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Joint Submission from the Irish Centre for Human Rights and the Centre for Disability Law and Policy to the Draft General Comment on Persons with Disabilities in Situations of Risk and Humanitarian Emergencies (Article 11 of the Convention on the Rights of Persons with Disabilities)

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Introduction

During armed conflict, natural disasters, and humanitarian emergencies persons with disabilities are often largely invisible and face a heightened risk of exclusion from humanitarian protection relief efforts, compared to their non-disabled counterparts. We acknowledge that the experiences of persons with disabilities during armed conflicts, natural disasters and humanitarian emergencies are not homogenous, and that experiences differ between contexts, location of crisis, and the situation of each disabled person in an emergency. Broadly however, there are common areas that require particular attention under article 11 of the Convention on the Rights of Persons with Disabilities (CRPD),¹ to increase the access of persons with disabilities to humanitarian protection in times of conflict, disaster, and humanitarian emergencies on an equal basis with others. In particular, this submission calls for urgent clarity on forced displacement and forced migration in the context of Article 11.²

1. Background

In armed conflict, disaster, and humanitarian emergency crisis situations, evacuation plans may not exist, and should they exist, may not be inclusive of the needs of persons with disabilities. Some groups of persons with disabilities may be at increased risk of exclusion from protection during conflict, natural disaster, or humanitarian emergencies. These include disabled people who are living in institutions, who may be at increased risk of being left behind or not evacuated during humanitarian emergencies or evacuated in a non-coordinated ad hoc manner that can heighten their risk of violence, loss of family connections, and being targeted as victims of human trafficking. In addition, in some instances people who have physical disabilities (including those who use mobility aids), older persons with disabilities, low vision or blind persons with disabilities, people with intellectual disabilities, deaf or hard of hearing people,

¹ CRPD, (2006), Art 11:10.

² Ibid.

people with psychosocial disabilities, and children and women with disabilities can face a heightened threat of exclusion from evacuation and emergency responses. Inaccessible evacuation plans and inaccessible pathways to leave, due to destruction of the local physical environment, and a lack of available protection and supports may also render this population unable to evacuate.

On the other hand, it is a misconception that in general persons with disabilities do not leave conflicts, natural disasters, and humanitarian emergencies to undertake forced migration journeys to seek safety. Persons with disabilities, like other affected people do become internally displaced, and/or move across borders to seek safety and refuge from the perils of armed conflicts, natural disasters, and humanitarian emergencies. Therefore, persons with disabilities are internally displaced people across all emergency settings, are Stateless persons with disabilities on the move, and are disabled asylum seekers who undertake long and arduous journeys to seek refuge across the globe.

This submission calls for urgent clarity on forced displacement and forced migration in the context of Article 11 of the CRPD.³ All State Parties to the CRPD have obligations under article 11 if people with disabilities are displaced across borders because of conflict, humanitarian, and natural disasters. We suggest a broader application of article 11⁴ is necessary by all State Parties that are hosting or are transit countries to people who are forcibly displaced, as a result of the causal exterior shock of an emergency humanitarian situation. These forced migration journeys should be considered in the context of article 11,⁵ including by State Parties who have affected displaced people and asylum seekers living in their country, or who may be hosting people who are transiting through their States on forced migration journeys to seek refuge. There is a critical need for targeted attention to be placed on this currently largely invisible group of persons with disabilities who are either internally displaced, Stateless persons, or are disabled asylum seekers or refugees who move across borders to seek refuge in other locations or countries.

There is currently very little focus on the issues faced by persons with disabilities who are undertaking forced migration journeys, in often extremely dangerous and precarious situations. We argue State Parties are required to ensure that a disability lens is applied to all national asylum and international protection processes under their CRPD obligations. This includes taking the specific needs of persons with disabilities who are forcibly displaced into account regarding State Parties reception conditions of asylum seekers and refugees. State Parties international protection systems are obliged to have institutional processes in place to ensure that reasonable accommodations are made to facilitate the needs of persons with disabilities seeking asylum, or for those who are transitioning through State Party countries on onward journeys of forced migration.

