



44th SESSION OF THE HUMAN RIGHTS COUNCIL

Panel Discussion on Climate Change and Human Rights with the theme

“Promoting and Protecting the Rights of Persons with Disabilities in the Context of Climate Change”

8 July 2020

In this summary:

- **Opening statement, initial presentations** by the distinguished panellists.
- **Interactive discussion** (interventions from the floor for States and observers, national human rights institutions and non-governmental organizations).
- **Responses** to questions and **concluding remarks**.

See as well: *OHCHR analytical study on the promotion and protection of the rights of persons with disabilities in the context of climate change (2020)*: [A/HRC/44/30](#) and [Easy-to-Read version in English](#)

Chair: **H.E. Mr Juraj Podhorský**, Vice-President of the Human Rights Council

Opening statement and Initial presentations:

Ms Nada Al-Nashif, United Nations Deputy High Commissioner for Human Rights Panellists

People with disabilities, representing 15% of the world’s population or around 1 billion individuals, may experience climate change impacts differently and more severely than others.

The study submitted by OHCHR at the request of Council Resolution 41/21 finds that **poverty** is one of the key components affecting the exposure of persons with disabilities to the impacts of climate change. Others are **discrimination and stigma**, as well as **intersecting factors** related to gender, age, ethnicity, geography, migration, religion and sex.

Persons with disabilities are among those **least able to access emergency support**.

Both **sudden onset natural disasters** and **slow onset events** can seriously affect their **access** to food and nutrition, safe water and sanitation, health-care services and medicines, education and training, adequate housing and decent work.

Data collection and disaggregation by disability is fundamental.

For climate action to be genuinely **inclusive**, it needs the meaningful, informed and effective participation of persons with disabilities and their representative organizations. Some **inspiring examples** in this regard:

- In **Bangladesh**, the Gaibandha model implemented by disability and development NGO CBM, in collaboration with NGO Gaya Unnayan Kendra.
- In **Nepal**, a project on disaster risk management implemented by NGO Humanity and Inclusion.
- In **Ethiopia**, a project aimed at increasing drought resistance by the Gayo Pastoralist Development Initiative.

To “**build better**” we need to ensure inclusive housing and infrastructure as well as economic stimulus packages that protect and benefit persons in vulnerable situations.

When taking action under the **UN Framework Convention on Climate Change**, States should ensure that these efforts are disability-inclusive and rights-based.

Ms Catalina Devandas Aguilar, Special Rapporteur on the rights of persons with disabilities

People with disabilities are at high risk of being left behind in case of emergencies, natural disasters, internal displacement or migration due to **structural barriers** such as lack of accessibility and poverty.

Despite advances in the Sendai Framework for disaster risk reduction, responses to climate change and emergencies are **neither accessible nor inclusive**.

People with disabilities may face the **interruption of basic health services, support services and rehabilitation**; often without access to mobility aids, or at the risk of losing their lives if they stop working.

Furthermore, in emergencies, **girls and women with disabilities** face a higher risk of gender-based violence.

The **Convention on the Rights of Persons with Disabilities (CRPD)** is the guiding framework for building inclusive responses to climate change. **Article 11** obliges States parties to take all necessary measures to guarantee the protection and safety of persons with disabilities in situations of risk.



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The commitment to the inclusion of people with disabilities in climate actions is reinforced by the Sustainable Development Goals; the Paris Agreement; the Sendai Framework for Disaster Risk Reduction; and a series of decisions taken under the UN Framework Convention on Climate Change.

To build an inclusive climate response, we need to take into account some **key considerations**:

1. A **human rights-based approach** should be adopted.
2. **Active participation and consultation** of people with disabilities and their representative organizations in climate action planning, decision-making and review processes should be guaranteed.
3. **Accessibility standards** must be applied in planning and rebuilding efforts after emergencies.

International cooperation, the subject of my **next and last report**, has a fundamental role in supporting national efforts to give effect to the rights of people with disabilities, including an inclusive response to climate change.

The **articulated and joint work** of governments, international organizations, as well as civil society, in particular, persons with disabilities and their representative organizations, is urgent and necessary.

Ms Amalia A. Decena, President of Handicapables Association of Cagayan, Philippines (*video message*)

The **Philippines** experiences on average 20 tropical typhoons annually and Persons with Disabilities are at risk.

In response, the Philippine Government has crafted **policies related to climate change** as follows:

1. The **climate change Act 2009** designed the framework for integrating climate change adaptation in government plans and programs including Persons with Disabilities.
2. In 2010, the **Philippines Disaster Risk Reduction and Management Act** was enacted to provide a comprehensive and community based approach to disaster preparedness.
3. The **People's Survival Fund** was established in 2014 as a supplemental fund for local government units and community organizations. The fund aims to finance the implementation of long term projects that will build resiliency to the effects of climate change among municipalities.

