**International Disability Alliance (IDA)**

Member Organisations:

Down Syndrome International, Inclusion International, International Federation for Spina Bifida and Hydrocephalus, International Federation of Hard of Hearing People, World Blind Union, World Federation of the Deaf, World Federation of the DeafBlind, World Network of Users and Survivors of Psychiatry, Arab Organization of Disabled People, African Disability Forum, ASEAN Disability Forum, European Disability Forum, Red Latinoamericana de Organizaciones no Gubernamentales de Personas con Discapacidad y sus familias (RIADIS), Pacific Disability Forum

**IDA submission on the Draft General Recommendation No. 35 on the Gender- related dimensions of Disaster Risk Reduction in a Changing Climate**

**Introduction**

The International Disability Alliance (IDA) is the network of global and regional organisations of persons with disabilities (DPOs), currently comprising eight global and six regional DPOs. With member organisations around the world, IDA represents the over one billion people worldwide living with disabilities, the world’s largest – and most frequently overlooked – minority group. IDA’s mission is to promote the effective implementation of the UN Convention on the Rights of Persons with Disabilities, as well as compliance with the CRPD within the whole UN system, including in the work of the treaty bodies.

IDA welcomes the draft general recommendation on gender-related dimensions of disaster risk reduction in a changing climate of the Committee on the Elimination of Discrimination against Women (*hereinafter* “the Committee”). The draft provides a clear structure and address many relevant issues. IDA especially welcomes the references to women with disabilities. However, IDA believes the general recommendation could provide more concrete guidance for the inclusion of women and girls with disabilities in disaster risk reduction policies, by including explicit references to them in key concrete issues, in line with the Convention on the Rights of Persons with Disabilities (hereinafter the CRPD).

In this submission, we first highlight that the disability perspective is gaining recognition within developments on disaster risk reduction, which merits more explicit attention to women with disabilities in the draft general comment. Secondly, we will address Article 11 of the CRPD on situations of risk and humanitarian emergencies, and other key provisions. We will afterwards address data collection and disaggregation, whose shortcomings in practice have fatal consequences. Finally, we will provide the CEDAW Committee with recommendations and concrete drafting proposals (Annex I).

**A- The disability perspective to disaster risk reduction and the need to explicitly refer to women and girls with disabilities**

As we have highlighted,[[1]](#footnote-1) together with the gender perspective, the disability perspective to disaster risk reduction is increasingly being recognised by the international community. This is due to the specific barriers which persons with disabilities face, both when disasters strike as well as due to the long-term consequences of climate change (e.g. reduction of access to water, food insecurity, disruption to livelihoods, critical infrastructures and services aggravating barriers to inclusion). In particular, the Sendai [framework for action](http://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf) included recommendations for implementing a disability-inclusive disaster risk reduction framework.[[2]](#footnote-2)

Persons with disabilities represent approximately 15% of the world’s population. The male disability prevalence rate is 12% while the female 19.2%.[[3]](#footnote-3) Previous figures indicated that there were 325 million women and girls with disabilities in the world. As persons with disabilities, women and girls with disabilities are at higher risk in all phases of disaster, from exposure to risk and risk perception; to preparedness behaviour, warning communication and response; physical, psychological, social and economic impacts; emergency response; and ultimately to recovery and reconstruction.[[4]](#footnote-4) They are also amongst the most “resource poor” given their social marginalisation and exclusion from employment, education, and voicelessness in public and political decision making.

**Women and girls with disabilities are disproportionately impacted by natural disasters and climate change related phenomena**; 80% of all persons with disabilities live in developing countries and women and girls with disabilities, make up 75% of that population living mostly in rural areas, more prone to disaster caused by climate change; where communities face more challenges to preparedness and resilience.[[5]](#footnote-5) Compared to women generally and to men with disabilities, they have even less access to education, employment and resources and face greater barriers to participation in public decision making.