Ongoing institutional education, sensitization and mainstreaming about the intersections of migration and disability are required for those involved in international protection and migration. For example, many people who are displaced may have less visible or invisible disabilities, have more than one disability, may not be in a position during forced migration journeys to automatically self-identify to officials as having a disability, and may face the impact of multiple intersectionality's of discrimination. Attention must also be focused on

³ CRPD, (2006), Art 11:10.

⁴ Ibid.

⁵ Ibid.

those persons with disabilities crossing particularly precarious parts of the world, including across seas, or in high crime areas where disabled people face extreme and additional dangers such as being targeted for violence, human trafficking, sexual and gender-based violence (SGBV), exploitation, or being imprisoned. In addition, if people are ever detained during forced migration journeys in State Party's immigration detention centres, prisons, or other institutional international protection holding facilities, reasonable accommodations must be made to facilitate the specific needs of persons with disabilities. People can never be detained on the grounds of their disability, as is stipulated in article 14 of the CRPD.⁶

Special mention needs to be made regarding mechanisms of border control and coast guard authorities around the world, (such as the European Border and Coast Guard Agency Frontex). These require systematic institutional policies that mainstream and sensitize all parts of their operations to their obligations to protect the rights of persons with disabilities under the CRPD. All immigration, border, and marine authorities need to ensure their staff and day-to-day processes on the ground can identify people with disabilities who may have additional and specific protection needs as a result of their disability. Whether on the sea, passing through transit countries reception centres, or crossing a border, these authorities are required to ensure the inclusion of disability appropriate accommodations and policies in all operational processes, to meet the specific needs of asylum seekers with disabilities, (including children, women, and older persons with disabilities, as well as unaccompanied and separated children with disabilities).

State Parties, UN agencies and other actors in emergency response planning should ensure that all emergency protocols are designed to be specifically sensitized and inclusive to the wide variety of needs of people with disabilities in emergency settings. For example, emergency warning systems that are not built to consider the needs of persons with all types of disabilities mean that they are not of use or accessible to persons with disabilities during emergencies. Early warning systems need to be built and based on local disaggregated disability population data, to be accessible to the needs of local persons with disabilities in an emergency. For example, each local risk reduction disaster plan should ask the questions if early warning systems can be used by people who have intellectual disabilities, who have low vision or who are blind, or people who have loss of hearing or who are deaf? Are evacuation plans accessible to the various groups of disabled people living in the locality? Do the evacuation plans include accessible transport for persons with disabilities who are not physically mobile? Do the evacuation plans specifically focus on older persons with disabilities in the local area, people with disabilities living in institutions, as well as those living in more isolated regions for example? There is often a lack of disaggregated disability data collected locally prior to natural disasters and humanitarian emergencies, which results in an incomplete or inaccurate picture of the needs of local persons with disabilities in general, let alone during emergencies.

Disabled Persons Organisations (DPO's) as experts in local disability contexts, should be key partners in all aspects of the development and running of emergency and disaster risk management protocols. Adequate and sustainable funding to DPO's is crucial to build local civil society networks, infrastructure, and the capacity of DPO's to ensure their expertise on disability is mobilised in the ongoing development and strengthening of disaster risk reduction plans. This measure will ensure a disability lens is applied to emergency risk management and

⁶ CRPD, (2006), Art 14:11.

emergency responses, as well as being more inclusive of disabled people accessing emergency supports during humanitarian emergencies.

Systematic education about obligations on the rights of persons with disabilities in conflict zones is required on an ongoing basis. This should include specific education to all parties involved in armed conflicts about the particular and additional impacts of acute conflict situations, situations of occupation, and the impacts of protracted conflicts on persons with disabilities. Education on the obligations of State Parties and Non-State actors in a conflict in regard to persons with disabilities is vital to ensure that all Parties can actively ensure the protection of people with disabilities during the conflict. All peacekeeping mandates should also detail clearly defined disability policies and protocols in conflict settings. In addition, people with disabilities need to be expressly and actively included in peacekeeping processes and in the prevention of conflict.

2. Normative Content

Article 11 of the Convention on the Rights of Persons with Disabilities (CRPD)⁷ broadly details States obligations by all necessary measures to ensure the protections and safety of persons with disabilities during armed conflict, humanitarian emergencies, and natural disasters, in accordance with international law, including international humanitarian law and international human rights law.

