

## AUSAID: COMISSIONED RESEARCH PROPOSAL – REVISED AUGUST 2011

<b>PROPOSAL TITLE</b>	Protection of Refugees with Disabilities in Camp Situations	
<b>PROPOSAL PRINCIPAL INVESTIGATOR/S</b>		
Dr Mary Crock	Professor, Faculty of Law The University of Sydney	<i>Project Coordinator and Principal Investigator</i>
Ron McCallum	Emeritus Professor, Faculty of Law The University of Sydney	<i>Principal Investigator</i>
Dr Ben Saul	Associate Professor, Faculty of Law The University of Sydney	<i>Principal Investigator</i>
<b>PROPOSAL MANAGING INSTITUTION</b>		
Sydney Centre for International Law Sydney Law School Building F10, Eastern Ave The University of Sydney NSW 2006 Contact person: Prof Mary Crock <a href="mailto:mary.crock@sydney.edu.au">mary.crock@sydney.edu.au</a> Tel: (02) 9351 0289		
<b>TOTAL FUNDING REQUESTED</b> \$356,421		
<b>DURATION OF FUNDING</b> 3 years		
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<b>PROJECT SUMMARY / ABSTRACT</b>		
Millions of displaced persons worldwide live with disabilities under difficult conditions in refugee camps, urban settings, or internal displacement situations. Little is known about their actual number, their experiences and needs, and the levels of protection and assistance afforded to them. Against this background, this project will:		
<ol style="list-style-type: none"> <li>1. Investigate and analyse the range of processes by which persons with disabilities are identified, and their needs assessed, for protection and assistance purposes in refugee camps or urban settings (including where there are failures to identify such persons or their needs);</li> <li>2. Evaluate the extent to which the delivery of services and the provision of legal protection to refugees with disabilities in camps or urban settings is consistent with international legal standards and ‘soft law’ principles;</li> <li>3. Examine the capacity of refugees with disabilities to access resettlement procedures and outcomes (or other durable solutions such as local integration and repatriation); and</li> <li>4. Draw conclusions and make recommendations as to standards of ‘best practice’ for the identification, needs assessment, and the provision of assistance, protection and resettlement to refugees with disabilities in camps or urban settings.</li> </ol>		
The project will achieve these aims by conducting (a) a desk review of existing research and standards, combined with (b) qualitative fieldwork in five countries with significant refugee populations (most of which are sources of offshore refugee resettlement to Australia, or transit countries for asylum seekers coming to Australia): three Asian countries (Indonesia, Malaysia and Bangladesh), one Middle Eastern (Jordan), and one African (Uganda).		

## BACKGROUND AND JUSTIFICATION

### 1) Problem statement

The World Health Organization estimates that 2.9 per cent of the world's population is severely disabled and a further 12.4 per cent has moderate long-term disability.<sup>1</sup> In 2010 the number of refugees, displaced persons and other persons of concern to UNHCR was estimated at 36.5 million.<sup>2</sup> Together, these statistics suggest that there may be at least 5.5 million displaced persons with disabilities worldwide. That is probably a conservative estimate because it does not take into account less severe disabilities. Having a disability has significant impacts on the experiences and quality of life of refugees and other displaced persons. The identification of refugees with disabilities, the assessment of their needs, the provision of protection and assistance to them, and their opportunities for durable solutions (including resettlement) are all fundamentally important to ensuring their international human rights are respected. There is comparatively little research available on each of these issues.

### 2) What is known already about this problem and its causes?

The scant evidence available indicates that having a disability adversely impacts on the experiences of refugees. Some persons with disabilities are left behind while their families flee; others become disoriented during their journey and become separated from families. If they reach refugee camps, in programs to assist refugees, persons with disabilities may not be registered or counted in data collection exercises. They are often excluded from basic services (relating to food and nutrition, water and sanitation, shelter, and medical care, including specialist services); and are typically overlooked in leadership and management structures. They are particularly vulnerable to neglect or abuse. Persons with disabilities may also have trouble in articulating their asylum claim,<sup>3</sup> accessing information on how to seek protection, and in being selected for resettlement programs.<sup>4</sup> Refugees with disabilities in camps tend to fare better than urban refugees; physical and sensory disabilities are often better recognised and accommodated than mental disabilities; and some innovative programs for refugees with disabilities have allowed such beneficiaries to live independent and dignified lives.<sup>5</sup>

The coming into force of the *UN Convention on the Rights of Persons with Disabilities* (CRPD)<sup>6</sup> in 2008 brought greater attention to the human rights of persons with disabilities, including as they apply in human migration. In 2010, the **Executive Committee of UNHCR** ('EXCOM') published its *Conclusion on refugees with disabilities and other persons with disabilities protected and assisted by UNHCR*,<sup>7</sup> which seeks to focus attention on the distinctive needs of refugees with disabilities and the need to develop procedures for identifying needs, improving services, and making resettlement more accessible. The EXCOM Conclusion recognises that:

- the specific needs of persons with disabilities are often overlooked, especially in the early phases of humanitarian emergencies, and that they, particularly women, children and older persons with disabilities, are exposed to discrimination, exploitation, violence, and sexual and gender-based violence, and may be excluded from support and services;
- children with disabilities are at a greater risk of abuse, neglect, abandonment, exploitation, health concerns, exposure to the risk of longer term psycho-social disturbances, family separation and denial of the right to education;

- services and facilities, including assistance programmes and protection, may be inaccessible to persons with disabilities; and
- refugees with disabilities may be excluded from support and services when repatriating and often have fewer opportunities for other durable solutions, namely local integration and resettlement.

The EXCOM Conclusion makes a number of recommendations that relate to:

- providing sustainable and appropriate support to refugees with disabilities;
- raising awareness of disability issues and providing training on their needs, rights and capabilities of persons with disabilities;
- ensuring swift and systematic identification and registration of refugees and other persons with disabilities, with particular attention to those who cannot communicate their own needs, in order to identify their protection and assistance needs;
- including refugees and other persons with disabilities in relevant policies and programmes and providing access to services;
- ensuring the participation of refugees and other persons with disabilities through appropriate consultation in the design and implementation of relevant services and programmes;
- communicating information, procedures, decisions and policies appropriately to ensure that these are accessible and understood by refugees and other persons with disabilities;
- enabling children and youth with disabilities to access appropriate protection, assistance and education, and to ensure the inclusion of women and girls with disabilities, protected and assisted by UNHCR, in programmes to prevent and respond to sexual and gender-based violence and other forms of exploitation; and
- ensuring that refugee status determination and all other relevant procedures are accessible and designed to enable persons with disabilities to fully and fairly represent their claims with the necessary support.

