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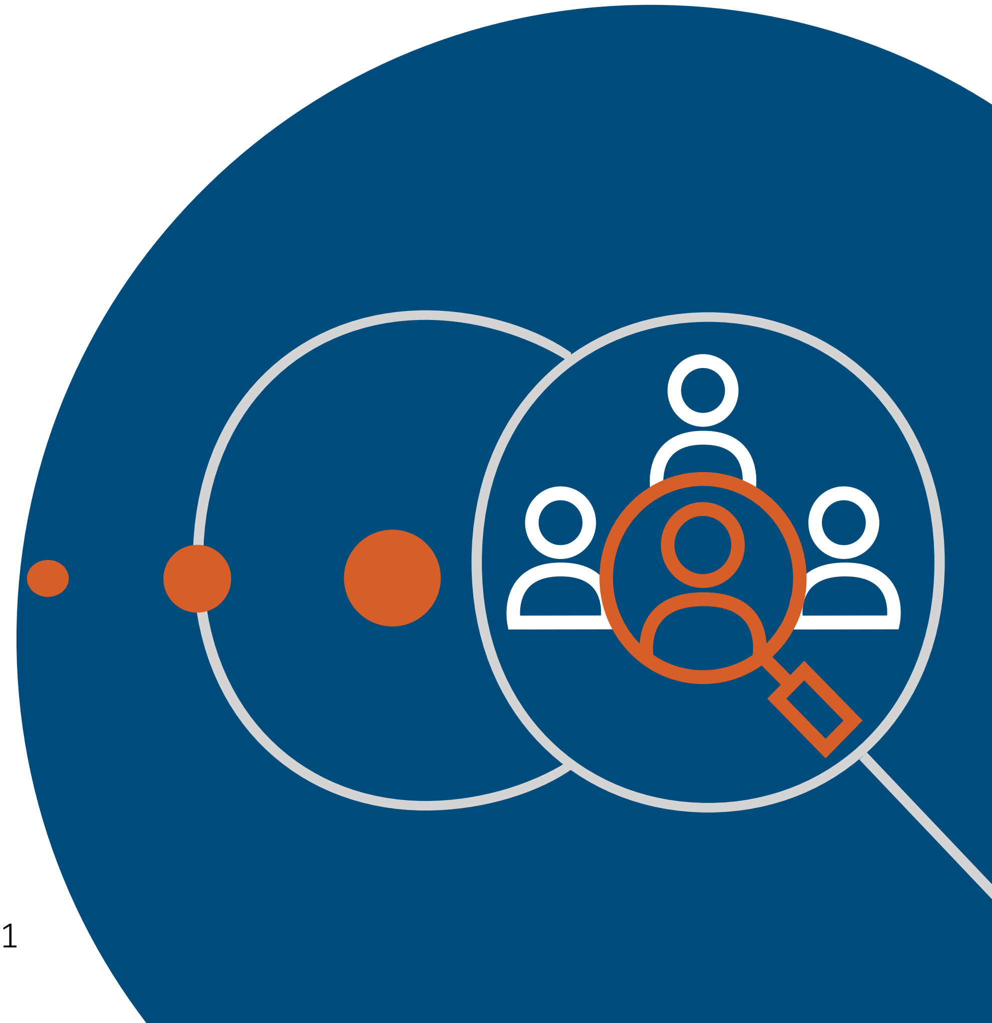
Principles

For Conducting Country of Origin Information Research on Disability



Acknowledgements

Background

Through consultations with legal representatives in the UK, ARC Foundation and Asylos have become aware of the absence of relevant Country of Origin Information about persons with disabilities and the simultaneous prevalence of widespread misconceptions about disability issues in the international protection legal sector. This contributes to the rejection of meritorious claims of persons with disabilities. As a consequence, the two organisations have embarked on a joint project to address information gaps about persons with disabilities who are seeking international protection by:

1. Producing a country report on the situation of children and young people with disabilities in Nigeria, combining interviews with individuals with authoritative knowledge on the topic alongside excerpts from country information available in the public domain;
2. Developing a principles document (this document), handbook and training module (forthcoming) to guide those conducting Country of Origin Information research on disability related issues.

