Article 11 of the Convention on the Rights of Persons with Disabilities (CRPD): legal frameworks guiding inclusive humanitarian action and guidance for CRPD reporting

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, 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.

CRPD Art. 11

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Humanity & Inclusion (HI), also known as Handicap International, works in around 60 countries in emergency, reconstruction, chronic crisis and development contexts. Since 1982, the organization has been working alongside vulnerable populations, in particular persons with disabilities, taking action and bearing witness in order to respond to their essential needs, improve their living conditions and promote respect for their dignity and fundamental rights. www.hi.org

International Disability Alliance (IDA) is as a network of 14 global and regional organizations of persons with disabilities (OPDs) and their families, bringing together over 1,100 OPDs worldwide. The Alliance is committed to advancing the human rights of persons with disabilities and the full and effective implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) worldwide, as well as compliance with the CRPD within the UN system, through the active and coordinated involvement of representative organizations of persons with disabilities at the national, regional and international levels. www.internationaldisabilityalliance.org

This publication has been supported by the Australian Government and the European Union Humanitarian Aid & Civil Protection[1]

[1] The views expressed in this publication are the sole responsibility of the authors and do not necessarily reflect the views of the donors.

Acknowledgments

CBM, Humanity & Inclusion (HI) and the International Disability Alliance (IDA) would like to thank all the contributors to this publication.

Special thanks go to the lead author Eleonora Guzzi (IDA) and to those who supported with the peer review of the document: Kathy Al Ju'beh and Charlotte Axelsson from CBM Global Disability Inclusion, and Jonas M. Bull, from HI Inclusive Governance Unit. Thanks to the staff from CBM, HI and IDA who supported the drafting, coordination, editing and finalization of the guidance, Elena Bertozzi (HI), Elham Youssefian (IDA), Camila Galvez Petzoldt (IDA) and Emma Pettey (CBM Global Disability Inclusion); as well as the members of the steering committee of the project, Priscille Geiser (IDA), Christian Modino Hok (CBM Global Disability Inclusion), Flavia Stea Antonini (HI) and Tushar Wali (CBM Global Disability Inclusion).

Acronyms

CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organizations
DRR	Disaster Risk Reduction
HRC	Human Rights Council
IDRL	International Disaster Response Law
IHL	International Humanitarian Law
IHRL	International Human Rights Law
OHCHR	Office of the High Commissioner for Human Rights
OPD	Organization of Persons with disabilities
SDGs	Sustainable Development Goals
UNFCCC	United Nations Framework Convention on Climate Change
UPR	Universal Periodic Review
VNR	Voluntary National Review

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Glossary

Accessibility: is one of the eight principles through which the rights affirmed in the CRPD are interpreted. It affirms the right of persons with disabilities to enjoy "access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas" (CRPD Article 9). Accessibility is a precondition of inclusion: in its absence, persons with disabilities cannot be included.

Alternative/shadow report: report prepared by organizations of persons with disabilities or civil society organizations on the implementation of the Convention in their country. It is important because it gives to the Committee more information on what is happening on the ground. The official report is submitted by the State being reviewed.

Barrier: An aspect of society that, intentionally or unintentionally, excludes persons with disabilities from full participation and inclusion in society. Barriers can be physical, informational, legal, institutional, environmental, or attitudinal, etc.

Concluding Observations: document in which the CRPD and other Committee assess whether a country respected or violated the rights of persons with disabilities as written in the Convention. It includes specific recommendations on actions the country should take to ensure the implementation of the Convention.

Disability: An evolving concept, disability results from the interaction between persons with impairments and attitudinal, environmental and institutional barriers that hinder their full and effective participation in society on an equal basis with others. (This definition is consistent with the "social/cultural model" of disability, as distinct from the "medical/charity model" of disability.)

Disability Inclusion: is achieved when persons with disabilities meaningfully participate in all their diversity, when their rights are promoted, and when disability-related concerns are addressed in compliance with the CRPD.

Disaggregated data: is data that has been divided into detailed sub-categories, such as age, gender and disability. It can reveal inequalities between different sub-categories and needs that aggregated data cannot, and thus better inform policy formulation.

Disaster Risk Reduction: Actions aimed at preventing new and reducing existing disaster risk and managing residual risk, all of which contribute to strengthening resilience and therefore to the achievement of sustainable development.

Disaster: A serious disruption of the functioning of a community or a society due to hazard events interacting with conditions of exposure, vulnerability, and capacity, leading to one or more of the following: human, material, economic, and environmental losses and impacts.

Discrimination on the Basis of Disability: Any distinction, exclusion, or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition,

enjoyment, or exercise— on an equal basis with others—of all human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.

Humanitarian Action: action designed to save lives, alleviate suffering, and maintaining and protecting human dignity, during and in the aftermath of a man-made crisis or a natural disaster. It is based on the principles of humanity, impartiality, neutrality and independence, and subjected to the consent of the State.

Impairment: A concept that encompasses the full and diverse range of functional impairments, including physical, sensory, neurological, psychiatric, and intellectual—all of which may be permanent, intermittent, temporary, or perceived as impairment by society, but not necessarily by individuals.

List of Issues: list of questions prepared by the Committee and sent to a State in advance to the session in which the Committee will examine the State's report. The State has to send its reply to the Committee before the start of the session.

Organization of Persons with Disabilities (OPD): A nongovernmental organization led, directed and governed by persons with disabilities, that should be rooted in and committed to fully respect the principles and rights of the CRPD. OPDs can only be those that are led, directed and governed by persons with disabilities. A clear majority of their membership should be recruited among persons with disabilities themselves. (CRPD General Comment No. 7, 2018). OPDs can present in diverse forms and may be cross-disability, impairment focused, organizations of women or children with disabilities, family supported organizations of persons with learning disabilities, as long as they are upholding and promoting CRPD principles including recognition of legal capacity, self-representation, autonomy and choice.

Persons with Disabilities: include those who have long-term physical, psychosocial, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

Resilience: A transformative process of strengthening the capacity of people, communities and countries to anticipate, manage, recover and transform from shocks

(Periodic) review: process of the Committee to examine how the States that ratified the Convention implemented it in their country. Each review ends with the adoption of concluding observations (see definition above).

Simplified reporting procedure: new optional reporting that consists in the preparation of lists of issues, called "List of Issues Prior to Reporting" (LOIPR) sent to States before the submission of their periodic report to facilitate the reporting process. The State's response to this list of issues prior to reporting constitutes its report. It's only possible when the State has already been reviewed at least once by the Committee.

Universal Design: The design of products, environments, programs, and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design; it shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Universal Periodic Review (UPR): is a State-driven mechanism of the UN Human Rights Council through which the human rights situation in each UN Member State is reviewed every 5 years.

Vulnerability: The conditions determined by physical, social, economic, and environmental factors or processes that increase the susceptibility of an individual, a community, assets, or systems to the impacts of hazards.

The need for a specific guidance on Article 11 of the CRPD: situations of risk and humanitarian emergencies

Persons with disabilities are disproportionately affected by disasters, humanitarian emergencies and conflict situations, facing higher risk of death, aggression, injury and property loss.

The humanitarian system and the preparedness/mitigation mechanisms addressing disaster risks still do not fully include persons with disabilities. Discrimination based on disability, age and gender often combines with indirect forms of discrimination, denying people their right to assistance, protection and participation in humanitarian action. As a result, persons with disabilities are more likely to be left behind during emergency evacuations and in humanitarian assistance, with a death rate at least twice as high as that of the general affected population.[2]

In its General Comment No. 6[3], the CRPD Committee recognized that persons with disabilities are subjected to higher level of discrimination compared to others in situations of risks and humanitarian emergencies: they are often denied access to emergency evacuation, shelter, food aid, non-food items, health care and other services integral to the disaster response (para. 46). In particular, it highlighted that internally displaced persons (IDPs), refugees and women and girls with disabilities are the most discriminated (para. 44-45).

Ensuring the inclusion of persons with disabilities in situations of risk and during emergency response is stated in Article 11 of the Convention on the Rights of Persons with Disabilities (CRPD) and must be considered a core component of principled and effective humanitarian action, including Disaster Risk Reduction.

Humanitarian action must be based not only on the humanitarian principles of humanity and impartiality, but also on the human rights principles of inherent dignity, equality and non-discrimination, participation and inclusion, and reinforced by:

- The global **2030 Agenda on Sustainable Development**
- The **Sendai Framework for Disaster Risk Reduction**
- The **Charter on Inclusion of Persons with Disabilities in Humanitarian Action**
- The **IASC Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action**

All the above-mentioned documents are considered in this guidance note.

[2] Ito A. (2014), Disaster, International Law, and Persons with Disabilities. In *The international law of disaster relief*. Caron, D. D., Kelly, M. J., & Telesetsky, A. (Eds.). Cambridge University Press. (pp. 208-214), p. 210.
[3] CRPD Committee, **General Comments n. 6 on women and girls with disabilities**, 2016.

Purpose and rationale of the guidance note:

The purpose of this document is to provide persons with disabilities, their representative organizations (OPDs) and other civil society organizations (CSOs) with practical support to analyze and report on the implementation of Article 11 of the CRPD at national level. In particular, the note intends to help civil society to better understand key obligations arising from Article 11 and the measures that must be implemented by States to ensure protection, safety and dignity of all persons with disabilities in situations of risk and humanitarian emergencies.

Persons with disabilities, OPDs and civil society organizations have the opportunity to provide input on how the CRPD is being implemented at national level through the State reporting cycle.

During the State reporting cycle, civil society can bring its concerns in the discussions to hold governments accountable and to achieve the changes needed for the full realization of the Convention. The reporting activity by civil society should provide an independent analysis of the situation after coordinating with various stakeholders to collect information, evidence and data.

Alternative reporting by civil society should respond to, complement and even counteract government reports; other than identifying gaps, they should highlight priority areas, the progress made, and the difficulties faced in the implementation of the CRPD, while providing specific, reliable and objective information.

Compliance with Article 11 of the CRPD requires observation of many other provisions enshrined in the Convention. Particularly, articles that define general principles and obligations (Articles 3 and 4), articles on equality, women and children (Articles 5-7), on awareness raising and accessibility (Articles 8 and 9) as well as articles around data and statistics (Article 31) and international cooperation (Article 32).

Other articles specifically addressing civil and political rights (Articles 10,12, 13, 18, 21), cultural, social and economic rights (Articles 19-20 and 24-30) should be read in conjunction with Article 11 when being reported upon, ensuring that they do mainstream risks situations and humanitarian emergencies. This note does not provide specific guidance on these articles but recognizes the importance during alternative reporting to ensure these articles include reference to Article 11.

Information and evidence analyzed and gathered while developing an alternative report for the CRPD or other Treaty Bodies is equally useful to feed into other development framework monitoring processes. Particularly the Voluntary National Reviews on the 2030 Agenda and the SDGs, which are elaborated by States on an annual basis, and the voluntary reporting on the Sendai Framework. The Article 11's analysis matrix suggests the links with these two frameworks to provide guidance on the information that would be relevant for these processes.

How to use the guidance note:

This document is divided in three parts:

❖ An analysis of the legal frameworks guiding inclusive humanitarian action. This part will present States obligation in the context of Disaster Risk Reduction and humanitarian action, focusing on the jurisprudence of UN Human Rights Committees and on their role in strengthening and interpreting these obligations. After explaining the role of Human Rights in these situations, the guidance will analyze the peculiarities of Article 11 of the CRPD, and the obligations arising from it. Then, this note will provide more in depth guidance on Article 11, connecting it with relevant international frameworks dealing with the reduction of the risk of disasters and sustainable development (namely the Sendai Framework for Disaster Risk Reduction and, to some extent the Agenda 2030 for Sustainable Development), and their monitoring mechanism.

❖ A guide on the CRPD State reporting cycle for OPDs and civil society organizations. This section will briefly introduce the different UN Human Rights Committees and their main functions. Then, this guidance note will present the State reporting cycle of the CRPD Committee and will also explain the possibilities for civil society organizations to engage in this process.

❖ A monitoring and analysis matrix on Article 11 of the CRPD, providing guidance on gathering evidence, data and information for analyzing the implementation of Article 11. The matrix provides a set of key questions and outcome evidence to analyze for each of the key obligations and measures defined by the CRPD Committee introduced in chapter 1.2. It also suggests main sources of information where data, information and evidence can be found, both qualitative and quantitative data.

