



Employ an overarching rights-based approach in disaster policies and operations

CARISMAND

Disasters do not exist in a legal vacuum, on the contrary (pre)existing rules and obligations continue to apply in disaster situations. This is why it is very important for disaster managers to, always, use a human rights-based approach to their activity in all stages of disaster management.

Applicable to:

Stakeholders: [Policy Makers](#), [Disaster Managers](#)

Disaster Phases: [Preparedness](#), [Response](#), [Recovery](#)

Types of Actors Concerned: [Non-active citizens](#), [Active citizens](#), [Law enforcement agencies](#), [UN and other international organisations](#), [Media](#)

Hazards: [Natural hazards](#), [Man-made non-intentional hazards or emergency situations](#), [Man-made intentional hazards](#)

Cultural Map Entries:

- [The challenges of respecting human rights in disaster situations](#)
- [Legal rules may be ignored or violated if they are offensive or contrary to the community's culture](#)
- [Law embodies culture and formalises its norms while culture conditions, promotes or constrains the adoption of legal rules](#)
- [The importance of respecting cultural values goes beyond language barriers and diet](#)
- [The importance of protecting the human rights of indigenous communities and local populations](#)
- [Work is needed to articulate how to operationalise cultural rights in the events surrounding disasters](#)
- [The protection and respect for the right to cultural identity and participation in cultural life take various forms](#)
- [The operationalisation of the right to cultural identity and participation in cultural life in disaster management policies](#)
- [Education as a cultural right](#)
- [Operationalisation of the right to education](#)
- [Discriminatory attitudes in disaster contexts](#)
- [Protection of minorities in disaster situations](#)
- [Bulgarian constitutional provisions on human rights](#)
- [Bulgarian Plan for Disaster Protection language adaptations](#)
- [Bulgarian evacuation and deconcentration measures in disaster situations](#)
- [Bulgarian measures for taking care of people who can not do it by themselves](#)
- [Bulgarian legislation for groups with special needs and different cultural identity](#)
- [French information measures and features](#)
- [French local and regional responsibilities for issuing disaster alerts](#)
- [Italian disaster managers training specificities](#)
- [Italian Law on Emergency Situations specificities](#)
- [UK legislation concerning culture and human rights](#)
- [UK legislation concerning vulnerable groups](#)
- [EU legislation concerning culture and human rights](#)
- [Divergences in the translation of culture and cultural factors into disaster management practices](#)
- [Portuguese legislation concerning culture and human rights](#)
- [Basic rules for respecting local cultural contexts and needs](#)

General association with cultural factors: [Rule of law](#)

Implementation steps:





- A.** Adopt a concrete overarching policy on rights-based approach in all dimensions of disaster management in Europe. Related cultural factor: [Rule of law](#)
- B.** Such will in effect lead to among others, developing and publishing guidelines on various aspects of human rights, such as data protection, cultural rights protection, etc., in disaster and other emergency management. For example, EU Agency for Fundamental Rights (FRA) should consider publishing an opinion on the multi-dimensional relationship between disasters and fundamental rights in Europe. Related cultural factor: [Rule of law](#)
- C.** Draft EU-wide guidelines on privacy and data protection in disaster management, circumscribing the restrictions or limitations to privacy and data protection rights in such situation. Related cultural factor: [Rule of law](#)
- D.** Raise EU citizens' education and awareness regarding human rights issues in disaster situations and the existing legal framework through detailed information campaigns. Related cultural factor: [Rule of law](#)
- E.** Develop a checklist on what policies and practices exist in respecting rights of victims, duties of authorities. Related cultural factor: [Rule of law](#)
- F.** Draft guidelines on how to protect minorities, religious freedom and traditions, personal and collective intellectual property rights, etc., in disaster management. Related cultural factor: [Rule of law](#)
- G.** Implement legislative norms promoting citizens' participation/engagement in disaster management to create an enabling environment. Related cultural factor: [Rule of law](#)
- H.** Pay particular attention to ethics, privacy and security when dealing with digital tools for disaster-related purposes. Related cultural factor: [Rule of law](#)

Sources:

	Deliverable 6.1: Report on European fundamental rights in disaster situations - CARISMAND (pdf, 2.2 MB)
	Deliverable 6.2: Report on fundamental rights in disaster situations in selected national legislations - CARISMAND (pdf, 3.6 MB)

Further reading:

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Kälin W and Dale C ‘Disaster Risk Mitigation – Why Human Rights Matter’, (2008) 31 Forced Migration Review.

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The New Zealand Privacy Commissioner, ‘Civil Defence National Emergencies (Information Sharing) Code 2013’, available at: <https://www.privacy.org.nz/the-privacy-act-and-codes/codes-of-practice/civil-defence-national-emergencies-information-sharing-code-2013/>, accessed 12 April 2016.

UN OHCHR, Protection of Internally Displaced Persons in Situations of Natural Disaster (2005), available at: <http://www.ohchr.org/Documents/Issues/IDPersons/Tsunami.pdf>, accessed 22 April 2016

Valencia-Ospina E, Preliminary Report on the Protection of Persons in the Event of Disasters (2008) A/CN.4/598.

Venturini G, ‘International Disaster Response Law in Relation to Other Branches of International Law’ in Andrea de Guttry et al. (eds.), International Disaster Response Law (T.M.C. Asser Press 2012).

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<https://toolkit.carismand.eu/a/recommendation-overarching-rights-based-approach>