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Position Paper

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”Climate Crisis and Disaster Control“

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I. Introduction

The changes resulting from climate change concern people on the entire planet. Whether in cities, rural areas, in mountains or lowlands, in the Global North or the Global South: people are facing the consequences everywhere. These changes do not have the same impact for everyone.¹ In spring 2022, the Independent Monitoring Committee addressed the topic together with the Carinthian Monitoring Committee and invited for an exchange in a public session. The objective of this event was to bring an aspect to the centre of attention which is often not considered or only at the margins: the consequences of climate change for persons with disabilities.

The Independent Monitoring Committee issues regular position papers as part of its function of monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities. In those papers it introduces the current Austrian situation and points out which Articles of the Convention need to be considered in the context of the relevant topic. Within those position papers, the one on public consultations holds a particular role. It does not only introduce the problem but addresses topics, which have been raised by participants during the event.

In this joint position paper by the Carinthian Monitoring Committee and the Independent Monitoring Committee, you will find the topics of the event as well as foundational references regarding the UN Convention on the Rights of Persons with Disabilities, which need to be considered when combating climate change and its impact in Austria and at an international level.

II. Climate and Disaster Control: Impact on Persons with Disabilities

1. What has Climate and Disaster Control Got to Do with Persons with Disabilities?

Persons with disabilities are, like everyone else, impacted by the consequences of climate change. This includes dealing with heat waves, droughts, heavy rain and flooding or storms. The climate crisis itself can have additional consequences for persons with disabilities as they can for instance result in the **deterioration** of health or a primary disease.²

¹ For a first assessment of the different vulnerability groups in Austria see also *BMSGPK, Soziale Folgen des Klimawandels (Social Impact of Climate Change) (2021)* 1 ff.

² See for instance *Licht für die Welt (Light for the World)*, Klimakrise und Augengesundheit (Climate Crisis and Eye Health), <https://www.licht-fuer-die-welt.at/pressreleases/klimakrise-und-augengesundheit/> (accessed 13.09.2022); *Multiple Sklerose Gesellschaft Wien (Multiple Sclerosis Society Vienna)*, Uhthoff-Phänomen, (Utthoft Phenomenon) <https://www.msges.at/leben-mit-ms/leichter-leben-mit-ms/uhthoff-phaenomen/> (accessed 13.09.2022).

A disability may also only be caused through an **injury** resulting from a climate-induced disaster, such as a flooding.

Persons with disabilities already run risk of being forgotten or disregarded in **preventative measures** for disasters. This means that neither persons with disabilities themselves nor the relevant emergency forces can prepare accordingly for the worst case. For instance, in some cases wheelchair users are told during fire drills not to try to save themselves but to wait until someone comes to assist them.³ Participants of the public session tell examples, where the emergency forces were not informed that someone was waiting for assistance, whereby nobody arrived for the waiting person. With evacuation plans comes the risk that persons with disabilities are not included from the outset. Retrospective adjustments are then difficult to include in the original plan.⁴ This exclusion affects persons with disabilities in particular, as the escape from danger can be more difficult, some may react slower or need assistance by other people.

Evacuation in a climate-induced disaster consequently poses a considerable problem for persons with disabilities. The disasters of recent years and decades have, due to climate change, increased considerably. In dealing with disasters, it becomes particularly clear that persons with disabilities struggle with **additional obstacles**, which can result in particular risks.⁵ Amongst other cases, this became clear via the flooding disaster in Ahr Valley, North Rhine-Westphalia last year on 14th and 15th July 2022, when the river Ahr burst its banks and 48 people died. Amongst the dead were twelve persons with disabilities who had lived in an institution. They were neither warned on time, nor was there sufficient staff to bring the residents to safety.⁶

Persons with disabilities also need to deal with aggravated **impact** of climate-induced disasters. Where a climate-induced disaster destroys property, such as the home or other items, it is more difficult for persons with disabilities to find replacements, as some rely on certain assistive devices or accommodations.

