**HelpAge International contribution**

**Report of the Special Rapporteur on the human rights of internally displaced persons**

***Protection of Internally Displaced Persons with Disabilities***

HelpAge International welcomes the initiative of the Special Rapporteur on the human rights of internally displaced persons to focus specifically on internally displaced persons with disabilities in her upcoming report.

Older persons have the right to promotion and protection of their rights in situations of risk and displacement, including situations of armed conflict, humanitarian emergencies and natural disasters. This includes older persons with disabilities who are internally displaced.

Older women and men are not inherently vulnerable to disasters. However, HelpAge International’s research and on the ground experience tells us that, when emergencies strike, older persons are at risk of having their rights denied. These risks are further intensified by disability. Our research shows that there may be up to 14 million older persons with disabilities affected by humanitarian disasters.[[1]](#footnote-1) In line with current trends, a significant number are likely to be internally displaced. And yet, little is known about their particular experiences and their rights and needs are widely overlooked in humanitarian response.

Disability is most common among older persons; almost half of people over 60 years’ experience some form of disability (46%).[[2]](#footnote-2) Both the risk and prevalence of disability increases with age and the number of persons with disabilities will increase as populations age and chronic conditions that lead to impairment and disability become more prevalent.[[3]](#footnote-3) Among those aged 80 and above, disability rates are especially high.

Humanitarian policy is increasingly recognising the specific experiences of persons with disabilities and, to a lesser extent, older persons in humanitarian contexts. However, these policies are non-binding and there is little specific to older persons with disabilities in situations of risk and displacement. In practice, it is also often assumed that older persons and persons with disabilities can be supported by implementing needs-based assistance which fails to address systemic and structural issues that contribute to the risks they face including discrimination, lack of representation in decision making and a lack of accountability on the part of individuals and institutions responsible for safeguarding and upholding their rights. There is limited evidence and attention paid to the intersection of older age and disability and the specific experiences of older persons with disabilities. The rights of older persons in situations of risk and displacement are also inadequately addressed in international human rights law.

Due to the limited research into the specific experiences of older persons with disabilities in humanitarian contexts including IDPs, this paper relies on relevant findings in literature on older persons and/or persons with disabilities in IDP settings as well as unpublished data from Rapid Needs Assessments of Older persons undertaken in IDP contexts.

**Legal and policy framework and implementation**

Older persons’ rights in situations of risk and displacement have not been specifically addressed within the international human rights framework. A [United Nations convention on the rights of older persons](http://www.helpage.org/what-we-do/rights/towards-a-convention-on-the-rights-of-older-people/) would secure older persons’ rights, including those to equality and non-discrimination, and freedom from violence, abuse and neglect, in all settings. A future convention on the rights of older persons should include a specific article focusing on humanitarian contexts.

In the absence of a dedicated instrument on older persons, article 11 of the Convention on the Rights of Persons with Disabilities provides protection to older persons with disabilities: “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.”

However, while the CRPD guarantees the rights of internally displaced older persons with disabilities, they remain invisible in the monitoring of the implementation of these guarantees. A search[[4]](#footnote-4) of CRPD concerns, observations and recommendations in the Universal Human Rights Index Database reveals that, out of a total of 3826, there are only 22 records on internally displaced persons with disabilities and none are specific to older persons with disabilities. One has a reference to ‘pensions’ in a list of goods and services that are necessary for an adequate standard living.

The impact of intersecting personal characteristics and the interaction of different forms of discrimination are also largely overlooked in humanitarian policy. However, UNHCR’s Age, Gender and Diversity Policy[[5]](#footnote-5) takes a step forward in explicitly recognising the impact of this on people’s experience of forced displacement. Similarly, UNHCR’s recently updated Need to Know Guidance on Working with Persons With Disabilities In Forced Displacement[[6]](#footnote-6) recognises persons with disabilities from national, religious, ethnic and linguistic minorities; women; older persons; children; and lesbian, gay, bisexual, transgender and intersex persons with disabilities may experience particular protection risks and inequality. However, these policies are not yet widely rolled out and implemented and there remains a long way to go in understanding and responding to the specific needs of older persons with disabilities.

