

# WORKING WITH PERSONS WITH DISABILITIES IN FORCED DISPLACEMENT



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Division of International Protection  
United Nations High Commissioner for Refugees  
94, rue de Montbrillant  
1202 Geneva, Switzerland  
Email: [HQTS00@unhcr.org](mailto:HQTS00@unhcr.org)  
[www.unhcr.org](http://www.unhcr.org)



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# objective

Refugees<sup>1</sup> with disabilities have specific needs and face particular forms of discrimination. As highlighted in the Executive Committee Conclusion No. 110 (LXI)–2010, it is important for UNHCR to ensure that the rights of persons with disabilities who are of concern to the Office are met without discrimination. This places an onus on officesto develop a thorough understanding of the circumstances of persons with disabilities under their care. This note provides staff with guidance on a range of issues to consider in meeting these responsibilities.

# overview

Persons with disabilities may suffer from one or more of the following:

- Long term physical, mental, intellectual or sensory impairments<sup>2</sup>
- Injuries
- Chronic illnesses

These factors, combined with social, cultural, physical, economic, and political discrimination, hinder their equal participation in society. During crises and displacement, discrimination is often magnified.

The World Health Organization estimates that about 15% of the world's population has a disability.<sup>3</sup> Although no global figures are available, this suggests that several million persons who have disabilities are currently displaced by conflict or natural disaster.

Persons with disabilities are not a homogeneous group; they have different capacities and needs, and contribute in different ways to their communities. When displaced, they have the same basic needs as other persons. In addition, they may experience difficulty in moving, hearing, seeing, communicating or learning. These difficulties amplify the often severe challenges posed by forced displacement. Persons with disabilities may also need additional protection. They are at heightened risk of violence, including sexual and domestic abuse; exploitation by family members; discrimination; and exclusion from access to humanitarian assistance, education, livelihoods, health care, a nationality,<sup>4</sup> and other services. Women, the elderly, children, and LGBTI<sup>5</sup> persons with disabilities may be exposed to even higher risks. For this reason it is essential to apply an Age, Gender and Diversity approach, if UNHCR is to achieve its commitment to ensure that all protection activities, including durable solutions, are accessible to and include persons with disabilities.

# non-discrimination and participation: keys to protection

All persons who are forcibly displaced face challenges. However, persons with disabilities are at particular risk because they may be invisible, and because they are less able to participate actively in decisions that concern them and are less likely to have their protection needs met.

To ensure that persons with disabilities do not suffer discrimination, staff should make themselves aware of their own preconceptions or attitudes towards disability and ensure that programmes are inclusive and participatory. Prejudice may stem from lack of knowledge about disability or the rights of persons with disabilities. Exclusion of persons with disabilities during displacement can be inadvertent or purposeful: in either case, nevertheless, it is discriminatory.

Achieving a high standard of protection is only possible if an inclusive and participatory approach is adopted. The inclusion of persons with disabilities in policy formulation and consultation processes is key to developing and implementing appropriate solutions to the problems that they face. Consultation and participation through all phases of crises and protracted situations is essential. UNHCR should also make sure that persons with disabilities are able to apply their skills and capacities to benefit themselves, their families and their communities.

## **action**

- Consult and involve persons with disabilities in decision making, programming, and leadership, giving them the means to voice their opinion and participate in the design, assessment, monitoring, and evaluation of activities.
- Build the capacity of Disabled Persons Organizations and other entities. Advocate for the inclusion of refugees with disabilities in national policies and programmes.

Humanitarian actors must make every effort to create and sustain an inclusive environment for persons with disabilities, and for their caregivers, families and communities. In addition, they must ensure that programmes and actions do not constitute or contribute to discrimination or exclusion.

# key considerations

In developing programmes and policies to address the protection and needs of refugees with disabilities, staff should have in mind the following areas of priority concern.

## **Introduce inclusive rights-based programming**

Persons with disabilities should have the same opportunity as other displaced persons to enjoy the full range of their human rights and participate in relevant programmes. International and national legal frameworks provide binding standards that set out the parameters of a non-discriminatory environment.

### **action**

- Ensure staff are aware of the rights of persons with disabilities and give emphasis to the Convention on the Rights of Persons with Disabilities.
- Develop strategic partnerships with organizations that have relevant expertise.
- Provide training for UNHCR and partner staff to raise awareness of disability and attitudes about it and the rights of persons with disabilities.
- Build internal capacity to ensure that the programmes of UNHCR and its partners are inclusive and accessible.