The EXCOM Conclusion also requests UNHCR to include disability awareness in its policy guidelines and training programmes and to ensure that relevant policies, guidelines and operating standards for UNHCR staff and implementing partners are in line with the Conclusion. As of yet, no revised standards have been released. EXCOM has also published a report on the difficulties older people with disabilities face in accessing humanitarian protection.<sup>8</sup>

One of the few empirical studies of refugees with disabilities is the June 2008 report of the **Women's Commission for Refugee Women and Children**, 'Disabilities among Refugees and Conflict-Affected Populations'.<sup>9</sup> The report canvasses some of the challenges facing persons with disabilities in refugee camps and other communities of displaced persons. These challenges include:

- *Inadequate needs assessment*: in some countries, there was no evidence of any kind of systematic assessments of person with disabilities. In no countries did refugee

with disabilities receive individual, comprehensive assessments of all their medical, psychological, educational, training and livelihood needs.<sup>10</sup>

- *Problems with physical access:* almost all the refugee situations surveyed identified problems with the physical layout and infrastructure of the refugee camps or settlements. Refugees with disabilities had difficulty in physically accessing shelters, food distribution points, water points, latrines and bathing areas, schools, health centres, camp offices and other community facilities.<sup>11</sup>
- *Poor access to food and nutrition:* refugees with disabilities were not prioritised in food distribution systems and did not receive additional or special food rations. In Yemen, it was reported that persons with impaired vision often lost some of their food ration as it was stolen by other (sighted) refugees.<sup>12</sup>
- *Lack of specialised health care, psychosocial support and counselling services:* health services in refugee camps did not cater to the specific needs of refugees with disabilities; there were no specialised doctors or therapies, and specialised medicines and treatment were limited.<sup>13</sup> Many refugee situations did not have psychosocial programs available, and none of those that did provided specific support to refugees with disabilities.<sup>14</sup>
- *Limited opportunities for participation and community inclusion:* persons with disabilities were effectively excluded from opportunities to be involved in camp management structures and community leadership.<sup>15</sup>
- *Heightened protection risks:* troublingly, there was little available information on the protection risks faced by refugees with disabilities. Evidence collected in interviews suggested that they were at heightened risk of discrimination, stigmatisation, harassment, neglect and exclusion. Evidence suggested that women with disabilities were exposed to the risk of sexual violence, domestic abuse and physical assault.<sup>16</sup>
- *Lack of clear policies or information about durable solutions:* the report identified great confusion surrounding resettlement policies for refugees with disabilities.<sup>17</sup>

EXCOM has also published a report on the difficulties that older people with disabilities face in accessing humanitarian protection.<sup>18</sup> In Australia, the federal Parliament's Joint Standing Committee on Migration has considered the situation of refugees with disabilities through its 2010 Inquiry into the Migration Treatment of Disability. The Committee recommended that offshore refugee visa applicants with disabilities be given the opportunity to apply for a waiver of the health test on compelling or compassionate grounds.<sup>19</sup>

A number of **guidelines and resource kits** have been developed concerning persons with disabilities in humanitarian emergencies (although not refugee populations in particular). These are relevant insofar as they deal with broader questions of humanitarian displacement and mass population flows, and can be drawn upon in developing solutions that are tailored specifically to the requirements of refugees with disabilities.

- The Age and Disability Task Force is a coalition of civil society organisations that was established to ensure that ageing and disability concerns are mainstreamed into the emergency and early recovery response to the Pakistan floods.<sup>20</sup> The Task Force notes the practical difficulties that persons with disabilities face in finding shelter, accessing transport, and obtaining documentation, as well as their heightened risk of being subjected to violence or abuse.<sup>21</sup> It also observes that there is insufficient data on persons with disabilities and, in an emergency, access to medication or specific equipment can be interrupted.<sup>22</sup> The Task Force has developed a series of recommendations for enhancing protection of persons with disabilities,<sup>23</sup> improving the availability of data on such persons,<sup>24</sup> and better accommodating their health

requirements.<sup>25</sup>

- Handicap International has published a Disability Checklist for Emergency Response.<sup>26</sup> This checklist sets out General Guidelines for the protection and inclusion of injured persons with disabilities, the core elements of which are: non-discrimination and inclusion; identification, location, registration and follow-up; the mainstreaming of disability into needs assessment; consultation; access to information; and awareness-raising. The checklist also provides guidance on meeting the requirements of persons with disabilities in the following areas: health and nutrition; water and sanitation, protection; reconstruction and shelter; livelihoods; and education.
- In the wake of the floods of 2004 in Bangladesh, Handicap International also developed guidelines on How to Include Persons with Disabilities in Disaster Management.<sup>27</sup> These provide guidance on ensuring that persons with disabilities are included across the three stages of disaster management: preparedness; immediate response; and construction and mitigation.
- Oxfam has developed a training manual for development and humanitarian organisations, titled 'Disability, Equality and Human Rights'.<sup>28</sup> Of particular relevance to our proposal are part 2 (a training module in disability equality) and chapter 4 of part 1 (guidelines for good practice).

Action for the Rights of Children (ARC) has developed the ARC Resource Pack, a capacity-building tool for child protection in and after emergencies.<sup>29</sup> The Resource Pack aims to build the knowledge and skills of those working in emergency and post-emergency contexts, so as to improve child protection programming, practices and interagency collaboration. It draws on the principles of international human rights law, humanitarian law and refugee law.<sup>30</sup> Children, like persons with disabilities, are a vulnerable group. Accordingly, many of the approaches and principles expounded in the Resource Pack will be relevant to the development of guidelines concerning persons with disabilities in situations of humanitarian need.

### 3) What are the gaps?

To date, very little reliable data has been collected on the incidence of disability among refugee populations.<sup>31</sup> We do not know, for instance, whether disability is more common within refugee populations than it is within the global population as a whole. One can speculate that disability rates might be especially high among refugees because conflict, poverty and other drivers of forced migration can also be responsible for physical, mental, intellectual or sensory impairments.<sup>32</sup> On the other hand, rates might be lower insofar as having a disability impedes a person's ability to flee his or her country of origin in the first place.<sup>33</sup> At this stage, we simply do not have the data to be able to reach a reliable conclusion. The data on numbers and types of disabilities is poor because information is often inaccurate or is not recorded by governments or relevant agencies, and/or varies between bodies (which may lack expertise).

We also have limited knowledge of the protection risks facing persons with disabilities, which might include discrimination, stigmatisation, harassment, neglect, exclusion, abandonment, sexual abuse, violence and trafficking. We might assume, although it has not yet been empirically confirmed, that these risks are compounded when persons with disabilities also fall into other categories of vulnerable persons, such as women and girls.<sup>34</sup> The experience of refugees with disabilities in the process of applying for resettlement in third countries (either through UNHCR or resettlement countries) is also relatively

uncharted.

In the absence of adequate information on the incidence and types of disabilities amongst refugees, governments and humanitarian assistance providers lack the knowledge base to appropriately assess and respond to their material and legal protection needs. If policies are to be targeted and effective, policymakers must have reliable data on how many persons have disabilities, what forms of disability that are most prevalent, and the risk factors and requirements that flow from those disabilities. Article 31 of the CRPD – headed ‘statistics and data collection’ – requires States Parties to ‘collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention’. This provision is the first of its kind so far as international human rights treaties are concerned, and recognises that accurate and reliable data is vital to effective policy design and delivery.

Further, while there are various agency and international standards available addressing refugees with disabilities, key research questions remain to be answered in concrete refugee camp situations: whether and to what these standards are deployed (or not) in practice; the quality and appropriateness of those standards when applied; the relative sensitivity or insensitivity of standards to different kinds of disabilities, and in different refugee situations; the compatibility of needs-based approaches with the CRPD’s rights-based approach; and the overall alignment of standards or practices with the CRPD.