General Assembly resolutions have sought to increase visibility of older persons in the implementation and monitoring of existing human rights instruments and through special procedures mandate holders:

*“Encourages States parties to existing international human rights instruments, where appropriate, to address the situation of older persons more explicitly in their reports, and encourages treaty body monitoring mechanisms and special procedures mandate holders to pay due regard to the situation of older persons in their dialogue with Member States*, *particularly in their concluding observations and reports, respectively.” (OP25, A/RES/74/125)*

The same resolutions have also invited relevant agencies, including UNHCR, to report to their government bodies on the inclusion of older persons. To the best of our knowledge, these reports are not produced and made available:

*“Invites relevant entities of the United Nations system, including UN-Women, the United Nations Development Programme, the United Nations Population Fund, the International Labour Organization, the United Nations Human Settlements Programme (UN-Habitat), the Food and Agriculture Organization of the United Nations, the World Food Programme, the International Fund for Agricultural Development, the Office of the United Nations High Commissioner for Refugees and the World Health Organization, among others, as well as the International Organization for Migration, to include in reports to their respective governing bodies relevant information on efforts made by Member States and the international community on issues of relevance to older persons, including their social inclusion.” (OP50, A/RES/74/125)*

**Specific issues of concern for older IDPs with disabilities**

**Difficulty fleeing violence**

Interviews with older persons with disabilities, family members and key informants in Eastern Ukraine[[7]](#footnote-7) showed that older persons with disabilities had had particular difficulties escaping the conflict. They had found it harder to leave the conflict zones than younger adults or older persons without disabilities. Some had delayed moving, or had stayed behind, because of functional limitations, poor health, reluctance to leave their own communities in the absence of anywhere else to live, or because they could not afford to leave.

Amnesty International research in Myanmar[[8]](#footnote-8) found that, in some respects, older women and men in conflict-affected areas of Myanmar face increased risk of violence as they remained behind when other villagers fled a military advance due to limited mobility or a deep connection to their home and land. One 67-year-old interviewee described how he was beaten and tied to a post for hours because a severe hearing impairment meant he had not heard fighting nearby between the military and Arakan Army (AA) and he failed to flee in time. Another interviewee described how she had to leave her parents, both of whom had severe physical disabilities, when her village was attacked; as she looked back while fleeing, she saw the village burning, knowing her parents were still inside the home. The research also found that many older persons faced particular risk of illness, injury, and death when fleeing in Myanmar’s mountainous borderlands due to limited mobility.

Since conflict broke out in South Sudan December 2013, Human Rights Watch has documented[[9]](#footnote-9) the experiences of persons with disabilities and older persons who were unable to flee, and killed, tortured, or burned alive in their homes. In 2016, during attacks on Protection of Civilians (PoC) sites for displaced people, persons with disabilities and older persons were left behind and struggled to hide from attackers: “*When the fighting broke out, we fled to the UN compound and we left my mother and brother-in-law behind because they couldn’t walk and we couldn’t carry them.” Female, 45*

In some cases, there is evidence of increased exposure to violence leading to injury, disability and worsening health for older IDPs with disabilities.

In 2019, Amnesty International interviewed persons with disabilities caught up in the conflict in Yemen[[10]](#footnote-10). This included older persons with disabilities. Fula Ali (92) told Amnesty International she was trying to leave amid fighting in her village: *“I was on the asphalt [highway] fleeing the gunfire and fell down and broke myself in three places… People carried me, and we fled and came here.”*

One couple interviewed as part of HelpAge International’s research in Ukraine[[11]](#footnote-11), were troubled by heavy bombing and shelling close to their home after they were unable to flee. The only place they could hide was in their basement. They lived there for more than a month before being evacuated: *“My wife stayed in the basement all the time. I used to go outside sometimes, but she couldn’t go out, because of the stairs. It affected her a lot. She used to walk without any problem before.”* Male, 87

Increased distress among older persons with disabilities was revealed in separate research studies by both HelpAge International[[12]](#footnote-12) and Amnesty International[[13]](#footnote-13)[[14]](#footnote-14), linked to prolonged exposure to trauma and violence.

