



**STATEMENT OF
THE DELEGATION OF THE REPUBLIC OF INDONESIA
AT THE WORKING GROUP OF THE PROTECTION OF PERSONS IN
THE EVENT OF DISASTER
CLUSTER 2 –DRAFT ARTICLES 4, 5, 6 and 9**

Friday, 6 October 2023

1. Thank you, Mr. Chair.
2. In this second cluster of the Working Group, there are four Draft Articles to discuss. Two of which are closely related to the protection of human rights of persons in the event of disasters.
3. We should give our utmost effort to focus on putting people at the heart of this Draft Article.
4. These Draft Articles sets the orientation primarily on the protection of the rights of persons whose lives, well-being, and property are affected by disasters, with a focus on facilitating a response to disasters, as well as reducing the risk of disasters, to adequately and effectively meet the essential needs of the persons concerned while fully respecting their rights.
5. However, allow me to share our thoughts on these Draft Articles.
6. My delegation shares the opinions of the ILC on the rights-based approach as the basis in formulating this Draft Article.
7. However, Draft Articles 4 and 5 could be merged into a single Draft Article. We should not differentiate human dignity from human rights. It will cause confusion. It should be understood in its integrity.

8. Since these Draft Articles in terms of substance and timing are very specific and relate only to the event of disasters, we should take into equation the preparedness of states to respond, with their respective capacities and capabilities.
9. It would be very hard for states to cover all rights in the event of disasters...since the main objective at that unfortunate event should be saving lives, as much as possible.
10. Therefore, we might to consider giving primacy to certain rights that is urgently needed to protect at the event of disasters, without delay. However, this doesn't mean that other human rights are less important.
11. My delegation is of the view that there are some rights most essential to guarantee in the event of disasters, namely:
 - a. **Right to Life** (UDHR Article 3 and ICCPR Article 6): Ensuring the life and survival of people in the event of disasters should be the most fundamental right to guarantee.
 - b. **Right to Health** (UDHR Article 25 and ICESCR Article 12): Access to medical care and medical facilities is crucial during disasters to prevent and address injuries and illnesses.
 - c. **Right to Food and Water** (UDHR Article 25 and ICESCR Article 11): Ensuring access to sufficient nutrition is vital for survival.
 - d. **Rights to Shelter and Housing** (UDHR Article 25 and ICESCR Article 11): It's crucial to give those affected or displaced by disasters shelter and housing in accordance with the rights to shelter and adequate housing.
 - e. **Right to Property** (UDHR Article 17 and ICCPR Article 17): Individuals should not be arbitrarily deprived of their privacy, family, and property.
 - f. **Right to Information** (UDHR Article 19): Access to accurate and timely information is necessary for individuals to make informed decisions during disasters.
 - g. **Right to Participation** (UDHR Article 21 and ICCPR Article 25): Involving affected communities in decision-making regarding disaster preparedness, response, and recovery is essential.
 - h. **Right to Personal Security** (UDHR Article 3 and ICCPR Article 7): Protection from violence, exploitation, and abuse, including gender-based violence, is critical in disaster-affected areas.
 - i. **Right to Education** (UDHR Article 26 and ICESCR Article 13): Efforts should be made to ensure that children's right to education is not disrupted for prolonged periods.
 - j. **Right to Non-Discrimination** (UDHR Article 2 and ICCPR Article 26): Disaster relief and disaster assistance efforts should be carried out without discrimination, ensuring equitable assistance to all affected populations.
12. These rights collectively provide a framework for ensuring the protection and well-being of individuals and communities during and after disasters.

13. It is the responsibility of the affected states to uphold these rights and provide emergency relief, assistance, and protection to those affected by disasters.
14. On Draft Articles 6 and 9, at this initial stage, my delegation observes that there are room for further improvements. We will listen to and observe closely the views expressed by other delegations as well as the points of discussion at this working group on these Draft Articles.
15. I thank you.