1. Analysis of the legal frameworks guiding inclusive humanitarian action

This section introduces the reader to States obligation in the context of Disaster Risk Reduction and humanitarian action, focusing on the role of UN Human Rights Committees in strengthening and interpreting these obligations. Then, it analyzes the peculiarities of Article 11 of the CRPD, and the obligations arising from it. Finally, it will draw connections with relevant international frameworks on the reduction of the risk of disasters and sustainable development (namely the Sendai Framework for Disaster Risk Reduction and, to some extent the Agenda 2030 for Sustainable Development), and their monitoring mechanism.

1.1. Human Rights obligations in the context of Disaster Risk Reduction and humanitarian action, and the role of UN Committees

International Disaster Law, International Human Rights Law, and States' obligations

Disaster Risk Reduction

Actions aimed at preventing new and reducing existing disaster risk and managing residual risk, all of which contribute to strengthening resilience and to the achievement of sustainable development.

International Disaster Law is the branch of International Law aiming at facilitating the adequate and effective response to disasters and the reduction of the risk of disasters to meet the essential needs and the respect of the rights of the affected population. International Disaster Law includes international provisions and standards regulating the role of States and of other relevant actors in disaster's response, recovery, and in **Disaster Risk Reduction.**

Nevertheless, International Disaster Law is still a scattered and inconsistent branch of International Law, lacking a flagship treaty comprehensively regulating all phases of Disaster Management. Soft law instruments, such as the Sendai Framework for Disaster Risk Reduction 2015-2030, hugely proliferated in this field, in the forms of guidelines, codes of conduct and standard operating procedures. This predominance is also due to the nature of Disaster Management, a sector in which non-state actors are traditionally very active.[4]

On its part, International Human Rights Law (IHRL) does not explicitly spell out a right to protection and relief during and after disasters. However, emerging jurisprudence[5] is consistently recognizing that this right is implied: States have a positive obligation to take appropriate steps to prevent or mitigate the consequences of foreseeable disasters. This means that the failure or the unwillingness of the public authority to take appropriate

[4] Fisher D. (2012), The future of International Disaster Response Law. In The German Yearbook of International Law, Vol. 55-2012, (pp. 87-118) p.88.
[5] See: ECtHR, ÖNERYILDIZ v. TURKEY, Application no. 48939/99, 30 November 2004, and BUDAYEVA and OTHERS v. RUSSIA, Applications nos. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02, 20 March 2008.

measures constitute a violation of the right to life. Accordingly, the UN Office of the High Commissioner for Human Rights affirmed that:[6]

> **"all states have positive human rights obligations to protect human rights. Natural hazards… become disasters depending on the elements of exposure, vulnerability and resilience, all factors that can be addressed by human (including state) action. A failure (by governments and others) to take reasonable preventive action to reduce exposure and vulnerability and to enhance resilience, as well as to provide effective mitigation, is therefore a human rights question."**
>
> **UN Office of the High Commissioner for Human Rights**

In 2016, the International Law Commission (ILC) concluded a 10 years' work on this topic, resulting in the "Draft Articles on the Protection of Persons in the Event of Disasters".[7] The commentary to Draft Article 9 (Reduction of the risk of disasters) states that "protection entails a positive obligation on States to take the necessary and appropriate measures to prevent harm from impending disasters", mirroring the international tribunal jurisprudence. The Commission reaffirms the fundamental principles of State sovereignty and non-intervention while stating the existence of a primary duty of the State to establish a normative and administrative framework on Disaster Risk Reduction.

Hence, when it comes to disaster mitigation, the right to life of the individual requires relevant authorities to, for example:

- Enact and implement appropriate laws.
- Set up the necessary institutional arrangements and administrative measures.
- Inform the population about possible dangers and risks.
- Evacuate potentially affected populations.
- Conduct criminal investigations, prosecute those responsible for having neglected their duties.
- Compensate surviving relatives of victims killed as a consequence of neglecting these duties.[8]

The role of Human Rights in Disaster Risk Reduction and in Humanitarian Action

Human rights are relevant in Disaster Risk Reduction and humanitarian activities: they take into account the different needs of the population before, during and after emergencies, and contribute to strengthening **resilience**.

Resilience

A transformative process of strengthening the capacity of people, communities, and countries to anticipate, manage, recover and transform from shocks

[6] Office of the United Nations High Commissioner for Human Rights (OHCHR) "Organization profile: Policies and Programmes in DRR", www.preventionweb.net/english/professional/contacts/profile.php?id=1370

[7] http://legal.un.org/ilc/texts/instruments/english/commentaries/6_3_2016.pdf

[8] Kälin, W., & Dale, C. H. (2008). Disaster risk mitigation–why human rights matter. Forced Migration Review, 31, 38-39.

Human Rights also guide States' action and allow for emergency-affected persons to be primarily looked as "rights-holders" and not as mere recipients of humanitarian aid. Hence, International Human Rights Law plays and important role in Disaster Management: it does not only set minimum standards for capacity building but represents a legal source of obligation for States in this field.[9]

Considering the absence of a comprehensive binding treaty on the protection of persons during disasters, the role played by the UN Human Rights mechanism and Treaty Bodies is relevant to ensure effective protection in emergency situations. Treaty Bodies have increasingly acknowledged the disproportionate impacts of climate change-driven events on vulnerable groups, such as women living in rural areas, children and indigenous people[10], and the need to integrate their rights into climate action.[11]

The CRPD Committee has been quite active in explicitly referring to relevant international frameworks, by recommending States to "take measures, in the light of the Sendai Framework, for the inclusion of persons with disabilities in strategies for climate change adaptation and Disaster Risk Reduction".[12] Treaty Bodies also acknowledged the right to participation into climate-related decision making for particularly affected categories[13] and the right to be educated and informed.[14]

Additionally, the Committee on the Elimination of Discrimination against Women (CEDAW) adopted the **General Comment No. 37 on the gender-related dimensions of DRR in the context of climate change**. The General Comment provides a step-by-step guidance to State parties and other actors with regard to their obligations to adopt, implement and monitor the design and

the implementation of effective human rights-based Disaster Risk Reduction and Climate Change Adaptation measures. In fact,

> **"any measures to mitigate and adapt to climate change should be designed and implemented in accordance with the human rights principles of substantive equality and non-discrimination, participation and empowerment, accountability, access to justice, transparency and rule of law." (para. 14)**
>
> **CEDAW Committee**

[9] Ibidem.
[10] See, for example: CEDAW Concluding Observations on Bahamas (2018), CEDAW Concluding Observations on Vanuatu (2016); CEDAW Concluding Observations on Peru (2014); CRC Concluding Observations on Saint Lucia (2014); CESCR Concluding Observations on the Philippines (2016); CESCR Concluding Observations on Finland (2014).
[11] CEDAW Concluding Observations on Jamaica (2012). See also: CRC Concluding Observations on the United Kingdom (2016); CRPD Concluding Observations on Honduras (2017); CESCR Concluding Observations on Finland (2014).
[12] CRPD Concluding observations on Colombia (2016). See also: CRPD Concluding Observations on Guatemala (2016), on Bolivia (2016) and Panama (2017).
[13] Committee on the Rights of the Child Concluding Observations on Tuvalu (2013).
[14] CEDAW Concluding Observations on Nigeria (2017); CRC Concluding Observations on Vanuatu (2017).

The General Comment provides an explanation of the factors that make women and girls vulnerable in disaster contexts, highlighting the areas requiring attention. Climate change-driven disasters exacerbate pre-existing inequalities and intersecting forms of discrimination, enhancing their exposure to risks (para. 2).

Vulnerability

The conditions determined by physical, social, economic, cultural, and environmental factors or processes that increase the susceptibility of an individual, a community, assets, or systems to the impacts of hazards.

However, as **vulnerability** and exposure are social and cultural phenomena, they can be reduced by granting "gender equality, a pre-condition for the realization of sustainable development goals" (para. 7); hence, "States parties and other stakeholders have obligations to take concrete steps to address discrimination against women in the fields of DRR and climate change through the adoption of targeted laws, policies, mitigation and adaptation strategies, budgets and other measures" (para. 8).

After recalling the Sendai Framework, **the Paris Agreement on climate change,** and the SDGs, the Committee highlights the fundamental principles crucial in guiding Disaster Risk Reduction policies and programs (para. 26):

- equality and non-discrimination,
- empowerment and participation,
- and accountability and access to justice.

Moreover, the Committee stresses the importance of a proper assessment and data collection, disaggregated by sex, age, disability, ethnicity and regions, to develop gender-responsive indicators and monitoring mechanisms that shall be integrated with the existing monitoring frameworks (namely, UNFCCC, the 2030 Agenda and the Sendai Framework).

The CEDAW Committee also highlights the role of non-state actors (private sector and the civil society) in Disaster Risk Reduction, recalling the development of public-private partnerships promoted by the 2030 Agenda (para. 47).

Finally, the Committee identifies specific areas of concerns, such as:

A focus on…

The Paris agreement and UNFCCC

The UN Framework Convention on Climate Change is an **international environmental treaty** that entered into force in 1994. Today, it has **near-universal membership**, with 197 State Parties. The objective is to "stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system". The framework sets **non-binding limits** on greenhouse gas emissions for individual countries and contains **no enforcement mechanisms.**

The Paris Agreement is an **agreement within the UNFCCC** dealing with greenhouse gas emissions mitigation, adaptation and finance starting in the year 2020. The Agreement aims to **respond to the global climate change threat** by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius.

- exacerbated gender-based violence in situations of disasters (para. 55);
- exclusion from education that hampers their participation in the community;
- economic inequalities, including restrictions on ownership and control of land and property, unequal remuneration, precarious, informal and unstable employment, sexual harassment and other forms of workplace violence, pregnancy-related discrimination in employment, gendered divisions of household labour and the undervaluing of women's contributions to domestic, community and care work, limit the capacity of women to "prevent and adapt to the harms generated by disasters and climate change" (para. 61).

Regarding access to education, in its General Comment on Article 24[15], the CRPD Committee highlights the disproportionate impact of humanitarian emergencies and natural disasters on the right to inclusive education, reiterating the obligation for State Parties to adopt inclusive Disaster Risk Reduction strategies for school safety and security in emergencies, and to make sure that temporary learning environments ensure the rights of learners with disabilities on an equal basis with others, by providing accessible education materials, school facilities, counselling and access to training in the local sign language for deaf learners (para. 14).

With regard to humanitarian action, the CRPD Committee has often recommended the endorsement of the **Charter On Inclusion Of Persons With Disabilities In Humanitarian Action;** other UN Committees and other UN Human Rights mechanism have recommended to allow and facilitate the access of humanitarian assistance, also for migrants and asylum seekers, and to allocate the necessary resources[16]; to facilitate access to the civil registry identity for migrants and asylum seekers.[17]

The CEDAW Committee has recommended to adequately train all humanitarian, military and police personnel on the prevention of sexual violence and on codes of conduct with regard to sexual exploitation and abuse.[18]

A focus on…

The Charter on inclusion of persons with disabilities in humanitarian action

The Charter was developed in advance of the World Humanitarian Summit (May 2016, Istanbul) by over 70 stakeholders from States, UN agencies, the international civil society community and global, regional and national OPDs. Those who endorsed the Charter **commit to render humanitarian action inclusive of persons with disabilities,** by lifting barriers persons with disabilities are facing in accessing relief, protection and recovery support and ensuring their participation in the development, planning and implementation of humanitarian programmes. The Charter is opened for endorsement.

Indeed, Treaty Bodies are an important source from where to gather detailed information on the implementation status of the two frameworks and to understand the most problematic areas in each country. They facilitate the assessment of the "leaving no one behind"

[15] CRPD General Comment No. 4 (2016) on the right to inclusive education, CRPD/C/GC/4
[16] CERD Concluding Observations on Serbia 2018.
[17] CMW Concluding Observations on Mexico 2017.
[18] CEDAW Concluding Observations on Kenya 2017.

principle, focusing the attention on the most marginalized individuals and groups in a particular context, and driving States' attention to the existence of multiple drivers of inequality and on the social construction of vulnerability. Moreover, they stress the need for a comprehensive and inclusive approach to development that adequately protects the freedom of expression, the access to information, the access to justice and meaningful participation. Treaty Bodies identify implementation gaps and suggest the way forward, by recommending the adoption or the amendment of policies and legislation. They highlight the importance of the collection of **disaggregated data** for effective disaster prevention and preparedness in order to formulate more tailored and context-specific policies and programs.

Disaggregated data

Data which has been divided into detailed sub-categories, such as age, gender and disability. It can reveal inequalities between different sub-categories and needs that aggregated data cannot, and thus better inform policy formulation.

