**Submission from Trinity College Dublin – World Food Programme Partnership**

**on Disability Inclusion in Food Security Programming to**

**Draft General Comment on the rights of persons with disabilities in situations of risks and humanitarian emergencies (article 11 of the Convention on the Rights of Persons with Disabilities)**

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# **Introduction**

## General remarks

The Trinity College Dublin – World Food Programme (TCD-WFP) partnership welcomes the initiative of the CRPD Committee to develop a General Comment on article 11 Convention on the Rights of Persons with Disabilities (CRPD). In situations of risk and humanitarian emergencies, food insecurity is pervasive and yet remains underappreciated with regards to the disproportionate impact on persons with disabilities. It is therefore timely and appropriate that the CRPD Committee provides normative guidance to State parties to the Convention on measures they should adopt to ensure full compliance with their obligations to respect, protect and fulfil persons with disabilities’ rights in the contexts of risks and humanitarian emergencies. Given the myriad of ways in which disability interacts with food security, we urge the Committee to address the impact of food insecurity on persons with disabilities and appreciate the opportunity to make a presentation on this topic before the Committee during the “Day of General Discussion on article 11” on the occasion of its 28th session.

## Key concerns

Food security, as stated in the 1996 Rome Declaration on World Food Security, entails “the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger”; further concretized by the CESCR Committee’s General Comment No. 12 ‘The Right to Adequate Food’.[[1]](#footnote-2) This fundamental right has a triadic relationship with situations of risk as conceptualised under article 11: Food security occurs as a *consequence* of humanitarian emergencies, but it is also a *driver* of conflict and use as a method of war, and finally, food insecurity constitutes a *situation of risk in its own right*.

### *Disproportionate impact*

Persons with disabilities are more likely to be food insecure than persons without disabilities – even when controlling for a variety of factors such as country, context, population groups and geo-spatial boundaries. This impact is further compounded by intersectional identities such as gender and indigeneity, with findings showing that women with disabilities experience higher level of food insecurity versus men with disabilities.[[2]](#footnote-3) This evidence clearly underlines that protecting the rights of persons with disabilities under article 11 CRPD requires to better unpack and address the relationship between disability and all four pillars of food security - availability, access, utilization, and stability,[[3]](#footnote-4) with particular emphasis on persons with disabilities’ ability to access and utilize adequate food in a stable manner over time.

### *Access and stability*

In its General Comment No. 12 ‘The Right to Adequate Food’, the Committee on Economic, Social and Cultural Rights (CESCR) Committee clarified that access entails having “physical and economic access at all times to adequate food”[[4]](#footnote-5)￼ As one’s ability to secure food depends on the intersectional barriers faced to economic participation￼, there is an undeniable association between disability, food security, and situations of risks. In situations defined under article 11 CRPD, decreases[[5]](#footnote-6) in food security access opportunities disproportionately impact persons with disabilities due to direct and indirect access barriers. Whilst the disproportionate effect on persons with mobility-difficulties appear increasingly recognised, there is an under-recognition of information-related barriers due to inaccessible communication and/or stigma around disability. Households with disabilities’ face additional resource constraints due to expenditure related to their disabilities.[[6]](#footnote-7) This underappreciated economic dimension aversively impacts persons with disabilities long term coping capacity (e.g., recovery post situation of risk or emergency), often depleting their assets, and creating a vicious cycle, decreasing stability of and access to food.

### *Utilization*

Food assistance efforts tend to lack consideration of the relationship between disability and utilization of food. Utilization refers to the consumption of the food, from the activities involved in preparation, to those of eating, swallowing and absorption. Functional difficulties in any of these areas may necessitate adaptations, which may include adapted utensils, appropriate positioning, or modifications to the diet (in terms of texture or composition for example). Some individuals may require non-oral nutrition. In situations of risk and humanitarian emergencies, these highly specific and diverse needs are side-lined by the speed and scale demanded of the response, risking the lives and dignity of persons with disabilities.

### *Structural exclusion, root causes and reduced coping capacity*

Food security as a situation of risk is inevitably linked to underlying structural inequalities that negatively affect one’s ability to sustain livelihoods and cope with food shortages in the long-term. Research suggests that persons with disabilities face inequality[[7]](#footnote-8) in relation to access, control, and ownership of productive resources, particularly in relation to natural and financial capital.[[8]](#footnote-9)[[9]](#footnote-10) Fewer (agricultural) employment opportunities also act to decrease livelihood and food security, albeit variation with respect to type of employment activity, gender, and type of disability.[[10]](#footnote-11)

These structural barriers mean that persons with disabilities face situations of risk with an existing and often persistent disadvantage. The pre-existence of these inequalities with structural causes necessitates strong action in situations of risk and humanitarian emergencies to ensure that the inequalities are not further widened by barriers to accessing emergency preparedness, humanitarian assistance or recovery support.