#### **4) Why is it important to fill the gaps?**

The empirical, multiple case-study based evidence that this project will collect, and analyse in the context of existing published research, is essential in understanding how refugees with disabilities experience refugee camps situations and resettlement processes. From that starting point, this project will aid in developing evidence-based policy and best practice guidelines for dealing with refugees with disabilities, whether by host governments, UNHCR, humanitarian organisations providing assistance, or resettlement countries. It will also provide advocacy tools for disability NGOs to pressure for wider improvements. Without such policies and guidelines, refugees with disabilities will continue to slip through the cracks and not receive the essential services and support they require.

Further, the recommendations and guidelines developed by this project will assist States Parties to the CRPD to ensure that their policies for dealing with refugees with disabilities are in compliance with their international human rights obligations. In the context of international disability law, the timing of this project is opportune. The CRPD has now been in force for three years, during which time it has generated a growing international profile and amassed considerable goodwill. The rate at which States Parties have moved to ratify the instrument is second only to the ratification rate of the Convention on the Rights of the Child. As Kayess and French have observed, ‘[t]he international community has... received the CRPD with unprecedented early enthusiasm’.<sup>35</sup> The Committee on the Rights of Persons with Disabilities – the treaty body that oversees States Parties’ compliance with the CRPD – has now begun its work in earnest, having issued its first set of concluding observations in April 2011.<sup>36</sup> States Parties are now beginning to look seriously at the precise nature of the obligations that the CRPD imposes upon them across a range of policy areas. The CRPD will be a key frame of reference for analysing the adequacy of the laws, policies and practices that we identify through our fieldwork and desktop research into persons with disabilities.

## 5) This Project and AusAID's Development for All initiative

As a party to the CRPD, Australia has committed to advancing the rights of all persons with disabilities to dignity and equality of treatment. AusAID's 'Development for All' initiative aims to enhance the disability-inclusiveness of Australia's aid program by 2014.<sup>37</sup> The initiative acknowledges that people with a disability have often been excluded – even inadvertently – in development processes and programs, and seeks to integrate sensitivity to disability into all aspects of Australia's development assistance, including humanitarian assistance (such as its offshore humanitarian program).

This project aligns with many of the initiative's Guiding Principles, which seek to recognise and respect rights, including by improving quality of life and enabling people with disabilities to experience equal opportunities for participation and wellbeing. The project will consider the need for both disability *inclusive* and disability *specific* measures that can improve the experience of refugees with disabilities by developing standards for needs identification, protection and resettlement.

The initiative also seeks respect and understanding of diversity, recognising that the lived experience of disability differs according to context (such as by age or gender). This project aims to identify the distinctive experiences of different groups of refugees with disabilities (such children, single heads of households the elderly, and those with mental disabilities). This will assist in formulating standards and practices for accommodating their needs. It will also further AusAID's aim of reducing preventable impairments by promoting procedures for identifying the factors which increase rates of disability in refugee populations and means of mitigating such factors through more sensitivity in camps and resettlement procedures.

The initiative promotes partnerships between government bodies and NGOs to ensure effective disability-inclusive development. This project will rely on communication with UNHCR and the CRPD, with whom the Principal Investigators hold close ties. As part of its fieldwork it will also consult local organisations and medical personnel who assist refugees with disability.

Finally, most of the refugee camp host countries in this project are CRPD signatories and this project will assist them in fulfilling their obligations towards refugees with disabilities. The research will also assist Australia to tailor its offshore humanitarian resettlement program to address disability issues.

## OVERALL AIM

This project will assess the extent to which refugee camp processes and practices concerning: (1) identification and needs assessment, (2) humanitarian assistance and legal protection, and (3) resettlement are sensitive to the vulnerabilities, needs, and human rights of refugees with disabilities. It seeks to identify shortcomings in such procedures and recommend standards for assisting, protecting, and resettling refugees with disabilities.

## OBJECTIVES

This project will provide a detailed, qualitative empirical study of the key processes, procedures, policies, practices and standards affecting refugees with disabilities. In particular, the project will examine the following core issues:

**1. Identification and Needs Assessments of Refugees with Disabilities:** The project will first examine the adequacy of existing policies, processes and practices for identifying the incidence of refugees with disabilities; the different types of disabilities experienced and

how they were acquired; and different processes used (or not used) for assessing disability needs as a precondition for the provision of disability specific services.

**2. Humanitarian Assistance to and Legal Protection of Refugees with Disabilities:** The project will then investigate the operational delivery of (a) material assistance (such as food, water, sanitation, shelter, medical care, education and so on) and (b) legal protection (against discrimination, violence, harassment and so on) to refugees with disabilities. These will be assessed against CRPD rights and relevant standards, guidelines, policies and national laws.

**3. Third Country Resettlement Processes and Refugees with Disabilities:** Having regard to the above processes (identification, needs assessment, material assistance and legal protection); and the resettlement procedures of UNHCR and resettlement countries, the project will consider the capacity of refugees with disabilities to access and achieve resettlement (or other durable solutions such as local integration and repatriation). A particular focus will be Australia's offshore Refugee and Humanitarian Program,<sup>38</sup> including formal barriers to resettlement<sup>39</sup> or informal ones (such as lack of resources or expertise).

**4. Analysis and Formulation of Best Practice Guidelines for Refugees with Disabilities:** Finally, the project will provide recommendations and guidelines for best practice policies, procedures and tools for better protecting the rights of refugees with disabilities at all stages: identification, needs assessment, assistance and protection, and resettlement or other durable solutions, and different methods for the participation of refugees with disabilities in decision-making and service delivery.

The recommendations will be sensitive to the needs of sub-groups (such as children, women, the elderly, and refugees with mental disabilities) and to different contexts (such as refugee camps or urban situations; varying cultural norms; or different national systems).

## **METHODOLOGICAL APPROACH**

The project will proceed by conducting a desk-based review of existing research and standards in the area, combined with an empirical, fieldwork-grounded study of five countries which host significant refugee populations (camp and/or urban).

### **1. Desk-based analysis of existing research and standards**

The project will begin by evaluating the primary legal and policy tools of host authorities, resettlement countries and agencies such as UNHCR and NGO against the human rights standards set by the CRPD. These include relevant laws, policies, procedures, practices, manuals, guidelines, assessment tools and standards, as well as evaluation studies concerning refugees with disabilities.<sup>40</sup> Relevant secondary sources will also be studied, including literature on the intersection between displacement and disabilities; country information on the refugee situations in the five countries; and other analytical studies.

The project will also examine third country resettlement laws and policies with a view to identifying best practices. Some countries, for example, have quota systems which require them to resettle a certain number of displaced persons with disabilities every year.

### **2. Qualitative fieldwork in refugee camps in five host countries**

The desk-based study of primary and secondary materials will be tested against practice through qualitative field work on refugees with disabilities in five countries: Indonesia (hosting mainly 'secondary movement' Afghan, Iraqi and Sri Lankan refugees and asylum seekers); Malaysia (with a very large number of Burmese refugees, plus out of region asylum seekers); Bangladesh (with significant numbers of Burmese refugees); Uganda (with a large number of refugees from the Democratic Republic of the Congo, Somalia and the Sudan); and Jordan (with a large number of Iraqi and Palestinian refugees, and smaller numbers of

other asylum seekers).