Article 11 states;

- a) "State parties shall take measures, in accordance with their obligations under international law, including international humanitarian law and international human rights law.
- b) "all necessary measures to ensure the protection and safety of persons with disabilities".
- c) "persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters".⁸

3. Persons with Disabilities Disproportionately Affected and Experiencing Particular Disadvantages in Situations of Risk, such as:

1. Women with Disabilities

Girls and women with disabilities may face heightened risk, exclusion, and reduced access to protection and relief efforts in situations of conflict, natural disaster, and humanitarian emergencies. Girls and women⁹ with disabilities are also at increased risk of Sexual and Gender

⁷ CRPD, (2006), Art 11:10.

⁸ Ibid.

⁹ OHCHR (16th March 2022). Press Release Siobhán Mullally, Special Rapporteur on Trafficking especially Girls and Women and Reem Alsalem Special Rapporteur on violence against women its causes and consequences. Special Procedures. 'Ukraine: Armed conflict and displacement heightens risk of all forms of sexual violence including trafficking in persons says UN Experts', United Nations. Available at: <https://www.ohchr.org/en/press-releases/2022/03/ukraine-armed-conflict-and-displacement-heightens-risks-all-forms-sexual> [Last accessed 13.2.2023].

Based Violence (SGBV) across all ages. World-wide, there is a lack of visibility and attention to the issue of (SGBV) against girls and women with disabilities including a lack of provision of disabled accessible shelters and supports to girls and women. This risk of (SGBV) increases during times of humanitarian emergency and conflict, when some protective mechanisms that may have been available prior to the emergency are eroded during the crisis, increasing disabled girls and women's precarity and insecurity to being targets of (SGBV). Gender discrimination impacts girls and women with disabilities in all settings, and this discrimination can be more pronounced in impact during humanitarian emergencies. Girls and women with disabilities may also be less favoured in certain evacuation and rescue contexts compared to boys or men (with or without disabilities) resulting in girls and women being left behind without access to humanitarian protection on an equal basis with others. During crisis situations, armed conflict, or humanitarian emergencies girls with disabilities may be at increased risk of child marriage. Girls and women with disabilities who are forcibly displaced and living in insecure situations are at risk of being targets of all types of violence and being targeted as victims of human trafficking.

2. Persons with Disabilities in Institutions

Persons with disabilities living in institutions during conflict, natural disaster, and humanitarian emergencies face specific risks such as not being prioritised or equally included in emergency evacuation plans. This means that in some circumstances persons with disabilities such as persons with intellectual disabilities and psychosocial disabilities who are living in institutions, are at increased risk of being left behind without usual supports being in place. Supply chains for medical provisions, food, fuel, heating, water, and care staff can all be heavily impacted by armed conflict, natural disasters, and humanitarian emergencies with devastating impacts for persons with disabilities living in institutions. In some instances, institutionalised persons with disabilities are evacuated in a non-coordinated ad hoc manner that can heighten their risk of violence, loss of family connections in their home community or country, and increased risk of being targets of human trafficking during emergencies. There is also a risk that during these events a lack of monitoring may result in people with disabilities in institutions being moved across borders to other institutions or other living arrangements in new community settings, with minimal official monitoring and oversight.

3. Children with Disabilities

Children with disabilities face extreme risks during armed conflict, disaster, and humanitarian emergencies. They may lose family members who are key caretakers during the emergency, increasing their precarity. Children with disabilities may not be able to access evacuation if evacuation pathways are not disability accessible, and this can mean children with disabilities are not evacuated in rescue operations as a result. Children with disabilities may also be at increased risk of being separated from family and placed in various institutional settings during times of emergency. In addition, children with disabilities are at increased risk of all types of violence from early childhood across the life course. During emergencies, children with disabilities have greater vulnerability to being victims of all types of violence, including being targeted as victims of child trafficking.¹⁰

¹⁰ OHCHR (16th March 2022). Press Release Siobhán Mullally, Special Rapporteur on Trafficking especially Girls and Women and Reem Alsalem Special Rapporteur on violence against women its causes and consequences. Special Procedures. 'Ukraine: Armed conflict and displacement heightens risk of all forms of sexual violence including trafficking in persons says

4. Unaccompanied and Separated Children with Disabilities

Unaccompanied¹¹ and separated children with disabilities who are forcibly displaced face grave risk along often dangerous migration transit routes, including being targets of all types of crime. Attention needs to be given to this particularly vulnerable group of disabled children, including intellectually disabled children, and those with less visible or invisible disabilities. Disability can increase the complexity and risk to unaccompanied asylum seeker children¹² being targeted as victims of trafficking, when internally displaced, or forcibly displaced across borders, as well as on arrival to reception centres in host countries.