Persons with disabilities have the right to be included in all humanitarian programming. In addition, they may require specific assistance because of their disability. It may be necessary to modify the physical environment, or provide care giving or devices that enable them to access assistance or participate fully in household and community activities.

## **action**

Adopt a twin-track approach when planning responses to disability:

- Design all responses to be inclusive and accessible, including to persons with disabilities.
- Within the broader operational plan include targeted actions to address the specific needs of persons with disabilities.

A multi-sectoral approach is required to address all the risks, concerns, and needs persons with disabilities may identify. They have the right to be consulted about and to participate in all humanitarian activities, including:

- Documentation, registration and legal status
- Fulfilment of basic needs (food, water, shelter, health provision, etc.)
- Distribution of food and non-food items
- Mechanisms to prevent and respond to SGBV and other key protection concerns
- Vocational (re)training, livelihoods and micro finance programmes
- Inclusive education
- Provision of information
- Provision of safe infrastructure, including shelter, schools, and sanitary facilities
- Durable solutions

UNHCR staff and partners should make all reasonable efforts to make sure that persons with disabilities have access to services. These include:

- All mainstream and specialized services and programmes in camps and urban areas (e.g. physical environment, transport, information & communication)
- Medical care (treatment of injuries and chronic diseases, medication on the basis of informed consent)
- Government social support services
- Adaptive and assistance devices (replacement, repair, maintenance)
- Rehabilitation
- Caregiving (including home-based care)
- Psychosocial support
- Protection monitoring

## Ensure identification and registration

Persons with disabilities are often overlooked during identification and registration processes. Those who have been displaced many times or who live in dispersed urban settings are especially likely to be overlooked. It is therefore vital to introduce explicit procedures for identifying persons with disabilities. Disabled Persons Organizations and other civil society organizations may have useful client or membership lists, and may also be able to identify individuals who need specific support. Children with disabilities are at a particular risk of not being registered at birth which exposes them to further protection risks including statelessness. They need to be registered at birth and be able to obtain nationality and identity documents and to utilize them.

### action

- Ensure birth registration for children with disabilities.
- Put in place procedures for identifying refugees with disabilities.
- Screen areas where many displaced persons live for persons with disabilities.
- Ask civil society actors and relevant public bodies, non-governmental organizations, religious groups, community-based organizations and Disabled Persons Organizations for information about persons with disabilities and their location.
- Involve persons with disabilities in Participatory Assessments and other assessments.
- Use Multi Functional Teams to collect data on persons with disabilities.
- Share relevant data with partner agencies for follow up, ensuring confidentiality.
- Disaggregate all findings by age and sex.

## **Establish referral systems**

Develop effective referral systems, to ensure that the specific needs and rights of persons with disabilities are met, in partnership with local organizations, Disabled Persons Organizations, women's groups, older persons' associations, faith-based organizations, community-based organizations, and Government partners.

### **action**

- Create an effective referral system by mapping who can do what, where, when and how, in liaison with Disabled Persons Organizations, government agencies, relevant international and local organizations, or other service providers.

## **Raise awareness and provide a supportive environment**

Attitudes of family members, caregivers and members of the community may contribute to the marginalisation of persons with disabilities. This should be addressed through awareness-raising initiatives that are culturally appropriate.

### **action**

- Emphasise the rights of persons with disabilities in all information activities.
- Involve family members and caregivers in outreach activities, information campaigns and other communication initiatives, and in planning support, where appropriate.
- Appoint a staff member to monitor disability issues and ensure that team members and colleagues are sensitive to the importance of including refugees with disabilities and avoiding discrimination. Ask partners to do the same.

## **Ensure physical security: prevent and respond to Sexual and Gender Based Violence (SGBV) and other forms of exploitation and abuse**

Women, children, and older persons with disabilities, those who depend on caregivers or who have limited mobility, and those “hidden” (and possibly even physically restrained) because of cultural stigma, are especially vulnerable to sexual and other forms of exploitation and abuse. In addition, sexual and gender based violence increases vulnerability to HIV/ AIDS. Unfortunately, persons with disabilities are particularly likely to be overlooked when SGBV prevention and response programmes are designed and implemented. Legal, HIV/ AIDS and reproductive health services are frequently inaccessible to them or do not take their needs into account. These issues need to be addressed in a systematic manner.

