**Written submission related to the Day of General Discussion and article 11 of the Convention on the Rights of Persons with Disabilities for the Committee on the Rights of Persons with Disabilities**

Submitted by the National Federation of Organisations of People with a Physical Disability (MEOSZ)

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**Commenting organization:**

The National Federation of Associations of Persons with Physical Disabilities (MEOSZ) was founded in 1981 as an umbrella organization of persons with physical disabilities with the aim of representing and protecting the interests of persons with physical disabilities. Currently, our Federation has 83 member organizations and includes more than a thousand local groups, with a total membership of around 160 000 individuals. The aim of our organization is to eliminate the social segregation of persons with physical disabilities by identifying and eradicating social barriers and prejudices. In the framework of its national and international advocacy work, MEOSZ advocates for equal opportunities and full participation of the target group by representing and protecting the rights and interests of persons with physical disabilities. Our organization is controlled by persons with disabilities and represents their interests as its main activity. Thus, it qualifies as a disabled persons’ organization (DPO) as per the UN Convention on the Rights of Persons with Disabilities (CRPD). MEOSZ closely monitors the implementation of the CRPD in Hungary.

**I.**   **Introduction**

1. The National Federation of Associations of Persons with Physical Disabilities reaffirms the importance of elaborating a general comment on persons with disabilities in situations of risk and humanitarian emergencies.
2. Under article 11 of the Convention on the Rights of Persons with Disabilities, State parties are obliged to take 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 in line with their duties related to international humanitarian law and international human rights law.
3. The Hyogo Framework for Action 2005-2015 indicated that disaster loss will be increased “with grave consequences for the survival, dignity and livelihood of individuals, particularly the poor, and hard-won development gains.”[[1]](#footnote-1)
4. Recent years have seen a rise in extreme weather events across the globe including the European region as well. The COVID-19 pandemic followed by Russia’s full-fledged military aggression against Ukraine and the devastating 7.8 magnitude earthquake in Türkiye and Syria have resulted in massive loss of lives, injuries, large-scale forced displacement, and damages to critical infrastructure.
5. WHO data indicates that out of the eight billion people an estimated 1.3 billion persons (1 in 6 people) live with disabilities globally.[[2]](#footnote-2) The UN projects that there will be 9.7 billion people by 2050 meaning that the number of people with disabilities will likely increase in the future, too. It is estimated that there are approximately 87 million people with disabilities in the European Union.[[3]](#footnote-3) In Hungary, 490 578 people identified themselves as a person with disabilities (4,9% of the population).[[4]](#footnote-4)
6. Guidelines developed by the Inter-Agency Standing Committee suggest that the mortality rate among people with disabilities affected by disasters is two to four times higherthan in the population living without disabilities.[[5]](#footnote-5) In situations of risks and humanitarian emergencies, people with disabilities are significantly impacted by the disruption of the healthcare system, basic infrastructure, supply chains as well as the loss of family members, caregivers and assistive tools.[[6]](#footnote-6)
7. The World Disasters Report 2022 indicates that persons with disabilities died at higher rates in the COVID-19 pandemic partly as a result of the lack of sufficient mitigation of risks related to their vulnerabilities.[[7]](#footnote-7)
8. However, more detaileddisability disaggregated data and country-specific research is needed to better understand how disasters impact people with disabilities. Understanding disaster risk is priority 1 of the Sendai Framework for Disaster Risk Reduction 2015-2030 meaning “[p]olicies and practices for disaster risk management should be based on an understanding of disaster risk in all its dimensions of vulnerability, capacity, exposure of persons and assets, hazard characteristics and the environment.”[[8]](#footnote-8)
9. Reaffirming the importance of the objective of the general comment, the National Federation of Associations of Persons with Physical Disabilities has been implementing a research project that investigates how the disability aspect appears in the Hungarian disaster management, risk reduction and asylum legislation and policies.
10. The National Federation of Associations of Persons with Physical Disabilities welcomes the general comment to clarify the State party’s obligations pursuant to article 11 of the Convention and to provide recommendations to State parties to the Convention on measures they should adopt to fully comply with their duties to respect, protect and fulfill the human rights of persons with disabilities.

1. **Normative Content**

a) " States parties shall take measures, in accordance with their obligations under international law, including international humanitarian law and international human rights law.

11. As it is indicated in the Sendai Framework, State parties shall promote an all-of-society, inclusive, multi-sectoral and multi-hazard approach to disaster prevention, disaster risk reduction and disaster management.[[9]](#footnote-9)

12. State parties shall ensure that legislative and policy-making processes are accessible for people with disabilities. As primary duty bearers, State parties have the obligation to include people with disabilities and disabled people’s organizations (DPOs)  in all stages of planning, implementation, and evaluation related to disaster prevention, disaster risk reduction and disaster management.

13. State parties have the responsibility to coordinate among relevant stakeholders including national and regional authorities, public and private sectors, civil society organizations, DPOs and academia in order to develop and implement disability-inclusive legislation, policies, and strategies.

b) "all necessary measures to ensure the protection and safety of persons with disabilities"

14. As it is stated in the Sendai Framework (priority 1), State parties should promote the collection, analysis, management and use of disability disaggregated data. In-depth qualitative analysis of disaster and humanitarian responses to the needs of people with disabilities is also needed in order to better understand their needs and what should have been done more efficiently during past interventions.