5. Older Persons with Disabilities

Generally older persons with disabilities face increased marginalisation and exclusion when compared to younger disabled groups and are largely ‘invisible’ as a disabled group. In times of natural disaster or armed conflict older persons with disabilities can have less priority as a group for evacuation, when compared to other non-disabled people or younger disabled people. Older persons with disabilities may also have a greater population living in nursing homes or other institutions. This can include older persons with intellectual disabilities, older persons with psychosocial disabilities, older persons who have physical disabilities that may not be able to evacuate due to inaccessible evacuation pathways, or a lack of priority on this group in relief efforts. Older persons with disabilities are also at greater risk of violence overall, including by carers, by family members, by intimate partners, and by strangers. Older persons with disabilities may also have less access to support services, shelters, and information on elder abuse available in disability accessible formats.

6. Asylum Seeker and Refugee Persons with Disabilities

Natural disaster, conflict, and humanitarian emergencies are the cause of many asylum seekers and refugees with disabilities being forced to cross borders and become forcibly displaced. However, it is not guaranteed that disabled people can leave to seek refuge elsewhere, as a result of not being prioritised or having accessible evacuation options available during emergencies. For those who can evacuate and are displaced across borders, forced migration transit journeys for asylum seekers and refugees with disabilities are fraught with access issues, dangers, and additional disability related barriers and challenges. These additional and specific challenges that persons with disabilities face in all aspects of navigating the international protection system process are often not acknowledged, alongside the additional precarity associated with disability on the forced migration journeys made to seek asylum. Disabled asylum seekers and refugees with disabilities are at increased risk of being targeted as victims of human trafficking, on the transit journey and on arrival at host countries. There can also be a lack of access to justice for asylum seekers and refugees with disabilities who are victims of

UN Experts’, United Nations. Available at: <https://www.ohchr.org/en/press-releases/2022/03/ukraine-armed-conflict-and-displacement-heightens-risks-all-forms-sexual> [Last accessed 13.2.2023].

¹¹ OHCHR (7th March 2022) Joint Press Release by UNICEF Executive Director Catherine Russell and United Nations Commissioner for Refugees Filippo Grandi. ‘Unaccompanied separated children fleeing escalating conflict in Ukraine must be protected’. United Nations. Available at: <https://www.unhcr.org/en-ie/news/press/2022/3/622619a24/unaccompanied-separated-children-fleeing-escalating-conflict-ukraine-must.html> [Last accessed 13.2.2023]

¹² Ibid, (10).

crime, including those who are victims of trafficking. This can be due to inaccessible information on support services, stigma and fear about engaging with support services, and a lack of awareness by authorities of the particular protection and access needs faced by disabled asylum seekers and refugees with disabilities.

Asylum seekers and refugees impacted by humanitarian emergencies who undertake forced migration journeys should be considered in the context of article 11.¹³ This includes by State Parties who have displaced people and asylum seekers living in their country, or who may be hosting people who are transiting through their States on forced migration journeys to seek refuge elsewhere. There is a critical need for targeted attention to be placed on this largely invisible group of persons with disabilities who are either internally displaced, Stateless persons, or are disabled asylum seekers or refugees who move across borders to seek refuge in other locations or countries.

7. Internally Displaced Persons with Disabilities

Conflict, natural disasters, and humanitarian emergencies cause many persons with disabilities to have to move from home and communities affected by emergency, and who then become Internally Displaced Persons (IDP's) with disabilities. IDP's with disabilities will often be living in inaccessible settings, with inadequate and inappropriate facilities and shelter for disability related needs. Persons with disabilities who are internally displaced are often living in accommodation located a long distance from support services including WASH facilities, that as a result are inaccessible to persons with disabilities. IDP's with disabilities living in camps may be particularly at risk of violence, including SGBV and human trafficking. In addition, persons who are internally displaced may have restrictions placed on their freedom of movement, access to health, rehabilitative services, and education.