Regular participation of persons with disabilities in **emergency preparedness drills** and other disaster risk reduction measures at the local and district levels could prevent or minimize risk and damage when disasters occur. The **Persons With Disabilities Office** in the region helps strengthens **disability inclusive disaster risk reduction planning** and implementation of measures on providing timely and appropriate support to persons with disability in responding to disasters.

Mr Sébastien Jodoin, Assistant Professor at the McGill University Faculty of Law and Canada Research Chair in **Human Rights and the Environment** (*video message*)

Due to the inaccessibility of emergency communications, relief, and recovery efforts, disabled persons experience disproportionately **high rates of mortality** during severe weather events fuelled by climate change.

These challenges are felt most acutely by populations in **developing countries** as well as segments of the population that are affected by **intersecting forms of systemic discrimination**.

The obligation of states to adopt and implement climate mitigation and adaptation measures extends to the international realm and requires that states prioritize disability rights in their **multilateral and bilateral climate finance and assistance programmes**.

States must ensure that climate actions **foster the dignity of persons with disabilities** and addresses, rather than reinforces, existing social inequities. The disability community does not currently have a constituency that enables it to participate in UNFCCC processes, unlike women, children and youth, or Indigenous Peoples. **The creation of a constituency** for persons with disabilities under the UNFCCC is a clear obligation.

Ensuring that **mass transit systems** are accessible is not only an obligation owed to persons with physical mobility impairments, but also benefits a wide range of users. Likewise, the creation of **accessible early warning systems** can also benefit the broader population.

Persons with disabilities should be recognized as **agents** that can make valuable contributions to the world's efforts to reach carbon neutrality and adapt to our changing planet.



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Ms Deborah Iyute Oyuu, Programme Officer at the National Union of Disabled Persons of Uganda (*video message*)

The access of persons with disabilities to **basic services** is hampered, they are disproportionately exposed to water scarcity, food insecurity, economic losses, gender-based violence, inadequate housing, disruption of support services and involuntary displacement.

In most climate change or DRR committees, persons with disabilities are **not represented** to articulate their needs in this context.

Climate change is not the main cause of the hardships, but it is rather **the social exclusion** that people with disabilities experience. Solutions to climate change must address the **root causes of social injustice**.

Thanks to **Article 32** on international cooperation, the **CRPD** has the necessary Human Rights Based and people-centered approach to make climate action efficient, by tackling the root causes of marginalization and exclusion, by fostering social justice and meaningful participation and consultation, and by addressing discrimination.

The crucial role of the CRPD is, among other actions, in **calling out** to States parties, UN agencies and relevant stakeholders to:

- Ensure that legislation incorporates a clear prohibition of all forms of disability-based discrimination.
- Actively consult with and meaningfully engage persons with disabilities, including children, through their representative organizations, in all decision-making related to prevention and mitigation of climate change.
- Take the necessary measures to implement the full range of accessibility obligations under the Convention.

Interactive Dialogue

States: Finland on behalf of the Nordic-Baltic countries (Denmark, Estonia, Iceland, Latvia, Lithuania, Norway, Sweden, Finland), European Union, Burkina Faso on behalf of the African Group, Azerbaijan on behalf of the Non-Aligned Movement, Viet Nam on behalf of the ASEAN (Association of Southeast Asian Nations), Nauru on behalf of small-island developing states, Mexico on behalf of a group of states (Chile, Guatemala, Peru, Panama, Costa Rica, Uruguay, Ecuador, Mexico), Bangladesh on behalf of the co-group on human rights and climate change (Philippines, Viet Nam, Bangladesh), Nepal, Ecuador, Fiji, Sierra Leone, China, Pakistan, Senegal, Armenia, Venezuela, Iran, Chile, Cuba, Indonesia, Iraq,

Observers: UN Women, UNICEF

Civil Society: National Human Rights Commission of New Zealand, Center for International Environmental Law (CIEL), Associazione Comunita Papa Giovanni XXIII, South Youth Organization, Earthjustice, Institut International pour les Droits et le Développement, Institut International de l'Écologie Industrielle et de l'Économie Verte.

UN Women: It is estimated that more than **one billion people** in the world experience some form of disability. The average prevalence rate in the **female population is 19.2%**, compared to 12% for males. Women and girls with disabilities experience **multiple and intersecting forms of discrimination**. In times of natural disasters, including those caused by **climate change**, pre-existing circumstances are exacerbated, disproportionately affecting women and girls with disabilities. They are **more likely to die in disasters** and have different and uneven levels of resilience and capacity to recover. The ability of women with disabilities to **flee disasters** may be compromised due to physical barriers, the inaccessibility of early warning information, and the erosion of support from family members and the community. Additionally, women with disabilities face a heightened risk of **gender-based violence** in post-disaster contexts.