15. Article 4(3) of the CRPD sets out that State parties shall closely consult with and actively engage persons with disabilities and DPOs in the design and implementation of legislative and policy processes, and in any other decision-making procedures relating to persons with disabilities. This is reiterated by the Sendai Framework as it states that persons with disabilities and DPOs are critical in the assessment of disaster risk and in designing and carrying out plans tailored to specific requirements, taking into consideration, inter alia, the principles of universal design.

16. In Hungary, a consultation was held in 2014 between the National Directorate General for Disaster Management (Ministry of Interior), DPOs representing persons with intellectual, physical and sensory disabilities and a research institution with expertise in universal design.[[10]](#footnote-10) The aim of the meeting was to engage DPOs in policymaking, to develop good practices in disability-inclusive disaster risk reduction and to plan an evacuation exercise. Although the latter had never been executed and the process eventually stopped, this past event is still a good illustration on how DiDRR consultations should look like.

17. The perspectives and needs of people with disabilities should be incorporated into institutional standards and operational protocols related to disaster prevention, disaster risk reduction, disaster management and humanitarian interventions, across planning, delivery, monitoring and evaluation.[[11]](#footnote-11)

18. State parties should invest in disability-inclusive disaster prevention, disaster risk reduction and disaster management in terms of 1) research and data collection on disability-inclusive disaster risk reduction (DiDRR) and disaster management, 2) DPO engagement as well as 3) training and capacity building of disaster management and disaster risk reduction professionals concerning the needs of people with disabilities to increase expertise in DiDRR.

19. State parties should be more transparent in relation to the implementation of the Sendai Framework. By February 2023, only 47 out of the 195 States had submitted the Voluntary National Report related to the Mid-term Review of the Sendai Framework.[[12]](#footnote-12) In the Europe region, it means only 12 countries including five EU Member States. Three out of the five EU Member States have not mentioned any progress related to their obligations on disability-inclusive disaster management and disaster risk reduction.

c) "persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters"

20. The term “natural disaster” should completely be avoided as disasters are not caused by nature. The focus should be shifted to human actions, more precisely on State parties’ responsibilities in relation to disability-inclusive disaster prevention and disaster risk reduction.

21. As Professor Ilan Kelman argues “[i]t is generally accepted among environmental geographers that there is no such thing as a natural disaster. In every phase and aspect of a disaster—causes, vulnerability, preparedness, results and response, and reconstruction—the contours of disaster and the difference between who lives and who dies is to a greater or lesser extent a social calculus. (...) The argument is that natural disasters do not exist because all disasters require human input. Nature sometimes provides input through a normal and necessary environmental event, such as a flood or volcanic eruption, but human decisions have put people and property in harm’s way without adequate measures to deal with the environment. The conclusion is that those human decisions are the root causes of disasters, not the environmental phenomena.”[[13]](#footnote-13)

**3. Persons with disabilities disproportionately affected and experiencing particular disadvantages in situations of risk, such as:**

a)     Persons with disabilities in institutions;

22. Evacuation plans and practices should have a particular focus on persons with disabilities living in institutions and residential care, including those asylum-seeking and refugee people with disabilities accommodated in reception facilities and camp-like settings.

b)      Children with disabilities;

23. Child and youth consultations should cover the topic of disability-inclusive disaster risk reduction.

c)     Internally displaced persons with disabilities, asylum-seeking and refugee persons with disabilities.

24. The Internal Displacement Monitoring Centre estimates that out of the 59.1 million people who were internally displaced (IDPs) at the end of 2021, approximately nine million live with disabilities worldwide.[[14]](#footnote-14) Due to rights and entitlements rising from different legal categories of international protection, asylum-seeking and refugee persons with disabilities face multiple obstacles in accessing services in host countries, especially if accommodated in reception facilities and refugee camp-like settings. Reception facilities, refugee camps, temporary shelters, Blue Dot Hubs and evacuation shelters should be barrier-free and accessible. Due to the variety of sign languages, access to crisis communication could be extremely challenging for displaced populations. However, easy-to-read crisis information could easily be translated into the languages that refugees and other migrants understand.

1. **Interrelation with other articles of the Convention**

25. Under the Convention, universal design refers to the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design (article 2.). Universal design as a general approach should be incorporated into disaster management and disaster risk reduction policies and measures as well.

26. Equality and non-discrimination should inform all policies and practices related to disaster prevention, disaster risk reduction and disaster management (article 5.).

27. Accessibility shall be integrated as horizontal aspect in all segments of  disaster prevention, disaster risk reduction and disaster management policies and practices, including crisis communication (article 9.).

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2. Factsheet on Disability. World Health Organization, 2 December 2022. [↑](#footnote-ref-2)
3. Persons with Disabilities. Employment, Social Affairs and Inclusion, European Commission. [↑](#footnote-ref-3)
4. Hungary, 2011. Hungarian Central Statistical Office, 2012. [↑](#footnote-ref-4)
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9. *Ibid.* [↑](#footnote-ref-9)
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12. MTR SF Submissions and Reports, Mid-term Review, Sendai Framework for Disaster Risk Reduction 2015-2030. [↑](#footnote-ref-12)
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14. Advancing disability-inclusive action on internal displacement. Internal Displacement Monitoring Centre, 2022. [↑](#footnote-ref-14)