



Nepal Red Cross Society community volunteers deliver crucial life-saving information and support to communities before disaster strikes, with particular attention on reaching groups experiencing marginalisation. Image courtesy of [Nepal Red Cross](#) and [Danish Red Cross](#).

## Submission to DFAT on Australia's new International Disability Equity and Rights Strategy

Date: 15 December 2023

## International Red Cross and Red Crescent Movement

The International Red Cross and Red Crescent Movement (the Movement) is a worldwide humanitarian network that operates in accordance with internationally recognised Statutes and Regulations.<sup>1</sup> The Movement is guided in its mission by its Fundamental Principles, including humanity, impartiality, neutrality, and independence.<sup>2</sup> It consists of distinct components: the International Committee of the Red Cross (ICRC); the International Federation of Red Cross and Red Crescent Societies (IFRC); and the 191 individual Red Cross or Red Crescent National Societies (including Australian Red Cross). The work of Australian Red Cross, the ICRC and the IFRC is based on the Geneva Conventions of 1949, their Additional Protocols, the Movement Statutes and the resolutions of the International Conferences of the Red Cross and Red Crescent.

Australian Red Cross has been a critical part of Australian life since 1914, mandated by the Royal Charter of 1941<sup>3</sup> as an auxiliary to Australia's public authorities in the humanitarian field including during emergencies and armed conflict. Its mission is to alleviate vulnerability, including championing the importance of international humanitarian law (IHL) in Australia.

The ICRC's exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and internal strife and to provide them with assistance. The ICRC endeavours to prevent suffering by promoting and strengthening IHL and universal humanitarian principles.

The IFRC is the global network of 191 Red Cross and Red Crescent National Societies, which includes Australian Red Cross. The IFRC's mission is to bring relief to all disaster-, conflict- and crisis- affected people, with a view to preventing and alleviating human suffering, and supporting its members in carrying out and strengthening their humanitarian work.

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<sup>1</sup> [Statutes of the International Red Cross and Red Crescent Movement](#), adopted by the 25<sup>th</sup> International Conference of the Red Cross at Geneva in 1986 and amended by the 26<sup>th</sup> International Conference of the Red Cross and Red Crescent at Geneva in December 1995 and by the 29<sup>th</sup> International Conference of the Red Cross and Red Crescent at Geneva in June 2006.

<sup>2</sup> For further information, see Australian Red Cross, ['What We Stand For'](#).

<sup>3</sup> Australian Red Cross, ['Charter, Rules, and Divisional Regulations'](#).

## Executive summary

Australian Red Cross commends the Australian Government on the development of the new International Disability Equity and Rights Strategy and welcomes the opportunity to provide a submission to the Department of Foreign Affairs and Trade (DFAT).

As Australia's largest humanitarian organisation and a member of the International Red Cross and Red Crescent Movement (the Movement), Australian Red Cross has extensive experience preparing for and responding to humanitarian crises – from conflict to disasters to epidemics and pandemics – on a local, regional, and global level. At all times we are guided by our Fundamental Principles, seeking to alleviate suffering, responding on the basis of need alone and ensuring respect for the individual.

Humanitarian crises disproportionately impact groups who face marginalisation and discrimination, including persons with disabilities.<sup>4</sup> Informed by lessons learned from work in emergency responses on the ground in 191 countries, and guided by international legal frameworks, policies and guidelines such as the *Convention on the Rights of Persons with Disabilities*, the *Sendai Framework for Disaster Risk Reduction*, the *Sphere Handbook: Humanitarian Charter and Minimum Standards in Emergency Response* and the IFRC's own *Minimum Standards for Protection, Gender and Inclusion in Emergencies*, Australian Red Cross and the Movement work to ensure that groups who are most at risk in humanitarian crises, including persons with disabilities, are actively engaged and have their needs supported throughout all phases and technical aspects of humanitarian action.