This combination of countries has been selected because these countries:

- (1) each have a significant refugee or asylum seeker population, and between them host refugees from diverse countries of origin;
- (2) together host refugees in diverse conditions (such as temporary or protracted camp situations, urban refugees, or transit populations), so that the project can differentiate the different experiences of refugees with disabilities;
- (3) have not been the focus of existing comparative studies in the area;
- (4) are geographically diverse (Asia, Middle East, and Africa) so that the results of this project are likely to be highly generalisable;
- (5) are either sites for resettlement to Australia<sup>41</sup> or are transit countries for asylum seekers coming unauthorised to Australia; and
- (6) reflect different levels of formality in procedures and adherence to international standards, different levels of engagement by NGOs, and different developmental and political conditions.

Before the fieldwork is commenced, contact will be established via email and telephone with collaborative partners on the ground, including disabled persons' organisations. These organisations will be identified using the researchers' connections in the field (see 'Project Team', below) as well as indirectly through organisations such as UNHCR, which maintains an online database of its collaborative partners. Short scoping visits of between 7 and 10 days will then be undertaken to make face-to-face contact with these partners and to refine the parameters of qualitative research that will take place. The scoping visits will be an opportunity to identify with greater precision the number of persons with disabilities and variety of disabled persons' organisations operating on the ground, and to devise means of maximising their participation (for example, determining how persons with disabilities that affect their mobility can be transported to focus group locations). This will aim to ensure that the study is inclusive of as wide a range of persons with disabilities as possible.

The fieldwork research methods will primarily involve semi-structured interviews in the qualitative tradition. Approximately 60 participants will be interviewed in each of the five countries in this study. The interviewing will involve a 'grounded theory' approach,<sup>42</sup> utilising semi-structured, open questioning designed to elicit responses from interviewees on the key research issues. The questions will vary according to the interviewee and context and will be developed in the light of the findings of the research in progress, but will be based upon standard interview question sets developed in advance. Allowance will be made for divergence from the original interview plan on the basis of interviewee input, to ensure that we do not artificially pre-define field dynamics.<sup>43</sup> Interview subjects may be addressed individually or in small focus groups to enable observation of dialogue. Where interviews are not possible, questionnaires may be substituted. It is expected that interviews will take 45 minutes to one hour. Where possible, local NGOs and people with disabilities will be involved in the design and conduct of the research. The researchers have successfully used these qualitative interview techniques previously in researching socio-legal issues in the field in Australia,<sup>44</sup> Bangladesh,<sup>45</sup> and in Cambodia, Thailand and Laos.<sup>46</sup>

In conducting these interviews, priority will be placed on the need to ensure accessibility, which is a core principle of the CRPD and an obligation incumbent upon States under that instrument.<sup>47</sup> Consistent with the broad approach to accessibility taken under article 9 of the CRPD, all reasonable efforts will be undertaken to ensure that prospective participants have the maximum opportunity to participate in the study. This extends to maximising access to

the interview locations (and to transport to reach such locations), and ensuring that interviews are conducted in an accessible format (for example, by the presence of sign language interpreters in the case of persons who are deaf or severely hard of hearing, or by taking particular care to ensure that persons with intellectual disabilities understand the nature of the questions and of their participation in the study).

The key framework of assessment will be the CRPD (using its 'social' rather than 'medical' approach to disability, and its rights-based paradigm), in the context of refugee-specific standards (such as those set by UNHCR) and best practices developed by disability NGOs. This research is *not* designed to conduct quantitative analysis (for example, of the raw incidence of disabilities in refugee situations), nor does it address internal displacement.

### **Sample selection**

The qualitative, semi-structured interviews will be conducted with individuals or groups from key stakeholders, including governmental authorities, UN and other international agencies, donors, NGO service providers and advocacy groups, local organisations, and refugee groups (including camp management committees and other refugee-led organisations in camp or urban settings). The small focus groups would involve people with disabilities (including women, men, children, youth and older persons), caregivers of people with disabilities, and community or camp leaders. The project has identified the range of potentially relevant organisations in each country as follows: Malaysia,<sup>48</sup> Indonesia,<sup>49</sup> Bangladesh,<sup>50</sup> Jordan<sup>51</sup> and Uganda.<sup>52</sup>

The number of interviews conducted in each country will be determined in part by reference to the number of relevant organisations active in each country (in camp and/or urban settings) and the respective size of the refugee population. In all cases, the sample size will be sufficient to allow the research team to effectively assess the key research issues concerning refugees with disabilities. The diversity of views and opinions obtained will also allow the research team to formulate comprehensive and realistic standards of best practice.

Potential participants will be determined based on what position they hold at the relevant organisations, rather than randomly. Participation will be requested through a letter, email or telephone to potential participants. The project team already has extensive contacts through CI McCallum's work on the CRPD, the *Small Mercies, Big Futures* project and earlier work on refugee situations. In addition, UNHCR Geneva and UNHCR Canberra have both indicated their willingness to facilitate access in the field. Contact details for potential participants with which collaborations are not ongoing will be obtained from peak bodies such as Handicap International and the International Disability Alliance. All initial correspondence will outline the study purpose and the voluntary nature of participant involvement.

### **Data collection**

Interviews will be digitally recorded and written notes of interviews will also be taken. Accredited translators will be used where necessary, although a majority of the interviews with the stakeholders identified will be able to be conducted in English. Electronic files containing the interview notes will be stored on a password protected University-owned computer in a designated (locked) office at the Law School, and backed up on the Law School server. All electronic research material will be stored on CD Rom. Paper files will also be kept in a locked filing cabinet. All files will be stored for the 7 years required by University research protocols.

### **Data analysis**

All interviews will be transcribed, then coded, using NVivo qualitative data analysis software. Interviewers' impressionistic notes will accompany the transcription so as to record some sense of what is not said, and how it is said, alongside what is said.<sup>53</sup> The empirical data collected through the fieldwork will be analysed progressively but also comparatively in the light of successive fieldwork in the different countries. The research team is experienced in the qualitative socio-legal analysis and writing up of field notes. As noted earlier, a core frame of reference for analysing the interview material will be an assessment against CRPD standards, in the light of existing literature and the range of other standards, policies, procedures and practices at play in the field (including those proposed by disability NGOs). These techniques provide a rigorous and effective method for working through the research questions and drawing conclusions based on an integration of the field work with the desk-based research. Quantitative analysis is not part of this project.

## **EXPECTED OUTCOMES**

The project will identify how procedures, policies, practices and standards affect refugees with disabilities. In particular, the project will:

1. Assess the adequacy of existing policies, processes and practices for identifying the incidence of refugees with disabilities, types of disabilities, and needs assessments;
2. Critique the adequacy of the provision of (a) material assistance and (b) legal protection to refugees with disabilities;
3. Identify how the above processes and the resettlement procedures of UNHCR and resettlement countries affect the capacity of refugees with disabilities to access resettlement;
4. Provide recommendations and guidelines for best practice policies, procedures and tools for better protecting the rights of refugees with disabilities during all phases (identification, needs assessment, assistance and protection, and resettlement or other solutions, and methods for their participation in decision-making and service delivery).

