. This would mean to cover the actions **prior to** a natural disaster, **during** the natural disasters and **afterwards**. Each stage should carry equal importance and responsibilities by the States Parties and all stages must be complementary in achieving the right guaranteed in Article 11. States Parties must be expected to demonstrate their responsibilities and precautions with regard to all three stages in detail with solid and up to date evidences.[[7]](#footnote-7)

In this respect:

* Each States Party should demonstrate a comprehensive and sustainable plan concerning the disaster management for persons with disabilities. Considering the development and socio-economic variations and prior experiences amongst the State Parties, the importance of international cooperation is vital during the creation and implementation of such plans. In this sense, the states parties should be able to put forward their measures and plans for international cooperation and solidarity.

With respect to Article 31 of the CRPD, the General Comment would be most effective if it specified the requirements with regard to the disaster management and prior **data** concerning people with disabilities.

* Each States Party should demonstrate that they possess up-to-date statistics on the number of disabled people in the country prior to and following to the natural disasters and crises. This data should include **the types of disabilities** and **their specific needs**.[[8]](#footnote-8) The data should also cover information and contacts of their caregivers, family members and other affiliated persons. (As people unfortunately many loose their family members, caregivers in the disasters)
* As some goods and services cannot be reached urgently right after the disaster, the special needs of persons with disabilities regarding their health, mobility, accommodation, care, education and other categories should be available in advance and demonstrated in this data.

In making the mobility and temporary accommodation arrangements, following the natural disasters, States Parties should consider and prioritize the requirements of **accessibility** and **reasonable accommodation** for persons with disabilities.[[9]](#footnote-9)

These arrangements and measures must also cover the requirements of the Article 22 and 23 of the Convention. In this respect:

The General Comment would be most effective if it covered that:

* States Parties ensures to take precautions for the safety and wellbeing persons with disabilities with respect to Article 14, 15, 16 during crises management. It is of paramount importance that unaccompanied children and adults particularly with intellectual disabilities are provided with a safe environment.
* States Parties should provide the legal and structural means for the potential adoption of children with disabilities who have lost their family members. State Parties should encourage and raise awareness on this issue and must not create additional bureaucratic burdens while ensuring the best interest of the children with disabilities.

Article 32 of the CRPD concerning international cooperation plays an extremely important role during disasters. The General Comment would be most effective if it specified that

* States Parties should facilitate international cooperation in all stages of risk management and this should require sharing best practices concerning the situation of persons with disabilities is the emergency situations. [[10]](#footnote-10)

**Conclusion**: As the crisis continues and aid process is still going on, many other details will appear in a near future. Once again the author would like to stress the importance of lessons to be learned with respect to situations of persons with disabilities from this recent catastrophe. The author hopes that this urgently drafted brief comment will alert the international disability civil society and the Committee.

1. The Republic of Turkey signed CRPD in 30 March 2007; and ratified in 2009. Reliable and sufficient data concerning the total number of persons with disabilities is questionable. When referring to a ratio, the number is mostly determined by a reference to “Disability Survey” conducted in 2011 and based on this data the ratio of the disabled population is approximately 13%. Ministry of Family and Social services still relies on this data in its official declarations and documents. National Disability Data System has been established, yet the data available in this system only covers those persons who had applied to the authorized hospitals in order to receive a Disability Health Board Report and those who have applied for government services. In 2020, the total number of disabled people registered in this system was 2.533.209 and the number of persons with severe disabilities was 777,569. [↑](#footnote-ref-1)
2. https://www.unhcr.org/tr/en/refugees-and-asylum-seekers-in-turkey [↑](#footnote-ref-2)
3. In order to keep up with the deadline of this submission, the events and incidents, which have given direction to this comment, cannot be singled out. The author, in her capacity, will only try to formularize solutions with respect to the incidents. [↑](#footnote-ref-3)
4. Following the earthquake, such organizations -some of them not even being official NGO’s and thus perhaps not having the structural means and access, through volunteers, have started to connect those persons with disabilities who were effected with the state departments, distributed their needs, their locations, cried out for help on their behalf. It would be unfair to single them out in this comment since the author does not have information regarding them all but it is of my attention that they cover all types of disability groups, special needs educators, volunteers etc. They are organized through social media mostly twitter and some of the have set up emergency lines within their reach and capacity with no prior orientation or guidance. Total solidarity and volunteerism is at stake in their actions. [↑](#footnote-ref-4)
5. https://www.euronews.com/2023/02/07/whats-real-and-whats-fake-debunking-misleading-content-about-the-turkey-earthquake [↑](#footnote-ref-5)
6. https://www.reuters.com/world/middle-east/anger-over-turkeys-temporary-twitter-block-during-quake-rescue-2023-02-09/ [↑](#footnote-ref-6)
7. This was not achieved by Turkey. Even though a national disability action plan (2023-2025) was released quite recently, the plan only outlines its aims and pronounces the potential stakeholders. The chapter, which concerns the situation of persons with disabilities in disaster and emergency situations, appears as the briefest section of this action plan. “Engelli Hakları Ulusal Eylem Planı 2023-2025” (National Action Plan on Disability Rights 2023-2025) p.142-144. https://www.aile.gov.tr/media/127967/engell\_haklari\_ulusal\_eylem\_plani\_23-25.pdf [↑](#footnote-ref-7)
8. In this regard the author observed a call in social media from an individual who had mentioned that there may be particular ‘objects’ that are crucial to persons with autism. Hearing aids, wheelchairs, particular medicines were amongst other calls. [↑](#footnote-ref-8)
9. While the author is writing this comment, in the 8th day of the disaster, there are people still without even a temporary accommodation and those families who have members with disabilities are in need of separate tents or shelters. Particularly persons with intellectual disabilities and their families are in much more difficult condition due to their particular sensibilities to crowds and noise. It has been witnessed that some family members as caregivers of those with more profound disabilities, who even themselves had some sort of disability, refused to leave the damaged and highly risky buildings because of the potential difficulties they would encounter when outside… [↑](#footnote-ref-9)
10. Unfortunately, in case of the recent disaster in Turkey international professional rescue teams were not able to function and cooperate robustly in the field due to disorganization and many other obstacles. [↑](#footnote-ref-10)