For further information, please consult: OHCHR Guidance Note To Data Collection And Disaggregation

In conclusion, Treaty Bodies can play an important role in supporting the implementation of the 2030 Agenda and of the Sendai Framework, as well as in providing indications on how to develop inclusive humanitarian programs and policies.

1.2. Article 11 CRPD in International Law: situations of risks and humanitarian emergencies

The Convention on the Rights of Persons with Disabilities (CRPD) was adopted in 2006 and calls on States, governments, public and private actors, UN agencies and the whole society to adopt a human rights approach to disability. This approach builds on the social model of disability and ensures the full and equal enjoyment of all human rights and fundamental freedoms to persons with disabilities, and promote the respect of inherent dignity, equality of opportunities, non-discrimination, and participation and inclusion in all aspects life. The human rights model of the CRPD is focused on the enjoyment of rights and defies the presumption that impairment might hinder the capacity to enjoy them.[19]

Barriers are the main source of discrimination and the State is responsible for their removal: this approach obliges the State to undertake actions to ensure the full inclusion in all social aspects, such as law enforcement, awareness raising policies, equal recognition before the law, private sector regulation. The removal of barriers is strictly related to the State's obligation to

Barrier

An aspect of society that, intentionally or unintentionally, excludes persons with disabilities from full participation and inclusion in society. Barriers can be physical, informational, legal, institutional, environmental, attitudinal, etc.

[19] Degener, T. (2016). Disability in a human rights context. Laws, 5(3), 35. p. 4.

provide accessibility, which is an essential part of the duty to respect, protect and fulfill equality rights. Indeed, CRPD Article 9 on Accessibility requires State parties to "identify and eliminate obstacles and barriers to accessibility to, inter alia: (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces; (b) Information, communications and other services, including electronic services and emergency services.

This model of disability celebrates human diversity by providing, when needed, support to people with disabilities to exercise active agency in the society.[20]

If their rights are violated, **effective remedies** shall be available, both at the internal and international level, to provide a real opportunity for reparation.

Effective remedies

HRL obliges States to provide remedies and reparation for the victims of human rights violations. Effective remedies can include inquiry, explanation, reply, correction, apology, reinstatement, reconnection and compensation.

Article 11 of the CRPD on situations of risk and humanitarian emergencies reads as follow:

> **"States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, 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".**
>
> **CRPD Article 11**

The CRPD Convention did not develop any new human rights for persons with disability, but was (and is) conceived with the aim of applying existing human rights' norms and standard to the particular circumstances of persons with disability, for their effective protection by States and other subjects of international law.[21] In this view, CRPD Article 11 is the provision on the protection and safety of persons with disabilities in situations of risk and humanitarian emergencies; it covers armed conflicts[22], humanitarian emergencies and natural disasters, and applies a human rights perspective to the assistance of persons with disabilities.

[20] OHCHR, (2014), The Convention on the Rights of Persons with Disabilities Training Guide, *Op. Cit*. p. 11.
[21] Della Fina, V., Cera, R., & Palmisano, G. (Eds.). (2017). The United Nations convention on the rights of persons with disabilities: A commentary. Springer. P. 253
[22] For an explanation of the situations covered by IHL, please refer to this guide: Haider, H. (2013). International legal frameworks for humanitarian action: Topic guide. Birmingham, UK: GSDRC, University of Birmingham.

According to the OHCHR,[23] Article 11 "calls for international humanitarian law to be read through a human rights-based approach to disability", arguing that the **Geneva Conventions** were codified under an understanding of disability based on the medical model (using terms such as "wounded" and "sick" to refer to persons with disabilities), which is not compliant with the CRPD. For the same argument, the CRPD also refrained from using the common language, which describes persons with disabilities as "the most vulnerable". Such wording could reinforce stigma and should be modified. Instead, persons with disabilities may be at heightened risk of physical and mental harm due to lack of disability-inclusive humanitarian response, which aggravates the pre-existing discrimination and exclusion.

A focus on…

The Geneva Conventions

The **Geneva Conventions and their Additional Protocols** are international treaties that contain the most important rules **limiting the barbarity of war.** They protect people who do not take part in the fighting (civilians, medics, aid workers) and those who can no longer fight (wounded, sick and shipwrecked troops, prisoners of war). They are at the core **of international humanitarian law**, that regulates the conduct of armed conflict and seeks to limit its effects.

The CRPD does not develop any new rights for individuals with disabilities and Article 11 fully mirrors the aim of the CRPD to give visibility to people with disabilities in all circumstances under the existing norms of IHRL. Article 11, together with Article 32 on International Cooperation, makes the human rights based approach to development and humanitarian aid a binding obligation under International Law, hence "states, non-state actors and humanitarian actors should reform their policies and practices in compliance with the Convention to address situations of risk and humanitarian emergency."[24]

With regard to Article 11, State Parties should report on:

- "any measures taken to ensure the protection and safety of persons with disabilities, including measures taken to include them in national emergency protocols" and on
- "measures taken to ensure that humanitarian aid relief is distributed in an accessible way to people with disabilities caught in humanitarian emergencies, in particular… in emergency shelters and refugee camps."[25]

[23] OHCHR, (2015), Thematic study Thematic study on the rights of persons with disabilities under Article 11 of the Convention on the Rights of Persons with Disabilities, on situations of risk and humanitarian emergencies, A/HRC/31/30, para. 3-4.
[24] Ibidem, para 54.
[25] CRPD Committee, (2009), Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities, CRPD/C/2/3, available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f2%2f3

More specifically, in its Guidelines on periodic reporting[26], the CRPD Committee suggests State Parties to report on:

a. Measures to meaningfully include and actively consult persons with disabilities and OPDs in all steps related to DRR and humanitarian strategies and protocols (para. 59);

b. measures in line with the Sendai Framework for Disaster Risk Reduction to grant inclusion and accessibility of DRR and Disaster Management strategies, namely "risk assessments, collection, availability and dissemination of risk information, investments to enhance the economic, social, health and cultural resilience of persons, needs-assessment, emergency evacuation procedures, multi-hazards, early warning systems, and recovery, rehabilitation and reconstruction strategies" (para. 60);

c. steps taken to optimize mass media use in providing adequate, accessible and timely information on disaster risk and humanitarian emergencies, in particular for "persons who are at higher risk of marginalization" (para. 61);

d. measures ensuring the protection of life and safety in situations of risks, including provisions of necessary assistive devices and accessible mobile applications, shelters, relief and other services and facilities, social support and health services/treatment, as well as trained rescue teams and accessible communication channels (para. 62);

e. actions taken to ensure that post-emergency rehabilitation, resettlement, reconstruction and rebuilding processes are based on inclusive risk assessments and accessible to persons with disabilities, through the application of universal design and build-back-better principles (para. 63);

f. steps taken to train civil defense, rescue and emergency personnel about an age and disability perspective based on human rights and the principle of leaving no one behind in situations of risk and humanitarian emergencies (para. 64).

An analysis of the CRPD Concluding Observations on Article 11 shows that the Committee has expanded its interpretation on this Article, providing guidance to both states and civil society to assess its level of implementation:

1. Reform national emergency response plans and protocols, making them inclusive of, and accessible to, persons with disabilities in their design and implementation. [27]

2. States parties shall mainstream the rights of persons with disabilities in their migration, resettlement and refugee policies as well as in all humanitarian aid channels. [28]

3. States have a duty to ensure the participation of OPDs in all emergency and

[26] CRPD Committee, (2016), Guidelines on periodic reporting to the Committee on the Rights of Persons with Disabilities, including under the simplified reporting procedures, CRPD/C/3. Available at: https://www.ohchr.org/EN/HRBodies/CRPD/Pages/Guidelines.aspx

[27] Concluding Observations on Malta, para. 17-18.

[28] CRPD Concluding Observations on Poland, para. 17-18; Concluding Observations on the Former Yugoslav Republic of Macedonia, para. 21-23.

humanitarian measures, through consultation processes involving all types of OPDs, including underrepresented groups, with due consideration accorded to their input and recommendations.

4. Safety of all children and women with disabilities in conflict-affected areas must be ensured and prioritized, in particular of those living in institutions. [29]
5. Put in place a systematic registration of internally displaced persons with disabilities equally to other displaced persons. Their situations and rights have also to be monitored to ensure adequate standards of living.
6. Administrative detention of persons with disabilities in migration or seeking asylum is not consistent with the CRPD when it is applied without the provision of adequate support and reasonable accommodation.[30]
7. All emergency-related information has to be made available in formats accessible to persons with different types of impairments, including to deaf persons through sign language, in easy-to-read and simple text formats as well as in the various languages spoken in its territory, including those used by indigenous peoples. 31
8. Disability-awareness training for all civil defence staff, rescue and emergency personnel, and for all potential actors involved in humanitarian emergencies should be ensured, with the active participation of persons with disabilities. [32]

Moreover, CRPD general principles (Article 3) shall guide States' action in dealing with emergency situations. The principles of the Convention are:

> **(a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;**
> **(b) Non-discrimination;**
> **(c) Full and effective participation and inclusion in society;**
> **(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;**
> **(e) Equality of opportunity;**
> **(f) Accessibility;**
> **(g) Equality between men and women;**
> **(h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.**
>
> **CRPD Article 3**

The **respect of inherent dignity, individual autonomy and independence** emphasizes that people with disabilities are not just victims and passive receivers of humanitarian assistance: their active and meaningful participation and consultation brings their specific knowledge and

[29] Concluding Observations on Nepal, para. 19-20.
[30] CRPD Concluding Observations on the European Union, para. 34; Concluding Observations on the Islamic Republic of Iran, para. 37.
[31] CRPD Concluding Observations on Bulgaria, para. 27-28
[32] CRPD Concluding Observations on Denmark, para. 30-31.

skills into Disaster Management initiatives and avoid that the same violations of rights occur in future disasters.

Non-discrimination implicates taking positive actions to protect against potential future discrimination and to promote substantive equality.

According to the **principles of full and effective participation,** mere consultation of people with disabilities is not enough: participation must include meaningful involvement in activities and decision-making processes, the possibility to voice opinions and to correctly identify specific needs, to influence and to complain when participation is denied. In General Comment No. 7, the CRPD Committee stresses the importance for States and humanitarian actors "to ensure the active participation, coordination and meaningful consultation with organizations of persons with disabilities, including those at all levels representing women, men and children with disabilities of all ages" with regard to emergency situations. Thus, State Parties are required to actively involve OPDs in "the development, implementation and monitoring of emergency-related legislation and policies, and the establishment of priorities for aid distribution", by providing public funding for the independent, full and effective participation of civil society and by supporting the establishment of organizations of internally displaced persons and refugees with disabilities in refugee camps.

Organizations of persons with disabilities

A nongovernmental organization led, directed and governed by persons with disabilities, that should be rooted in and committed to fully respect the principles and rights of the CRPD. OPDs can only be those that are led, directed and governed by persons with disabilities. A clear majority of their membership should be recruited among persons with disabilities themselves. (CRPD General Comment No. 7, 2018).

Please check the glossary for full definition.

The principle of **"respect for difference and acceptance of persons with disabilities as part of human diversity and humanity"** must be incorporated in all stages of humanitarian response, ensuring that persons with disabilities are able to preserve their identity as such and their disability is not viewed as a disease or shortcoming to be cured or fixed. Any disability-related training provided to humanitarian personnel must reflect this approach.

According to the **principle of the equality of opportunity,** which is strictly linked with the principles of non-discrimination and *de facto* equality, States have the duty to undertake affirmative actions to foster persons with disabilities' equal access to all post-disaster opportunities in different areas, such as access to self-reliance activities and projects, labour market and education.

The **principle of accessibility,** which is also a standalone right (Article 9), requires that emergency services must be accessible to persons with disabilities in order to save their life or to protect them, as stated in the CRPD General Comment on Article 9 (para 36). Indeed, this general principle underpins all developmental and humanitarian work.

Accessibility

This principle affirms the right of persons with disabilities to enjoy "access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas" (CRPD Article 9). Accessibility is a precondition of inclusion: in its absence, persons with disabilities cannot be included.