Noting the questions guiding the inquiry, our submission concentrates on humanitarian work, drawing from our partnerships with local Red Cross and Red Crescent National Societies in the Asia-Pacific region and globally in emergency preparedness and response. Central to our submission is the knowledge, gained through experience, that building a foundation for enduring change in disability inclusion, equity, and rights within humanitarian work requires sustained commitment at both the local actor and systemic levels. With this perspective, Australian Red Cross recommends that the Australian Government's new International Disability Equity and Rights Strategy includes a focus on the following areas:

1. Privilege the voices and needs of persons with disabilities in all phases of humanitarian action by allocating long-term, flexible funding both to local organisations for persons with disabilities and earmarked to disability inclusion, equity and rights for local humanitarian organisations.
2. Incentivise and invest in partnerships between local humanitarian organisations and organisations for persons with disability (OPDs), including through provision of additional funding and technical support where partnerships are in place.
3. Mandate mainstreaming disability inclusion, equity and rights in all phases and technical aspects of humanitarian action, including through investment in development of tools, standards and policies to enable and embed strong institutional practice on disability inclusion, equity and rights.
4. Support governments and national disaster management authorities to capture comprehensive data on the numbers *and* specific needs of persons with disabilities during preparedness work to inform better programming for persons with disabilities during emergency responses.
5. Continue to support capacity building of local humanitarian actors to collect sex, age and disability disaggregated data (SADDD) and invest in enabling systems and processes for effective data collection at the local level.
6. Ensure meaningful inclusion of persons with disabilities in design and implementation of emergency management plans and strategies, especially during preparedness work, to prevent and address protection issues.
7. That the Australian Government take a leadership role in ensuring that the needs of persons with disabilities are reflected in interpretation and implementation of international legal frameworks.

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<sup>4</sup> IFRC, [World Disasters Report: Leaving No One Behind](#) (2018).

## Disability inclusion, equity and rights in humanitarian action

### Prioritising locally led disability inclusion

Investing in local organisations for persons with disabilities (OPDs), who are best placed to represent the needs and views of persons with disabilities in their contexts, will result in more capacity and resources to influence better outcomes for persons with disabilities when disasters and crises strike. It is also critical to support local humanitarian organisations, as first responders, to have a strong understanding of and commitment to disability inclusion, equity and rights. This is enhanced when local humanitarian actors partner and coordinate with local OPDs throughout all phases of humanitarian action, so that the voices of persons with disabilities are elevated and their needs are recognised and addressed in their local context. The Australian Government's new International Disability Equity and Rights Strategy presents an opportunity to promote the value of investing in local OPDs and humanitarian actors, and encouraging strong partnerships between them, to enhance disability inclusion in humanitarian action.

Australian Red Cross' experience in protection, gender and inclusion (PGI) shows how long-term and flexible investment in capacity building for local humanitarian organisations improves humanitarian outcomes for all members of affected communities. We work collaboratively with Red Cross and Red Crescent National Societies in the Asia Pacific region to integrate disability inclusion as part of PGI in their emergency preparedness and response work. Our partnership model, enabled by long-term and flexible funding from DFAT, prioritises peer-to-peer learning and coaching approaches rather than more traditional, didactic or project-focused methods. In many of our National Society partners, there is no full-time staff member responsible for PGI generally – let alone for disability inclusion, equity and rights specifically – with most PGI focal points doing this work on top of their substantive roles. Despite such resourcing constraints, our ongoing, collaborative ways of working with our National Society partners have supported them to develop policies, structures and systems that ensure meaningful commitment to disability inclusion beyond traditional project cycles. Sustained investment in National Society PGI capacity and leadership has allowed time for this, often sensitive, work to develop in a culturally appropriate and iterative way, in a manner that builds on our local partners' strengths and capacities. More work could be done to build on this with increased investment.

#### Case study: Timor Leste

Australian Red Cross and Timor Leste Red Cross' (Cruz Vermelha de Timor Leste – CVTL) partnership shows how our model, based on long-term and flexible financial and technical investment in locally led humanitarian response, results in better support for persons with disabilities. CVTL has ongoing relationships with local OPDs, the Association for the Disabled of Timor-Leste and Raes Hadomi Timor Oan, working with them to conduct training sessions, share information, provide referrals and ensure that persons with disabilities are involved in the design and delivery of CVTL's services. Australian Red Cross supports CVTL to do this work as a part of its portfolio of PGI work.

During the 2021 Cyclone Seroja response, Australian Red Cross provided virtual coaching to CVTL on how to adapt and strengthen the response by building on these strong local partnerships. Australian Red Cross shared strategies on targeting the needs of persons with disabilities more effectively, and on collecting and analysing sex, age and disability disaggregated data during the response. This supported CVTL's work as a leading local humanitarian actor throughout the response, assisting them to prioritise the needs of persons with disabilities impacted by the cyclone.