In addition, the project will advance knowledge of the CRPD and disabilities, which may be relevant to other situations (such as internal displacement or natural disasters). Ultimately improved knowledge about the identification, assistance and protection, and resettlement of refugees with disabilities will benefit refugees themselves, whether by inducing behavioural change or providing evidence-based research which can be used in advocacy and reform.

## **ETHICS**

The academics on this project have a wealth of experience in conducting research in a sensitive and ethical manner. Approval for all fieldwork will be obtained from the University of Sydney's Human Research Ethics Committee, one of the most stringent ethics committees in Australia. The investigators have successfully negotiated ethical issues as complicated as any that are likely to arise in the course of this project. For example, Professor Crock's work on the Seeking Asylum Alone project involved interviewing unaccompanied children who were in the process of having their asylum claims determined and would, if unsuccessful, face deportation. The Sydney Human Ethics Committee will scrutinise very closely every aspect of the fieldwork that the project proposes, from the protocols for interviewing through to the questions asked and the way in which the research is conducted.

The research will be framed so as not to pose risks to participants. Participation in the interviews will be voluntary and have no bearing on the commercial or other interests of

participants (although the research may bring participants indirect benefits by helping to improve policies and programmes concerning refugees with disabilities).

Some interviews will be audio-recorded using a digital-recorder, but only if and when participants consent. Participants will be informed when audio recordings will commence and when they stop, and they can request the audio-recording devise to be switched off at any time during the interview. Interviews will be transcribed by a member of the research team.

The following extract from the Participant Information Statement clearly states that participants will be able to withdraw from the study at any time without penalty or prejudice:

Being in this study is completely voluntary - you are not under any obligation to consent and – if you do consent – you can withdraw at any time without affecting your relationship with The University of Sydney.

You may stop the interview at any time if you do not wish to continue, the audio recording will be erased and the information provided will not be included in the study.

If you take part in a focus group and wish to withdraw, as this is a focus group it will not be possible to exclude individual data once the session has commenced.

The confidentiality and privacy of participants will be ensured by using summarised information in all discussion and publication emanating from the research. No individual participant will be identifiable. Information collected from participants will be anonymised with the designation of numbers for each individual surveyed or interviewed. To minimise risk of harm to researchers, all researchers involved in overseas fieldwork will complete UNHCR risk management training. All field work will be carried out in accordance with the University of Sydney OHS Fieldwork Safety Guidelines and Safety Protocol.

Any concerns or complaints about the conduct of the research will be taken very seriously. Participants will be able to contact The Manager of Human Ethics Administration at the University of Sydney on +61 2 8627 8176 (Telephone); +61 2 8627 8177 (Facsimile) or [ro.humanethics@sydney.edu.au](mailto:ro.humanethics@sydney.edu.au) (Email).

## **DECLARATION OF ANY CONFLICT OF INTEREST**

Ron McCallum declares that he is Chair of the United Nations Committee on the Rights of Persons with Disabilities and therefore has an interest in the application of the UN Convention on the Rights of Persons with Disabilities (CRPD). This interest aligns with the stated objective of the research to consider the extent to which practices, policies and procedures in refugee camps conform to the CRPD as the framework of this research.

## **RESEARCH COMMUNICATION AND ENGAGEMENT STRATEGY**

The outputs of this research will include: (1) A major published research study at the end of the project, integrating the desk-based analysis, the fieldwork in five countries, and best practice guidelines and recommendations; (2) country-specific reports published soon after each country visit; (3) a series of scholarly journal articles addressing specific themes in the research (such as identification; assistance; protection; and resettlement); (4) the separate publication of best practice guidelines directed to specific audiences on specific issues. The outputs of this project will be made publicly available, distributed to key stakeholders, delivered at conferences, and disseminated on public websites such as that of the Sydney Centre for International Law. The research target three key audience groups:

**(a) Governments and donors:** This project will assist governmental decision-makers in the five fieldwork countries, Australia, and other refugee hosting or resettlement countries generally, by providing information on the needs and setting standards for the treatment of refugees with disabilities. This will facilitate compliance with countries' obligations under the CRPD and streamline refugee determination and resettlement procedures to ensure that those in the greatest need of protection are not neglected. The recommendations produced by this project will provide donors with a tangible basis for assessing the efficacy of the projects which they support and for setting conditions for their continued patronage. Governments can be influenced through not only the direct dissemination of the research but through their membership on human rights committees (especially the Committee for the Rights of Persons with Disabilities), UNHCR field offices, EXCOM, and through NGO pressure.

**(b) Intergovernmental agencies:** This project will be of benefit to UNHCR, including its headquarters in Geneva, its field offices, and the state parties of EXCOM. Other relevant agencies to benefit include UNICEF, UNDP, IOM, the Office of the High Commissioner for Human Rights, and United Nations human rights committees (such as the Committee for the Rights of Persons with Disabilities and the Human Rights Committee). These agencies are heavily involved in service delivery or implementation. Their understanding of the needs of refugees with disabilities and their compliance with best practice standards is critical to improving identification, assistance and protection.

**(c) Non-government organisations:** The project will assist a range of NGOs involved in the delivery of different services, infrastructure and other assistance to refugees with disabilities, by providing guidance on how the needs of such individuals can be assessed, and how the means of assisting and protecting them evaluated and improved. Not only country-specific or local NGOs, but larger global organisations such as Handicap International and the International Disability Alliance will be engaged by this research, including in the formulation of its approach, research strategies, and communication of results. These organisations, which play a large role in delivering services in humanitarian situations, will be encouraged to monitor compliance (and themselves comply) with the best practice standards identified in the project's outcome documents. Such organisations also play an important advocacy role in advancing the rights of people with disabilities (including in humanitarian situations), and can use this project's outcome documents as useful guidelines on appropriate standards of assistance, protection and resettlement. The results will be communicated in accessible formats.

The Principal Investigators have strong links with many of the above bodies, particularly UNHCR, NGOs, and UN human rights bodies (Professor McCallum, for example, is the Chair of the Committee for the Right of People with Disabilities; and an existing project, *Small Mercies, Big Futures*, already involves key partners such as UNHCR and others). Drafts of research in progress will be workshopped with relevant bodies during the project.

## COLLABORATION

The key partner will be the Law School at the University of Sydney. The Sydney Law School is a research-intensive faculty that consistently generates research of international acclaim. The Sydney Law School is noted for the volume, depth and diversity of its legal scholarship and publications, and is well-placed to provide strategic and logistical support for the project. The project concentrates on international law and so complements the strong international orientation of the Sydney Law School and of one of its leading research centres, the Sydney Centre for International Law. The Sydney Law School, situated in a new, state-of-the-art building, offers all of the facilities required, including world-class library facilities and the latest technical innovations. The project will involve UNHCR as the leading

collaborator. The Principal Investigators already have close ties with several high-ranking members of UNHCR, and have cultivated networks through their current *Small Mercies, Big Futures* project and through Professor McCallum's work with the United Nations Office for Human Rights. UNHCR will facilitate access to refugee camps in the five countries being visited. Its involvement will bolster the project's authority and assist with the distribution of all outcomes documents. The project will also rely heavily on the participation of key organisational partners of UNHCR in each of the five countries. The primary assistance these organisations can offer is in accessing camps and officials during the fieldwork visits. In particular, the project will collaborate with sectoral agencies which specialise in particular standards and services enunciated by the CRPD, such as education,<sup>54</sup> health,<sup>55</sup> work and employment (which in camps may be referred to as income generation or self-sufficiency),<sup>56</sup> and housing.<sup>57</sup> Finally, the project will collaborate with refugee camp management committees (where they exist).