More information on the project, and its outputs, is available on our respective websites**:** **www.asylumresearchcentre.org** and **www.asylos.eu**

Acknowledgements

These principles were produced by ARC Foundation and Asylos, with invaluable input from Sarah Green and members of the Disability Steering Committee.

This report was produced with the kind support of the Paul Hamlyn Foundation.

Who we are

Asylos is a global network of volunteers providing free-of-charge Country of Origin Information (COI) research for lawyers helping people seeking international protection with their claim. Asylos works to ensure that people seeking international protection and their legal counsel have access to crucial sources and data to substantiate their claim. Asylos volunteers use their research and language skills to access detailed information. More information can be found on **Asylos' website**.

ARC Foundation is the charitable branch of Asylum Research Centre (ARC). ARC was set up in 2010 in order to raise standards in international protection processes, improve the realisation of the rights and entitlements of people seeking international protection and to ensure that those in need of protection are recognised as such. It is staffed by human rights researchers and COI specialists and undertakes case-specific COI research, advocacy and training. More information can be found on **ARC's website**.

Copyright information

Feedback and comments

Should you have comments or questions about this handbook please direct them to: **info@asylos.eu** and **info@asylumresearchcentre.org**

Rationale

There is a critical need for better quality Country of Origin Information (COI) on persons with disabilities, to be used in international protection procedures in the UK and beyond. COI informs decision-makers of the political, social, cultural, economic, security, humanitarian, and human rights situations in the country of origin of individuals who seek international protection, and the risk they face should they be returned. A review of COI outputs shows that there is a lack of good quality research on disability related issues and that COI reports often contain confused, partial, and generalised information on persons with disabilities. This risks the refusal of cases involving persons with disabilities because of a lack of objective and relevant evidence that might support their protection claim.

Understandings and responses to disability vary widely and are context dependent. In the field of international protection, the approach to disability tends to reflect policy and decision-making practices within host states, as well as the understandings and 'unconscious biases' of decision-makers, legal representatives, and COI researchers. The lack of good quality COI on issues related to disability stems from the way international protection claims for persons with disabilities are commonly presented: with a focus on medical responses to an impairment, a failure to take a holistic and intersectional approach in identifying the relevant issues, and an absence of relevant material or sources. The lack of relevant source material is itself linked to the limited visibility of persons with disabilities within societies globally.

Explanations for the current limitations of disability specific COI research are complex. Combined they impact the volume, relevance, and quality of information that is sought or obtained. It is hoped that the principles set out below will encourage COI researchers, legal representatives and decision-makers alike to take a more holistic and informed approach to international protection claims involving persons with disabilities, which will in turn lead to an improvement in the availability of good quality COI research and well-founded decisions.

Principles

A person, not a disability

Persons with disabilities are first and foremost persons and equal holders of all human rights and entitlements to fundamental freedoms. They may or may not self-identify in terms of any impairment or disability. Equally, they may or may not wish to identify themselves, or be described as *vulnerable*, or as a *victim*, since this language is disempowering and takes no account of their agency.

In the context of an international protection claim it may be necessary to focus on the vulnerability of an individual and, according to legal norms and procedures, a person with disabilities may be described as a victim of discrimination or persecution, or at risk of becoming a victim if returned to their country of origin. However, it is important to recognise that disability arises from the interaction between an individual and their environment and persons with disabilities are *made vulnerable*, or *victimised*, when societies prevent their full and effective participation on an equal basis with others, or when people engage in acts of discrimination or persecution against them.

People conducting COI research should:

- take account of how the person self-identifies;
- recognise the context in which the COI research is being conducted;
- adopt a research approach that is both specific to the individual person and sufficiently wide ranging to encompass different aspects of their identity and associated experience in relation to human rights and fundamental freedoms.

'Nothing about us, without us'

Persons with disabilities have insights into their experiences that are not available to persons without disabilities. However, their voices are often silenced or ignored, depriving COI researchers as well as legal representatives and decision-makers of a credible source of knowledge and information that is informed by lived experience.

People conducting COI research should:

- prioritise sources that include the voices of persons with disabilities;
- reach out to persons with disabilities and disabled persons organisations to improve their understanding of relevant issues and gain access to information and perspectives that would not otherwise be available to them.