# **Normative Content**

Article 11 of the Convention enshrines persons with disabilities’ right to protection and safety in situations of risks. Food security as a consequence of humanitarian emergencies, but also as a driver of conflict and use as a method of war, and finally, food insecurity constituting a situation of risk in its own right must therein be considered as subject to article 11 CRPD.

Food security, as stated in the 1996 Rome Declaration on World Food Security, entails “the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger”; further concretized by the CESCR Committee’s General Comment No. 12 ‘The Right to Adequate Food’.[[11]](#footnote-12)

The article’s normative content must be further read in conjunction with the by international customary law established prohibition of the use of starvation of civilian populations as a method of warfare. The UN Security Council (UNSC) Resolution 2417 on the protection of civilians in armed conflict condemns starvation as a method of war and stresses the “particular impact that armed conflict has on [...] persons with disabilities”.[[12]](#footnote-13) UNSC Resolution 2475 further “emphasiz[ed] the need to consider the particular needs of persons with disabilities in humanitarian response”.[[13]](#footnote-14)

Article 11 CRPD includes a provision for the “protection and safety of persons with disabilities” with regards to situations of risk, which includes addressing prevention and preparedness[[14]](#footnote-15). Protecting this entitlement therein requires that any baseline state of risk faced by persons with disabilities with regards to food insecurity, is addressed as part of risk reduction measures. Considering the disproportionate impact of food insecurity and situations of risks on persons with disabilities, the scope of State Parties’ obligation to “undertake all necessary measures to ensure persons with disabilities’ protection and safety“[[15]](#footnote-16) would need to expand from prevention & preparedness to rescue & response as well as recovery, reconstruction & reconciliation to meet the criteria of substantive equality[[16]](#footnote-17).

# **States obligations under article 11 CRPD**

Food insecurity represents a situation of risk that is disproportionately experienced by persons with disabilities, including through reducing the individual’s capacity to cope with future shocks. Therefore, measures required of State parties and other actors should not be limited to emergency/humanitarian response but must include action to mitigate this persistent risk. In alignment with the Convention’s principle of substantive equality, these measures must include proactive steps and special measures[[17]](#footnote-18) to close the gap between persons with disabilities and those without disabilities. Such measures should across the phases of situations of risk: in (1) prevention & preparedness; (2) rescue & response; (3) recovery, reconstruction & reconciliation, in all phases[[18]](#footnote-19) centering meaningful consultation of persons with disabilities and their representative organisations.

## Prevention & preparedness

Meeting the obligation to reducing persons with disabilities’ disproportionate risk to food insecurity, would require State parties to adopt all necessary measures for ensuring the consideration and protection of persons with disabilities’ diverse needs – based on the Convention’s general principles[[19]](#footnote-20), especially, non-discrimination, substantive equality, and accessibility - in all their food systems and food security legislation, policies, and programmes, particularly:

1. Remove discriminatory provisions, considerate of the multiple forms of discrimination persons with disabilities can be subject to, at all administrative levels;[[20]](#footnote-21)
2. Remove barriers to accessing livelihoods opportunities which offer a form of resilience building against future shocks or situations of risk;
3. Utilize quality data on persons with disabilities’ access to, ownership of and control over (nutrient-rich) food and productive resources to monitor the effectiveness of existing frameworks and ensure accountability;[[21]](#footnote-22)
4. Use inclusive communication, provide reasonable accommodation, and ensure that the promotion and distribution of available resources is accessible for persons with different types of disabilities and intersecting identities, especially women, Indigenous persons, displaced persons, and other minority groups with disabilities.
5. Ensure that all preparedness measures are based on meaningful consultation with persons with disabilities and their representative organisations.

## Rescue & response

Protecting persons with disabilities from food insecurity during situations of risks, State parties have the duty to address persons with disabilities’ systemic disadvantage with regard to their access to and utilisation of food, including but not limited to food assistance.