**Latest disasters, such as those in Haiti (2010), Vanuatu (2015) and Fiji (2016), demonstrated lack of inclusion of women and girls with disabilities in DRR preparedness that resulted in women with disabilities being abandoned and unable to survive**. Lack of accessible information on early warning and evacuation left many women and girls with disabilities in peril, unable to reach safe zones on time, particularly due to lack of measures to ensure accessibility within evacuation plans. Relief efforts neglected women and girls with disabilities who were not able to collect food and supplies at distribution points, nor benefit from shelters, toilets and sanitation due to barriers to accessibility. In addition, the heightened risk and incidents of violence following these disasters disproportionately heightened the vulnerability of women and girls with disabilities.[[6]](#footnote-6)

All that said, **women and girls with disabilities do not figure prominently in either the gender agenda nor the disability agenda as it relates to DRR**. The intersectional dimension of gender, disability and factors such as age, indigenous background, migrant status, among others, have yet to be fully embraced **in the formulation**, implementation, monitoring and evaluation of such strategies.

**If we insist with the previous considerations, it is to demonstrate the pressing need of increasing the visibility of women and girls with disabilities within the general recommendation, and to highly encourage the Committee to include more explicit references, notably in connection to key issues.[[7]](#footnote-7)**

**B- Article 11 of the CRPD and related provisions for inclusion of women with disabilities in disaster risk reduction**

With the entry into force of the CRPD came the important paradigm shift from the medical model of disability, viewing persons with disabilities as objects of treatment or passive recipients of aid, to persons with disabilities emerging as subjects of their own rights and active participants and contributors to society.

**Article 11 of the CRPD on situations of risk and humanitarian emergencies** addresses the disproportionate impact of emergency situations, including natural disasters, and the pervasive exclusion within DRR related policies that persons with disabilities face.[[8]](#footnote-8) This article “specifies States’ obligations under international humanitarian law to ensure the protection and safety of persons with disabilities in situations of risk, including armed conflict, humanitarian emergencies and natural disasters, consistent with the approach adopted by the Convention.”[[9]](#footnote-9) As a clear example of embracing the CRPD approach, the terms “vulnerable” or “neglected” were discarded during the Convention`s negotiations to refer to persons with disabilities in connection to emergency situations.[[10]](#footnote-10)

Under Article 11, and consistent with Articles 9 (accessibility) and 21 (access to information), the CRPD Committee has recommended States **to reform policies, plans and protocols of emergency response** to make them inclusive of, and accessible to, persons with disabilities[[11]](#footnote-11) [[12]](#footnote-12) and ensure allocation of budget for their implementation.[[13]](#footnote-13) In the same line, the Committee has stressed, under Article 11, the crucial need **that all related information is available in accessible formats for all persons with disabilities, including sign language for deaf persons**[[14]](#footnote-14)and in the various languages spoken in its territory.[[15]](#footnote-15) The CRPD Committee has also highlighted the importance of training all involved personnel on how to include persons with disabilities, including notably women and girls with disabilities.

The terms “accessibility” and “accessible” are used in two senses. The more general refers to geographical accessibility, meaning that facilities and services must be reachable by everyone in the State`s territory. The more specific is related to persons with disabilities and implies designs and features of facilities, services and means that ensure autonomous use by persons with disabilities. **Without explicit references to persons with disabilities, readers might limit their understanding to the first meaning, overlooking the accessibility needs of persons with disabilities. We encourage the Committee to be more explicit when dealing with accessibility to include persons with disabilities.[[16]](#footnote-16)**

***Other key CRPD provisions***

The following provisions of the CRPD are key to ensure inclusion of women with disabilities in DRR policies and have informed the concrete drafting proposals found in Annex I.

* Article 6 – Women with disabilities

Recognising the multiple discrimination to which women and girls with disabilities are subjected, this provision requires measures to ensure the full development, **advancement** and **empowerment** of women with disabilities.