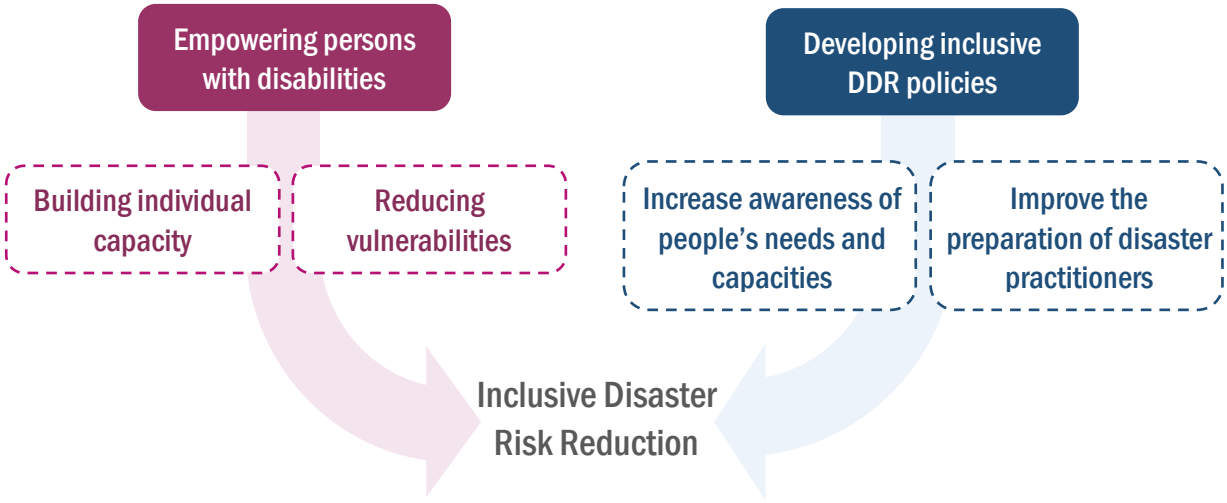
Other than stressing that the incorporation of accessibility standards in post-disaster reconstruction efforts, the Committee explicitly states that "disaster risk reduction must be accessible and disability-inclusive". In the General Comment on article 6, women with disabilities are recognized to be at increased risks of sexual violence during emergencies and that they are less likely to access recovery, rehabilitation and justice. In particular, the Committee stresses that women with disabilities might be discriminated in humanitarian aid regarding access to information of relief projects, accessibility to distribution points, accessible sanitation facilities, evacuation plans, and access to education in crisis settings (para. 49, 50).

1.3. What makes Disaster Risk Reduction inclusive?

Inclusive Disaster Risk Reduction addresses the root causes of disasters, which lays in societal vulnerabilities, in unaccommodated needs, disempowered strengths and unbuilt capacities of the population at risk. Thus, **inclusive DRR tackles the vulnerabilities of the most excluded in a society, appreciating their diverse characteristics and capabilities and recognizing their right to benefit from and to participate in all phases of Disaster Management.** The Sendai Framework also highlights the necessity to include different perspectives and participations in DRR, but it does not specify how to do that. To be inclusive, DRR should start by considering the reasons why some groups and individuals are excluded: indeed, people can be excluded on various basis, including gender, age, disability, caste, religion, cultural identity, ethnicity, etc. So, people excluded from DRR policies and programs are a reflection of the broader marginalization from the participation in the economy, in social life and in political affairs. **Social inclusion means promoting the full participation of individuals and groups in all aspects of community life, valuing and respecting their capacities and granting equal opportunities**. Therefore, DRR must cross-cut different sectors addressing the conditions that support exclusion and poverty and the access to limited resources. In practice, alongside scientific and technological contributions, the integrations of the community's skills, practices and knowledge must be valued in DRR through a participatory approach, including risk and capacity assessments and horizontal planning, to mobilize individuals and community organizations by encouraging them to use their own knowledge, skills and practices to develop and implement DRR strategies.

In the long-run, systemic inclusion in DRR will tackle social inequalities in a sustainable manner, contributing in reaching poverty eradication in line with the SDGs.
Thus, inclusive DRR: 1) identifies who are the marginalized individuals and groups in the society; 2) it recognizes the causes of exclusion and, 3), it involves stakeholders to ensure resilience and accountability in risk governance. In this context, legal and social protections are fundamental to protect excluded groups from discrimination and abuses.

The CRPD suggests to follow a "twin-track approach" to DRR: empowering people with disabilities by building individual capacity and reducing vulnerabilities, on one side; while, on the other, developing inclusive DRR policies to increase awareness of people' needs and capabilities and to improve the preparation and training of disaster practitioners.



Including a disability perspective in pre-emergency phases is crucial to effectively protect persons with disabilities during the most acute phases of the emergency because choices made during the preparation stage have crucial repercussions on durable reconstruction and on the long-term mitigation of human suffering. Article 11 of the CRPD requires to involve persons with disabilities in positions of leadership and decision-making processes because they are in the best position to give recommendations on inclusion; to raise awareness on issues that persons with disabilities face, in particular with regard to DRR agencies and organizations; and to build as much as possible using universal design principles, as defined by Article 2 of the CRPD.[33]

Universal Design

The design of products, environments, programs, and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design; it shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

1.4. What makes Humanitarian Action inclusive?

International Humanitarian Law (IHL) acknowledges the growing role assumed by non-governmental actors through times in humanitarian relief operations, and have the right to offer their services, especially if the population's basic needs are not met by states' actions. Throughout time, IHL created a comprehensive and concise framework for humanitarian relief operations, [34] setting the legal foundation for the protections of civilian in times of armed conflict and they determine:

- the individuals entitled to receive relief, and the delivery of items;
- rights and duties to the parties of the conflict;
- the scope of action and the legal entitlements of relief organizations.

When it comes to relief actions, the primary responsibility to care for the civilian population belongs to each conflicting party. However, the party may agree to the delivery of relief assistance by impartial humanitarian organizations. Relief actions must be impartial and non-discriminatory. Humanitarian actors and UN agencies involved in emergencies must respect the humanitarian principles of:

- humanity (addressing human suffering according to need),
- neutrality (not favoring any sides involved in conflicts),
- impartiality (providing aid without discrimination) and
- independence (from political, economic, military objectives).

[33] Njelesani, J., Cleaver, S., Tataryn, M., & Nixon, S. (2012). *Op. Cit.*

[34] Rodenhäuser, Tilman, and Giacca, Gilles, "The international humanitarian law framework for humanitarian relief during armed conflicts and complex emergencies", in Breau S. C. and Samuel K. L.H. (ed.). Research handbook on disasters and international law. Edward Elgar Publishing, 2016.

Humanitarian action encompasses provision of assistance and protection to population affected by armed conflicts and disasters. Although there is no legally binding definition of protection nor the specific legal obligations that derive from it, the literature usually makes reference to the ICRC and the UN Inter-Agency Standing Committee's joint definition of **protection** which encompasses "all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law, IHL, and refugee law".

International Law has recognized that the principles of humanity and respect for human dignity are the foundations of every response to human suffering, no matter the nature of its cause (conflict, disaster or displacement), thus they are relevant for the development of laws concerning the protection of persons in the event of disasters.

Different branches of International Law (IHRL, IHL, IDRL and refugee law) share similar motivations and objectives for regulating humanitarian and human rights protection: their ultimate goal is to assist people in times of extreme distress to ensure a minimum protection and respect. All rights contained within IHL, IHRL and Refugee Law are derived from the inherent dignity of the human person and are relevant to protection. Some of the key legal rights include: the right to life, the right to liberty and security of person, prohibition of torture, slavery, cruel, inhuman or degrading treatment or punishment, the right to be free from discrimination, the right to freedom of movement, right to adequate standards of health and right to education.

The latest view underlines the coherence between these various branches in granting people's safety and dignity. The International Law Commission's "Draft Articles on the protection of persons in the event of disasters" underpins Human Rights Law as a core component of the protection framework, affirming that:

> **"(i)n the context of the protection of persons in the event of disasters, human dignity is situated as a guiding principle for any action to be taken in the context of the provision of relief assistance, in DRR and in the ongoing evolution of applicable laws".**
> **ILC**

Thus, the ILC authoritatively connects humanitarian action with human rights. IHRL applies to all times, including disaster situations, and with no discrimination as to gender, age, disability, language, ethnic origin, opinion, faith and religion. IHRL provides a reliable legal protection framework for individuals affected by humanitarian crisis, especially to individuals belonging to marginalized categories.

Moreover, Human Rights Law adds significant legitimacy to the concept of legal protection because of the state's vertical obligation to respect, protect and fulfil human rights without discrimination.

Article 11 of the CRPD, other than recognizing that persons with disabilities are at increased risk of being discriminated, has also highlighted the unequal access to humanitarian aid

and emergency services[35], including the distribution of humanitarian assistance and the unequal to information, such as accessible and adapted manuals and in designing and executing evacuation plans.[36] Hence, State Parties (as well as non-state actors and humanitarian actors) shall ensure the principle of non-discrimination in all programs and actions by including, on an equal basis, persons with disabilities in national emergency protocols; by fully recognizing persons with disabilities in evacuation scenarios; by providing for accessible information and communication helplines and hotlines, by ensuring that humanitarian aid relief is distributed in an accessible, non-discriminatory way to persons with disabilities in humanitarian emergencies, and by ensuring that water, sanitation and hygiene facilities in emergency shelters and refugee camps are available and accessible for persons with disabilities.[37] As mentioned earlier, CRPD Article 32 on international cooperation (which, according to OHCHR, is a broad concept that includes humanitarian assistance), together with Article 11, attributes three important aspects to development and humanitarian policy, making them binding under international law:

a) a Human Rights Based Approach to development and humanitarian aid. Both people living in poverty and persons affected by armed conflicts or natural disasters shall not be treated as objects of charity or welfare but as rights-holders, thus their opinions must be listened and duly taken into account in every related decision-making process;

b) mainstreaming disability in international cooperation to overcome the segregationist structures implemented by traditional disability policies, and

c) the active and equal participation of OPDs.[38]

Humanitarian actors often make further commitments to respect the inherent dignity of the affected population and strengthen accountability by developing and endorsing a code of conduct[39] and/or by endorsing and implementing the nine commitments of the Core Humanitarian Standard.[40]

The **Sphere Project** set four protection principles applying to all humanitarian action and all humanitarian actors, which support the rights set out in the Humanitarian Charter (the right to life with dignity, the right to humanitarian assistance and the right to protection and security):

1. Enhance the safety, dignity and rights of people, and avoid exposing them to harm.
2. Ensure people's access to assistance according to need and without discrimination.

[35] CRPD Concluding Observations on Haiti, CRPD/C/HTI/CO/1, para. 20(c).
[36] See, for example: CRPD Concluding Observations on Montenegro, CRPD/C/MNE/CO/1, para. 22.; CRPD Concluding Observations on Bosnia and Herzegovina, CRPD/C/BIH/CO/1, para. 20.;
[37] UN Committee on the Rights of Persons with Disabilities (CRPD), General comment No. 6 (2018), Article 5: Equality and Non-discrimination, Op. Cit. para. 43-46.
[38] Degener T. (2017). A New Human Rights Model of Disability, in The United Nations Convention on the Rights of Persons with Disabilities: A Commentary. (pp. 41-59). Springer. p. 56.
[39] The Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief; http://www.ifrc.org/Global/Publications/disasters/code-of-conduct/code-english.pdf
[40] Core Humanitarian Standards on Accountability and Quality. https://corehumanitarianstandard.org/the-standard

3. Assist people to recover from the physical and psychological effects of threatened or actual violence, coercion or deliberate deprivation.
4. Help people claim their rights.

So, in order to make humanitarian action inclusive, humanitarian stakeholders should, at a minimum[41]:

1. **Promote meaningful participation:** persons with disabilities have the right to participate in humanitarian decisions affecting them and, because of their knowledge and skills, they can play an important role in the humanitarian response.
2. **Remove barriers:** removing attitudinal, environmental and institutional barriers is key to achieve inclusion and participation.
3. **Empower persons with disabilities; support them to develop their capacities:** persons with disabilities and OPDs should be equipped with knowledge and skills to contribute to and benefit from humanitarian assistance.
4. **Disaggregate data for monitoring inclusion:** data on risks, barriers and on requirements of persons with disabilities is key to strengthen the understanding of humanitarian stakeholders and to adopt inclusive measures.

The Charter on Inclusion of Persons with Disabilities in Humanitarian Action, launched at the 2016 World Humanitarian Summit, gathered the interest of a broad range of humanitarian stakeholders who joined forces "to take all steps to meet the essential needs and promote the protection, safety and respect for the dignity of persons with disabilities in situations of risk." The Charter establishes five actionable commitments: non-discrimination; participation; inclusive policies; inclusive responses and services; and cooperation and coordination. In addition, both the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration include specific provisions on persons with disabilities that advocate their inclusion in responses to movements of refugees and migrants.