1. State parties, but also other stakeholders in rescue and response, are obliged to identify and remove the access barriers faced by persons with disabilities, which is best achieved through meaningful consultation with persons with disabilities. This would require a disability-specific and intersectional assessment approach, removing barriers, providing reasonable accommodation, and building stakeholders’ capacity on disability inclusion.
2. Aside from economic and physical accessibility, particular attention must be given to inclusive communication and forms of exclusion, that may limit persons with disabilities awareness regarding eligibility and processes of food distribution. The dissemination of accessible information is critical to the protection and safety of persons with disabilities. The emphasis on multiple formats of information is clear in existing guidance but a comprehensive approach must take into account the intersectional barriers to information access. Groups commonly side-lined during inclusive information provision, such as those with cognitive and communication disabilities, and minority language users, should be considered and consulted.
3. It can further be reasoned that article 11 CRPD entails the obligation for advanced consideration of persons with disabilities’ food-specific needs from a food utilization-perspective. Attempts to enhance access must be complemented by advanced consideration of the possible needs of persons with disabilities – from a lifespan perspective and with regards to stability of food security – as part of emergency preparedness and response, alongside identifying those with food-specific needs, can mitigate these risks.

## Recovery, reconstruction, and reconciliation

In conjunction with the Convention’s guiding principles[[22]](#footnote-23), article 11 demands State parties address and redress the disproportionate impact of food security and situations of risks experienced by persons with disabilities, including in the context of recovery, reconstruction, and reconciliation, through:

1. Meaningful consultations with persons with disabilities, and their representative organizations, and include the views of persons with disabilities in all their diversity, to ensure that recovery, reconstruction, and reconciliation efforts are disability-inclusive and responsive to the needs and priorities of persons with disabilities;
2. Allocate budget to inclusive recovery and reconstruction solutions and the design for sustainable food systems, climate change adaptation and mitigation, and protracted crises;[[23]](#footnote-24)
3. Prioritised targeting of persons with disabilities, especially women, Indigenous persons, displaced persons, and other minority groups with disabilities, in designing and resourcing skill-building interventions in agricultural and other livelihood-generating practices.

# **Persons with disabilities disproportionately affected and experiencing particular disadvantages in situations of risks**

Recalling the pillars of food security – availability, access, utilisation, and sustainability[[24]](#footnote-25) – and their interaction with different intersecting barriers on the one side but also with differences in the nutritional needs across the lifespan and by disability, the risk of food insecurity is differently experienced depending on other intersecting identities. Across the pillars of food security, and in addressing hunger, emphasis should be placed on intersectionality, and needs should be cognisant of differences across the lifespan and domain or level of functional difficulty.

## Indigenous people with disabilities

## Particular emphasis should be given to Indigenous people with disabilities, whose rights, situations, and priorities are often not (adequately) captured and/or addressed in official documentation.[[25]](#footnote-26) This invisibility occurs despite the high likelihood of Indigenous peoples becoming food insecure, the disproportionately high prevalence of persons with disabilities, and the high rates of poverty[[26]](#footnote-27) and the link between poverty and food insecurity.This lack of visibility tends to exacerbate a cycle of marginalization,[[27]](#footnote-28) which is reflected by Indigenous persons with disabilities’ identification of knowledge- and information related access barriers to available services. The negative effect of restricted access, control over, or ownership to their lands and resources on Indigenous peoples’ ability to sustain their collective and cultural identity has been further indicated by livelihood-related data from the Central African Republic, India, and Nepal. This draws attention to the indispensable meaning of food for Indigenous peoples and communities[[28]](#footnote-29) and the severe implications resulting from the absence or denial of food, extending the physical dimension to the collective and cultural dimension of survival, a violation of their right to “collective indigenous existence”[[29]](#footnote-30).

# **Interrelation with other articles of the Convention**

Persons with disabilities’ rights in relation to food are enshrined in the CRPD. The right to adequate food, for example, is specifically enshrined as part of an adequate standard of living (article 28, para 1) as well as in relation to the highest attainable standard of health (article 25, para f). The accessibility of food assistance during humanitarian response is critical to ensuring that persons with disabilities have access on an equal basis with others. Enshrined within article 9, this accessibility must include considerations of physical access to food assistance, to accessible communication / information about the assistance available.

Given that economic access to food forms part of the accepted criteria of food security[[30]](#footnote-31) the interdependence between the right to food and social protection (article 28, para 2) and control over (economic) resources (article 12, para 5). In relation to article 11, an appropriate and adequate response to situations of risk must address the provisions made by articles 12(5), 25(f), 28(1), 28(2)) as part of the prevention and preparedness as well as the recovery phases.

Understanding and responding to the multifaceted relationship between disability, food security and situations of risk requires data disaggregated by disability (article 31). International cooperation (article 32) should promote, formulate, implement, and realise policies to give effect to the right to be free from hunger, reducing the baseline level of risk experienced by persons with disabilities and ensuring their equal access to food assistance in humanitarian response and recovery.