Abdullah Ali Qusseis, a 75-year-old man with limited mobility, recalled to Amnesty International how petrified he was during his displacement with his family. Clearly shaken from this episode, he expressed his anxiety about his limited mobility: *“I need medicine, so I can move. If anything happens, I can’t run for my life – I need medicine for my knees.”[[15]](#footnote-15)*

A review of research studies undertaken as part of a study[[16]](#footnote-16) by HelpAge International and the London School of Health and Tropical Medicine found that older persons with disabilities are more affected psychologically by humanitarian crises. Mental health and existing cognitive impairments are worsened, although the reasons for this are not well explored.

**Barriers accessing support**

Older IDPs, including those with disabilities, can face physical, institutional and attitudinal barriers accessing support. They can lose access to existing social protection entitlements and health services.

Lack of safe and dignified access to support

Data from Rapid Needs Assessments of Older persons conducted by HelpAge International[[17]](#footnote-17) reveal that older IDPs with disabilities face additional challenges accessing health services. In Yemen, only 69% of older IDPs with disabilities reported being able to access health facilities, compared to 79% of the overall sample of IDPs. In South Sudan, 73% of older IDPs with disabilities could access health services, compared to 80% of all older IDPs interviewed. In Syria, 55% of older IDPs with disabilities could access health services, compared to 64% of all older IDPs interviewed. Safety was a particular issue for older IDPs in Yemen and South Sudan. Twenty-three per cent of older IDPs in Yemen said they did not feel safe accessing health services, compared to 16% of IDPs overall. In South Sudan, 30% of older IDPs said they did not feel safe accessing health services, compared to 23% of IDPs overall.

Barriers accessing health services were also identified in interviews with older persons with disabilities in Eastern Ukraine. Many health facilities along the contact line (the 500-kilometre line of separation between Russian-supported separatist districts of Donetsk and Luhansk and the rest of Ukraine) have been damaged, and those that are in non-government controlled areas are no longer accessible.

Hospitals are often inaccessible and older persons with disabilities also reported that long waiting times at health facilities are particularly difficult. Several said they had to be at the hospital by 6.00am to queue to see a health professional. Some had difficulties finding accessible transportation, especially early in the morning. This meant they arrived later and queued for longer, with the risk that they would not be seen at all: *“There are crowds of people queuing for tickets to get an appointment. You have to queue from 6.00am to get a ticket. If you come later, there are no tickets left.” Male, 81*

In theory, public transport is free or reduced for pensioners. However, according to our research, this is often not the reality in towns and villages affected by the conflict.

An additional complication for older IDPs with disabilities was that they could only receive health services in the area in which they were registered. It could take a long time to change the area of registration which has led to some older persons with disabilities needing to regularly cross the contact line to access healthcare.

Research by Human Rights Watch[[18]](#footnote-18) offers further insight into the challenges faced by older persons affected by the crisis in Ukraine, particularly those with disabilities, accessing their entitlements. Many older persons need to travel frequently across the contact line. The government requires people who live in the armed group areas of Donetsk and Luhansk to register as displaced persons and maintain a residence in government-controlled areas to get their pensions.

The sole crossing point in the Luhansk region has not been made safe for civilians and is inaccessible by car. The journey across is difficult, particularly for older persons and those with disabilities. However, there is little support available.

Long lines at crossing points are also a major issue and, while older persons and persons with disabilities are allowed priority crossing in theory, this is poorly enforced and people often have to wait for several hours in extreme temperatures. A lack of adequate toilet facilities compounds the problem.

