

## CRPD DGD on art 11 and its implementation in Latin America

### Abstract

Many Latin American countries are signatories of the CRPD, therefore implementation of article 11 is a must in the region, but there is a lack of evidence of its implementation by governments. Article 11 provides a great framework to go into action, and needs the participation of people with disabilities and their organizations. The decision of the CRPD Committee at its 27th session (August-September 2022) to develop a General Comment on article 11 will greatly contribute to enhancing a preventative and multi-hazard approach to disaster risk<sup>1</sup>. The CRPD article 11 is compatible with the Sendai Framework, signatories' governments must show real commitment towards disability inclusive disaster risk management policies. This article will show evidence on some advances in Latin America.

By C. Kaiser, L. Brossard

### Background

About 1,2 billion people are people with disabilities, that is to say that the prevalence of people with disabilities is 15% of the world population. In Latin America there are approximately 85 million people with disabilities (Vásquez 2011). At least three million people with disabilities are in the seven countries that make up the Central American Isthmus; This figure is 12 times higher than the population of some countries in the Region. Probably, more than a quarter of the total population of the Region is directly or indirectly affected by the disability of family members, friends or members of the community.

Disability in the Americas is a complex issue with enormous repercussions. social and economic, but for which reliable data is lacking. The studies statistics are scarce, outdated and inaccurate; therefore, the work on disability-related policies or programs is based on estimated data and, sometimes, quite far from the reality of the countries. (A. Vazquez 2020)

---

<sup>1</sup> UNDRR (2022), Persons with disabilities in situations of risk: a scoping study on Article 11 of the Convention on the Rights of Persons with Disabilities, United Nations Office for Disaster Risk Reduction (UNDRR). <https://www.undrr.org/publication/persons-disabilities-situations-risk-scoping-study-article-11-convention-rights-persons>

## Disasters in Latin America

According to the United Nations Office for the Coordination of Humanitarian Affairs, Latin America and the Caribbean (LAC) is the second most disaster-prone region in the world. Some 152 million people have been affected by 1,205 disasters (2000-2019).

Natural disasters are extreme environmental events caused by geological processes or weather conditions such as seismic activity, tropical cyclones, heavy rainfall, or drought. Floods have been the most common type of natural disasters in Latin America and the Caribbean. However, drought is the event affecting the largest number of people in the region. In recent years, some of the deadliest natural catastrophes occurred in Latin America include the Brumadinho mudslide in Brazil, and hurricanes Eta and Dorian (B. Alves. 2021). Between 2020 and 2022, officials say, the region went through 175 disasters, 88 percent of which originated from the weather, climate or the water (UN World Meteorological Organization 2022).

Heat waves, wildfires and even sandstorms swept through the region in 2021, with 75,000 fire outbreaks occurring in the Brazilian Amazon alone. Deforestation in the Brazilian Amazon picked up, too, reaching its highest level since 2009 — a total of 4,633 square miles lost. Twenty-two percent more forest was lost in 2021 than 2020.

## Article 11 and the Sendai Framework

The CRPD is a universal, legally binding standard that was adopted in 2006 and entered into force in 2008. The Convention is ratified by 185 of the 193 member states of the United Nations. The entry into force of the CRPD is often referred to as a paradigm shift in the human rights protection of persons with disabilities<sup>2</sup>

Article 11 point out that “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.

It can be reasoned that article 11 calls for protection of people with disabilities facing disaster risk. Disaster risk can be defined as “The potential loss of life, injury, or destroyed or damaged assets which could occur to a system, society or a

---

<sup>2</sup> the 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 (OHCHR), (A/HRC/31/30) (November 2015), para 3.

community in a specific period of time, determined probabilistically as a function of hazard, exposure, vulnerability and capacity.” (UN General Assembly (GA) in Resolution A/RES/71/276 (2017))

It can be inferred that article 11 calls for Disaster risk reduction, that can be defined as “Disaster risk reduction is 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.” (UN General Assembly (GA) in Resolution A/RES/71/276 (2017))

In 2015 the Sendai Framework for Action addresses disability in the context of Disaster Risk Reduction, emphasizing accessibility and inclusion.