# **Please indicate at least 5 issues, topics, comments, or recommendations your organization considers critical for the Committee to include in the draft general comment.**

1. To effectively protect and safeguard persons with disabilities in situations of risks, the General Comment should highlight the duty of State parties and stakeholders to prioritise persons with disabilities’ right to substantive equality from a food systems lens across all the phases of situations of risk - (1) prevention & preparedness; (2) rescue & response; (3) recovery, reconstruction & reconciliation.
2. Given that persons with disabilities are often approached as a homogenous group, disregarding impairment-specific barriers as well as their intersecting identities, being subject to specific and intersecting forms of discrimination, the General Comment should highlight the need for analysis of disability-specific and intersecting barriers to food security faced by persons with disabilities in their full diversity. Particular emphasis should be placed on Indigenous persons with disabilities, considering their invisibility in policy and practice as well as their higher likelihood of becoming food insecure and the severe implications for this group.
3. Responding to the complex nature of food insecurity, often experienced as a baseline situation of risk due to associated poverty, health, and livelihood-related concerns, it is recommended that the Committee strongly emphasises the necessity of a robust disability-inclusive cross-sectoral systems approach, that addresses all four pillars of food insecurity, with particular attention to ensuring persons with disabilities’ access to and utilization of food in emergencies.
4. The General Comment should provide explicit requirements for necessary measures to ensure that food assistance in emergencies is accessible to persons with disabilities, by both mainstreaming inclusion and building capacity on disability-specific considerations for food assistance as part of emergency preparedness. The dissemination of accessible information, cognisant of the range of information-related barriers experienced by different groups, is critical to the protection and safety of persons with disabilities. It is therefore recommended that this is reflected in the final comment, and modifications provided for women and girls with disabilities, Indigenous peoples with disabilities, and impairment-specific advice.