Most of the funding for protection work in humanitarian action comes from international sources, which often poses a barrier to localised protection activities, including disability inclusion.<sup>5</sup> To address this, earmarking donor funding for local humanitarian organisations to engage in protection work is considered best practice.<sup>6</sup> As the Cyclone Seroja example illustrates, financial and technical support which incentivises partnerships between local humanitarian organisations and OPDs can encourage

<sup>5</sup> Ibid, 22.

<sup>6</sup> Ibid.



more innovative ways for humanitarian organisations to draw on the expertise of OPDs and, in turn, deliver better outcomes for persons with disabilities impacted by humanitarian crises.

Additionally, investment in strengthening local coordination mechanisms during response leads to stronger humanitarian outcomes in protection, gender and inclusion.<sup>7</sup> By actively engaging and consulting with OPDs, humanitarian coordination bodies can help ensure that technical work is effectively addressing the needs of persons with disabilities in their local context. This best practice is exemplified by the 2018 Tropical Cyclone Gita response in Tonga, when the Pacific Disability Forum was funded and supported to carry out the initial assessment. With an OPD leading the process, the needs of persons with disabilities were at the centre not only of the data collection but also in all phases of coordination at inter-cluster and cluster levels.<sup>8</sup>

**Recommendation 1:** Privilege the voices and needs of persons with disabilities in all phases of humanitarian action by allocating long-term, flexible funding both to local organisations for persons with disabilities and earmarked to disability inclusion, equity and rights for local humanitarian organisations.

**Recommendation 2:** Incentivise and invest in partnerships between local humanitarian organisations and OPDs, including through provision of additional funding and technical support where partnerships are in place.

## Mainstreaming disability inclusion, equity and rights in humanitarian action

Mainstreaming disability inclusion, equity and rights throughout all phases and technical areas of humanitarian action is critical to adhering to the humanitarian principle of ‘do no harm’ and ensuring that persons with disabilities can benefit from humanitarian support. Standards, tools and other practical guidelines which include a focus on disability inclusion, equity and rights are one way to enable more effective mainstreaming across a broad spectrum of humanitarian work. These kinds of tools are developed by both local and international humanitarian actors, tailored to their local, global or programmatic context. For example, the IFRC has developed the *Minimum Standards for Protection, Gender and Inclusion in Emergencies*<sup>9</sup> which outline how persons with disabilities can be actively included in all areas of IFRC’s technical work during operations. A suite of tools to accompany the Minimum Standards has also been created<sup>10</sup> which can be easily adapted and contextualised. These include a bank of questions that can be copied directly into needs assessments, guidance on how to conduct rapid context analyses and an indicator database for monitoring and evaluation, all of which refer to the needs of persons with disabilities.

IFRC’s toolkit for PGI in Emergencies supports local Red Cross and Red Crescent National Societies, which may not have specialised skills in disability inclusion, equity and rights, to implement these standards in a practical manner as part of their preparedness and response work. For example, Tonga Red Cross used these tools to support better disability inclusion in the roll out of their cash and voucher assistance program during the Hunga-Tonga-Hunga-Ha’apai volcanic eruption and tsunami in 2022. Drawing on guidance set out in the *Minimum Standards*, the team at Tonga Red Cross was able to develop distribution criteria which targeted persons with disabilities in impacted communities.

Beyond general mainstreaming approaches, a strong focus on embedding disability equity and rights is also needed when developing or updating tools, standards and policies for technical areas of humanitarian work. Integrating disability inclusion into standard operational practices within technical sectors means the needs of persons with disabilities are more likely to be meaningfully considered and addressed in humanitarian work. While more needs to be done in the sector, there are examples of best practice, such as the case study on *All Under One Roof* guidance below.

<sup>7</sup> Australian Red Cross, Humanitarian Advisory Group, Humanitarian Policy Group, ‘[Protecting People in Locally Led Disaster Response](#)’ (March 2019), 14.

<sup>8</sup> See Shelter Cluster (Tonga), ‘[TC Gita Vulnerability Analysis](#)’ (23 March 2018); Pacific Disability Forum, ‘[Needs Assessment Survey on persons with disabilities in Tonga](#)’ (21 March 2018).