In June 2019, the UN Security Council adopted the landmark Resolution 2475, the first document from this UN body to specifically address persons with disabilities. It represents a clear political commitment towards mainstreaming disability across all UN pillars, including peace and security. Infact, it recognizes the Security Council's serious concern over the disproportionate impact of armed conflict on persons with disabilities and proposes actions to address the barriers they face, including:

- providing inclusive and accessible assistance,
- taking measures to ensure access to basic services provided in the context of armed conflict on an equal basis with others,
- and building capacity and knowledge of the rights and specific needs of persons with disabilities across UN peacekeeping and peacebuilding actors.

[41] Inter-Agency Standing Committee (IASC) Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action, 2019, Chapter 3, pp. 19-21.

Critically, the resolution affirms the importance of meaningful participation of persons with disabilities and the consultation of their representative organizations across all phases of conflict and crisis, and with all stakeholders. Through this resolution, which constitutes another important accountability mechanism, the Security Council:

- Requests the Secretary-General to include information and recommendations in thematic and geographic reports and regular briefings to the Council, including data disaggregated by disability
- Will invite persons with disabilities, including their representative organizations, to brief the Council in relevant thematic and geographic areas, and will meet with local persons with disabilities in the field during Council missions.

In 2019, the **IASC Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action** were adopted and launched. Based on the outcomes of a comprehensive global and regional multi-stakeholder consultation process, led by the tripartite co-chaired (IDA, UNICEF and HI) Task Team, these are the first humanitarian guidelines to be developed with and by persons with disabilities and their representative organizations in association with traditional humanitarian stakeholders. The aim is to set out essential actions that humanitarian actors must take to effectively identify and respond to the needs and rights of persons with disabilities in humanitarian settings, placing them at the center of their response, both as actors and as members of affected populations. They are designed to promote the implementation of quality humanitarian programs in all contexts and across all regions, and to establish and increase both the inclusion of persons with disabilities and their meaningful participation in all decisions that concern them.

> **"Partnership and collaboration with OPDs improve the effectiveness and accountability of humanitarian operations. …Respectful of the disability community motto ("Nothing about us, without us"), humanitarian stakeholders must work with persons with disabilities and their representative organizations rather than plan or make decisions on their behalf."**
>
> **IASC Guidelines on the inclusion of persons with disabilities in humanitarian action**

A focus on...

An Age, Gender and Diversity (AGD) approach to DRR and Humanitarian Action

All human beings have different profiles, attributes and capacities; factors such as age, gender identity, disability, education, ethnicity, language, religion, citizenship status, income and sexual orientation shape individuals' views and experiences, including during situations of risks and humanitarian emergencies. These elements can contribute to multiple forms of discrimination and specific protection risks, other than having a potential impact on the individual's meaningfully involvement in decision-making.

An ADG approach[42] ensures that all individuals in the affected community have access to their rights on an equal footing, recognizing, understanding, and valuing their differences.

- **Age** refers to the different stages in one's life cycle. It is important to be aware of where people are in their life cycle as their capacities and needs change over time. Age influences, and can enhance or diminish, a person's capacity to exercise his or her rights.
- **Gender** refers to the socially constructed roles for women and men, which are often central to the way in which people define themselves and are defined by others. Gender roles are learned, changeable over time, and variable within and between cultures. Gender often defines the duties, responsibilities, constraints, opportunities and privileges of women and men in any context. Gender equality refers to the equal enjoyment of rights, responsibilities and opportunities of women, men, girls and boys. Gender equality implies that the interests, needs and priorities of each gender are respected.
- **Diversity** refers to different values, attitudes, cultural perspectives, beliefs, ethnic background, nationality, sexual orientation, gender identity, ability, health, social status, skill and other specific personal characteristics. While the age and gender dimensions are present in everyone, other characteristics vary from person to person. These differences must be recognized, understood and valued.

An AGD approach requires to think about ways to ensure safe and **meaningful participation** of different groups, that is conducive to the design and implementation of more appropriate and effective solutions. It enables DRR and Humanitarian Action policies to better identify, understand and address a diversity of needs, resulting in more inclusive and accountable responses, especially towards those groups at higher risk of being left behind, such as persons with disabilities, women and girls, older persons, sexual and gender minorities, and minority groups. Finally, an AGD approach requires to collect, analyze and use **disaggregated data**, at a minimum by age, gender and disability, to be collected and managed in a safe and responsible manner to ensure that the needs of different groups, such as girls and older persons with, do not see their needs neglected or ignored.

AGD is essential to contribute to realize the human rights and protection of all persons with disabilities and ensure that they are not left behind.

[42] UNCHR, "Age, Gender and Diversity Policy: Working with people and communities for equality and protection" but it does not let me add it

1.5. Disasters and human rights: the Sendai Framework for Disaster Risk Reduction 2015-2030 and the reporting mechanism

The Sendai Framework for Disaster Risk Reduction was the first major agreement of the post-2015 global frameworks, followed by Agenda 2030 and the Paris Agreement. The Sendai Framework is comprised of seven targets and four priorities for action. The priorities are:

1. understanding disaster risk,
2. strengthening disaster risk governance to manage disaster risk,
3. investing in DRR for resilience, and
4. enhancing disaster preparedness for effective response and to "build back better" in recovery, rehabilitation and reconstruction.

Priority 1. Understanding disaster risk

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. Such knowledge can be used for risk assessment, prevention, mitigation, preparedness and response.

Priority 2. Strengthening DR governance to manage risk

Disaster risk governance at the national, regional and global levels is very important for prevention, mitigation, preparedness, response, recovery, and rehabilitation. It fosters collaboration and partnership.

Priority 3. Investing in disaster risk reduction for resilience

Public and private investment in disaster risk prevention and reduction through structural and non-structural measures are essential to enhance the economic, social, health and cultural resilience of persons, communities, countries and their assets, as well as the environment.

Priority 4. Enhancing disaster preparedness for effective response and to "Build Back Better" in recovery, rehabilitation and reconstruction.

The growth of disaster risk means there is a need to strengthen disaster preparedness for response, take action in anticipation of events, and ensure capacities are in place for effective response and recovery at all levels. The recovery, rehabilitation and reconstruction phase is a critical opportunity to build back better, including through integrating disaster risk reduction into development measures.

Persons with disabilities are explicitly included in the Preamble, Guiding Principles, Priority 4 and Role of Stakeholders. Priorities 1 and 3 cover issues related to accessibility and universal design.

According to the UN General Assembly, Disaster Risk Reduction is a policy aimed at "preventing new and reducing existing disaster risk and managing residual risk, all of which contribute to strengthening resilience and therefore to the achievement of sustainable development". DRR measures tackle a variety of sectors: from agriculture and food/water security, to health, education and awareness raising; from environmental management to early warning systems to development practices, for example in coastal zone development and infrastructure design. Hence, development actions, programmes, funding and policies must also contribute to reduce disaster risk in order to actually be sustainable. Similarly, unsound development policies can increase disaster risks and thus losses. To effectively protect everyone before and during a disaster, policies, programmes and practices have to be inclusive and participatory, actively engaging persons with disabilities in capacity-building, in strengthening resilience, reducing risks and vulnerabilities.

Extensive research all over the world has shown that, in general, the people who face the most exclusion and discrimination in society are the most adversely affected by disasters. In fact, the disasters' impact on a society is uneven and unequal: poor and/or socially marginalized households tend to be more at risk to losses than wealthier households and, as a result, they are pushed deeper into poverty and they find it more difficult to recover.[43] The Sendai Framework reinforces the crucial shift from managing disasters to managing disaster risk. Resilience-building has increasingly been integrated across all international agreements made under the 2030 Agenda for Sustainable Development (2030 Agenda). Coherence and linkages between the implementation of the Sendai Framework, the 2030 Agenda and the SDGs, the Paris Agreement on climate change, the outcomes of the World Humanitarian Summit and the New Urban Agenda are critical to ensure risk-informed development and resilience-building.

Monitoring the progress in implementing the Sendai Framework is the responsibility of the UNDRR and is assessed biennially. Analysis and trends will be presented in the Sendai Framework Progress Report. The Sendai Framework Monitoring was first launched on 1 March 2018: countries can report against a set of **indicators** and **disaster risk reduction-related indicators of the SDGs,** to support the assessment of the global progress, using the online Sendai Framework Monitoring System.

In early 2018, the Stakeholder Group on Persons with Disabilities set up a Thematic Group on DRR coordinating all civil society inputs regarding the inclusion of persons with disabilities in regional and international platforms, where states are reporting progresses against the Sendai framework as well as defining regional implementation plans.[44]

Global, regional and national platforms on DRR are fora that review and further design the implementation of the Sendai Framework and identify priorities of action for the forthcoming two years.[45] Those elements are included in the regional and global platforms outcomes

[43] Twigg, J. "Disaster Risk Reduction". Good Practice Review 9. Humanitarian Policy Group. Overseas Development Institute. 2014. Available at: https://goodpracticereview.org/9/

[44] Thematic Group on DRR: http://www.internationaldisabilityalliance.org/sgpwd-drr

[45] Global Platform: https://www.preventionweb.net/english/hyogo/GP/?pid:23&pil:1
Regional Platforms: https://www.preventionweb.net/english/hyogo/regional/
National Platforms: https://www.preventionweb.net/english/hyogo/national/?pid:262&pil:1

documents. The Thematic Group on DRR is the official interlocutor of UNISDR and States for contributing to the drafting of those outcomes' documents via a whole stakeholder group participative approach.

1.6. The 2030 Agenda for Sustainable Development, human rights, disability and the monitoring framework

On 25 September 2015, the UN General Assembly adopted the 2030 Agenda for Sustainable Development (2030 Agenda), a non-binding framework aimed at achieving a fundamental change for all people and the planet. Governments committed to build a better future by ending poverty and reducing inequalities. In the 2030 Agenda, there are 17 goals accompanied by 169 targets. Persons with disabilities are mentioned 11 times in the entire 2030 Agenda, with seven references in the SDG targets. Disability is mentioned in the following goals of the Agenda 2030:

- education (goal 4);
- growth and employment (goal 8);
- reduction of inequality (goal 10);
- accessibility and human settlements (goal 11), and
- data collection and monitoring (goal 17).

The aim of the 2030 Agenda to "leave no one behind" emphasizes its human rights dimension. Consequently, human rights covenants are extremely important to improve the understanding of the 2030 Agenda and to provide guidance on how to practically implement it, most of all those covenants focusing on those individuals and groups that are more likely to be left behind. As DRR is deeply intersected with the 2030 Agenda, human rights are conducive to the realization of related targets as well.

Goal	Target
1. End poverty in all its forms everywhere	**1.5** By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.
2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture	**2.4** By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality.
11. Make cities and human settlements inclusive, safe, resilient and sustainable	**11.5** By 2030, significantly reduce the number of deaths and the number of people affected and substantially decrease the direct economic losses relative to global gross domestic product caused by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations. **11.b** By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters, and develop and implement, in line with the Sendai Framework for Disaster Risk

	Reduction 2015–2030, holistic disaster risk management at all levels.
13. Take urgent action to combat climate change and its impacts	**13.1** Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries.

Summary of key targets in the Sustainable Development Goals (2015–2030) explicitly related to disasters

The follow-up and monitor mechanism on SDG implementation at global level is done through **Voluntary National Review** (VNR) mechanism, carried out at the High Level Political Forum (HLPF).[46] In 2015, governments created a voluntary and participatory follow-up and review framework that operates at national, regional and global levels to help countries to assess implementation progresses. The HLPF provides for open, transparent, participatory and internationally comparable reviews and proposals, in which persons with disabilities through their representative organizations are invited to participate.

A **Stakeholder Group of Persons with Disabilities** for Sustainable Development[47] was officially set-up in March 2017, and coordinates the participation of persons with disabilities in sustainable development and other related processes at the UN. Membership is open to all persons with disabilities, OPDs, non-governmental and other organizations working on the rights of persons with disabilities, and non-governmental donors.

The VNRs build upon national processes of monitoring the implementation of 2030 Agenda. While mechanisms and processes for these reviews vary among states, they are important entry points for advocating on the rights of persons with disabilities. In countries where CRPD reporting has been made, or is in process, evidence and information in both state reports and civil society alternative reports can be used to influence SDG review processes. In countries that have not yet ratified the CRPD or where human rights advocacy is challenging, SDG review processes are opportunities to provide evidence and information on the level of implementation of the goals and targets for persons with disabilities.[48] In particular, civil society organisations can report on their contribution to SDG implementation by using the following mechanism[49]:

[46] https://sustainabledevelopment.un.org/vnrs/

[47] https://sustainabledevelopment.un.org/majorgroups/personswithdisabilities

[48] For a detailed guide on influencing National Voluntary reviews and SDG monitoring at High Level Political Forum, see the toolkit developed by CBM and International Disability Alliance. "Toolkit for DPOs. Voluntary National Reviews". 2018. https://www.cbm.org/article/downloads/54741/IDA_CBM_DPO_VNR_toolkit_FINAL.pdf

[49] Long G., How should civil society stakeholders report their contribution to the implementation of the 2030 Agenda for Sustainable Development?, Technical Paper for the Division for Sustainable Development, UN DESA, https://sustainabledevelopment.un.org/content/documents/18445CSOreporting_paper_revisions_4May.pdf

The online SDG Partnership Platform 1

Its aim is to provide "space for sharing knowledge and expertise among different actors that are engaged in multi-stakeholder SDG-related partnerships and voluntary commitments, and for providing periodic updates on their progress".

