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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the African-American Society for Humanitarian Aid and Development, a non- governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Statement on human rights and flood disaster management in Sudan*

1. Definition of natural disaster

Natural disasters are the consequences of events triggered by natural hazards that overwhelm local response capacity and seriously affect the social and economic development of a region. Traditionally, natural disasters have been seen as situations that create challenges and problems mainly of a humanitarian nature. However, increasingly, it has come to be recognized, that human rights protection also needs to be provided in these contexts.

National disaster response showed that not only national authorities are often unaware of the relevance of human rights norms in the context of natural disasters. International agencies and non-governmental organizations (NGOs) are also at a loss as to how to incorporate a human rights-based approach into emergency relief and response, even though many of the laws and codes of conduct applicable in situations of natural disaster include such guarantees. Human rights have to be the legal underpinning of all humanitarian work pertaining to natural disasters.

2. Aim of the operational guidelines

The Operational Guidelines aim to: Ensure that human rights principles and protection standards including the fundamental principles of non-discrimination and accountability are integrated into all disaster response, recovery and reconstruction efforts from the earliest stage possible; In all cases States have an obligation to respect, protect and fulfill the rights of their citizens and of the people living in their territory.

3. Challenges of recent humanitarian disaster and human rights

Recent humanitarian crises provoked by natural heavy rains and flood disasters have raised new challenges for all those involved in prevention of natural disasters, its management and recovery. It has recently become increasingly evident that humanitarian interventions must integrate human rights dimensions in order to ensure the most appropriate response to victims, before, during and after natural disasters. However, despite this emerging realization, the awareness of human rights and implementation of rights-based approaches in disaster management are still insufficient.

Critical issues that have been emerging in recent humanitarian crises Include the following: access to health services, shelter and housing, clean water and education; compensation and restitution; rights of internally displaced persons (IDPs); land and property issues. Groups and individuals that may be in need of special consideration to ensure their rights are protected may include: women, children, elderly and disabled.

4. General principles of addressing the human rights gap in disaster relief

I. Persons affected by natural disasters should enjoy the same rights and freedoms under human rights law as others in their country and not be discriminated against. Targeted measures to address assistance and protection needs of specific categories of affected

* The Arabic African Foundation for Human Rights, Sudanese International Coalition for Human Rights, Network of NGOs in the Nuba Mountain (Nuba Net), Sudanese Forum for Peace and Human Rights, NGOs without consultative status, also share the views expressed in this statement.

populations do not constitute discrimination if, and to the extent that, they are based on differing needs.

II. States have the primary duty and responsibility to provide assistance to persons affected by natural disasters and to protect their human rights.

III. Organizations providing protection and assistance to persons affected by natural disasters accept that human rights underpin all humanitarian action. In situations of natural disaster they should therefore respect the human rights of persons affected by disasters at all times and advocate for the promotion and protection of those rights to the fullest extent. Humanitarian organizations should not promote, actively participate in, or in any other manner contribute to, or endorse policies or activities, which do or can lead to human rights violations by States.

IV. Organizations providing protection and assistance in situations of natural disasters should be guided by these Operational Guidelines in all of their activities, in particular when monitoring and assessing the situation and needs of affected persons, when programming and implementing their own activities as well as when entering into a dialogue with governmental authorities on the State's duties and responsibilities under international human rights. In doing so, they should remain accountable to all of their relevant stakeholders, in particular to the persons affected by the natural disaster.

V. All communities affected by a natural disaster should be entitled to easy accessible information concerning: (a) the nature and level of disaster they are facing; (b) the possible risk mitigation measures that can be taken; (c) early warning information; and (d) information on on-going humanitarian assistance, recovery efforts and their respective entitlements. They should be meaningfully consulted and given the opportunity to take charge of their own affairs to the maximum extent possible and to participate in the planning and implementation of the various stages of the disaster response.

