

# Human Rights in Disasters Information Sheet

## International Disaster Law project

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**International human rights law** is premised on the inherent dignity of each individual. As stated in the [Universal Declaration of Human Rights](#) (1948):

**Article 1:** All human beings are born free and equal in dignity and rights.

**Article 2:** Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

International human rights law is equally applicable in disasters. So local, regional and national authorities have the responsibility to protect, respect and fulfil the human rights of all those affected by disasters.



Image: Niki Clark (IFRC)

### International, regional and national law

Human rights law can originate at the international, regional and national level. For example:

- **Global:** UN Convention on the Rights of the Child (1989)
- **Regional:** European Convention on Human Rights & Fundamental Freedoms (1950)
- **National:** constitutional, legislation, caselaw can all provide protections for individuals

### Key human rights protections in disasters:

The UN Inter-Agency Standing Committee (IASC) [Operational Guidelines on the Protection of Persons in Situations of Natural Disasters](#) (2011) highlights four groups of key human rights in need of protection in disasters:

- ❖ Protection of life, security and physical integrity, and family ties.
- ❖ Protection of rights related to the provision of food, health, shelter and education.
- ❖ Protection of rights related to housing, land and property, livelihoods, secondary and higher education.
- ❖ Protection of rights related to documentation, movement, re-establishment of family ties, expression and opinion, and elections.

The UN Committee on Economic, Social & Cultural Rights [General Comment 12](#) also stresses that states have “a core obligation to take the necessary action to mitigate and alleviate hunger [...] even in times of natural or other disasters.” If a state cannot fulfil its minimum core obligations towards those in need, it has an obligation to accept or request assistance from other states.

### Derogations and limitations

International human rights law recognises that in times of public emergency, certain human rights may be derogated from or limited. For example, during a disease pandemic, it may be necessary to place restrictions on public gatherings (right to freedom of assembly) to minimise the potential spread of contagious diseases. However, certain fundamental guarantees, such as the prohibition against torture, remain applicable at all times.

For more information, see: <http://disaster-law.ucc.ie>

## International Human Rights Law

Supplementing the general provisions on human dignity, equality and non-discrimination, specific international legal provisions expressly address situations of disasters. Examples include:

**Right to life:** The European Court of Human Rights has ruled that states have an obligation to take appropriate steps to safeguard the lives of those within their jurisdiction in the context of disasters. See for example: *Öneryildiz v. Turkey*<sup>1</sup> and *Budayeva & others v. Russia*.<sup>2</sup>

**Right to an adequate standard of living:** The [International Covenant on Economic, Social & Cultural Rights](#) (1966) protects:

“the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” [article 11(1)]

**Right to adequate housing:** The UN Committee on Economic, Social & Cultural Rights [General Comment 4](#) (1991) states:

“Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as [...] victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere.” [para.8(e)]

**Protected groups:** The UN [Convention on the Rights of Persons with Disabilities](#) (2006) sets 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.” [article 11]

<sup>1</sup> *Öneryildiz v. Turkey*, ECtHR, Application 48939/99, judgment of 30 November 2004.

<sup>2</sup> *Budayeva & others v. Russia*, ECtHR, Applications 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02, judgment of 20 March 2008.

<sup>3</sup> The Sphere Project, [Humanitarian Charter and Minimum Standards in Humanitarian Response](#) (3<sup>rd</sup> ed, 2018, second draft for consultation)

## Relevant International Standards & Guidelines

In addition to binding international human rights law, a wide range of authoritative and persuasive provisions relating to the protection of human rights in disasters have been developing in recent years. For example:

### ILC Draft Articles on the Protection of Persons in the Event of Disasters (2016)

#### Article 4: Human Dignity

The inherent dignity of the human person shall be respected and protected in the event of disasters.

#### Article 5: Human Rights

Persons affected by disasters are entitled to the respect for and protection of their human rights in accordance with international law.



Image: Talia Frenkel (American Red Cross Society)

### Sphere Handbook (2018 edition)<sup>3</sup>

“The [Humanitarian Charter](#) expresses our shared conviction as humanitarian agencies that all people affected by disaster or conflict have a right to receive protection and assistance to ensure the basic conditions for life with dignity ... we summarise these rights as follows:

- The right to life with dignity.
- The right to receive humanitarian assistance.
- The right to protection and security.”

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