Low level entitlements

Research reveals concerns over low entitlement levels for older persons in Ukraine who rely heavily on state pensions as their main source of income. The disability pension uses a severity classification system to determine the amount of money and type of assistance to be provided, ranging from class 1 (most severe disability) to class 3 (least severe). Pensions, medical care, home visits and housing subsidies (for example, for utilities) are available to people who are registered and have a disability classification. The disability pension is in addition to an old age pension and a resettlement subsidy for internally displaced persons. However, some older persons said they felt they should be placed in a higher category, considering how their functional limitations were affecting their own and other people’s daily lives.All older persons report that the pensions and subsidies they received were not enough to meet even the basic costs of living, particularly considering their healthcare needs: *“Prices keep rising. The pension doesn’t manage to catch up.” Female, 71*

Discrimination and exclusion

Amnesty International’s research in Myanmar[[19]](#footnote-19) reveals that older persons are largely discriminated against for daily jobs, preventing them from earning an income. Older persons reported that employees denied work to older persons and selected only those who they considered “physically able”, despite decades of working on farms prior to being displaced.

In the same research, Amnesty International also found that older persons and persons with disabilities were systematically excluded from livelihoods activities in the IDP camps, despite their ubiquity. One member of a camp management committee reported that the oldest participants in the livelihood programs he was aware of were in their 30s or 40s, and that most people selected were in their 20s. Others reported that trainings were frequently held in inaccessible rooms, unsuitable for those with disabilities. In some cases, programmes were limited to one person per household which invariably led to younger members of the household being sent.

Registration and identity documents

Lack of appropriate identification of older persons with disabilities is an additional issue for older persons with disabilities in Ukraine. Human Rights Watch and HelpAge International research has revealed that many older persons have not registered their disability status as disability benefits are small, the procedure to obtain disability status is time-consuming and bureaucratic and there is stigma associated with identifying as having a disability. Some older persons with disabilities who had registered reported feeling humiliated accessing support “*Every three months, they have to take me down from the fourth floor and bring me back up again. I’ve told them that it would be better if a postman could bring my pension to the flat. They say that’s not permitted for resettlers. They make fun of the resettlers and disabled people.” Male, 65*

One of the key informants interviewed for HelpAge International’s study also highlighted that many older displaced people, particularly those with disabilities, faced physical barriers to obtaining their displaced person’s certification. For example, they may not be well enough or social service departments may be too far for them to reach to collect their certificate. Without the certificate, they cannot receive a pension.

**Increased dependence on others**

In some cases, assumptions that older persons with disabilities will be cared for in families leads to systems and practices that increase their dependence on others and injure their right to autonomy and independence.

In Ukraine, older persons with disabilities faced various regulatory and institutional barriers to accessing social protection schemes. The disability pension can be denied to a person who has a family

member whom the government deems should be able to care for them. This can make people more dependent on their families as well putting them under financial pressure: *“The government official came to my room. She told her [my ex-wife]: ‘If he was alone we could register him. But he has a daughter. She can take care of him.’ I told her that my daughter has four children and she’s a resettler herself. The official said: ‘That doesn’t concern us. She should take you in. If she doesn’t, she can pay for the care home.’ The care home is expensive.” Male, 65*

Amnesty International’s research in Myanmar also found that humanitarian actors relied on the fact that older persons would be cared for in families, increasing their dependence on others.

Data from Rapid Needs Assessments of Older persons[[20]](#footnote-20) reveal a similar pattern. In Yemen, 77% of IDPs with a disability reported depending on family or friends to meet their basic needs compared to 70% of the overall older IDP population. Only 34% of older IDPs with disabilities reported that they could reach aid sites independently, compared to 53% of all IDPs. IDPs with disabilities reported both relying on family and friends and paying people to bring relief items to them at higher rates than the overall IDP population.

Similarly, in South Sudan, 60% of IDPs with a disability reported depending on family or friends to meet their basic needs. This compared to 52% of the overall IDP population. Only 61% of older IDPs with disabilities reported that they could reach aid sites independently, compared to 72% of all IDPs.