VI. Improve the practical implementation of international instruments protecting human rights. They shall not be interpreted as restricting, modifying or impairing the provisions of international human rights or, where applicable, international humanitarian and refugee law. They should be applied together with other relevant Codes of Conduct, Guidelines and Manuals.

VII. Organizations providing protection and assistance in situations of natural disasters shall endeavor to have adequate mechanisms established to ensure that the Operational Guidelines are applied and that the human rights of the affected are protected.

5. Guideline for protection against the negative impacts of natural hazards

Persons affected by natural disasters, displaced or not, should be protected against the dangers of potential secondary hazards and other disaster risks.

The operational Steps to prevent further damage and to protect persons already affected by the natural disaster, national authorities should be prepared for potential secondary hazards and other disaster risks

6. Disaster management in Sudan

Sudan is highly vulnerable to natural disasters i.e. floods droughts, desertification massive population movements, IDPs and Refugees.

As far as concerning the serious damage caused by the rains and floods that hit Sudan recently, it is estimated that the number of houses demolished by the disaster of heavy rains and flood to be about 18000 houses, in addition to public utilities such as schools, health

clinic etc. 58 persons were killed by the disaster and approximately 168000 lost their homes and properties as a result.

The performance of the concerned authorities working in disaster management in Sudan was not up to the standard of standards of disaster preparedness and management because they have not conduct the precautionary appropriate measures for disaster preparedness and management to protect civilians from disaster impact.

We consider the act of not recognizing seriousness of the disaster, and the hesitation to declare the state of Natural Disaster in the climax of the situation although the disaster impact claimed the lives of dozens of Sudanese and cause displacement of tens of thousands of families from their homes.

The destruction of homes by the rains and floods is considered to be a serious shortcoming that requires investigation and the authorized personnel and concerned institution responsible to be held responsible, and subjected to fair accountability.

As we extend our deep condolence to the families of those who lost their lives due to the flood disaster in Sudan, We claim that the Government is fully responsible for the shortcoming in the delayed disaster response and disaster management as well as obvious negligence and failure in the construction of civilian facilities allocated for drainage.

We should not forget to applaud the youth initiatives conducted by (Nafir) Sunaa Elhayat, Sharie Elhawadit, Sadagat, Zakawat, Lamat Khair, Teachers without Borders, and Doctors without Borders.

We call at the same time for providing maximum kind of assistance and enabling environment for freedom of voluntary humanitarian support so that the national NGOs could manage to address the serious challenges facing Sudan in the field of humanitarian work in a responsible and effective manner.

7. Recommendations:

- Revising laws and code of conduct pertain to disaster management in Sudan.
- Restructuring the concerned institution in the field of disaster management in Sudan.
- Train UN Disaster Management Team members in basic human rights.
- Develop human rights check-lists to be used by concerned actors in situations of natural disaster response and preparation.
- Formulate “Checklists for Integrating Human Rights in Natural Disaster Management in Sudan.
- Develop frameworks for disaster management in Sudan (with a focus on risk reduction as well as response and recovery).
- Provide an overview of a human rights-based approach to emergencies, highlighting that humanitarianism is grounded in human rights and that much of what disaster managers already do is human rights-based.
- Avail and improve the Tools used by the humanitarian sector including SPHERE, Code of Conduct in Disaster Relief, etc. and showed how they re-affirmed the importance of rights-based considerations within disaster management.
- All humanitarian action should have the ultimate objective of the affected achieve their human rights (including, but not limited to, survival-related rights such as right to life, right to food, shelter, etc.).

- Ensure dignity, participation, accountability, empowerment and vulnerability, and encourage the role of custom i.e. (Nafir) as core considerations within disaster management.
 - Advocate key human rights issues that the participants face highlighted the relevance of a rights-based approach throughout all stages of the disaster management cycle (including preparedness, response and recovery).
 - Disseminate the culture of volunteerism and conduct training and capacity building for National Volunteers in all aspect of disaster cycle (Disaster Preparedness and Disaster Management).
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