### **action**

- Work with all partners to identify<sup>6</sup> and establish a system to monitor persons at heightened risk and integrate persons with disabilities throughout SGBV prevention and response mechanisms.
- Inform and train persons with disabilities, as well as their families and caregivers, on how to recognize, avoid and report instances of violence, exploitation and abuse.

## **Make education inclusive**

All children are able to learn. However, because of stigma and other factors, children with disabilities are often not enrolled in school. Where this is so, specific action is needed to encourage families and community members to send all children to school. Schools may also need to adapt, both to provide physical access to children with disabilities and to welcome and include them.

### **action**

Make education accessible for all:

- Include children with disabilities in all outreach activities.
- Identify children with disabilities who do not attend school.
- Discuss the need for inclusive education with teachers and children and community-based groups.
- Identify barriers to school attendance for children with disabilities and agree at community level on actions to remove them.
- Adapt the physical environment in schools so that is fully accessible to all.
- Discuss with teachers how they can manage diverse classes; adapt the curriculum and involve education advisors as necessary.
- For children with severe disabilities who require individual or specialized support, investigate the availability of local specialized services.
- Involve school children as key agents of change. Consult them and monitor their participation in school. Address any issues arising.

## **Use appropriate information, dissemination and communication**

Ensure that information is accessible. Use appropriate forms of communication, and clear messaging. For example, use simple language to communicate with persons who have an intellectual disability, sign language for deaf persons, picture formats and visual demonstration for those who cannot hear well, and radio and spoken communication for those with visual impairments.

### **action**

- Prepare key messages, particularly those specifically targeting persons with disabilities, in multiple and appropriate formats.

## **Make distribution food and non-food items suitable**

Distribution mechanisms should include everyone and be accessible to everyone. In practice, distributions often exclude persons with disabilities who may find it impossible to carry heavy food parcels, reach distribution points, or wait there for extended periods. Non-food items may not be useable due their size or shape; food may also fail to meet specific nutritional needs or may be difficult to chew or swallow. Additional non-food items may be necessary (such as extra blankets or other items).

### **action**

- Involve persons with disabilities in programme design and delivery; ensure distributions are accessible and appropriate.
- Consider separate queues, transport support, smaller parcels, or door-to-door distribution.
- Consult persons with disabilities when deciding what items should be included in distributions and ensure that distributions reach persons with disabilities.
- Monitor the distribution of food and non-food items to persons with disabilities to detect and address any exploitation, extortion or other discrimination and abuse.



## **Make reunification and durable solutions inclusive**

Many persons with disabilities depend on support from others, including personal assistance or caregiver support, interaction or communication. Support persons can include family members, personal assistants, caregivers, interpreters, host families, friends, or transitional support providers. Separation from a support person can severely affect the physical and psychosocial well-being and independence and increase the risk of abuse, discrimination or neglect. This is particularly relevant when durable solutions are determined. At the same time, the choice of a durable solution for someone who has a disability should not depend on the situation of his or her caregiver(s).

### **action**

- Consult persons with disabilities on their reunification and durable solution wishes.
- Avoid separation from family members and support persons.
- Prioritise persons with disabilities in reunification efforts and include their caregivers in reunification activities. Ensure that durable solutions respect the rights to family life and to live independently in the community.

## **Make shelter, housing and offices accessible**

When adapting or constructing temporary or permanent housing, relief structures, or UNHCR facilities, involve persons with disabilities in the design or modification. Prevent risk of injury by eliminating obstacles at water points, latrines, schools, medical facilities, workplaces, and service points. Consult persons with a variety of disabilities to ensure risk mapping is comprehensive. Provide lighting in public areas, install hand rails with stairs, and construct ramps on buildings to improve access and safety. All new constructions should apply principles of universal design<sup>7</sup> and accessibility for all.

### **action**

- Ensure that infrastructure and accommodation are safe, accessible, and appropriate.
- Involve persons with disabilities in design and delivery of infrastructure support, consult persons with disabilities on specific needs.
- Work with persons with disabilities and construction partners to ensure that both temporary and permanent housing are accessible.
- Ensure all construction builds in accessibility for persons with disabilities, to avoid expensive changes later.
- Ensure housing conditions do not isolate persons at home or in the community or contribute to isolation or exclusion.

## **Make transportation accessible**

Provide or facilitate access to transportation for persons with disabilities, so they can access registration and other services. Establish strict criteria for the payment of transport fees from the beginning, granting subsidies only to those who otherwise do not have access. When providing transport for refugees, make sure it is safe, suitable and inclusive.