For instance, a wheelchair user will need an accessible residence. The offerings available, such as emergency accommodation, sanitary facilities or even food banks, are not always accessible and therefore not usable.⁷

³ Experiences of participants of the public session 2022 regarding cases of fire drills.

⁴ Problem discussion and exchange with Helfer Wiens on 12.09.2022

⁵ *National Council on Disability*, The Impact of Hurricanes Katrina and Rita on People with Disabilities: A Look Back and Remaining Challenges (2006) 3.

⁶ *Die Spur*, Allein gelassen in der Flut (Left alone in the flood), <https://www.zdf.de/dokumentation/die-spur/ahr-hochwasser-jahrestag-pflege-flutwelle-feuerwehr-100.html> (accessed 13.09.2022); *Weidinger*, Was ist in der Flutnacht passiert? - Ein Protokoll (What happened the night of the flood – a record), <https://www.swr.de/swraktuell/rheinland-pfalz/flut-rekonstruktion-ahr-tal-protokoll-100.html> (Version 14.07. 2022); *Das Erste*, Ein Jahr nach dem Hochwasser – Die Jahrhundertflut in Zahlen (A Year After the Flood - The Flood of a Century in Numbers), <https://www.mdr.de/brisant/hochwasser-ahr-tal-100.html> (as per 13.07.2022).

⁷ *National Council on Disability*, The Impact 11 ff.

This problem also exists in the **international context**. Countries in the Global South try to address crop failure and food insecurity caused by climate change with humanitarian help. Due to a lack of accessible information or access, it is difficult for persons with disabilities to access these. Furthermore, it is important to ensure that those food products are suitable for everyone.⁸

Persons with disabilities all around the world are therefore affected by the climate crisis and its consequences. At the same time, they have to some extent deal with additional obstacles. Their safety and rights must be **protected** as required by the UN CRPD.

2. The UN CRPD...

The Republic of Austria has committed in 2008 via the ratification of the UN Convention on the Rights of Persons with Disabilities and the Optional Protocol (**UN CRPD**)⁹ to the applicability and implementation of the human rights for persons with disabilities. The UN CRPD (Convention and Optional Protocol) has been in force for the federal state as well as the states since 26.10.2008.¹⁰

Regarding the implementation of the UN CRPD in Austria a **reservation** was made based on Article 50 para 2 nr. 3 of the Federal Constitution, whereby no individual or group can rely directly on the UN CRPD as the provisions have to be implemented via national legislation.¹¹

The Convention, however, not the Optional Protocol, have also been ratified by the European Union itself and entered into force on 22.01.2011.¹² The Convention thereby has, as an **international agreement** under Art. 216 TFEU, binding effect for the EU institutions as well as its member states. The Austrian reservation is therefore within the remits of EU competences without effect.

Austria is furthermore obliged to apply **union-compliant interpretation**, the violation of which results in sanctions. Austrian courts and authorities consequently have the duty to interpret the national norms in conformity with the EU and therefore the UN CRPD. In addition, such an obligation also arises from the fact that the UN CRPD is a treaty under Article 50 para 1 of the Constitution, whereby the **duty to apply international legal interpretation** also arises. Based on this duty, national norms are to be interpreted in a way that they do not contradict any Austrian international obligations, in this case the UN CRPD.

⁸ *World Food Program*, Disability and Food Security: Central African Republic - Findings from the 2020 ENSA disaggregated by disability (2021) 1 f.

⁹ BGBl III 2008/155, new translation: BGBl III 2016/105

¹⁰ Art. 45 Abs. 2 UN CRPD as well as Art. 13 Abs. 2 Optional Protocol.

¹¹ See e.g. *Lampmayr*, Vom Sachwalterrecht zur Erwachsenenvertretung - Gesetzgebung unter Einbindung betroffener Menschen (from Guardianship Legislation to Adult Representation – Codification with Consultation of Affected People), iFamZ 2016, 158 (158 mwN).