* Article 4(3)- Consultation and involvement of women and girls with disabilities

Article 4(3) of the CRPD obliges States to closely consult with and actively involve persons with disabilities, including children with disabilities, and their representative organisations in the development and implementation of legislation and policies. The CRPD Committee has highlighted this obligation in connection to situations of emergency, requesting “due consideration accorded to their input and recommendations”, including for the setting of priorities for aid distribution.[[17]](#footnote-17)

**IDA welcomes the draft general recommendation`s section on empowerment. However, as the absence of women and girls with disabilities in the formulation, management and monitoring of disaster risk reduction strategies continues to be a cause and effect of their overall neglect, we highly encourage the Committee to include references to participation of organisations of women with disabilities.[[18]](#footnote-18)**

* Article 16 – Freedom from violence, exploitation and abuse

This provision requires States Parties to take all appropriate legislative, administrative, social, educational and other measures to protect women and girls with disabilities from all forms of exploitation, violence and abuse, including their gender-based aspects. This includes measures to prevent sexual violence and other forms of abuse and exploitation which may heighten following disasters and the collapse of community infrastructure and services, and to which impact disproportionately upon women and girls with disabilities.

* Article 32 – International cooperation

The CRPD requires that international cooperation and international development programmes, including in the context of DRR and climate change, are inclusive of and accessible to persons with disabilities, including women and girls with disabilities. All actions carried out must be analysed and assessed not just through a gender lens nor additionally a disability lens, but through intersectional lens and layers to capture the impact upon women and girls with disabilities as well as other marginalised groups.

**C- The key role of data collection and disaggregation: Article 31 – Statistics and data collection**

The persistent **lack of data systematically disaggregated** by age, gender and **notably type of disability** continues to hinder effective and inclusive strategies for preparedness and evacuation, and relief measures tailored to all those affected. **Article 31 of the CRPD** requires States Parties to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the rights of persons with disabilities. This includes an obligation to collect data which is disaggregated by sex, age, type of disability, geographical region, etc.

Disability disaggregated data is also a requirement **under the 2030 Sustainable Development Goals**. For example, data can inform evacuation and relief efforts and should also distinctly address women and girls with disabilities and their experiences in seeking and obtaining humanitarian relief, involvement of women with disabilities in the design of DRR strategies, information relating to gender based violence against women and girls with disabilities, complaints brought by women with disabilities, etc.

**The draft general recommendation only refers to “sex and age disaggregated data (SADD)”, notably in paragraph 33 to 35. While this would be basic required information to address gender dimensions of disaster risk reduction, it is nevertheless insufficient to properly address the situation of women and girls with disabilities, as well as women from other groups, and include them in policies, programs and plans related to disaster risk reduction in a changing climate. Consequently, we encourage the Committee to explicitly include “type of impairment”[[19]](#footnote-19) as one of the factors that should guide disaggregation of information.**

**D- Conclusion remarks and recommendations**

The Committee has the unique opportunity to put an end to the invisibility of women and girls with disabilities in DRR and climate change and to fill the gaps between the gender agenda, the disability specific agenda, and the broader climate change and DRR agenda. Consequently, it should call States to include women with disabilities in all phases of community resilience and preparedness concerning DRR.

In order to ensure a rights based approach at all levels to optimise inclusive community resilience to climate change and DRR, IDA makes the following recommendations to the CEDAW Committee:

* Ensure that the general recommendation includes the perspective of women and girls with disabilities in line with the rights-based approach of the CRPD and addresses the challenges which they face concerning natural disasters resulting from climate change, by including more explicit references to them, in line with the previous considerations.[[20]](#footnote-20)
* In particular, to ensure that the general recommendation prevents any misunderstanding regarding the scope of accessibility by explicitly linking it to access of persons with disabilities to facilities, services, means and information.
* Call on explicitly States and all national, regional and global actors in international cooperation, development, humanitarian relief, DRR and climate change, to:
	+ ensure direct participation and consultation of organisations of women and girls with disabilities in in the design, implementation, monitoring and evaluation of climate change and DRR policies, as well as provide support to those organisations to fulfil their role.
	+ Systematically **collect data disaggregated by age, sex, type of impairment, geographical region, among others,** for effective formulation of policies and strategies on climate change and disaster preparedness and response.
	+ Systematically carry out **gender and disability impact assessments** of all envisaged DRR and climate change policies and actions including within the context of international cooperation and development.
	+ Systematically apply **accessibility and inclusive standards concerning information, communications and the environment, as well as** in the planning phases in reconstruction efforts to fulfil the **“build back better**” approach- both with respect to temporary and permanent solutions. In particular, **accessibility should figure as an obligatory criterion for public procurement** to ensure the purchase or contracting of all services, supplies and work for accessible and inclusive goods, services and infrastructures and investment concerning reconstruction efforts.
	+ Systematically **train humanitarian relief personnel** such as community workers, medical, health and social professionals for awareness of the unique challenges and risks which women and girls with disabilities face.
	+ Adopt specific measures to **protect women and girls with disabilities from gender based violence in emergency situations,** and ensure that basic relief measures and services are accessible and inclusive and foresee response and assistance to victims of violence including women and girls with disabilities.