## CAPACITY BUILDING

This project is primarily research focused and so is not specifically designed to conduct capacity building activities. However, the close involvement of the project team with the various collaborating organisations identified above will bring capacity building benefits. Organisations working in the field will gain exposure to the current state of knowledge in the area and future best practice directions identified by the research, which may assist those organisations in reassessing their own activities and approaches. The research outputs, particularly the guidelines and recommendations of the project, will provide tools for advocacy and law reform, as well as sources which can be readily adapted into training materials by organisations in the professional development of their or staff or partners. The project will also enhance the capacity of Sydney Law School in disability and refugee law.

## TIMELINE AND DELIVERABLES

### Year 1

- Complete desk-based review
- Conduct scoping trip to Indonesia and Malaysia (10 days)
- Conduct fieldwork in Indonesia and Malaysia (21 days)
- Draft and publish first fieldwork report
- Workshop results of research in progress with collaborating partners
- Draft and publish first thematic scholarly journal article
- Commence drafting final research study

### Year 2

- Conduct scoping trip to Bangladesh and Uganda (10 days)
- Conduct fieldwork in Bangladesh and Uganda (21 days)
- Draft and publish second fieldwork report
- Workshop results of research in progress with collaborating partners
- Draft and publish second thematic scholarly journal article
- Continue drafting final research study

### Year 3

- Conduct scoping trip to Jordan (7 days)
- Conduct fieldwork in Jordan (10 days)
- Draft and publish third fieldwork report

- Draft and publish third thematic scholarly journal article
- Workshop results of research in progress with collaborating partners
- Draft and publish customised recommendations and best practice guidelines
- Complete and publish final research study

## PROJECT TEAM

Professors Mary Crock and Ron McCallum and Associate Professor Ben Saul have collaborated extensively on projects in the past. Professor Crock and Associate Professor Saul are currently working together on an ARC project entitled *Small Mercies, Big Futures*, dealing with the experiences of child refugees. All are experienced researchers who have managed large research projects (including numerous ARC and AusAID funded projects) and have extensive fieldwork experience. All are known internationally and nationally as experts in their fields: Professor Crock in refugee law and public law; Professor McCallum in disability law and labour law; and Associate Professor Saul in international law, human rights and refugee law. CVs are attached.

The five fieldwork locations – Malaysia, Indonesia, Bangladesh, Uganda and Jordan – have been selected because of the combined contacts and experience of the Principal Investigators and their colleagues at the Sydney Law School. The Sydney Law School hosts the Centre for Asian and Pacific Law (CAPLUS). On the CAPLUS Management Committee is Dr Salim Farrar, a Senior Lecturer at the Sydney Law School, who is fluent in Bahasa Malaysia and an expert in **Malaysian** law. Dr Farrar has a strong interest in persons with disabilities in Malaysia and has already shared some of his knowledge of the subject with Professors Crock and McCallum. Another member of the Centre Management Committee is Dr Simon Butt, an ARC Postdoctoral Research Fellow who is fluent in Bahasa Indonesia and specialises in **Indonesian** law. Dr Butt has taught and worked in Indonesia and will be an invaluable source of information and contacts. In addition, Professor Crock has supervised an SJD thesis titled *Australian and Refugees in the Asia-Pacific* (by Elizabeth Biok), further reflecting the Sydney Law School's strengths as a centre of research of the laws of the Asia-Pacific region. Professor McCallum also has contacts in both of these countries by virtue of his association with DPOs in Australia such as Yooralla in Victoria.

In respect of the other three field locations, Professor McCallum's personal contacts in those countries will provide the project with access to those working with persons with disabilities on the ground. Professor McCallum has a strong personal connection with the former Vice-President of **Uganda**, who has contacts at the highest levels of government in Uganda and has offered to render assistance to the project. In addition, in his capacity as Chair of the UN Committee on the Rights of Persons with Disabilities (the CRPD Committee), Professor McCallum has forged invaluable connections with disabled persons' organisations around the world. **Bangladesh** and **Jordan** have been chosen as field locations because an expert from each of these two countries sits on the CRPD Committee: Monsur Chowdhury from Bangladesh, and Mohammad Al-Tarawneh from Jordan. Both of these experts were members of the inaugural committee. Professor McCallum will draw on the relationships that he has forged with these fellow committee members – both of whom have been active in the disability movement in their respective countries – to form partnerships with disabled persons' organisations in those countries.

Name & Title	Position & Affiliation	Role in project	Proposed time commitment
Dr Mary Crock	Professor, University of Sydney	<i>Project Coordinator and Principal Investigator</i>	1 day per week over three years
Ron McCallum	Emeritus Professor, University of Sydney	<i>Principal Investigator</i>	1 day per week over three years
Dr Ben Saul	Associate Professor, University of Sydney	<i>Principal Investigator</i>	1 day per week over three years

### BUDGET AND BUDGET JUSTIFICATION

#### Year 1

<b>Research Assistant</b> (1 x HEW level 5 @ 1.0 FTE)	<b>70,638</b>
<b>Consultant</b> (20 days/yr @ AusAID consultant rate of \$1000 /day)	<b>20,000</b>
<b>Airfares to Indonesia &amp; Malaysia</b> (2 trips, each consisting of 2 people, return airfares @ \$2000 p/p)	<b>8,000</b>
<b>Accommodation &amp; living expenses in Indonesia and Malaysia</b> (2 people @ \$200 p/p per day, 31 days)	<b>12,400</b>
<b>Transport costs for domestic travel within Indonesia and Malaysia</b> (to cover travel by the fieldworkers as well as, where necessary, by participants)	<b>1,000</b>
<b>Interpreters</b> (1 spoken language interpreter @ \$50/day for 31 days; 1 sign language interpreter @ \$50/day for 21 days)	<b>2,550</b>
<b>Publication and dissemination of guidelines and training tools in accessible formats</b>	<b>2,000</b>
<b>Total</b>	<b>116,588</b>

#### Year 2

<b>Research Assistant</b> (1 x HEW level 5 @ 1.0 FTE)	<b>74,214</b>
<b>Consultant</b> (20 days/yr @ AusAID consultant rate of \$1000 /day)	<b>20,000</b>
<b>Airfares to Bangladesh &amp; Uganda</b> (2 trips, each consisting of 2 people, return airfares @ \$3000 p/p)	<b>12,000</b>

<b>Accommodation &amp; living expenses in Bangladesh and Uganda</b> (2 people @ \$200 p/p per day, 31 days)	<b>12,400</b>	
<b>Transport costs for domestic travel within Bangladesh and Uganda</b> (to cover travel by the fieldworkers as well as, where necessary, by participants)	<b>1,000</b>	
<b>Interpreters</b> (1 spoken language interpreter @ \$50/day for 31 days; 1 sign language interpreter @ \$50/day for 21 days)	<b>2,550</b>	
<b>Publication and dissemination of guidelines and training tools in accessible formats</b>	<b>2,000</b>	
<b>Total</b>	<b>124,164</b>	