<sup>9</sup> International Federation of Red Cross and Red Crescent Societies, ‘[Minimum standards for protection, gender and inclusion in emergencies](#)’ (2018).

<sup>10</sup> International Federation of Red Cross and Red Crescent Societies, ‘[Protection, Gender and Inclusion in Emergencies Toolkit](#)’ (2020).

### **Case study: All Under One Roof – Disability Inclusive Shelter and Settlements in Emergencies**

The *All Under One Roof – Disability Inclusive Shelter and Settlements in Emergencies*<sup>11</sup> is a best practice example of how disability inclusion can be mainstreamed into technical operations. Developed through the Inclusion of Persons with Disabilities in Shelter Programming Working Group<sup>12</sup> of the Global Shelter Cluster, chaired by CBM, Australian Red Cross, Norwegian Refugee Council and the International Organisation for Migration, the standards aim to bridge the gap between good intentions and practical implementation by offering technical guidance for disability-inclusive shelter and settlement assistance in emergencies. The current version (revised in 2022) is housed on the Global Shelter Cluster website as a dynamic resource which contains various checklists to support practical application at field level, a growing library of case studies, and a training package which has been piloted in Fiji and Bangladesh this year.

This initiative has resulted in ready-to-use, mainstreamed technical guidance available to shelter and settlements practitioners. In response to Tropical Cyclone Winston in Fiji in 2016, the Shelter Cluster put this guidance into action by including some of the key technical messages on disability inclusive shelter and settlements in the *Help for Homes* manual, developed to provide context specific technical guidance to shelter agencies and affected communities. Looking to the future, the revised version of *All Under One Roof* and the associated training package have the potential to be scaled up at the sectoral level through national Shelter Clusters in the Asia Pacific region.

**Recommendation 3:** Mandate mainstreaming disability inclusion, equity and rights in all phases and technical aspects of humanitarian action, including through investment in development of tools, standards and policies to enable and embed strong institutional practice on disability inclusion, equity and rights.

### **Counting what matters: disability inclusive data collection**

Closing the data gaps on disability is critical for enabling better outcomes for persons with disabilities in humanitarian response. The *Sendai Framework for Disaster Risk Reduction* which calls for “the open exchange and dissemination of disaggregated data, including by sex, age and disability” to increase understanding of how disasters impact<sup>13</sup> different community members.

Incomplete or missing data leads to substantial challenges in effectively engaging and supporting persons with disabilities in humanitarian activities. In the Asia-Pacific region, disability data gaps could be significantly improved by supporting governments to increase their data collection practices during preparedness work. As a starting point, government agencies responsible for needs assessment processes, such as National Disaster Management Organisations, should be encouraged to include the globally recognised Washington Group on Disability Statistics questions<sup>14</sup> in their needs assessment and other relevant tools.

Australian Red Cross often hears from partners about the impact of gaps in data gathered during preparedness on humanitarian programming. More comprehensive data on the numbers *and* specific needs of persons with disabilities in impacted communities is needed. This requires investment in collection and use of disability-related data, including tailored needs assessment tools.

To explore this issue, in 2021 Australian Red Cross partnered with the Nossal Institute for Global Health at the University of Melbourne to conduct research on *Preparing Actionable Data for Inclusive Shelter*. In collaboration with the Global Shelter Cluster, the project aims to understand the disability data needs of shelter professionals. Using a Delphi process, the cluster experts engaged with an iterative series of questions to unpack challenges, entry points for improving the use of data, and future pathways. Linked to the point made in the previous section on the need to integrate a focus on disability equity and rights into technical operational practices, the research findings suggest guidance on disability data, and

<sup>11</sup> Global Shelter Cluster, '[All Under One Roof – Disability Inclusive Shelter and Settlements in Emergencies](#)' (revised 2022).

<sup>12</sup> Global Shelter Cluster, '[Inclusion of Persons with Disabilities in Shelter Programming Working Group](#)'.

<sup>13</sup> UNDRR, '[Disability inclusion in Disaster Risk Reduction](#)' (2023).

<sup>14</sup> Washington Group on Disability Statistics, '[Question sets](#)' (2023).

disability inclusion more broadly, is lagging behind the needs of increasingly specialised humanitarian actors.