**Annex I – Drafting proposals**

IDA suggests the following drafting proposals for the draft general comment, in bold letter:

Paragraph 3:

“… failure to address **and remove** the structural barriers faced by women in accessing their rights could exacerbate existing gender-based inequalities **and intersecting forms of discrimination, e.g. against women with disabilities.”**

Paragraph 4:

"… to greater risk of mortality and morbidity during and following disasters. **E.g. inaccessible early warning mechanisms fail to provide essential information to women with disabilities.**”

Paragraph 5:

The ambiguity of the term “accessible” makes it necessary to clarify it to ensure accessibility for persons with disabilities:

“… as well as a failure to plan for safe and accessible infrastructures, **in terms of geographical location and of accessibility to persons with disabilities**, such as ...”

Paragraph 6:

 “… to advance substantive gender equality **and combatting intersectional forms of discrimination, e.g. of women with disabilities,…**”

Paragraph 8:

“…and the Committee on the Rights of the Child. **Notably, the Committee on the Rights of Persons with Disabilities has provide concrete guidance on inclusive disaster risk reduction policies under Article 11 of the CRPD (Situations of risk and humanitarian emergencies) and specific statements.**”

Paragraph 11:

“…these also address gender equality. **The Convention on the Rights of Persons with Disabilities, including Article 7 (women with disabilities) and Article 11 (Situations of risk and humanitarian emergencies) constitute a salient example among human rights treaties.** These instruments should be read together with the provisions of the CEDAW Convention.”

Paragraph 12

“… for alternate livelihood means in post-disaster situations’. **It also highlights the need to engage with persons with disabilities, poor people, migrants, indigenous peoples, among others, what calls for increased participation of and capacity building of women from these groups.**

Paragraph 15:

“… and disaster risk reduction in Goal 13. **Inclusion of all groups, e.g. children, youth, persons with disabilities, people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced persons and migrants,[[21]](#footnote-21) is a key feature of this development framework.”**

Paragraph 17

“… including in disaster preparedness and response work. **The need to increase resources for women’s organizations, including those representing women with disabilities, was also highlighted**.[[22]](#footnote-22)

Paragraph 19(a)

“…women and girls living in poverty in both rural and urban settings, and migrants and refugees, **including e.g. by ensuring all related warning systems, information and communication are available in the different languages required and in accessible formats for women with disabilities (Braille, sign language, easy to read format, etc.).”**

Paragraph 22

“…including climate change associated impacts. **States must remove the specific barriers affecting this groups, e.g. by ensuring accessible information for women with disabilities.”**

Paragraph 25 (a)

“are adequately protected from intersecting forms of discrimination**, duly included in all related policies, plans and programs, and timely provided with all related information information in their languages and in accessible formats.**”

Paragraph 25(b)

The ambiguity of the term “accessible” makes it necessary to clarify it to ensure accessibility for persons with disabilities:

“accessible**, in terms of geographical location and of accessibility to women with disabilities,** and…”

Paragraph 25(e)

“…, freedom of movement and equal access to social protection schemes. **Particular attention is due to women with disabilities, who have been and still are deprived of their legal capacity.”**

Paragraph 29

“… preparedness resources and opportunities. **In this sense, empowerment and self-representation of women of under-represented groups, such as women with disabilities, needs to ensured.”**

Paragraph 30(b)

“…different groups of women**, notably women with disabilities,** in political life…”

 Paragraph 30(e)

“...disaster risk reduction at all levels and across all relevant sectors**, in particular of under-represented groups of women, e.g. women with disabilities”**

Paragraph 31

“The recognition of an equal legal capacity with men**, as well as among all groups of women (e.g. legal capacity of women with disabilities),** and equality in access to justice are essential elements in disaster mitigation and recovery policies and strategies.”