### Year 3

<b>Research Assistant</b> (1 x HEW level 5 @ 1.0 FTE)	<b>76,069</b>
<b>Consultant</b> (20 days/yr @ AusAID consultant rate of \$1000 /day)	<b>20,000</b>
<b>Airfares to Jordan</b> (2 trips, each consisting of 2 people, return airfares @ \$2500 p/p)	<b>10,000</b>
<b>Accommodation &amp; living expenses in Jordan</b> (2 people @ \$200 p/p per day, 17 days)	<b>6,800</b>
<b>Transport costs for domestic travel within Jordan</b> (to cover travel by the fieldworkers as well as, where necessary, accessible travel by participants)	<b>600</b>
<b>Interpreters</b> (1 spoken language interpreter @ \$50/day for 17 days; 1 sign language interpreter @ \$50/day for 7 days)	<b>1,200</b>
<b>Publication and dissemination of guidelines and training tools in accessible formats</b>	<b>1,000</b>
<b>Total</b>	<b>115,669</b>

**Total for 3 years: \$356,421**

### BUDGET JUSTIFICATION

#### Personnel

One **Research Assistant** (1 x HEW level 5 @ 1.0 FTE) will be appointed for three years. Given the broad scope of the project, its administrative complexity and the substantial

fieldwork involved, this level of research support is vital. The research assistant will work with investigators Crock, McCallum and Saul and will be based at the University of Sydney. The research assistant will assist in the preparation and execution of fieldwork (including making administrative arrangements), the handling of correspondence with other individuals and organisations, the conduct of legal research, and the analysis and publication of results.

Emeritus Professor Ron McCallum will be appointed as **Consultant** to the project (20 days/yr @ AusAID consultant rate of \$1000/day) as he is no longer on a salary. He will provide essential expertise on the CRPD as well as advice on research questions and high level contacts with governments and agencies such UNHCR and disability relevant disability organisations. His participation in scoping trips will be an invaluable contribution to the process of establishing contact and relations with actors on the ground such as local authorities and disabled persons' organisations.

### **Travel – International**

International fieldwork will be undertaken in five countries with refugee populations (camp and urban) to study practices concerning the identification, needs assessment, assistance, protection and resettlement of refugees with disabilities. Scoping trips will be undertaken to each of the destinations to establish contacts and, in consultation with those on the ground, refine the parameters of the research to be undertaken. The scoping trips will be 10 days (in the case of a combined trip to Indonesia and Malaysia and a combined trip to Bangladesh and Uganda) and 7 days (in the case of Jordan). Following this, two 21-day trips will be taken (the first to Indonesia and Malaysia; the second to Bangladesh and Uganda); and one 10-day trip to Jordan. Each field trip will be undertaken by two persons at a time, which is critical to ensuring the safety of the fieldworkers. Fieldwork will take place in each of the three years.

### **In Kind Support**

Each of the principal investigators will contribute approximately one day per week of their time to the project over three years. This equates to a total annual in-kind salary contribution to this project by The University of Sydney of \$82,051, or \$245,153 over three years.

The University of Sydney will also contribute in-kind infrastructure and facilities to support the project including libraries, computing facilities and office accommodation. These resources will facilitate much of the regular international collaboration (by email, telephone and videoconference). Occasional ad hoc administrative support, and some additional research assistance, may be provided by the Sydney Centre for International Law.

The University will also provide technical support for the creation and maintenance of the project website and resource page, linked from the Sydney Centre for International Law homepage. The University of Sydney has also committed \$50,000 over three years to developing and deploying a SharePoint site for the project. This site will allow for cloud based file sharing and online communication between researchers and collaborators.

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### **ENDNOTES**

<sup>1</sup> World Health Organization, *The Global Burden of Disease: 2004 Update* (Geneva, 2008), p. 34.

<sup>2</sup> United Nations High Commissioner for Refugees ('UNHCR'), *Statistical Yearbook 2009* (Geneva, October 2010), p. 7. UNHCR defines "persons of concern" as including refugees; asylum-seekers; internally displaced persons (IDPs) protected/assisted by UNHCR; stateless persons; returned refugees; returned IDPs; and others of concern.

<sup>3</sup> Aleema Shivji, "Disability in Displacement" (2010) 35 *Forced Migration Review* 1, pp. 4-7.

<sup>4</sup> Women's Refugee Commission, *Disabilities among Refugees and Conflict-Affected Populations* (New York: Women's Refugee Commission, June 2008), available at:

[http://womensrefugeecommission.org/reports/doc\\_download/609-disabilities-among-refugees-and-conflict-affected-populations](http://womensrefugeecommission.org/reports/doc_download/609-disabilities-among-refugees-and-conflict-affected-populations). (Women's Refugee Commission Report)

<sup>5</sup> Ibid.

<sup>6</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 999 UNTS 3, preamble, [c] (entered into force 3 May 2008).

<sup>7</sup> UNHCR, *Conclusion on refugees with disabilities and other persons with disabilities protected and assisted by UNHCR*, EXCOM Conclusion No. 110 (LXI), 12 October 2010, para. (a), available at: <http://www.unhcr.org/4cbeb1a99.html>.

<sup>8</sup> Executive Committee of the High Commissioner's Programme, 'The protection of older persons with disabilities' EC/58/SC/CRP.14.

<sup>9</sup> See also its companion Resource Kit for Fieldworkers, also published in June 2008 and available, together with the full report, via <http://www.womenscommission.org/programs/disabilities>. There are a number of other agency specific 'soft law' standards or guidelines being used in the field, for example: UNHCR, *Community Services Guidelines: Assisting Disabled Refugees: A Community-based Approach*, 2nd ed., rev. (Geneva: UNHCR, May 1996); UNHCR, *Heightened Risk Identification Tool (HRIT)* (Geneva: UNHCR, 2007); UNHCR, Profile Global Registration System (2007); *Sphere Project Handbook* (2004); Inter-Agency Standing Committee published *Guidelines on Mental Health and Psychosocial Support in Emergency Settings* (2007); and various others.

<sup>10</sup> Women's Refugee Commission Report, above n 4, p. 15.

<sup>11</sup> Ibid, pp. 16-17.

<sup>12</sup> Ibid, p. 18.

<sup>13</sup> Ibid, p. 19.

<sup>14</sup> Ibid, p. 21.

<sup>15</sup> Ibid, pp. 28-29.

<sup>16</sup> Ibid, p. 32.

<sup>17</sup> Ibid, p. 34.

<sup>18</sup> Executive Committee of the High Commissioner's Programme, 'The protection of older persons with disabilities' EC/58/SC/CRP.14.

<sup>19</sup> Joint Standing Committee on Migration, *Enabling Australia: Inquiry into the Migration Treatment of Disability*, June 2010, Canberra, recommendation 14.

<sup>20</sup> See its website: <http://agingdisability.blog.com/> (accessed 23 August 2011).

<sup>21</sup> Age and Disability Task Force (ADTF), 'Protection cluster talking points', November 2010, available at <http://agingdisability.blog.com/talking-points/> (accessed 23 August 2011).

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Handicap International, 'Disability checklist for emergency response', 2005, available at <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1127538> (accessed 23 August 2011).

<sup>27</sup> Handicap International Bangladesh, 'How to include disability issues in disaster management', Bangladesh, September 2005.