8. Stateless Persons with Disabilities

Persons with disabilities who are impacted by humanitarian emergencies may become Stateless as a result, causing precarious forced migration. When compared to other forcibly displaced persons, Stateless persons with disabilities may have additional barriers and challenges when seeking refuge in new countries, increasing their insecurity overall.

9. Persons with Disabilities Who are Victims of Trafficking

Just as persons with disabilities are at increased risk of all types of violence, children and adults with disabilities are also at heightened risk of being targeted as victims of trafficking as a direct result of their disability. This targeting can occur in any setting, including directly during emergencies, those living in internally displaced camps, in the general community, and those persons with disabilities who cross borders as a result of being forcibly displaced on often perilous journeys to seek refuge. Peoples experience of disability and forced migration are not homogenous, however certain disabilities may increase the risk of people being targeted as victims of trafficking, such as those with intellectual disabilities, sensory disabilities, communication disabilities, physical disabilities, and psychosocial disabilities. In addition, children and women with disabilities are at increased risk of being victims of trafficking, as are boys and young men with certain disabilities that can increase their risk of being trafficked into forced labour and sexual violence. The intersections between disability, humanitarian

¹³ CRPD, (2006), Art 11:10.

emergencies, gender, age, forced migration, and human trafficking are currently not interrogated or focused on adequately, and this requires immediate action as a matter of urgency. In addition, there is often a complete lack of awareness or procedural supports for the additional and specific protection needs of persons with disabilities who are at increased risk of trafficking, both by the international protection system and the anti-trafficking movement.

10. Persons with Less Visible or Invisible Disabilities

Many humanitarian and disaster responses tend to focus more attention on those with physical disabilities than those with less visible or invisible disabilities, including psychosocial disabilities for example. There is a need for systematic and ongoing education and sensitization to all actors involved in humanitarian emergency responses about disability and the CRPD, moving away from a medical model of disability, and educating on the specific challenges disabled people face during conflicts and disasters. This includes for example, educating that disability is not homogenous, that many people with disabilities in conflict and emergency settings have less visible or invisible disabilities, that some people may not be able to self-identify as disabled to authorities, may have more than one disability, or may have recently acquired a disability. It is also vitally important that humanitarian actors are aware and acknowledge the impact of traumatic events during emergencies on disabled people, and that long-term psychosocial supports are built into emergency responses, as well as being sustainably funded by State Parties, international aid, and donor organisations.

11. Persons with Disabilities from Minority Groups

Before a disaster or a humanitarian emergency occurs certain persons with disabilities who are members of particular minority groups may regularly face increased structural discrimination in communities and societies, causing increased marginalization, discrimination, and more pronounced inequalities as a result. During natural disaster, conflict, or humanitarian emergencies, the impacts of this minority group specific discrimination can increase exponentially, exacerbating levels of discrimination and inequality experienced by minority group populations. Therefore, it is critically important in all disaster and humanitarian emergency plans that the situation of persons with disabilities from minority groups are considered in risk analysis, and that minority groups are specifically included in emergency planning and protocols. For example, asking questions such as which particular groups of persons with disabilities, such as those from minority groups face in non-emergency times higher levels of exclusion and discrimination in local communities? How can these marginalised disabled people from minority groups be strategically and actively included in all aspects of emergency and risk management planning, as they are at heightened risk of even more exclusion and discrimination during humanitarian emergencies and armed conflicts.

12. Impact of Climate Change on Persons with Disabilities

Natural disasters, conflicts and humanitarian emergencies are often directly linked to climate change, particularly in developing country contexts. Persons with disabilities are disproportionately impacted by climate change. Targeted action to mitigate climate change on a local and global level is needed as a matter of grave urgency. Targeted involvement of persons with disabilities and DPO's in climate adaptations, as key agents of local leadership and climate change mitigation efforts are also required.