The Sendai Framework in point V. "Role of relevant actors", in its sub point iii establishes that "People with disabilities and their organizations are essential to assess disaster risk and to design and put into practice plans adapted to specific requirements, taking into account, inter alia, the principles of universal design". That is compatible with another essential element of the CRPD is that “persons with disabilities and their representatives are provided with a central role and voice in all aspects of the implementation of the Convention. The CRPD requires states parties to “closely consult with” and “actively involve” persons with disabilities in decision-making processes related to them”<sup>3</sup>.

### **Advances in the implementation of the article 11 in some countries in Latin America**

To work on disability inclusive disaster risk reduction, the Network for Inclusive Management of Disaster Risk and Disability of Latin America and the Caribbean was created.

The Network for Inclusive Management of Disaster Risk and Disability of Latin America and the Caribbean objectives are:

- To Provide a non-profit, mutually supportive, regional space for Latin America and the Caribbean for the promotion, dissemination and exchange of knowledge and good experiences related to Inclusive Disaster Risk Management with emphasis on people with disabilities.

- To Promote the inclusion and full participation of people with disabilities in the disability and their families in all phases of disaster risk management, based on human rights and in accordance with the International Convention on the Human Rights of People with Disabilities, the Sendai Framework for Disaster Risk Reduction will be developed and implemented.

---

<sup>3</sup> article 4 (3) and art. 33 (3) of the CRPD.

The Network for Inclusive Management of Disaster Risk and Disability of Latin America and the Caribbean has 15 members and associates that make great contributions towards implementation of CRPD article 11 in the region

The case of Chile, In Chile ONG Inclusiva and SENAPRED (National Disaster Prevention and Response Service) signed a cooperation agreement to develop disability inclusive disaster risk management in the country. There is a disability inclusive disaster risk management working group that had produced several products and activities

The Permanent Mission of Chile to the UN in Geneva is promoting promotes human rights of people with disabilities during disasters.

ONG Inclusiva collaborates with UNDRR, PAHO WHO, UNICEF, World Bank and the governments of different countries around the world implementing training courses, technical guidance, supporting declarations and policies about disability inclusive disaster risk management.

ONG Inclusiva and SENAPRED are members of the Network for Inclusive Management of Disaster Risk and Disability of Latin America and the Caribbean

Ecuador first started with SETEDIS (Technical Secretariat for Disabilities) working on disability inclusive disaster risk management, after this institution was disbanded the topic was picked by the National Service for Risk and Emergency Management. Ecuador lead a south American policy of disability inclusive disaster risk management.

The National Service for Risk and Emergency Management of Ecuador is a member of the Network for Inclusive Management of Disaster Risk and Disability of Latin America and the Caribbean

Central American countries produce a Central American Policy on disability inclusive disaster risk management working with ASB (a German NGO) and CEPREDENAC (Coordination Center for the Prevention of Natural Disasters in Central America) ASB has created several books and carried out projects on disability inclusive disaster risk management. ASB is a member of the Network for Inclusive Management of Disaster Risk and Disability of Latin America and the Caribbean

## Conclusions

- 1) Although the Network for Inclusive Management of Disaster Risk and Disability of Latin America and the Caribbean and its members has produced several contributions towards the implementation of governments of the article 11 of the CRPD, Latin American governments still owe more actions on disability inclusive disaster risk management
- 2) Article 11 shows the need to implement disability inclusive disaster risk management, but without statistical data this effort would never work properly. That is why we need to know how many countries report to have statistic records of people with disabilities affected by disasters and emergencies desegregated by kind of disability
- 3) CRPD experts' committee must ask governments about their short, middle and long term policies to implement article 11 on regular basis
- 4) Governments need to have budget to work on implementation of the article 11 to ensure sustainability
- 5) Governments must ensure meaningful participation of people with disabilities to achieve CRPD article 11 and Sendai Framework point V. "Role of relevant actors", in its sub point iii