### **action**

When transporting or facilitating transport, always:

- Ask persons with disabilities first whether they need assistance before attempting to assist them.
- Consult persons with disabilities on their transport needs.
- Ask persons with disabilities to guide you on the best way to assist them.
- Do not separate persons with disabilities from their assistance devices, personal assistants, adaptive aids or medication.

# key resources

- The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol (2006), at: <http://www.un.org/disabilities>
- UNHCR, Conclusion on Refugees with Disabilities and Other Persons with Disabilities Protected and assisted by UNHCR, No. 110 (LXI) – 2010, at: <http://www.unhcr.org/refworld/docid/4cbeaf8c2.html>
- UNHCR, IOM/030-FOM/032/2008 - The Convention on the Rights of Persons with Disabilities and its Optional Protocol (2008), at: <http://swigea56.hcrnet.ch/refworld/docid/47da535c2.html>
- UNHCR, Age, Gender and Diversity Policy, Working with People and Communities for equality and Protection (2011), at: <http://www.unhcr.org/refworld/docid/4def34f6887.html>
- Handicap International, Disability Checklist for Emergency Response (2010), at: <http://onerresponse.info/Disasters/Haiti/disabilities/Pages/default.aspx>
- UNHCR, Heightened Risk Identification Tool (HRIT) (2010), at: <http://www.unhcr.org/refworld/docid/4c46c6860.html>
- INEE, Pocket Guide to Inclusive Education (2010), at: [http://www.ineesite.org/index.php/post/inclusive\\_ed\\_pocket\\_guide](http://www.ineesite.org/index.php/post/inclusive_ed_pocket_guide)
- Women's Commission for Refugee Women and Children, Resource Kit for Field Workers (2008), at: <http://womensrefugeecommission.org/programs/disabilities>
- Handicap International, Toolkit on Protection of Persons with Disabilities (2008), at: <http://ph.one.un.org/response/clusters/specificneeds/index.php>

- Save the Children et al., Action for the Rights of Children (ARC), ARC resource pack: Critical issue module 3 - Children with disabilities (2009), at: <http://www.unhcr.org/refworld/docid/4b55d0c32.html>
- UN et al., Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities (2007) at: <http://www.un.org/disabilities/documents/toolaction/ipuhb.pdf>
- Inter-Agency, Convention on the Rights of Persons with Disabilities: Advocacy Toolkit (2008), at: <http://www.unhcr.org/refworld/docid/497f04592.html>
- Refugee Studies Centre, Forced Migration Review No. 35, Disability and Displacement (2010), at: <http://www.unhcr.org/refworld/docid/4c68d9992.html>
- UN Committee on the Rights of the Child, General comment no. 9: The rights of children with disabilities (2007), at: <http://www.unhcr.org/refworld/docid/461b93f72.html>
- North Dakota Center for Persons with Disabilities, Communicating Effectively with Persons who Have Disabilities, at: <http://www.labor.state.ny.us/workforcenypartners/forms/communication.pdf>
- WHO, Community Based Rehabilitation Guidelines (2010), at: <http://www.who.int/disabilities/cbr/guidelines/en/index.html>
- WHO/ World Bank, World Report on Disability (2011), at: [http://www.who.int/disabilities/world\\_report/2011/en/index.html](http://www.who.int/disabilities/world_report/2011/en/index.html)

## Websites

- <http://www.un.org/disabilities>

# endnotes

- 1 The focus of this note is on refugees, and this term is used throughout the document, but the guidance provided is applicable to asylum-seekers and, depending on the context, stateless and other persons and groups of concern to UNHCR.
- 2 See the Convention on the Rights of Persons with Disabilities and its Optional Protocol (CRPD), 2006.
- 3 See WHO/ World Bank, World Report on Disability Summary, 2011, p. 7.
- 4 All persons have a right to a nationality. Some nationality laws, however, explicitly discriminate against persons with disabilities, for example by excluding them from the right to acquire nationality through naturalization or through birth registration.
- 5 Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) is a composite term used to name groups of people who do not conform to the conventional or traditional notions of male and female gender roles in their societies.
- 6 This process can be assisted by using the Heightened Risk Identification Tool (HRIT).
- 7 See Article 2 of the CRPD. Universal design is defined there as “the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. ‘Universal design’ shall not exclude assistive devices for particular groups of persons with disabilities where this is needed”.

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