**Insufficient data and evidence**

As part of their research with persons with disabilities in Yemen, Amnesty International were shown the form used by humanitarian workers involved in protection monitoring to register displaced people and identify their needs.[[21]](#footnote-21) The form seeks to collect data on persons with disabilities and disaggregate it by age however disability disaggregation is undertaken in two broad categories of disability (mental and physical) and age disaggregation fails to include a breakdown of older persons beyond 60+. This is wholly inadequate and will provide insufficient information to identify the specific challenges faced by older IDPs in Yemen.

Similarly, in Myanmar, Amnesty International found that humanitarian organisations have inadequately collected, analysed and disseminated age, sex and disability disaggregated data. This prevents agencies from having a more nuanced understanding of experiences of disability in displacement at different ages.

In 2018, HelpAge undertook research with the London School of Hygiene and Tropical Medicine, into the specific experiences of older persons with disabilities in humanitarian response[[22]](#footnote-22). While the study was not specific to IDPs, it revealed a systematic lack of research and evidence on this specific population group across the board. A literature review undertaken as part of the study found few studies specifically on older persons with disabilities in humanitarian contexts, particularly in low- and middle-income countries. They focus broadly on either ageing or disability and include limited findings specific to older persons with disabilities.

**Resources**

* HelpAge International (2018) [Missing Millions: how older people with disabilities are excluded from humanitarian response](https://www.helpage.org/newsroom/latest-news/millions-of-older-people-with-disabilities-risk-being-excluded-from-humanitarian-assistance-new-helpage-report-reveals/)
* Amnesty International (2019) [“Fleeing My Whole Life”: Older people’s Experience Of Conflict And Displacement In Myanmar](https://www.amnesty.org/en/documents/asa16/0446/2019/en/)
* Amnesty International (2019) [Excluded - Living With Disabilities In Yemen’s Armed Conflict](https://www.amnesty.org/en/documents/MDE31/1383/2019/en/)
* Human Rights Watch (2018) [Ukraine: Barriers to Free Movement for Older](https://www.hrw.org/news/2018/11/29/ukraine-barriers-free-movement-older-people) people
* HelpAge International (2019) [Rapid Needs Assessment of Older persons: North East Syria](https://www.helpage.org/download/5d3e5c705344f)
* HelpAge International (2019) [Rapid Needs Assessment of Older persons: South Sudan](https://www.helpage.org/download/5c6aa56f0f656)
* HelpAge International (2019) [Rapid Needs Assessment of Older persons: Yemen](https://www.helpage.org/download/5de7a40183a6a)
1. HelpAge International (2018) [Missing Millions: how older people with disabilities are excluded from humanitarian response](https://www.helpage.org/newsroom/latest-news/millions-of-older-people-with-disabilities-risk-being-excluded-from-humanitarian-assistance-new-helpage-report-reveals/) [↑](#footnote-ref-1)
2. WHO, World Report on Disability, 2011 <http://www.who.int/disabilities/world_report/2011/report.pdf> [↑](#footnote-ref-2)
3. ibid [↑](#footnote-ref-3)
4. Search viewable [here](http://uhri.ohchr.org/search/results?bodies=ece3d54b-ae37-4660-bf30-a4f4e9c815b7&documentypes=ed8389c7-ca32-4d33-a747-4f148f0c1fc3&bodytypes=46627889-332d-4ae5-ad50-fead8cc2df5e&persons=16c072c7-e117-49bb-9153-801b56256227&publicationyear=199901&endpublicationyear=201912&BodyFilter=00000000-0000-0000-0000-000000000000&AnnotationTypeFilter=00000000-0000-0000-0000-000000000000&CountryFilter=00000000-0000-0000-0000-000000000000&resultsOrder=AffectedPersons). [↑](#footnote-ref-4)
