



Protection and Inclusion: The Importance of Disaster Law and Policy

This fact sheet provides an overview and recommendations on the importance of Disaster Law and Policy to address protection and inclusion in the context of disasters and climate change.

The fact sheet is based on the new IFRC Disaster Law Checklist on Disaster Preparedness and Response and accompanying Synthesis Report.

Context

Disasters cause massive human suffering and losses. In 2018, disaster events affected over 68.5 million people and caused US\$131.7 billion in economic damages. Disasters and climate change do not affect people equally. In fact, disasters discriminate. Women, the very young and very old, and people living with disabilities suffer the most.

Vulnerability is shaped by a range of factors, including sex or gender identity, sexual orientation, age, disability, health, social and legal status, ethnicity, faith and nationality. Vulnerability also looks different within groups and across different contexts. Pre-existing social, economic and physical marginalisation and discrimination cause certain groups to experience disproportionate disaster and climate change impacts. At the same time, these factors shape and build strengths that define resilience.

Pre-existing vulnerabilities become more apparent in the context of disasters and climate change. For instance, sexual and gender-based violence (SGBV) has been found to increase during disasters, all the while existing SGBV systems and services (including policing, health care and legal support) become severely strained. Unaccompanied and separated children are very vulnerable to protection risks such as abduction, trafficking, child labour and SGBV. Persons with disabilities, similar to older persons, may have impairments that impede their access to safety and assistance. Educational materials, warnings and response information often disregard different abilities to hear and understand information, thereby missing those hardest to reach.

Everyone has a right to protection and assistance in disaster response, to be part of making decisions that affect them to play a role in building climate and disaster resilience. Ensuring

our governance frameworks include and protect the most at risk from disasters and the impacts of climate change, requires not only a whole of government, but whole of society approach.

The Importance of Disaster Law and Policy

Disaster Law and Policy is integral to ensure that all people are included in, and protected by, disaster and climate change actions.

Most countries have some form of disaster risk management system that is underpinned by one or more laws. These frameworks establish the legal basis for all aspects of disaster risk management from risk reduction, to preparedness, response and recovery and provide the enabling environment for actions downstream. Disaster Law helps to clarify roles and responsibilities and coordination mechanisms for disaster risk management across sectors as well as from national to local level.

Used effectively, Disaster Law and Policy can support more integrated, inclusive and equitable approaches to building resilience. They can mandate governmental actors to identify, plan, resource and meet the specific needs of vulnerable groups. They can require the direct and meaningful participation of vulnerable groups in decision-making, design and implementation of disaster and climate change activities.

However, research has found that disaster laws often do not contain the specificity or make the necessary linkages with other frameworks to protect and include vulnerable groups in times of disasters. Law and policy must go further than aspirational statements and provide concrete and practical measures to better support protection and inclusion.



How to address Protection, Gender and Inclusion in Disaster Law and Policy?

Drawing on extensive research and international best practice and standards, IFRC recommends that disaster law and policy considers the following:

Non-discrimination

- Does the law guard against all forms of discrimination in all aspects of disaster risk management?
- Does the law contain a recognition of the rights and specific needs of vulnerable groups during disasters?
- Does the law create a general obligation for disaster responders to protect and include vulnerable groups?

Needs and protection of vulnerable groups

- Does the law and/or policy mandate:
 - risk, needs and vulnerability assessments and contingency plans that identify vulnerable groups and their specific needs?
 - planning processes that outline key actions, resources and responsibilities for meeting the needs, including protection needs, of vulnerable groups?
 - contingency planning (including post-disaster shelter) and training for SGBV during disasters?
- Does the law and/or policy require all government emergency responders (including sectoral agencies, the police and the military) to participate in training about the specific needs of vulnerable groups?

Inclusion and participation of vulnerable groups

- Does the law and/or policy mandate:
 - collection and protection of sex-, age- and disability-disaggregated data across all activities, including risk, impact and response assessments?
 - multi-stakeholder institutions that include representatives of vulnerable groups?
 - actors to directly consult with vulnerable groups and promote their meaningful participation in relation to the design, planning, implementation, monitoring and evaluation of disaster resilience activities?
 - quotas or targets for the recruitment of members of vulnerable groups as civil servants in relevant institutions?
 - monitoring, evaluation and public reporting on the participation and inclusion of vulnerable groups?



For more information please see the new [IFRC Disaster Law Checklist on Law and Disaster Preparedness and Response](#) (and accompanying Synthesis Report).

Further information available at

<https://media.ifrc.org/ifrc/what-we-do/disaster-law/>

<https://media.ifrc.org/ifrc/what-we-do/inclusion/protection-gender-inclusion/>



IFRC Disaster Law - Checklist on Law and Disaster Preparedness and Response

The IFRC Disaster Law Programme provides expert guidance to support development, revision and implementation of Disaster Law and Policy. Informed by global research and best practice, IFRC has developed guidance on Disaster Risk Reduction and the Law and Legal Preparedness for International Disaster Assistance (IDRL).

Its most recent tool, the Checklist on Law and Disaster Preparedness and Response has been developed through an extensive review of global literature and more than 20 country case studies. It provides detailed guidance on how to strengthen law and policy to effectively address protection, gender and inclusion in disaster and climate change activities.