<sup>28</sup> Alison Harris and Sue Enfield, 'Disability, Equality and Human Rights' (Oxford: Oxfam Great Britain, 2003).

<sup>29</sup> Action for the Rights of Children, 'Welcome to the ARC Resource Pack',

<http://www.savethechildren.net/arc/foundation/index.html> (accessed 23 August 2011).

<sup>30</sup> Action for the Rights of Children, 'User Guide', <http://www.savethechildren.net/arc/using/guide.html> (accessed 25 August 2011).

<sup>31</sup> The Women's Refugee Commission Report, reported that '[c]ollecting reliable and accurate data on the number and profile of displaced persons with disabilities was one of the weakest aspects of all the programs surveyed for the report. In many cases, data on the number of displaced persons with disabilities was simply not available from the government, UNHCR or its implementing partners. Where data did exist, it was often inconsistent or inaccurate': pp. 2-3.

<sup>32</sup> For example, disability may come about as the result of exposure to physical violence, imprisonment, or torture; witnessing the killing of family or friends; or the deliberate denial of medical treatment. See Jennifer Harris, 'All Doors are Closed to Us: A social model analysis of the experiences of disabled refugees and asylum seekers in Britain' (2003) 18 *Disability and Society* 395, pp. 398-401.

<sup>33</sup> Aleema Shivji, 'Disability in Displacement' (2010) 35 *Forced Migration Review* 1, p. 2.

<sup>34</sup> In article 6(1) of the CRPD, States Parties 'recognise that women and girls with disabilities are subject to multiple discrimination'.

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<sup>35</sup> Rosemary Kayess and Phillip French, 'Out of the Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities' (2008) 8(1) *Human Rights Law Review* 1, 2.

<sup>36</sup> The reporting obligation is mandated by art 35 of the CRPD.

<sup>37</sup> AusAID, 'Disability in Australia's Aid Program', available at: <http://www.ausaid.gov.au/keyaid/disability.cfm#development> (accessed 26 February 2011).

<sup>38</sup> Including these visa subclasses: refugee (subclass 200); refugee (in country special humanitarian) (subclass 201); special humanitarian program (subclass 202); refugee (emergency rescue) (subclass 203); or refugee (woman at risk) (subclass 204). Specifically, the research will consider how disability interacts with the definition of a refugee, as set out in the Refugee Convention and incorporated into the *Migration Act*.

<sup>39</sup> For example, Australia's health and security checks under the *Migration Act* ss 52, 60, 65.

<sup>40</sup> Such as New Zealand, Canada, the United Kingdom and the United States.

<sup>41</sup> In 2009-10, the highest number of offshore visas went to persons born in Burma (1959 visas), followed by Iraq (1688), Bhutan (1144); DRC (584); Somalia (317); and Sudan (298); Department of Immigration and Citizenship, "Australian Immigration Fact Sheet 60 – Australia's Refugee and Humanitarian Program", available at: <http://www.immi.gov.au/media/fact-sheets/60refugee.htm> (accessed 1 March 2011).

<sup>42</sup> Strauss A and Corbin J, 'Grounded Theory Methodology: An Overview', in Denzin N and Lincoln Y (eds) *Strategies of Qualitative Inquiry* (Sage, 1998), 158-183.

<sup>43</sup> Strauss A, *Qualitative Analysis for Social Scientists* (1987).

<sup>44</sup> Crock M, *Seeking Asylum Alone – Australia* (Federation Press, Sydney, 2006).

<sup>45</sup> McAdam J and Saul B, 'Climate Change, Migration and Security in Bangladesh' (2010) 53 *German Yearbook of International Law* 233.

<sup>46</sup> Johns F, Saul B, Hirsch P and Boer B, 'Mekong Laws: Scales, Sites and Impacts of "Hard" and "Soft" Law in Mekong River Basin Governance', Australian Research Council Discovery Project 2010-14, DP110102978.

<sup>47</sup> Convention on the Rights of Persons with Disabilities, arts 3(f) and 9.

<sup>48</sup> NGOs (Harvest Centre Berhad; Humana; Kumpulan ACTS (A Call To Serve) Sdn Bhd; Malaysian Care Shelter; Partnership in Enterprise; Taiwan Buddhist Tzu-Chi Foundation; TECH Outreach; Wadah/Future Global Network; Mercy Malaysia; Soroptimist International Johor Bahru; Taiwan Buddhist Tzu-Chi Foundation); YOKUK, the main disability provider in Kelantan (NE Malaysia), UN agencies (UNOPS; UNV/UNDP; UNICEF); and the government of Malaysia.

<sup>49</sup> Including UNHCR, IOM, and the Jesuit Refugee Service.

<sup>50</sup> Government agencies (Ministry of Food and Disaster Management; Ministry for Health); NGOs (*Action Contre La Faim*; Bangladesh Red Crescent Society; Research Training and Management Institute; Technical Assistance Incorporated; Concern Worldwide; Handicap International; *Solidarités*); UN agencies and others (IOM; UNDP; UNFPA; UNICEF).

<sup>51</sup> Government agencies (Ministries of the Interior, Planning and International Coordination, Education, Health and Social Development; *Dar Al-wifa*, the Public Security Directorate, Family Protection Unit; National Center for Security and Crisis Management); NGOs (Caritas Jordan, International Relief and Development; Jordan Health Aid Society; Jordan River Foundation; Mercy Corps; Micro-Fund for Women; National Centre for Human Rights; Noor Al Hussein Foundation; International Medical Corps; American near East Refugee Aid; Care International; ICMC; International Rescue Committee; Jordan Red Crescent; Jordan Women's Union; Jordanian Alliance against Hunger; Jordanian Hashemite Charity Organization; Nippon International Cooperation for Community Development; Relief International; Save the Children; World Vision); UN agencies or others (UNDP; UNOPS; UNRWA; UNV; ICRC; IFRC; UNDP; UNIFEM; UNFPA; UNICEF; WHO).

<sup>52</sup> Government agencies (Office of the Prime Minister; Uganda Human Rights Commission), intergovernmental agencies (Food and Agriculture Organization; IOM; Office for the Coordination of Humanitarian Affairs; Office of the High Commissioner for Human Rights; UNAIDS; United Nations Development Program; United Nations Population Fund; United Nations Children's Fund; United Nations Volunteers; World Food Program; World Health Organization) and non-governmental organisations (Action Africa Help International; Africa Humanitarian Action; Africa Initiative for Relief and Development; *Arbeiter Samariter Bund*; BRAC Uganda; CARITAS Uganda; Danish Refugee Council; German Development Services; German Technical Cooperation; InterAid Uganda; International Service Volunteer Association; Norwegian Refugee Council; Uganda Human Rights Commission; Windle Trust Uganda; Danish Refugee Council; Finnish Refugee Council; German Development Services; Norwegian Refugee Council; Medical Teams International).

<sup>53</sup> Poland B & Pederson A, 'Reading Between the Lines: Interpreting Silences in Qualitative Research' (1998) 4 *Qualitative Inquiry* 293.

<sup>54</sup> CRPD, art 24.

<sup>55</sup> CRPD, art 25.

<sup>56</sup> CRPD, art 27.

<sup>57</sup> CRPD, art 28(1).