5. UNHCR Age, Gender and Diversity Policy (2018), at: <http://www.unhcr.org/5aa13c0c7.pdf> [↑](#footnote-ref-5)
6. UNHCR, Need to Know Guidance: Working with Persons with Disabilities in Forced Displacement, 2019, available at: <https://www.refworld.org/docid/5ce271164.html> [↑](#footnote-ref-6)
7. HelpAge International (2018) [Missing Millions: how older peeople with disabilities are excluded from humanitarian response](https://www.helpage.org/newsroom/latest-news/millions-of-older-people-with-disabilities-risk-being-excluded-from-humanitarian-assistance-new-helpage-report-reveals/) [↑](#footnote-ref-7)
8. Amnesty International (2019) [“Fleeing My Whole Life”: Older people’s Experience of Conflict and Displacement In Myanmar](https://www.amnesty.org/en/documents/asa16/0446/2019/en/) [↑](#footnote-ref-8)
9. <https://www.hrw.org/news/2017/05/31/south-sudan-people-disabilities-older-people-face-danger> [↑](#footnote-ref-9)
10. Amnesty International (2019) [Excluded - Living with Disabilities In Yemen’s Armed Conflict](https://www.amnesty.org/en/documents/MDE31/1383/2019/en/) [↑](#footnote-ref-10)
11. HelpAge International (2018) [Missing Millions: how older people with disabilities are excluded from humanitarian response](https://www.helpage.org/newsroom/latest-news/millions-of-older-people-with-disabilities-risk-being-excluded-from-humanitarian-assistance-new-helpage-report-reveals/) [↑](#footnote-ref-11)
12. HelpAge International (2018) [Missing Millions: how older people with disabilities are excluded from humanitarian response](https://www.helpage.org/newsroom/latest-news/millions-of-older-people-with-disabilities-risk-being-excluded-from-humanitarian-assistance-new-helpage-report-reveals/) [↑](#footnote-ref-12)
13. Amnesty International (2019) [“Fleeing My Whole Life”: Older people’s Experience Of Conflict And Displacement In Myanmar](https://www.amnesty.org/en/documents/asa16/0446/2019/en/) [↑](#footnote-ref-13)
14. Amnesty International (2019) [Excluded - Living with Disabilities In Yemen’s Armed Conflict](https://www.amnesty.org/en/documents/MDE31/1383/2019/en/) [↑](#footnote-ref-14)
15. Amnesty International (2019) [Excluded - Living with Disabilities In Yemen’s Armed Conflict](https://www.amnesty.org/en/documents/MDE31/1383/2019/en/) [↑](#footnote-ref-15)
16. HelpAge International (2018) [Missing Millions: how older people with disabilities are excluded from humanitarian response](https://www.helpage.org/newsroom/latest-news/millions-of-older-people-with-disabilities-risk-being-excluded-from-humanitarian-assistance-new-helpage-report-reveals/) [↑](#footnote-ref-16)
17. Rapid Needs Assessment of Older People reports are available at [www.helpage.org](http://www.helpage.org). The data presented is unpublished data analysed to identify specific issues relating to older IDPs with disabilities. [↑](#footnote-ref-17)
18. Human Rights Watch (2018) Ukraine: Barriers to Free Movement for Older People [↑](#footnote-ref-18)
19. Amnesty International (2019) [“Fleeing My Whole Life”: Older people’s Experience Of Conflict And Displacement In Myanmar](https://www.amnesty.org/en/documents/asa16/0446/2019/en/) [↑](#footnote-ref-19)
20. Rapid Needs Assessment of Older People reports are available at [www.helpage.org](http://www.helpage.org). The data presented is unpublished data analysed to identify specific issues relating to older IDPs with disabilities. [↑](#footnote-ref-20)
21. Amnesty International (2019) [Excluded - Living With Disabilities In Yemen’s Armed Conflict](https://www.amnesty.org/en/documents/MDE31/1383/2019/en/) [↑](#footnote-ref-21)
22. HelpAge International (2018) [Missing Millions: how older people with disabilities are excluded from humanitarian response](https://www.helpage.org/newsroom/latest-news/millions-of-older-people-with-disabilities-risk-being-excluded-from-humanitarian-assistance-new-helpage-report-reveals/) [↑](#footnote-ref-22)