Paragraph 32(d)

The ambiguity of the term “accessible” makes it necessary to clarify it to ensure accessibility for persons with disabilities:

“alternatives are available and accessible to them, **both in terms of geographical location and of accessibility to women with disabilities.**”

Paragraph 33

“climate change. **Information should also be disaggregated by type of impairment, as well as other factors, to allow for inclusion and addressing intersecting forms of discrimination against women.** Participatory …”

Paragraph 34(a)

“legislation and budgets. **Information should also be disaggregated by type of impairment, as well as other factors, to allow for inclusion and addressing intersecting forms of discrimination against women.**”

Paragraph 34(b)

“(b) Develop disaggregated and gender-responsive indicators and monitoring mechanisms**, which also consider other factors for disaggregation such as type of impairment,** to enable State parties to …”

Paragraph 36(b)

“(b) Undertake gender and human rights impact assessments**, paying particular attention to traditionally excluded groups of women such as women with disabilities,** during the design, implementation and monitoring phases of disaster risk reduction plans and policies.”

Paragraph 38(b)

“along with gender-responsive, **accessible and inclusive** services that enable diverse groups of women to access and benefit from these livelihoods;”

Paragraph 38(e)

“change incorporate a gender and women’s rights perspective**,** **accessible to and inclusive of all groups of women,** into the design, implementation and monitoring of all of their programmes.”

Paragraph 39

“…gender-responsive and subjected to continuous human rights-based monitoring and evaluation, **particularly to ensure inclusion of all groups of women, such as women with disabilities.”**

Paragraph 40(c)

“… physical and economic access to any infrastructures and services provided through public-private partnerships, **“notably ensuring accessibility of facilities, information and communication for women with disabilities.”**

Paragraph 41

“… women’s organizations**, notably those representing traditionally excluded groups of women, e.g. women with disabilities,** …”

Paragraph 42(a)

“Ensure that early warning and action systems are gender responsive **and made accessible to all women, notably those with disabilities**;”

Paragraph 42(c)

**“… notably ensuring accessibility of facilities, information and communication for women with disabilities.”**

Paragraph 42(e)

“dissemination **in accessible formats** of early”

Paragraph 44(b)

“Ensure that women**, especially those traditionally excluded,** e.g. women with disabilities, have equal access to technology…”

Paragraph 47(f)

“Require that all health services **respect and** act to promote the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent, non-discrimination and choice; **particularly in the case of women with disabilities**”

Paragraph 47(g)

“on women’s health and human rights, in particular gender- based violence **and intersecting forms of discrimination,**”

Paragraph 52

“**Inclusive quality** [e]ducation improves the capacity of **all groups of** women to participate”

Paragraph 53

“…access to **inclusive quality** education is often already limited as a result of social, cultural and economic barriers,…”

Paragraph 54(a)

“…equal access to **inclusive quality** educational and training opportunities,…”

Paragraph 54(d)

“a view to ensuring that **all groups of** girls and women”

Paragraph 56

“may not have insurance; may not have access to formal employment or credit for aid in recovery; **social protection schemes for women with disabilities may not cover disability related costs**)…”

Paragraph 57(c)

“able to claim pensions and other employment-related social security entitlements**, which should cover disability related costs of women with disabilities**.”

Paragraph 60(a)

“...Priority should be given to ensuring the accessibility of services for all women, **notably women with disabilities**.”

Paragraph 66(b)

“of equality between women and men**, of full respect of legal capacity of all women, including women with disabilities,** and that they are fully harmonized with the Convention.”

Paragraph 67

“… For instance, **women with disabilities are particularly prone to be victims of sexual violence and abuse and to be excluded from victims support services**.”

Page 21, Paragraph 67[[23]](#footnote-23)

“... are frequently subjects of multiple and intersecting forms of discrimination, based on their sex and on additional grounds, including **~~their~~** migration status **and disability**.“

Page 22, paragraph 68(a)

“... by specific groups of women, **including e.g. discrimination on the basis of nationality and disability**“.