Submission of Reports by Major Groups and Other Stakeholders 2

that are usually solicited by the HLPF, through the UN Sustainable Development website. Stakeholders are invited to submit reports on their contributions via an open inquiry form to which a report can be attached. Voluntary guidelines accompany this mechanism with an invitation to both submit a statistical annex, and to report on thematic contributions.

CSO reporting in thematic review 3

There are opportunities for civil society to participate in thematic review of SDGs at regional and global levels. This participation would be based on the reporting of their contribution so greater attention could be paid to ways in which civil society inputs could be synthesised into the thematic review component of the HLPF, granting CSOs' reports on thematic contributions a greater share of the time set aside for thematic review.

CSO reporting through VNRs 4

The coordination with governments and national partners for the participation in VNR processes should be a primary focus. VNR processes vary from country to country, as does CSOs awareness and participation of these processes.

CSO reporting at the regional Fora for Sustainable Development. Civil society, self-organised in major groups or constituencies, can engage in these fora. Regional fora might be less expensive for CSOs to attend, lower the language barriers faced by speakers and provide spaces for more interactive dialogue. 5

2. Guide on the CRPD State reporting cycle for OPDs and civil society

This section will help the reader to understand the State reporting cycle of the CRPD and the opportunities of engagement from a civil society perspective, providing concrete tips to make the best use out of it.

2.1. UN Human Rights Conventions, Committees and roles

There are nine UN human rights conventions: each of them has its own Committee (or Treaty Body), composed by a different number of independent experts. The CRPD Committee, for instance, is composed by 18 members, elected for a period of 4 years.

Human Rights Convention	Committee
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Committee on the Elimination of Racial Discrimination (CERD Committee)
International Covenant on Civil and Political Rights (ICCPR)	Human Rights Committee (CCPR Committee)
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR Committee)
Convention on the Elimination of All Forms of Discrimination against women (CEDAW)	Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Committee against Torture (CAT Committee)
Convention on the Rights of the Child (CRC)	Committee on the Rights of the Child (CRC Committee)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)	Committee on Migrant Workers (CMW Committee)
Convention on the Rights of Persons with Disabilities (CRPD)	Committee on the Rights of Persons with Disabilities (CRPD Committee)
International Convention for the Protection of All Persons from Enforced Disappearance (CPED)	Committee on Enforced Disappearances (CED Committee)

Each Committee has two main roles:

- **monitor** the level of implementation of the Convention by State parties; and
- give **guidance** on measures necessary for State Parties to ensure the enjoyment of the rights in the convention.

One way to monitor the level of implementation of the Convention is the **State Reporting Cycle.**

2.2. The CRPD State Reporting Cycle

When a State ratifies the Convention on the Rights of Persons with Disabilities, it must submit a first **initial report** within 2 years to the CRPD Committee, covering all articles of the Convention. Then, every four years, the State must submit a **periodic report** to the CRPD Committee, on how the rights in the Convention are being realized in the country.

The CRPD Committee examines the State report during a **public interactive dialogue** with the State representatives, as well as the additional information provided by civil society or National Human Rights Institutions (NHRIs). After the public interactive dialogue, the Committee issues a document called **"Concluding Observations"** which contains recommendations on how the State should implement the Convention. The Concluding Observations are based on the information provided in the State report, in the reply to the list of questions, during the interactive dialogue, and by organizations of persons with disabilities and monitoring bodies.

The State report should provide, at least, information on:

- All actions adopted by a State to ensure the implementation of the rights in the Convention.
- The progress made in the realization of those rights.
- The relevant information, including statistical data.
- The problems and difficulties that the State face to implement the treaty in the country

The CRPD State Reporting Cycle in detail

1. **Within two years** after ratification of the Convention, the **State submits an initial report** to the Committee on how it implemented the rights of persons with disabilities.
2. The **Committee examines the report** during a "pre-session": it will adopt a list of questions for additional information that will be sent to the State.
3. The government must usually reply to the list of issues within six months.
4. At the following session, a public **"interactive dialogue"** is organized between the CRPD Committee and the representatives from the States. The Committee asks specific questions on implementation of the articles of the Convention and the government must reply orally. The dialogue is organized in two meetings lasting three hours each.
5. The Committee adopts the **Concluding observations.** They are sent to the State and available on the website of the Committee.
6. The State must implement the recommendations.
7. After four years, it will have to submit its new report to the Committee.

Some UN Committees, including the CRPD, have procedures for the **follow-up** of Concluding Observations: in the Concluding Observations, there is a section highlighting three/four priorities of the most serious concerns that should be rapidly assessed and implemented by the State. The State has to provide additional information in one year on these priorities. In assessing the follow-up report, the Follow-up Rapporteur will consider all available sources of information, originating from other UN Committees, Special Procedures, Universal Periodic Review, UN agencies, National Human Rights Institutions and NGOs.

In order to streamline the reporting process, the CRPD has adopted the **Simplified Reporting Procedure:** if a State accepts it, the Committee will start the next cycle of review by adopting a List of Issues Prior to Reporting (LOIPR) based on previous Concluding Observations. The replies to this list of issues will be considered as the State report. In this way, the State will have to send only one document to the Committee: the written reply to the list of issues prior to reporting.

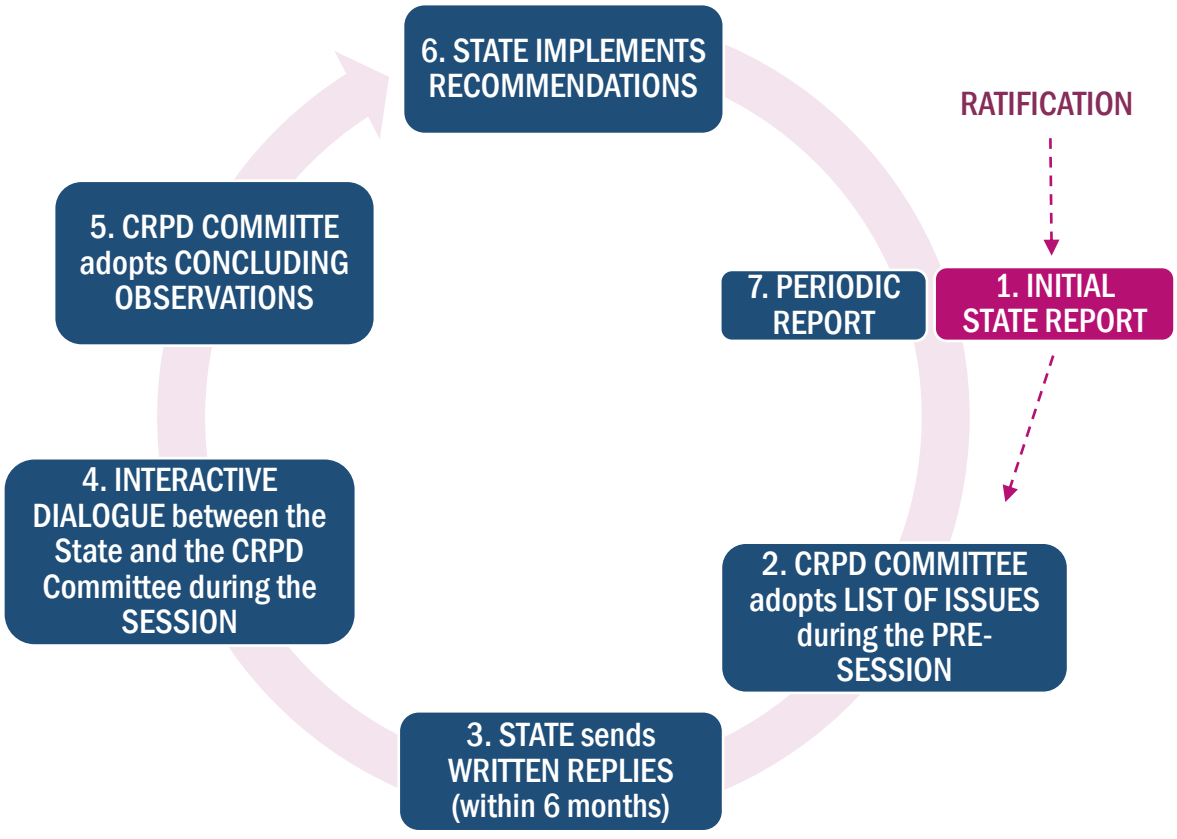


Figure 1. CRPD Reporting cycle

A focus on...

The Universal Periodic Review (UPR)

The Universal Periodic Review is a State-driven process of the Human Rights Council (HRC) aimed at improving the human rights situation in each of the 193 United Nations (UN) Member States. Through this mechanism, a Working Group of 47 members of the HRC reviews the human rights situation of all UN Member States every 5 years. 42 States are reviewed each year during three sessions held in Geneva in January/February, May/June and October/November.

During this process, UN Members and observer States provide **recommendations** to improve the human rights situation in the State under review. A State can support or note recommendations but cannot reject them. The result of each review is reflected in the Final Report of the Working Group, which lists the recommendations the State under review will have to implement before the next review.

The UPR is a full-circle process of 3 key stages:

a) Preparation for the Review and reporting on implementation.
b) Review of the human rights situation of the State and adoption of the Report.
c) Implementation of Recommendations and reporting at mid-term.

The review is based on 3 documents:

1. **National Report**, in which the State under review explains accomplishments and challenges in implementing recommendations since the previous review. This report should be based on broad consultations at the national level with relevant stakeholders, including civil society.
2. **Compilation of UN information** prepared by the Office of the High Commissioner for Human Rights (OHCHR) on inputs from various UN agencies, special procedures and treaty bodies.
3. **Stakeholder Summary** prepared by the OHCHR with submissions from NHRIs and civil society.

Civil society can contribute in numerous ways to the process, including by participating in the national consultations; sending information on the human rights situation in the country; lobbying members of the Working Group and participating in the "pre-sessions" between NGOs and Permanent Missions in Geneva; taking the floor at the HRC during the adoption of the report; monitoring and participating in the implementation of the UPR recommendations. This mechanism is of particular interest for OPDs in those countries that have not ratified the CRPD, as it can be used for reporting on human rights violations occurring during situations of risks and humanitarian emergencies, thus providing an opportunity to hold their government accountable. Nevertheless, for OPDs whose country has ratified the CRPD, the UPR is an opportunity to make their voice heard in an international forum and a tool to advance the rights of persons with disabilities in their countries.

More information on the role of civil society can be found here, as well as resources prepared by *UPR Info*, a Geneva-based NGO raising awareness on the UPR and providing capacity-building tools to the different actors of the process, including to civil society.

2.3. Civil society engagement in the reporting process: the opportunities[50]

Civil society organizations, including OPDs, can and should participate in the State reporting process, as it is important for the CRPD Committee to have a more comprehensive picture of the actual situation of persons with disabilities in a given country.

OPDs and CSOs can prepare **alternative reports** to provide their view on the implementation of the CRPD in the country. The alternative report should complement (or correct) the information provided in the State report, highlighting priority issues and suggesting concrete recommendations.

What to include in the alternative report?

- ❖ A short introduction of the organization/coalition.
- ❖ An executive summary of the most relevant issues (1 page).
- ❖ A paragraph of basic relevant information about the country (form of government, population, recent political changes) as relevant.
- ❖ A critical analysis of the situation of the country in light of the Convention, article by article.
- ❖ Suggested questions or recommendations for each article.

Usually, it is the umbrella organization (or national council) representing the diversity of OPDs of the country who coordinates the work on the alternative report. However, individual organizations, including non-OPDs, may also prepare their own alternative report. Preparing an alternative report takes a lot of effort and time, therefore it is important to coordinate with other organizations. The report should be submitted to the **Committee' Secretariat** at least one month before the pre-session, which constitutes the first step of the review.