UNICEF: Climate change-related impacts have a differential and disproportionate effect on the more than **93 million children with disabilities** globally. Persons with disabilities, including children and their families, often live in **poverty**, and are among those who experience the **worst effects of climate change**, such as food shortages and malnutrition; climate-related migration; and being forced into substandard housing. With many persons with disabilities already facing barriers to accessing safe water for drinking, sanitation and hygiene,



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climate change is expected to even further exacerbate these vulnerabilities, exposing hundreds of millions of people to increased **water stress** and compromised health, with serious consequences particularly for children. A key factor contributing to heightened risk for children with disabilities is the **lack of information** and resources in accessible and child friendly formats.

Questions asked during the Interactive Dialogue:

- Where are the biggest gaps as regards full and effective participation of persons with disabilities in global processes against the climate change? How can the newly adapted view on disability-inclusive strategy help in narrowing these gaps? (*Finland on behalf of a group of states*)
- Could the panellists elaborate on good practices and specific actions which have already been taken, or could be taken by states to identify, address and remedy the negative impacts of climate change on the rights of persons with disabilities. (*European Union*)
- What is the major challenge for making the conclusions of the study operational? (*Burkina Faso on behalf of African Union*)
- Why is it still a challenge to include persons with disabilities in climate change conversations and how can we overcome some of these obstacles? (*Nauru on behalf of a group of states*)
- How can disability-inclusive policies bring real benefits to the whole society, especially regarding the impacts of climate change? (*Associazione Comunita Papa Giovanni XXIII*)
- Could the panellists share some examples of best practices of local, regional or global collaboration on disability-inclusive practices that exist between disability stakeholders that address climate change, especially following natural disasters? (*Sierra Leone*)
- Could the panellists share their views on how realization of the right to development can be conducive for promotion and protection of rights of persons with disabilities in the context of climate change? (*Pakistan*)
- How can the Council further contribute to climate change negotiations to guarantee the recognition of the elements of disability inclusive human rights based approach to climate policy? (*Indonesia*)
- How can we involve the rights of the disabled people in instruments on climate change? How can we improve accessibility for the disabled to information be it on the internet or outside? (*Iraq*)
- May we ask the panelists their views on UN Habitat's New Urban Agenda? Its rights-based approach highlights the important role of local authorities and cities in implementing the rights of people with disabilities, older persons, children and others in vulnerable situations in the current context of both COVID19 and climate change. (*Earthjustice*)

Concluding Remarks

Ms Catalina Devandas Aguilar, Special Rapporteur on the rights of persons with disabilities

- An essential conclusion: any climate change action must be based on **human rights approach**. In the case of persons with disabilities, this must always be line with the CRPD.
- International climate change and SDGs **frameworks** must be implemented hand in hand with the Convention. The inclusion of persons with disabilities can become possible with the help of these instruments.
- The **Strategy for the inclusion of persons with disabilities in the UN** was adopted in 2019, including for the UN teams working on the ground on climate change.
- To fully achieve the inclusion, we must address the **root causes** of greater disproportional impact on people with disabilities. We need to address equality, discrimination, ableism. Intersectional discrimination of indigenous persons, those living in small island-states, older people.
- Active **participation** is essential. States have an obligation to consult and effectively involve organizations representing persons with disabilities in all of their actions.



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- We must develop public policy and actions in these areas that **go both ways**: general action to mitigate the climate change and specific actions to support persons with disabilities, in order to reduce the gap that separates their accessibility.
- Need for **monitoring, disaggregated data by disability and international cooperation** efforts to bear in mind the needs of persons with disabilities.

Mr Sébastien Jodoin, Assistant Professor at the McGill University Faculty of Law and Canada Research Chair in Human Rights and the Environment

- The need to urgently **remove carbon emissions**: not only because of their impact on climate change but also because air pollution disproportionately affect persons with disabilities.
- Countries need to implement their **obligations under CRPD**, to narrow the gap between the obligations and the implementation.
- States should **build on the expertise** already made available by the people with disabilities.
- Under the UNCCC process, it is important to **create a constituency** for people with disabilities. So far, there are nine constituencies in total – and still not one for persons with disabilities.
- Also under the UNCCC process, states can learn from their experience of developing the Gender Action Plan and develop the **Disability Inclusion Action Plan**, which would make the participation of people with disabilities more effective, will help with collecting data ensure and capacity-building activities and generate new knowledge in the field.
- The need to have a **special mandate of an expert** to focus on climate change and human rights.

Ms Deborah Iyute Oyuu, Programme Officer at the National Union of Disabled Persons of Uganda (video message)

- **Inclusion** in climate change action is vital, for governments and organizations to **work together**. Budget, monitoring mechanisms and involvement of people with disabilities in all of the structures is important for that.
- In **Uganda**, the Risk Reduction meetings happen every months and involve disabled persons participation. People with disabilities in Uganda appreciate this inclusion.
- People with disabilities should be involved in advocating. **Inclusion programmes** and projects will benefit everyone.