4. Interrelation with Other Articles of the Convention

Article 11 of the CRPD¹⁴ is interrelated to many other articles of the Convention including Article 1, purpose,¹⁵ Article 2 definitions,¹⁶ Article 3 General Principles,¹⁷ and General Obligations Article 4,¹⁸ which gives direct inputs on the responsibilities of State Parties to uphold the object and purpose of the CRPD.

Article 5 on equality and non-discrimination,¹⁹ is related to Article 11 as it reaffirms the core antidiscrimination centrality of the CRPD, and the requirement for reasonable accommodations to be made. Article 5 affirms that State Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

Article 6 on women with disabilities,²⁰ recognises the specific impacts of multiple discriminations faced by some women with disabilities. This is relevant to article 11, as girls and women are at increased risk to multiple forms of discrimination, and increased risk of all types of violence during humanitarian emergencies.

Article 7 on children with disabilities,²¹ is linked to article 11, as this article stipulates that State Parties take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms, on an equal basis with other children. This would also apply during times of disaster or humanitarian emergencies.

Article 8 relates to awareness raising,²² which is connected to article 11 by stipulating obligations on State Parties to raise awareness about disability across all aspects of society and State institutions, community, and family levels, which would be equally applicable during disaster and emergency responses. Article 8 also references the need for State Parties to combat negative stereotypes, prejudices, and harmful practices against disabled persons, including those based on sex and age in all areas of life. It also highlights the importance of promoting awareness of the capabilities and contributions of persons with disabilities, which importantly links to the full inclusion of persons with disabilities and DPO's in humanitarian emergency protocols, under article 11.

Article 9 on accessibility,²³ is also linked to article 11, as it sets out State Parties obligations to take appropriate measures to ensure persons with disabilities access, on an equal basis with others. Lack of disabled accessible humanitarian emergency responses have been highlighted as a barrier to persons with disabilities having access to emergency humanitarian protection programmes, on an equal basis to others during emergencies.

¹⁴ CRPD, (2006), Art 11:10.

¹⁵ CRPD, (2006), Art 1:4.

¹⁶ CRPD, (2006), Art 2:4.

¹⁷ CRPD, (2006), Art 3:5.

¹⁸ CRPD, (2005), Art 4:5.

¹⁹ CRPD, (2006), Art 5:7.

²⁰ CRPD, (2006), Art 6:7.

²¹ CRPD, (2006), Art 7:7.

²² CRPD, (2006), Art 8:8.

²³ CRPD, (2006), Art 9:9.

Article 10 relates to the right to life,²⁴ and is interrelated to article 11 during situations of natural disaster, armed conflict, or humanitarian emergencies. Article 10 reaffirms that every human has the inherent right to life, and that State Parties are obliged to take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others. Inaccessible evacuation plans that do not specifically include the needs of persons with disabilities, including children, older people, and women with disabilities, may result in these persons with disabilities being left behind in emergencies when other community members evacuate, with obvious negative implications. This includes the loss of supports that were in place for persons with disabilities prior to the emergency situation and an overall erosion of coping mechanisms, increased precarity, and disproportionately negative health impacts, including potentially on the right to life of persons with disabilities not evacuated.

Article 13 on access to justice,²⁵ is linked to article 11. State Parties are required to ensure equal access to justice for persons with disabilities, including through the provision of procedural and age-appropriate accommodations. This is to facilitate their effective role as direct and indirect participants, including as witnesses in all legal proceedings, including at investigative and other preliminary stages. This article is particularly interconnected to article 11 in situations of armed conflict when crimes may be committed, and future legal proceedings involving persons with disabilities may be required.

Article 14 on liberty and security of persons²⁶ is connected to article 11, particularly in relation to people with disabilities right to enjoy the right to liberty and security of person, and to not ever be detained on the grounds of disability.

Article 15 on freedom from torture or cruel and inhumane or degrading treatment or punishment,²⁷ is relevant to article 11, as persons with disabilities are at heightened risk of violence during conflict and emergencies.

Article 16 on freedom from exploitation violence and abuse,²⁸ is linked to article 11. Article 16 stipulates that State Parties shall take all appropriate legislative, administrative, social, educational, and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence, and abuse, including their gender-based aspects. As previously discussed, disabled people are at increased risk to all types of violence, and that this risk of violence increases in times of natural disaster, conflict, or humanitarian emergencies.