Persons with disabilities are not a homogeneous group

Persons with disabilities are not a homogeneous group. Each person experiences impairment and disability differently and multiple aspects of their individual identity and specific context will shape their life experiences. In addition to the form of impairment, both personal and environmental factors should be considered when assessing the vulnerability of an individual in the context of a claim for international protection. These include age and related life cycle stage, ethnicity, socio-economic background, sexual orientation, gender identity or expression, religion, geographic and temporal location, as well as political opinion or status as a migrant, indigenous person, internally displaced person, or returnee. Consideration should be given to invisible forms of impairment that may be overlooked, as well as hypervisibility that may be a consequence of some forms of impairment.

Principles

Persons with disabilities may face different kinds of multiple discrimination. This can be experienced as cumulative or additive discrimination, where two or more forms of discrimination happen at the same time but are not related to each other. Or as intersectional discrimination, where two or more forms of discrimination interact in such a way that they are inseparable.

The experience of every person with disabilities is unique and dynamic. International protection decision-making for persons with disabilities demands an approach that addresses how an individual's impairment intersects and interacts with other identities and potential sources of social disadvantage and discrimination.

People conducting COI research should:

- seek out and illustrate how a person's disability intersects with other identities and potential sources of social disadvantage, discrimination, and/or persecution;
- contextualise information collated, including with reference to socioeconomic and political context, governance, policy, and cultural and societal values and norms; and
- assume their research is likely to be more time intensive than single issue research.

Persons with disabilities often have limited visibility globally

Despite the obvious capabilities, agency, and highly effective activism of many persons with disabilities in diverse contexts, persons with disabilities often have limited visibility and voice within societies globally. This may be due to public perceptions of disability involving stigma and shame, which result in deliberate exclusion; different forms of institutionalised discrimination; and the lack of family, community or state support that would enable the full participation of persons with disabilities within society.

The lack of visibility and voice of persons with disabilities, while not universal in any context, is reflected throughout the international protection framework. Actors within the international protection process, including legal representatives, COI researchers and decision-makers, may have a limited understanding of or exposure to the experiences of persons with disabilities. This is compounded by limited or inaccurate reporting of disability-related issues in local, national, and international media and other sources.

People conducting COI research should:

- look for disability-specific information within broad thematic searches;
- record sources and, where appropriate, report where information is lacking and, where possible, why;
- search for and report on the form, or absence, of disaggregated disability inclusive data and, where possible, its use in policy and legislation, and monitoring and evaluation;
- reach out to persons with disabilities and disabled persons organisations to improve their understanding of relevant issues that may not otherwise be reported on.

Persons with disabilities face stigma and oppression daily

In host States and countries of origin, persons with disabilities face stigma – conscious or unconscious – on a daily basis. Stigma and associated societal oppression can be the cause of actions or inactions that degrade, disempower, discriminate, exclude, exploit, fuel hate, kill, perpetuate poverty, segregate, and torture persons with disabilities. When this is a daily experience for persons with disabilities, human rights abuses that affect wider groups are likely to have a disproportionate impact upon them.

Principles

People conducting COI research should:

- seek information on the potential breadth, forms and impact of disability and intersectional related stigma and oppression within disability related research;
- ensure that any COI that is not disability-specific still considers how persons with disabilities may be affected.

No single understanding of, or response to disability

Understandings of, and responses to disability vary widely and are context dependent. Models of disability provide different explanations for disability and require different responses at an individual, family, community, national or international level. The dominant models of disability are *individual deficit*, *social construct* and *human rights* models that respectively focus on the impaired individual, how a society responds to impairment, and on persons with disabilities as rights holders.

Individual deficit models represent individual impairments as an abnormality, usually with a medical or a moral cause. Disability as a biomedical problem remains a widely held approach with intervention focused on diagnosis, treatment or rehabilitation, and prevention. Also widespread are models of disability that attribute the cause of individual impairment to a moral lapse, sin and/or witchcraft/sorcery etc. committed by the person or a family member.

In contrast, the social construct and human rights models of disability shift the focus away from individual deficits. Common to *social construct* models is the belief that it is primarily social and environmental barriers and oppression, rather than individual deficits, which disable people with impairments. The focus is therefore on achieving changes in society rather than individual adjustment and rehabilitation.