Building the capacity of local humanitarian organisations to collect sex, age and disability disaggregated data (SADDD) *and* analyse it in a way that adapts a response to effectively meet the needs of persons with disabilities is an ongoing and iterative process. While training on SADDD collection is commonly done with many local humanitarian organisations at the headquarters level, these practices – and IT systems to support them – need to flow through to all levels of the organisation including frontline offices in regional locations to effectively support disability inclusion. For example, in the Asia Pacific region, Red Cross Red Crescent National Society branch volunteers in remote areas are often first responders during emergencies, responsible for conducting needs assessments. They can face a range of barriers to collecting and analysing SADDD, such as lack of connectivity to allow access to standardised tools (which include questions on disability), lack of capacity to analyse data, or lack of existing pre-emergency data to inform decisions about targeting people who may have additional or differentiated needs. As raised in previous sections, addressing these barriers requires sustained financial and technical investment in capabilities in local humanitarian actors.

A Nepal Red Cross and Danish Red Cross partnership showcases how investment in inclusive data collection improves outcomes for persons with disabilities in humanitarian response. The partnership prioritises protection, gender and inclusion in its efforts to improve early warning systems in Nepal. In 2021, they conducted a survey to better understand the challenges to disseminating crucial life-saving information to everyone in affected communities. The survey showed that 30 percent of households in the country were missing critical alerts due to various barriers, and that this was disproportionately affecting groups experiencing marginalisation, including persons with disabilities. Having data on specific needs of different community members allowed them to develop participatory early warning approaches: they engaged community members, such as village chiefs, social workers, and female health workers, to support comprehensive coverage. These efforts have improved the inclusivity of early warnings, ensuring that messages are received and understood by the most vulnerable populations at risk. A recent survey showed that 90 percent of the groups most at risk, including persons with disabilities, now receive early warning messages through multiple channels.<sup>15</sup>

The second phase of the research partnership between Australian Red Cross and the Nossal Institute will involve a series of pilot workshops for OPDs and shelter practitioners in Asia to develop context-specific disability data plans and new ways of working – processes and tools – during preparedness and response. This innovative project, funded by Elrha's Humanitarian Innovation Fund and supported by the UK Government's Foreign, Commonwealth and Development Office, will have important practical applications by encouraging use of accurate data in emergency responses.

**Recommendation 4:** Support governments and national disaster management authorities to capture comprehensive data on the numbers *and* specific needs of persons with disabilities during preparedness work to inform better programming for persons with disabilities during emergency responses.

**Recommendation 5:** Continue to support capacity building of local humanitarian actors to collect SADDD and invest in enabling systems and processes for effective data collection at the local level.

## Addressing protection issues

Efforts to promote disability inclusion, equity and rights in the humanitarian sector must include a focus on protection issues faced by persons with disabilities, who face higher risks in conflicts and disasters compared to the general population.<sup>16</sup> For example, persons with disabilities face increased likelihood of discrimination and barriers to accessing basic assistance, such as water, shelter or food<sup>17</sup> and essential services.<sup>18</sup> Persons with disabilities are also at greater risk of injury and death during disasters because of increased likelihood of exclusion from disaster risk reduction policies and plans, and emergency

<sup>15</sup> Prepare Centre, '[Innovating for Inclusion: RCRC National Societies' Solutions to Improve Early Warnings](#)' (2023).

<sup>16</sup> UN. Disability-inclusive Humanitarian Action. <https://www.un.org/development/desa/disabilities/issues/whs.html>. (2023.)

<sup>17</sup> Ibid.

<sup>18</sup> IFRC, '[Come Heat or High Water: Tackling the Humanitarian Impacts of the Climate Crisis Together](#)' (2020) 147.

warning systems and emergency information being inaccessible.<sup>19</sup> During conflict, persons with disabilities may face substantial issues such as being directly targeted or left behind while families and communities flee.<sup>20</sup> Conflicts also increase the number of persons with disabilities in a population as people are more likely to acquire new impairments.<sup>21</sup>

