

## **Written submission on the rights of persons with disabilities for political declaration on explosive weapons**

Brussels, 24th February

### **HI recommendations on language related to persons with disabilities**

Humanity & Inclusion, also known as Handicap International, supports the reference to the “rights of persons with disabilities” in link with victim assistance included in paragraph 4.3 of the “Elements of the political declaration”.

The obligation for States to respect the rights of persons with disabilities in victim assistance frameworks is corroborated by existing legislation. The Convention on Cluster Munition (CCM) includes in its preamble reference to the human rights framework and the Convention on the Rights of Persons with Disabilities (CRPD).<sup>1</sup> Disability is understood as a human rights issue, putting the responsibility on States to create inclusive societies with accessible environments services with proper legal and policy frameworks that promote inherent dignity, equality and non-discrimination to ensure all persons with disabilities can enjoy their human rights on an equal basis with others. Under the CRPD Article 11<sup>2</sup> this right is extended to situations of risk and humanitarian emergencies, including armed conflict.

The fact that not every State is Party to the CRPD, should not compromise the reference to “the rights of persons with disabilities”. Explicit references to the CRPD itself recently entered Resolution 2475 (2019) of the UN Security Council (UNSC) on persons with disabilities in conflict,<sup>3</sup> which was unanimously voted by UNSC members, including the US, on 20 June 2019. The Resolution also recalls the “the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities, including those with physical, intellectual, psychosocial and sensory disabilities and those marginalized on the basis of their disability, to be guaranteed their full enjoyment without discrimination”.

Humanity & Inclusion would also support the proposals related to paragraphs 1.4 and 4.2, to ensure data collection on the impact of explosive weapons with wide area effects in populated areas is disaggregated by sex, age and disability.

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<sup>1</sup> CMC: « Bearing in mind the Convention on the Rights of Persons with Disabilities which, inter alia, requires that States Parties to that Convention undertake to ensure and promote the full realization of all human rights and fundamental freedoms of all persons with disabilities without discrimination of any kind on the basis of disability »

<sup>2</sup> CRPD, Article 11 « Situations of risk and humanitarian emergencies » : 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.

<sup>3</sup> [UN Security Council Resolution 2475 \(2019\) on persons with disabilities in conflict](#)

## Illustrative data on impact of the use of explosive weapons in populated areas on persons with disabilities in the Syrian crisis

- According to a recent nationwide household survey by the Humanitarian Needs Assessment Programme (HNAP) on “Disability : prevalence and impact” in Syria,<sup>4</sup> 3.7 million or **27% of the total population (aged 12+) have a disability**, confirming that prevalence and negative impacts of living with a disability are more pervasive in crisis-affected countries. **The impact of disabilities are compounded inside Syria where individuals with disabilities experience increased threats of violence and limited access to essential income generating activities and medical assistance** as result of the 8 year conflict. Indeed 62% of individuals with disabilities are out-of-work, as compared to 48% of those with no disability.
- A December 2018 study by the Physical Rehabilitation and Disability Working Group of the Whole of Syria Health Cluster and REACH on access to health care in Northern Syria found that, on average, **30% of adults in Northern Syria have disabilities, double the world average of 15% estimated by the WHO.**<sup>5</sup> The same study shows that the prevalence of war related injuries ranged from a high of 56% of respondents with disabilities in Idleb to 11% in Ar-Raqqa. Among those respondents injured as a direct result of the conflict, **over 95% of respondents in each governorate reported that their injury had contributed to their disability.**
- The impact of a decimated healthcare system in Syria on EWIPA-related victims and persons with disabilities is also documented by an HI 2019 report, The pattern of harm attached to EWIPA entails **complex array of injuries leading to long term impairment, especially when the person injured cannot access adequate emergency health care and rehabilitation services**<sup>6</sup>. It is also estimated that **over half of all Syrians are in need of mental health and/or psychosocial support.** The psychological and psychosocial impact of being exposed to this violence, especially for the most vulnerable such as children, cannot be underestimated and put heavy additional pressure on mental health resources.

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<sup>4</sup> [HNAP, Disability : prevalence and impact, 2019](#)

<sup>5</sup> PRD-WG and REACH, 2018, Disability and Access to Health Care in Syria: Western Aleppo, Idleb and Ar-Raqqa

<sup>6</sup> [Humanity & Inclusion, The Waiting List, 2019](#)