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1. IDA submission for upcoming General Recommendation on gender-related dimensions of Disaster Risk Reduction & Climate Change CEDAW Committee, 63rd session. [↑](#footnote-ref-1)
2. Laura M. Stough& Donghyun Kang, “The Sendai Framework for Disaster Risk Reduction and Persons with Disabilities” *International Journal of Disaster Risk Science*, June 2015, Volume 6, Issue 2, pp 140-149 [↑](#footnote-ref-2)
3. World Bank and World Health Organization World Report on Disability, 2011, <http://www.who.int/disabilities/world_report/2011/en/index.html> [↑](#footnote-ref-3)
4. Wolbring, G (2009) M/C Journal, Vol. 12, No. 4 (2009) *A Culture of Neglect: Climate Discourse and Disabled People* <http://journal.media-culture.org.au/index.php/mcjournal/article/view/173>, cited in CBM brief on Disability, sustainable development and climate change, 2012 [↑](#footnote-ref-4)
5. World Bank, Women with Disability, http://bit.ly/ybPKNk [↑](#footnote-ref-5)
6. While official data was not collected, following the earthquake in Haiti, Haitian DPOs and NGOs were privy to the rape and sexual violence of women with disabilities which also resulted in death of victims due to the lack of access to supports and services (As communicated to the CEDAW Committee by representatives of Haitian organisations of women with disabilities and NGOs during the 63rd session(. [↑](#footnote-ref-6)
7. See Annex I. [↑](#footnote-ref-7)
8. See in particular, OHCHR, *Thematic study on the rights of persons with disabilities under article 11 (relating to situations of risk and humanitarian emergencies) of the Convention on the Rights of Persons with Disabilities*, A/HRC/28/37. [↑](#footnote-ref-8)
9. Id., para. 5. [↑](#footnote-ref-9)
10. Id. [↑](#footnote-ref-10)
11. See for example CRPD/C/PRY/CO/1, Paragraph 28;CRPD/C/AZE/CO/1, para 25; CRPD/C/KOR/CO/1, para 20; CRPD/C/DEU/CO/1, para 24; CRPD/C/UKR/CO/1, para 23; CRPD/C/QAT/CO/1, para 22; CRPD/C/KEN/CO/1, para 22 (a); CRPD/C/AUS/CO/1, para 23; and CRPD/C/CZE/CO/1, para 21. [↑](#footnote-ref-11)
12. See CRPD/C/UKR/CO/1, para 23, specific on evacuation plans. [↑](#footnote-ref-12)
13. See CRPD/C/COK/CO/1, para 22. [↑](#footnote-ref-13)
14. See CRPD/C/SLV/CO/1, para 26; CRPD/C/DEN/CO/1, para 31; CRPD/C/MEX/CO/1, para 22(b); CRPD/C/GAB/CO/1, para 27. [↑](#footnote-ref-14)
15. See CRPD/C/TKM/CO/1, para 24; CRPD/C/MNG/CO/1, para 20; CRPD/C/DEU/CO/1, para 24; CRPD/C/DOM/CO/1, para 19; CRPD/C/COK/CO/1, para 22; CRPD/C/MEX/CO/1, para 22 (a); and CRPD/C/KEN/CO/1, para 22 (b). [↑](#footnote-ref-15)
16. See Annex I, suggestions on paragraphs 25(b) and 32(d), among others. [↑](#footnote-ref-16)
17. See CRPD/C/UKR/CO/1, para 23. [↑](#footnote-ref-17)
18. See Annex I, particularly suggestions on paragraphs 29 to 31. [↑](#footnote-ref-18)
19. “Type of impairment“ is more conceptually accurate and precise than “type of disability”. [↑](#footnote-ref-19)
20. See Annex I, for concrete drafting proposals. [↑](#footnote-ref-20)
21. A/RES/70/1, para. 25. [↑](#footnote-ref-21)
22. A/71/353, para. 30. [↑](#footnote-ref-22)
23. Please note that there is a break in numeration between page 20 and 21. [↑](#footnote-ref-23)