Applying an intersectional lens, compounding layers of discrimination arising from other identity factors such as gender identity and expression, sexual orientation, age, ethnicity, religion and health status (among many other factors) further embed inequality. For example, research on the experiences of persons with disabilities during Tropical Cyclone Pam in Vanuatu found that being a female with a disability created a 'double disadvantage' leading to less access to disaster risk reduction, response and recovery efforts and services in general.<sup>22</sup> It is generally understood that women with disabilities are likely to face substantially higher risk of sexual and gender-based violence during both disasters<sup>23</sup> and conflict<sup>24</sup> than non-disabled persons. During conflict, children with disabilities are at higher risk of being attacked, of being left behind by families who are fleeing violence and face substantial challenges accessing essential services.<sup>25</sup> In certain complex contexts, girls with disabilities can be targets for trafficking for the purposes of exploitative begging.<sup>26</sup>

Disaster risk management plans and humanitarian response processes more effectively prevent and respond to protection issues when persons with disabilities are actively engaged in the design of strategies and programs.<sup>27</sup> Research funded by Australian Red Cross furthermore shows that the greatest impact in terms of prevention and response to protection issues during humanitarian crises can be made during preparedness work.<sup>28</sup> For example, in the Solomon Islands, international actors partnered with People with Disabilities Solomon Islands to advocate for a national disability bill to enhance protections for persons with disabilities and align the Solomon Island's policies with the Convention on the Rights of Persons with Disabilities.<sup>29</sup> Similar approaches should be adopted across both the humanitarian sector and in government-led emergency response work in all preparedness activities.

**Recommendation 6:** Ensure meaningful inclusion of persons with disabilities in design and implementation of emergency management plans and strategies, especially during preparedness work, to prevent and address protection issues.

## Strengthening international laws, frameworks and policies

Outcomes for persons with disabilities in humanitarian crises can be improved through promotion of disability equity and rights in international legal frameworks and policies. This can include through advocacy efforts to improve protections for persons with disabilities and considering the needs of persons with disabilities in the interpretation and implementation of international frameworks and policies.

International Humanitarian Law (IHL) and International Human Rights Law (IHRL) strive to ensure respect for the lives, dignity, physical and mental integrity of persons with disabilities, and to ensure their access to essential services on an equal basis with others. The emerging field of International Disaster Response Law (IDRL) also provides guidance on the treatment of persons with disabilities by

<sup>19</sup> Ibid.

<sup>20</sup> Robert Mardini, '[Persons with Disabilities in Armed Conflicts: From Invisibility to Visibility](#)'. *International Review of the Red Cross*, Volume 105, Issue 922 (2022).

<sup>21</sup> Ibid.

<sup>22</sup> The Nossal Institute for Global Health and CBM, '[Disability Inclusion in Disaster Risk Reduction: Experiences of people with disabilities in Vanuatu during and after Tropical Cyclone Pam and recommendations for humanitarian agencies](#)' (2017) 19.

<sup>23</sup> The Nossal Institute for Global Health and CBM, '[Disability Inclusion in Disaster Risk Reduction: Experiences of people with disabilities in Vanuatu during and after Tropical Cyclone Pam and recommendations for humanitarian agencies](#)' (2017) 20.

<sup>24</sup> Sara La Vecchia, '[The protection of women and girls with disabilities in armed conflict: Adopting a gender-, age- and disability-inclusive approach to select IHL provisions](#)'. *International Review of the Red Cross*, Volume 105, Issue 922 (2022).

<sup>25</sup> Emina Cerimović, '[At risk and overlooked: Children with disabilities and armed conflict](#)' *International Review of the Red Cross*, Volume 105, Issue 922 (2022).

<sup>26</sup> United Nations Office on Drugs and Crime (UNODC), '[First National Study on Trafficking in Persons in Bangladesh](#)' (2022) 35.

<sup>27</sup> IFRC, '[Come Heat or High Water: Tackling the Humanitarian Impacts of the Climate Crisis Together](#)' (2020) 147.

<sup>28</sup> Australian Red Cross, Humanitarian Advisory Group, Humanitarian Policy Group, '[Protecting People in Locally Led Disaster Response](#)' (2019) 14.

<sup>29</sup> Ibid.



strengthening domestic legal frameworks relating to disaster risk management in line with international frameworks such as IHRL.