Understanding disability as a *human rights issue* and representing persons with disabilities as equal holders of human rights is relatively recent. The human rights model of disability has been utilised effectively to advocate that persons with disabilities should be valued as equals with all others, entitled to enjoy human rights granted to all. The human rights approach shares common ground with social construct models but responds to the critique that these models do not take sufficient account of the realities of living with an impairment and the intersectionality of disability with other identities, including minority and cultural identification.

The international community, through the UN Convention on the Rights of Persons with Disabilities (CRPD), has endorsed a combined social and human rights-based model. The CRPD, adopted in 2006 and ratified by 182 State Parties to date, recognises that disability is: '*an evolving concept and […] results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others*'.[1] This definition is not universal or without detractors. However, it shapes required disability related interventions by States that are signatories of the Convention and is the international legal framework against which States are judged in terms of human rights compliance.

People conducting COI research should:

- adopt a human rights lens in the framing of their research and research questions, in accordance with current international norms;
- assume the existence of all models of disability within the country of origin being researched and use a wide range of terminology in searches;
- accurately reflect in the research the disability-specific cultural context, understandings of and responses to disability within the family, local community, and country of origin;
- check research questions to ensure inclusion of potential multiple characteristics/identities of persons with disabilities; and
- give concrete examples whenever possible to illustrate the specific and varied experiences of persons with disabilities, including where possible through the voices of people with lived experience.

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[1] United Nations, **Convention on the Rights of Persons with Disabilities** (CRDP), Preamble

Principles

Terminology related to disability is inconsistent and contested

Terminology related to disability is context dependent and contested, and often reflects models of disability held. It varies across and within communities, countries, regions, religions, and cultures etc.

In English speaking, often in international contexts, the phrases *persons with disabilities* and *impairments* are widely used, including in the Convention on the Rights of Persons with Disabilities (CRPD). This terminology is commonly heard from disability activists, international lawyers, within academia or within the West/North more generally and has been circulating widely since the adoption of the CRPD in 2006. It places emphasis on the individual, and their inherent dignity and humanity, rather than the disability or impairment.

The term *disabled person* is also frequently used. It is held by some that this term emphasises the disability rather than the person, but it is widely adopted in the UK to emphasise the disabling societal context rather than the individual impairment.

In some contexts, such as in regions with low levels of literacy or high levels of isolation from global discourse on these issues, a wide variety of terminology is used to describe individuals with disabilities that may be experienced as insensitive or insulting.

People conducting COI research should:

- look beyond the word disability or obvious derivatives and use a broad range of search terms, even those that may be considered offensive or inappropriate;
- assess and use the terminology informants are likely to use or be familiar with;
- accept that alternative terminology, potentially offensive to many, should be included within sources to ensure the report accurately captures approaches and responses to disability within the locality or country of origin in question;
- ensure the language used when presenting the COI research describes persons with disabilities and their experience in a way that respects their dignity and humanity.

International protection may be granted to persons with disabilities

Most States globally have ratified the Convention on the Rights of Persons with Disabilities and accordingly adopted an approach to disability based on social construct and human rights-based models. However, some host States, including the UK, routinely approach international protection claims involving disability primarily through a medical lens. The cumulative impact of often multiple and intersectional disadvantage and exclusion faced by the person with disabilities in question may therefore be overlooked in COI research and reporting.

Persons with disabilities may be granted international protection on the ground of persecution. For example, they can be susceptible to harms that become persecutory because of their disproportionate impact on the individual involved, and sufficiently severe discrimination, intersectional discrimination, and additive discrimination towards persons with disabilities can be persecutory. The failure of a State to implement the CRPD requirements to make accommodations for persons with disabilities where it is reasonable to do so can also, arguably, amount to persecution. Disability may exacerbate persecution on other grounds, for example women with disabilities who are at risk of trafficking. It may also be relevant to decisions on internal relocation or form the basis for humanitarian protection.

People conducting COI research should:

- ensure potential multiple and interlinking disadvantage and exclusion faced by the person with disabilities that might amount to persecution are included within the scope of the research;
- question research queries that are framed on medical grounds alone.