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1. UN Committee on Economic, Social and Cultural Rights (UN CESCR Committee). UN CESCR Committee, General Comment No 12: The Right to Adequate Food (Art. 11) (12 May 1999) UN Doc E/C.12/1999/5 <https://www.refworld.org/pdfid/4538838c11.pdf> (accessed 12 April 2022) para 4. [↑](#footnote-ref-2)
2. Preliminary findings from the forthcoming UN report on Disability and Development which, for the first time, includes a chapter on SDG2. The report is still under finalization – to be released in June 2023, including in accessible versions for persons with disabilities.  [↑](#footnote-ref-3)
3. as reaffirmed by States in the 1996 Rome Declaration on World Food Security. [↑](#footnote-ref-4)
4. UN Committee on Economic, Social and Cultural Rights (UN CESCR Committee). UN CESCR Committee, General Comment No 12: The Right to Adequate Food (Art. 11,) (12 May 1999) UN Doc E/C.12/1999/5 <https://www.refworld.org/pdfid/4538838c11.pdf> (accessed 12 April 2022) para 4. [↑](#footnote-ref-5)
5. UN, 2020. *Policy Guidelines for Inclusive Sustainable Development Goals*. *No Povert*y: <https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SDG-CRPD-Resource/policy-guideline-no-poverty.pdf> (accessed 28 February 2023) pp. 37. [↑](#footnote-ref-6)
6. Gooding, K., & Marriot, A. (2009). Including persons with disabilities in social cash transfer programmes in developing countries. Journal of International Development: The Journal of the Development Studies Association, 21(5), 685-698. [↑](#footnote-ref-7)
7. Both de facto and/or de jure inequality as defined under articles 5 and 32 CRPD. [↑](#footnote-ref-8)
8. Baseline study for the SPARK programme – final report. March 2022. Light for the World, ILO, and Procasur; IFAD, 2019: Economic Activities of Persons with Disabilities in Riral Areas: New Evidence and Opportunities for IFAD Engagement (EB 2019/128/R.7). Rome, 2019. [↑](#footnote-ref-9)
9. WHO, 2011; New Agriculturist, 2013; Agole, D., Baggett, C.D., Brennan, M.A., Ewing, J.C., Yoder, E.P., Makoni, S.B., Beckman, M.D. and Epeju, W.F., 2021. Determinants of Participation of Young Farmers with and without Disability in Agricultural Capacity-building Programs Designed for the Public in Uganda. Sustainable Agriculture Research, 10(2), pp.74-86; Gomda, A., Zakaria, H. and Sulemana, N., 2018. An Examination of the Link between Participation of Persons with Disability in Agriculture and Food Security: The Case of Disabled Farmers in Savelugu/Nanton Municipal. FACO/Pacific. [↑](#footnote-ref-10)
10. See also Mitra, S., Main Results and Implications. In S. Mitra (Ed.), Disability, Health and Human Development (2018), 153–162. <https://doi.org/10.1057/978-1-137-53638-9_7>; Mani, S., Mitra, S., & Sambamoorthi, U., Dynamics in health and employment: Evidence from Indonesia in World Development, 104, (2018), 297–309. https://doi.org/10.1016/j.worlddev.2017.11.021. [↑](#footnote-ref-11)
11. UN Committee on Economic, Social and Cultural Rights (UN CESCR Committee). UN CESCR Committee, General Comment No 12: The Right to Adequate Food (Art. 11,) (12 May 1999) UN Doc E/C.12/1999/5 <https://www.refworld.org/pdfid/4538838c11.pdf> (accessed 12 April 2022) para 4. [↑](#footnote-ref-12)
12. UNSC Resolution 2417, May 2018, pmbl. [↑](#footnote-ref-13)
13. UNSC Resolution 2475, June 2019, pmbl. [↑](#footnote-ref-14)
14. The OHCHR (2020) Illustrative indicators on situations of risk and humanitarian emergencies recognise Article 11 as applying across three phases: prevention & preparedness; rescue & response; recovery, reconstruction & reconciliation <https://www.ohchr.org/sites/default/files/article-11-indicators-en.pdf> [↑](#footnote-ref-15)
15. CRPD, art. 11. [↑](#footnote-ref-16)
16. considering Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13) (CEDAW), art. 5. [↑](#footnote-ref-17)
17. There is an obligation for state parties to take affirmative action to ensure the rights of groups at a higher risk of vulnerability, including “specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities” (CRPD, art. 5). [↑](#footnote-ref-18)
18. Notwithstanding that these phases may not be linear or discrete in protracted emergencies or prolonged chronic crises. [↑](#footnote-ref-19)
19. CRPD, art. 3. [↑](#footnote-ref-20)
20. CRPD, art. 4 para 1(a). [↑](#footnote-ref-21)
21. CRPD, art. 33. [↑](#footnote-ref-22)
22. CRPD, art. 3. [↑](#footnote-ref-23)
23. See further UNSC Resolution 2475, June 2019. [↑](#footnote-ref-24)
24. 1996 Rome Declaration on World Food Security. [↑](#footnote-ref-25)
25. Rivas Velarde, M., 2015. Indigenous Persons with Disabilities: Access to Training and Employment, available at <<https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_396412.pdf>>, p. 6. See also: Buvinic, M. & Mazza, J. 2005. Gender and social inclusion: Social policy perspectives from Latin America and the Caribbean. Paper presented at the New Frontiers of Social Policy, Arusha, Tanzania. Meekosha, H. 2011. Decolonising disability: thinking and acting globally. Disability & Society, 26(6), pp. 667-682. Mikkelsen, C. 2014. The indigenous world 2014. Copenhagen, Denmark: The International Work Group for Indigenous Affairs (IWGIA). [↑](#footnote-ref-26)
26. Food and Agriculture Organization (FAO). 2006. The state of food insecurity in the world (SOFI) – 2006. FAO, Rome, available at <<http://www.fao.org/righttofood/kc/downloads/vl/docs/SOFI2006.pdf>>, p. 17. See also: WFP, 2022. The Republic of Congo: an assessment of indigenous peoples’ livelihoods and vulnerabilities to food insecurity and malnutrition. [↑](#footnote-ref-27)
27. Rivas Velarde, M., 2015. Indigenous Persons with Disabilities: Access to Training and Employment, available at <<https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_396412.pdf>>, p. 6. [↑](#footnote-ref-28)
28. Knuth, L., 2009: The right to adequate food and indigenous people. FAO, Rome, available at <<https://www.fao.org/3/ap552e/ap552e.pdf>>, p. 9. See also: Statement of the Indigenous peoples at the Third Regional Consultation for Latin America and the Caribbean, FAO and NGO/CSO, held in Guatemala on 23–25 April 2004; World Bank Group, République du Congo, Rapport sur l’Analyse de la Pauvreté: Education, Emplois et Protection Sociale pour une Réduction Durable de la Pauvreté, mai

2017, p. 19. [↑](#footnote-ref-29)
29. Declaration of Atitlán, Indigenous Peoples’ Consultation on the Right to Food: A Global Consultation. Atitlán, Sololá, Guatemala, April 17 - 19, 2002, pmbl. [↑](#footnote-ref-30)
30. UN CESCR Committee. UN CESCR Committee, General Comment No 12: The Right to Adequate Food (Art. 11) (12 May 1999) UN Doc E/C.12/1999/5 <https://www.refworld.org/pdfid/4538838c11.pdf> (accessed 12 April 2022) para 4. [↑](#footnote-ref-31)