Tips for writing alternative reports and written submissions:

- ✓ Be aware of the word limit (10700 words for alternative reports, 5300 for other submissions)!
- ✓ Be clear and concise in explaining the reality of your country!
- ✓ Avoid telling the Committee what it already knows (i.e. the content of the Convention)
- ✓ Focus on what the country does or does not!
- ✓ Keep the State report as a reference!
- ✓ Provide evidence where possible (statistics, court cases, media, testimonies, studies, etc)!
- ✓ Report infringement of the CRPD, article by article!
- ✓ When suggesting questions, avoid those that begins with WHY and that can be answered by YES or NO!

[50] For further information, please refer to: Women Enabled International, accountABILITY Toolkit, available at: https://womenenabled.org/atk.html

Opportunities of engagement in detail

The CRPD requires the active involvement and meaningful participation of persons with disabilities, including children with disabilities, in the monitoring process. The State is obliged to report on the CRPD but OPDs can and should request a national consultation to provide inputs for the preparation of the State report.

a) Before the review: OPDs should be consulted by the government in the preparation of the State report. In parallel, OPDs and CSOs should prepare an **alternative report** on the implementation of the Convention.

b) During the pre-session in Geneva: OPDs and CSOs can take part in a private meeting with the Committee to provide detailed information on the situation of persons with disabilities in the country. This meeting lasts 1 hour 30 minutes and takes place before the adoption of the list of issues. In this meeting, no government representatives are present. OPDs shall prepare a statement on the main issues and will be asked clarifications/additional information by the Committee members. During the pre-session, a smaller number of Committee members are present (usually 6 to 9).

Tips & tricks for the private meeting

- Prepare a short oral statement on the main concerns in your country
- Keep the focus on what the State does or does not
- Coordinate among OPDs and decide in advance who is going to answer questions related to each article

c) Between the pre-session and the interactive dialogue: OPDS and CSOs can revise the alternative report and add more information or decide to submit a report only at this stage. At this point, OPDs and CSOs can give their own (parallel) reply to the list of issues adopted by the Committee. It is important to take all the opportunities to submit information to push the CRPD Committee to address the main concerning issues during the constructive dialogue with the State, as well as in the written Concluding Observations.

d) During the session in Geneva: OPDs and CSOs, including those who have not submit an alternative report, can attend the session during which the **interactive dialogue** take place. The dialogue can be also observed remotely through the **UN webcast,** and will take place in one of the working languages of the UN (Arabic, Chinese, English, French, Russian and Spanish). Another private meeting, like the one taking place at the pre-session, is organized where OPDs and CSOs can raise your priorities with the Committee. OPDs and civil society can attend the interactive dialogue in person but cannot take the floor.

e) **After the session:** The Concluding Observations are published on the CRPD website a couple of weeks after the session. The **follow up procedure** is another opportunity for OPDs to provide input on the implementation of recommendations by the State. Although States are responsible for implementing them, OPDs, together with the national body monitoring the Convention, should play a role in this activity by engaging with and assisting their Governments in implementing the Committee's recommendations to keep them accountable. Meanwhile, OPDs should do their own monitoring and start preparing the for the next report.

What to do after the session?

- Translate the Concluding Observations in national language and circulate them widely
- Organize a press conference to present the recommendations, possibly together with the national body monitoring the Convention
- Organize follow-up meetings with governments to discuss the implementation of the Convention
- Make reference to Concluding Observations in policy work, campaigns and projects
- Use the Concluding Observations to develop and consolidate the positions of the organization

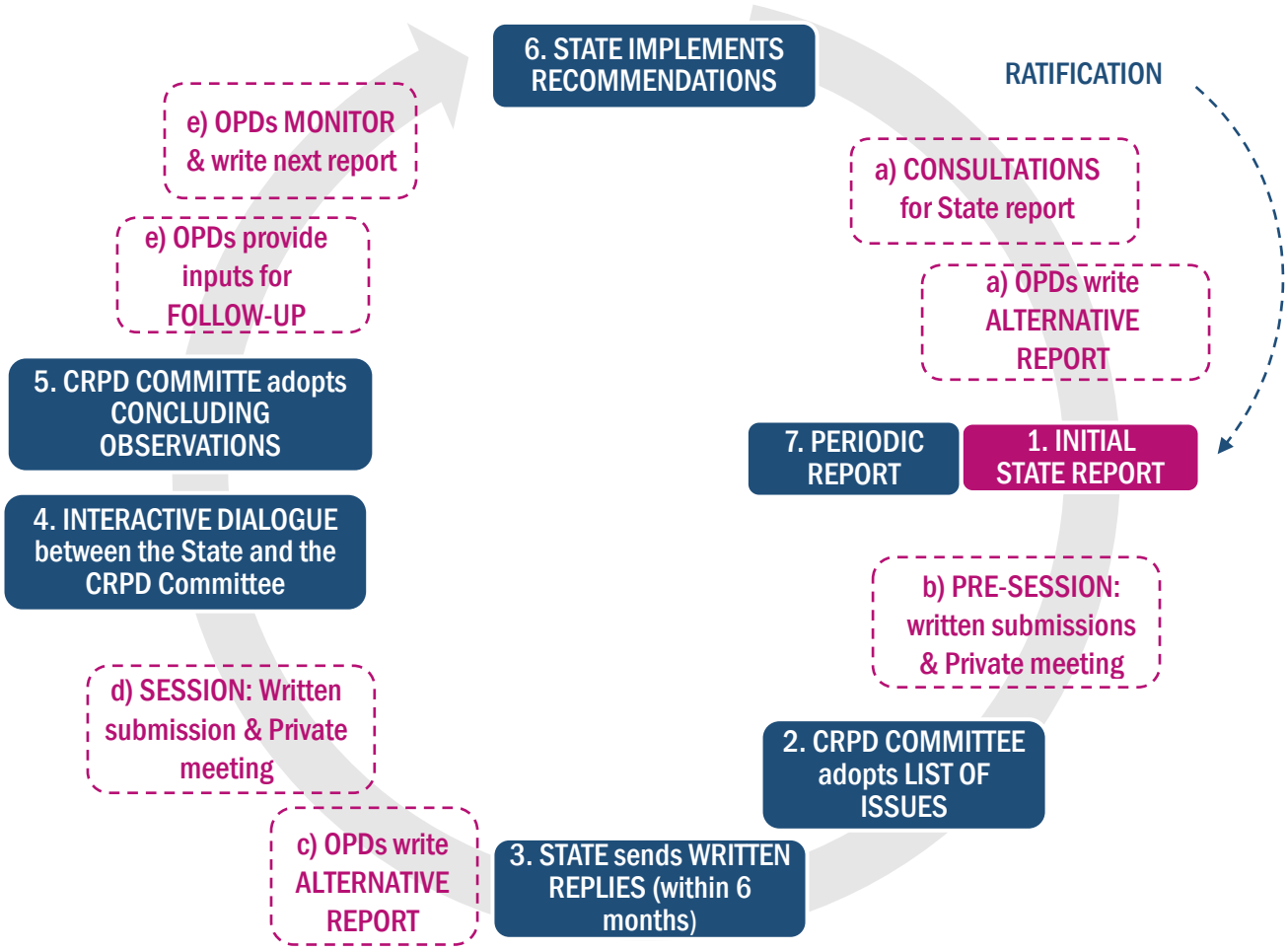


Figure 2. CRPD reporting cycle & opportunities for civil society engagement

Prior to each session, the CRPD Secretariat uploads an "informative note for OPDs, CSOs, National Human Rights Institutions (NHRIs) and Independent Monitoring Frameworks (IMFs) in the forthcoming X session and X pre-session" on the **website**, with all the requirements for written submissions (deadlines, formats, where to send the information), and to explain how civil society, NHRIs and IMFs can participate. The informative note also provides information on how civil society can organize a side-event during the session to raise awareness of specific human rights issues in their country.

Civil society and OPDs physically present in Geneva can engage in informal individual conversations with Committee members during session's breaks, for example, with the Country Rapporteur. The **International Disability Alliance** facilitates OPDs engagement with the CRPD Committee, providing support in the drafting of the alternative reports, and in liaising OPDs with the Secretariat and Committee members while in Geneva. To contact the IDA Secretariat, send an email to: **info@ida-secretariat.org.**

A focus on…

CRPD Article 33 on implementation and monitoring: the pillars

1. States are required to set up a **focal point** within the government to coordinate a national policy on the CRPD. The purpose is to appoint a governmental department for handling matters relating to the implementation of CRPD. Focal points should both have the necessary resources to carry out their function and be sufficiently accessible to persons with disabilities.

   States are requested to set up a **coordination mechanism** to develop policy, conduct discussions and raise awareness on the rights of persons with disabilities. The aim is to boost cooperation between ministries and to avoid that policy makers adopt isolated measures.

   ➔ The focal point and coordination mechanism are governmental bodies focusing on the implementation of the CRPD.

2. States are required to put in place a **framework** to promote, protect and monitor the implementation of the CRPD. The framework should:
   - ❖ Conduct awareness-raising activities,
   - ❖ Examine existing and draft legislation for compliance with the CRPD,
   - ❖ Provide advice to governmental agencies on the implementation of the CRPD,
   - ❖ Conduct human rights impact assessments,
   - ❖ Examine complaints, conduct enquires and issue reports,
   - ❖ Develop indicators in order to monitor progress and collect information on violations of the CRPD.

   The framework must include at least one independent mechanism in line with the principles relating to the status and functioning of national institutions for protection and promotion of human rights, which are commonly called the Paris Principles and emphasize on independence and pluralism.

3. States are requested to **actively involve and consult with civil society**, in particular persons with disabilities and their representative organizations, in the implementation and monitoring process. The establishment of a **national monitoring process** in which civil society participate allows for a continuous implementation and monitoring process and helps to ensure the national follow up to CRPD concluding recommendations.

   ➔ This provision guarantees the participation of persons with disabilities through both the focal points and coordination mechanism, and the independent mechanisms.

3. Monitoring and analysis matrix on Article 11 of the CRPD

This part of the guidance guides the reader in gathering evidence, data and information to analyze the implementation of Article 11 with the help of a matrix that sets questions and outcomes to consider for each key obligations of Article 11. It also suggests main sources of information where data, information and evidence can be found.

In collecting information for the reporting on Article 11, organizations of persons with disabilities and other civil society organizations should firstly check the presence of a concrete commitment to persons with disabilities in Disaster Management and humanitarian assistance legislations, plans and policies by the State. Specifically, they should assess if there are provisions in national emergency plans explicitly considering the needs of persons with disabilities.

Moreover, the participation and the consultation of people with disabilities, including children with disabilities, through their representative organizations, is an extremely important action to be considered alongside the training of emergency personnel staff on issues related to persons with disabilities. Lastly, OPDs should assess if the principle of universal design is broadly reflected in all phases of the emergency management.

The International Federation of the Red Cross (IFRC) came up with a **Checklist on law and DRR** that aims at ensuring that risk reduction and resilience are well integrated into and supported by legal systems. In particular, the checklist wants to guide the assessment of law and regulations enhancing DRR and to how to bring these frameworks in line with international standards, including the Sendai Framework, so that they also take into account both climate change and sustainable development.

For OPDs reporting on Article 11, this checklist represents a useful source of information on where to find the relevant information, drawing the connection between all relevant sector for DRR. In particular, overarching questions relevant to facilitate the collection of information for the reporting activity on Article 11 are:

- no. 3 (Do your key sectoral laws incorporate provisions to increase safety and reduce vulnerability?),
- no. 7 (Do your laws require education, training and awareness-raising to promote a whole-of-society approach to disaster risk reduction?),
- no. 8 (Do your laws ensure the of civil society, the private sector, scientific institutions and communities in risk reduction decisions and activities?),
- no. 9 (Do your laws adequately engagement address gender considerations and the specific needs of particularly vulnerable categories of persons?)
- no. 10 (Do your laws include adequate mechanisms to ensure that responsibilities are fulfilled, and rights are protected?).

Moreover, in the framework of the EU-funded project Bridging the Gap I, a set of **Human Rights indicators** for the CRPD were developed in support of disability inclusive 2030 Agenda for Sustainable Development. The **Indicators for Article 11** developed within the EU-OHCHR Bridging the Gap I project constitute another useful tool for reporting upon this article.

The following matrix provides guidance on gathering evidence, data and information for analyzing the implementation of Article 11. The matrix provides a set of key questions and outcome evidence to analyze for each of the key obligations and measures defined by the CRPD Committee introduced in chapter 1.2. It also suggests main sources of information where data, information and evidence can be found, both qualitative and quantitative data.