As part of the Australian Red Cross mandate, we work with the Australian Government to respect *and* ensure respect for IHL in particular. IHL is a body of rules which, during armed conflict, affords protections and limits the way in which war is waged. IHL contains comprehensive protections that generally apply without discrimination, such as the protections afforded to civilians,<sup>30</sup> combatants, or persons who are *hors de combat* (as persons who are no longer participating in hostilities)<sup>31</sup> as well as special protections for persons with disabilities.<sup>32</sup>

IHRL and IDRL also afford general and special protections for persons with disabilities which, unlike IHL, apply during peacetime as well as times of armed conflict. These bodies of law reinforce the non-discriminatory nature of international law in general and seek to address particular vulnerabilities faced by persons with disabilities in various contexts. For example,

- IHRL provides special status and protection to persons with disabilities through the *Convention on the Rights of Persons with Disabilities* and its Optional Protocol.
- The *United Nations Guiding Principles on Internal Displacement*, as guiding principles outlining existing IHRL obligations, apply to persons displaced within their own borders and applies without discrimination of any kind, including on the basis of disability. The principles also recognise that certain internally displaced persons (IDPs) “shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs”. In addition, IDPs with disabilities are entitled to receive “to the fullest extent practicable and with the least possible delay” medical care and attention “without distinction on any grounds other than medical ones”.<sup>33</sup>
- IDRL guidance by the IFRC provides that any disaster relief and recovery assistance should be responsive to persons with disabilities.<sup>34</sup>

The faithful implementation of these legal protections requires addressing the structural inequalities within that context which may exacerbate harm to persons with disabilities.

An example of implementation of these legal frameworks in a manner which addresses the needs and rights of persons with disabilities is the work of the IFRC Disaster Law Program. Australian Red Cross and DFAT have supported IFRC’s Disaster Law Program’s work with National Societies and state authorities in the Asia Pacific on developing effective disaster laws and policies. The Program applies an intersectional lens to reviews of disaster-related legislation, policies and procedures and considers the resilience of people who may be most at-risk during disasters, including persons with disabilities.<sup>12</sup> This ensures that:

- There are provisions in relevant laws and policies which require equality and non-discrimination;
- Disaster-related legislation, policies and procedures are gender- and diversity-sensitive, require collection of sex, age and disability disaggregated data, and provide accessibility information in different languages, formats and via different communication channels; and
- Government agencies and officials consult with a wide range of community representatives including persons with disabilities.<sup>13</sup>

Inclusive governance can help enhance protection as it enables development of laws and policies that address specific needs of persons who face marginalisation and discrimination including persons with disabilities. For example, following the Tropical Cyclone Winston in 2017 which killed 44 people and impacted 40 percent of the population, the Government of Fiji requested the IFRC and Fiji Red Cross

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<sup>30</sup> For example, see Article 51 of the International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts* (API), 8 June 1977, 1125 UNTS 3 (API); Article 13-17 of the *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts* (APII), 8 June 1977, 1125 UNTS 609; *Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (GCIV), 12 August 1949, 75 UNTS 287 and Common Article 3 to the *Geneva Conventions, 1949* (CAIII).

<sup>31</sup> For example, see Article 41, API; Article 4, APII; CAIII.

<sup>32</sup> For example, see Articles 16–17, 21–22, 27, 85, 119 and 127 GCIV, Articles 16, 30, 44–45, 49 and 110 GCIII, and customary IHL [Rule 138](#).

<sup>33</sup> See Principles 4 and 19 of the [United Nations Guiding Principles on Internal Displacement](#).

<sup>34</sup> See IFRC [‘Introduction to the Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance \(IDRL Guidelines\)’](#) (2017) 15.

Society's support to review its National Disaster Risk Management Law and National Disaster Risk Management Plan. As a part of this process, consultations were held with local community groups, including OPDs. These consultations meant that protection issues faced by persons with disabilities could be meaningfully addressed in the draft legislation (currently under review by the Fijian Parliament).<sup>35</sup> The Australian Government should continue to play a leadership role in supporting similar work under the new Strategy.

**Recommendation 7:** That the Australian Government take a leadership role in ensuring that the needs of persons with disabilities are reflected in interpretation and implementation of international legal frameworks.

## Conclusion

Australian Red Cross commends the Australian Government on its ongoing regional and global leadership in promoting the inclusion, equity and rights of persons with disabilities through its foreign policy and aid program. We look forward to working with the Government on progressing this important strategy and would be pleased to discuss any of the content in this submission directly with DFAT.

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<sup>35</sup> IFRC, '[Evaluation of the IFRC's Disaster Law Program](#)' (2020). Pages 65-68.

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