Article 17 on protecting the integrity of the person,²⁹ is also linked to article 11 by reaffirming that every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Article 18 on liberty of movement and nationality³⁰ is linked to article 11, regarding persons with disabilities who are asylum seekers or refugees not being deprived of liberty of movement. In addition, it stipulates that persons with disabilities are not to ever be deprived of their liberty

²⁴ CRPD, (2006), Art 10:10

²⁵ CRPD, (2006), Art 13:11.

²⁶ CRPD, (2006), Art 14:11.

²⁷ CRPD, (2006), Art 15:12.

²⁸ CRPD, (2006), Art 16:12.

²⁹ CRPD, (2006), Art 17:13.

³⁰ CRPD, (2006), Art 18:13.

on the basis of disability, of their ability to obtain, possess and utilise documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement.

Article 19 relates to living independently and being included in the community³¹ and is linked to article 11 and the rights of persons with disabilities to have an equal right to live in the community, with choices equal to others. This right to living independently is also relevant during humanitarian emergencies.

Article 20 on personal mobility³² is also interconnected to article 11. It requires that State Parties take effective measures to ensure personal mobility, with the greatest possible independence for persons with disabilities. This is relevant to article 11 during times of humanitarian emergencies.

Article 21 on freedom of expression and opinion and access to information,³³ relates to article 11. It stipulates the right to freedom of expression and opinion, including freedom to seek, receive, and impart information and ideas on an equal basis with others, and through all forms of communication of their choice. Article 21 sets out the requirement for information being made available in accessible formats, as well as appropriate technologies which are important for persons with disabilities in times of humanitarian emergencies.

Article 23 on respect for home and family³⁴ is interconnected with article 11 in the promotion the rights of children to live with their families and enjoy equal access to a family life. Article 23 states that in no case shall a child be separated from parents on the basis of a disability of the child or one or both of the parents. Consideration of Article 23 of the CRPD should be made by State Parties and Authorities who may be adjudicating previously forcibly displaced persons (who were granted refugee status or leave to remain by host countries) in decisions regarding the granting of family reunification.

Article 25 on health³⁵ stipulates persons with disabilities have a right to the enjoyment of the highest attainable standard of health, without discrimination on the basis of disability. This is relevant to article 11, as during humanitarian emergencies health care access may be limited.

Article 26 on habilitation and rehabilitation³⁶ is linked to article 11 as people with disabilities in humanitarian emergencies may have increased rehabilitation needs.

Article 28 on adequate standard of living and social protection³⁷ is interconnected to Article 11. It sets out the rights of persons with disabilities to an adequate standard of living for persons with disabilities and their families, including adequate food and clothing, all of which can be destroyed during disasters and humanitarian emergencies. It also sets out the right to social protection, including access particularly to social protection programmes for women and girls

³¹ CRPD, (2006), Art 19:13.

³²CRPD, (2006), Art 20:14.

³³ CRPD, (2006), Art 15:14.

³⁴ CRPD, (2006), Art 23:15.

³⁵ CRPD, (2006), Art 25:18.

³⁶ CRPD, (2006), Art 26:19.

³⁷ CRPD, (2006), Art 28:20.

with disabilities, and older persons with disabilities who are at greatest risk of exclusion from social protection programmes during humanitarian emergencies.

Article 31 on statistics and data collection³⁸ are importantly interconnected to article 11, as it sets out that State Parties are required to undertake to collect appropriate information, including statistical and research data on disability. As discussed, during humanitarian emergencies there is often a lack of disability disaggregated data available, which limits disability data informed specific emergency responses locally.

Article 32 on international cooperation³⁹ is relevant to article 11 as it calls for international actors to ensure the facilitation and support of capacity building, including through the exchange, and sharing of information, experiences, training programmes and best practices, which have positive impacts on the development of disability accessible disaster risk and emergency protocols. Long term international cooperation that supports sustainable funding of DPO's also strengthens local civil society infrastructure and encourages institutional inclusion of DPO's in emergency planning prior to emergencies. Early consultation is vital with DPO's as experts in local disability contexts.

³⁸ CRPD, (2006), Art 31:23.

³⁹ CRPD, (2006), Art 32:24.