The matrix is underpinned by the CRPD general principles and suggests observations of other articles of the CRPD where relevant.

Key measures and obligations	Questions to ask and evidence to collect	Source of information	Sendai Framework on DRR	2030 Agenda and SDGs
Persons with disabilities shall be consulted and involved in the conduct of risk assessment, as well as in the systematic collection of disability disaggregated data and disaster-loss information. • no. 8 Do your laws ensure the engagement of civil society, the private sector, scientific institutions and communities in risk reduction decisions and activities? (IFRC)	• Evidence of institutionalized consultation mechanisms during risk assessment with persons with disabilities at national, regional and local level (art 3 General principles and art 4.3) • Is there evidence of active and meaningful participation of persons with disabilities and their representative organizations in collecting disaggregated data on disability as well as in risk assessment and disaster-loss information? • Has the State used the Sendai Framework monitor and reported against indicators using disaggregated data where desirable?	• CRPD reports from States and shadow reports • Interviews with representative organizations and groups of persons with disabilities • Census, household surveys and other public administrative data • Composition of disaster response or risk assessment committees or working groups whether they include any person with disabilities or their representative • UN agencies, OPDs and civil society studies and reports (needs assessments, evaluation, satisfaction surveys etc.) • Sendai Framework monitor mechanisms[51]	**Priority 1:** Understanding disaster risk factors	**SDG 1. End Poverty** Target 1.5 7/10/12/: protection of livelihood and productive assets, tackle inequality, use and manage ecosystem

[51] https://www.preventionweb.net/drr-framework/sendai-framework-monitor/

Measures adopted to ensure the inclusiveness and accessibility of DRR measures and disaster management strategies, as indicated in the Sendai Framework, i.e. risk assessments, collection, availability and dissemination of risk information, investments to enhance the economic, social, health and cultural resilience of persons, needs-assessments, emergency evacuation procedures, multi-hazards, early warning systems, to guarantee that they reach all persons with disabilities in disaster risk. • no. 7 Do your laws require education, training and awareness-raising to promote a whole-of-society approach to disaster risk reduction? (IFRC)	• National legislation on emergency response and disaster risk reduction and their corresponding policies are CRPD compliant (Art 4.1) • Evidence of institutionalized consultation mechanisms with persons with disabilities at national, regional and local level (Art 3 General principles and Art 4.3) • Evidence of wide and representative consultation, including with women and girls with disabilities, and persons with disabilities from underrepresented groups (i.e. persons with psychosocial or intellectual disabilities, person with deaf-blindness, indigenous persons with disabilities or those with multiple disabilities, etc) • Projects and practices at local level reflect a disability-inclusive approach (Art 9, Art 19, Art 8)	• National civil protection, emergency management and DRR legislation policies, plans and programs as well as resource allocations from national to local level. • Regional and local plan of actions and corresponding budgets • Emergency management protocols from relevant state agencies at national and local levels • CRPD and other Treaty Bodies concluding observations (CRC, CEDAW, CAT) and Universal Periodic R • SDG voluntary national reviews at all levels • Interviews with representative organizations and groups of persons with disabilities • Report from, and interview with, National DRR platform membership[52]	**Priority 2:** Strengthening disaster risk governance to manage disaster risk - Decentralization of DRR, evidence of disability being included in empowerment of local authority and community - National DRR platform include OPDs as member or at minima consults with them. **Priority 3:** Investing in disaster risk reduction for resilience **Priority 4:** Enhancing disaster preparedness and "Build Back Better" in recovery, rehabilitation and reconstruction * Persons with disabilities, including women and underrepresented groups play a leadership role in DRR.	**SDG 3. Healthy lives and wellbeing** Target 3d **SDG 5. Gender equality and empowerment of women/girls** Target 5.5 **SDG 10. Reduce inequality within and among countries** Target 10.2 and 10.3 **SDG 11. Make cities and human settlements inclusive, safe, resilient and sustainable** Target 11.3 and 11.5 **SDG 12. Ensure sustainable consumption and production patterns** **SDG 13. Take urgent action to combat climate change and its impacts** Target 13.1 **SDG 15. Protect, restore and promote sustainable**

[52] https://www.unisdr.org/we/coordinate/national-platforms

	• Is there evidence of participation of persons with disabilities in humanitarian coordination mechanisms, if relevant? (Art 4.3) • Has the humanitarian coordination system nominated a disability focal point or set up a coordination mechanism related to disability?	• Humanitarian situation reports including who does what, where documents[53], (Humanitarian Needs Overview and Humanitarian Response Plan)		**use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss**
Protection of life and assets and safety through inclusive response and services that are tailored to the requirements and rights of persons with disabilities and developed in accessible formats and languages. • no. 9 Do your laws adequately address gender considerations and the specific needs of particularly vulnerable	• Emergency preparedness and contingency plans, include provision on different needs of persons with disabilities (Art 9, Art 19, Art 6-7) • Search and rescue procedures take into account the requirements of persons with disabilities • Do humanitarian flash appeals and donor requests by governments, UN agencies and other humanitarian actors identify needs of	• National DRR platform report[54] • Global / national Risk report • Contingency plans at local and national levels • Accessibility of emergency number and early warning systems • Preparedness stockpiling item list at national and local level	**Priority 1:** Understanding disaster risk factors **Priority 4:** Enhancing disaster preparedness and "Build Back Better" in recovery, rehabilitation and reconstruction	**SDG 11. Make cities and human settlements inclusive, safe, resilient and sustainable** Target 11.5

[53] For example see OCHA 3W https://www.humanitarianresponse.info/en/applications/tools/category/3w-who-does-what-where This mechanism is set-up in most disaster contexts to improve coordination and information sharing on who does what. It can be useful to identify window for participation but also access needs assessment reports and other relevant documents.

[54] https://www.unisdr.org/we/coordinate/national-platforms

categories of persons? (IFRC)	Persons with disabilities as an 'at-risk group'? • Evacuation protocols, plans and shelters are safe, accessible and ensure dignity and protection of women, men, girls and boys with disabilities • Humanitarian assistance provided by both State and non-state actors is inclusive • Humanitarian aid modalities and goods are not creating additional protection risks • Has the humanitarian coordination system nominated a disability focal point or set up a coordination mechanism related to disability?	• Humanitarian response plan and sector/ cluster strategies and plans • Humanitarian flash appeal and appeals from governments, UN agencies and other humanitarian actors[55] • Audit of infrastructures identified as evacuation shelter (access to and accessibility inside, information accessibility and dignity aspects) • OCHA and national governments consolidated humanitarian response reports (situation report) • Interviews and/or focus group discussion with persons with disabilities affected by the crisis • Report on abuses or other incidents including testimonies of persons with disabilities from humanitarian actors		

[55] Information about FLASH appeals can usually be found on OCHA's website (https://fts.unocha.org). For individual organisations information may be available on their respective websites.

Steps taken to optimise the use of mass media, ICT and other communication channels and ICT to provide accessible and timely information on disaster risk and humanitarian emergencies, including early-warning systems to persons with disabilities, particularly those at higher risk of marginalisation	• Emergency numbers and help-lines, early warning system, evacuation procedures and other risk information are communicated in different formats (audio, video, easy-read, text, sign language, etc.) and via different medias such as radio, TV (with sign language interpretation and subtitles as well as languages of minorities), social media, SMS, DPO networks, etc. (Art. 9) • Awareness campaigns on preparedness, response and recovery are accessible for persons with disabilities (see above) • Humanitarian response information is disseminated in accessible format • Is there evidence of accessible feedback and complaint mechanisms (Art 4.3, Art. 13, Art. 14, 15), both among government disaster agencies, local municipality	National, regional and local DRR awareness campaign Interview with persons with disabilities National protocols and laws on early warning and emergency numbers (available on disaster management agencies offices and websites, municipality or city information services etc.)	**Priority 3:** Investing in disaster risk reduction for resilience **Priority 4:** Enhancing disaster preparedness and "Build Back Better" in recovery, rehabilitation and reconstruction	**SDG 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation** Target 9.C

	offices, UN agencies and other humanitarian actors?			
Steps taken to ensure inclusive post-emergency rehabilitation, resettlement and reconstruction and rebuilding processes are based on risk assessments inclusive and accessible to persons with disabilities, through the application of universal design reconstruction, rehabilitation and build back better principles.	• Have accessibility standards and building code been respected and enforced during post-emergency and reconstruction process? In absence of such standards at national level, all humanitarian actors should respect the CRPD relevant articles on accessibility (Art 9) and independent living (Art 19) as well as Universal Design. • Evidence of the participation of persons with disabilities in post disaster need assessment (services, infrastructures, building resilience) and reconstruction planning)	• Existence of building and accessibility infrastructure codes and legislation as well as enforcement procedures • Example of audits of reconstruction projects and programmes • Interviews with persons with disabilities • Post-Disaster Needs Assessment multi-sector and multi-actors assessment lead by national government and often the World Bank[56] • National reconstruction plans available at the relevant ministry and their local government offices	**Priority 4:** Enhancing disaster preparedness and "Build Back Better" in recovery, rehabilitation and reconstruction	**SDG 1. End Poverty** Target 1.5 **SDG 3. Healthy lives and wellbeing** Target 3d **SDG 5. Gender equality and empowerment of women/girls** Target 5.2 Target 5.5 **SDG 11. Make cities and human settlements inclusive, safe, resilient and sustainable** Target 11.5 **SDG 13. Take urgent action to combat climate change and its impacts** Target 13.1

[56] A Post-Disaster Needs Assessment and Recovery Framework together comprise an approach to harmonize the assessment, analysis and prioritization of damages, losses and needs by a range of stakeholders (United Nations agencies and programmes, the World Bank, donors, non-governmental organizations) in support of the national government. Such assessment pulls together information into a single, consolidated report, information on the physical impacts of a disaster, the economic value of the damages and losses, the human impacts as experienced by the affected population, and the resulting early and long-term recovery needs and priorities. http://www.recoveryplatform.org/pdna

Measures adopted to regularly train civil protection/defence, rescue and emergency personnel and volunteers and humanitarian actors on a disability, gender and age inclusive perspective grounded in human rights and the principle of leaving no one behind in situations of risk and humanitarian emergencies	• Emergency and civil protection/defence and security personnel and volunteers are trained in disability and human rights at all levels • Humanitarian action personnel and volunteers are trained in disability and human rights • Evidence of OPDs being involved in training emergency staff and personnel • Disaster drills and other preparedness exercises are inclusive of persons with disabilities as participants and as part of the coordination/ leadership body	• Example of training curriculum on disability and inclusion of search and rescue teams, emergency management personnel and volunteers • Disaster drill protocols and reports, communication material, media coverage • Interviews and group discussion with persons with disabilities, including from underrepresented groups • Interview with the UN Resident/ humanitarian coordinator office	**Priority 1:** Understanding disaster risk factors **Priority 4:** Enhancing disaster preparedness and "Build Back Better" in recovery, rehabilitation and reconstruction	**SDG 11. Make cities and human settlements inclusive, safe, resilient and sustainable** Target 11.5 Target 11 B, C **SDG 13. Take urgent action to combat climate change and its impacts** Target 13.3
Steps taken to ensure human rights based accessible and inclusive refugee and migrants' policies and legal frameworks (asylum, resettlement, legal advice and protection)	• Have OPDs, representing all impairment groups, been involved and consulted in the development and implementation of national policies and legal frameworks related to refugee, internally displaced persons and	Migration legislation, policies and programs Interviews with refugees, internally displaced and migrants with disabilities (sex and age representative)	N/A Indirectly: **Priority 4:** Enhancing disaster preparedness and "Build Back Better" in recovery, rehabilitation and reconstruction	Most SDGs are relevant here. **SDG 10. Reduce inequality within and among countries** Target 10.7

	migrant population movements? • Protection mainstreaming is implemented and legal services accessible to persons with disabilities[57] • Have refugees or migrants with disabilities equal access to food assistance, livelihoods, WASH programs, shelter, psychosocial support and self-reliance activities? • Is all the necessary information related to these services provided in accessible formats? • Have their different needs been fulfilled? • Do they have equal access opportunities to durable solutions? • Do children of migrants and children with disabilities with migrants or refugee status have access to educational services?	Humanitarian situation reports		

[57] Protection mainstreaming is the process of incorporating protection principles and promoting meaningful access, safety and dignity in humanitarian aid. The following elements have to be taken into account in humanitarian response: 1) Prioritise safety and dignity, and avoid causing harm 2) Meaningful Access 3) Accountability 4) Participation and empowerment. http://www.globalprotectioncluster.org/en/areas-of-responsibility/protection-mainstreaming.html