¹² ABl 2010 L 23/37.

With Austria having signed the Optional Protocol, individuals and groups of individuals can approach the UN CRPD Committee in relation to a violation of the UN CRPD after the exhaustion of national remedies (“**Individual and Collective Complaint**”).¹³

3. ... and the Climate Crisis

The UN CRPD includes the guarantee of human rights being applicable to persons with disabilities, such as the respect for the home and family in Article 23 UN CRPD. They apply, amongst other forms, in the state’s duty to respect, protect and fulfill as well as the duty to achieve and promote. They cover comprehensive aspects of life. In particular, there are provisions which deal with climate change and its effects:

- **Article 9 UN CRPD** covers the guarantee of **accessibility**. The access to the built environment, transport or information needs to be provided to ensure that persons with disabilities can lead an independent life and fully participate in all parts of life. Barriers in the environment of persons with disabilities must be dismantled. In relation to climate change this has two consequences in particular: on the one hand **safety precautions** for disaster situations need to be usable by all people. This means that those provisions and measures are also accessible for persons with disabilities. To do so, there needs to be active participation in all stages of such measures, starting at the planning stage. In case of emergency, it is too late to try and adjust measures for persons with disabilities, risking the life and safety of the helpers and those receiving help. At the same time, persons with disabilities want and need to make active contributions in the context of climate change. As **environmentally friendly measures** are still not sufficiently accessible or only available at limited times of the day, they are not usable for persons with disabilities. Where public transport is not adjusted for a person using a walker, or only available until 6pm, people continue to rely on a car. Where only touchscreens are used for energy-saving technology, a person with a visual impairment will continue to use outdated but tactilely usable technology.
- **Article 11 UN CRPD** guarantees the **protection and safety** of persons with disabilities in situations of risk and humanitarian emergencies. State Parties have made a commitment under Article 11 to protect persons with disabilities. This concerns war, armed conflicts, famines, or natural disasters, such as flooding, severe earthquakes, or droughts. Consequently, persons with disabilities are also to be protected from the **disastrous consequences of climate change**. This responsibility concerns the situation in Austria as well as beyond Austrian borders.

¹³ BGBl III 2008/155; ErläutRV 564 BgI NR 23. GP 12 ff.

- **Article 14 UN CRPD** includes the guarantee of the liberty and safety for persons with disabilities. Persons with disabilities have the same right to safety as anyone else and must be able to use this right. This does not only cover the defence against arbitrary arrests or violence, but rather builds on a comprehensive understanding of safety. Persons with disabilities are therefore to be included in **safety concepts**, such as the development of a warning system or evacuation plans and measures must be implemented accordingly.
- **Article 17 UN CRPD** guarantees the right of persons with disabilities to **protection of their integrity** on an equal basis with others. This covers both respect of physical as well as mental integrity.
This integrity is under **threat** by the climate crisis and crises resulting from it, as it can lead to injuries or impairments because of disaster situations. The climate crisis itself can exacerbate primary illnesses. The impact on mental health caused by the increase of hazardous situations and insecurities is also a part of the danger. Persons with disabilities need to be protected from this danger on an equal basis with everyone else. This can be done by providing accessible information, including persons with disabilities in safety measures and designing measures from the outset in a way that ensures universal usability.

III. Art. 11 UN CRPD and Implications on the Lived Realities of Persons with Disabilities

1. Art. 11 UN CRPD

Article 11 UN Convention on the Rights of Persons with Disabilities "Situations of Risk and Humanitarian Emergencies" provides the following:

"States Parties shall take [...] all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters."

As already stated in Chapter II 3., State Parties have committed to ensure the protection and the safety of persons with disabilities. That there is a need for improvement in Austria, has most recently been illustrated by the COVID-19 pandemic.

2. Insufficient Preparation for Situations of Risk

The COVID-19 pandemic showed us, which challenges occur when insufficient preparation for situations of risk are made. We all remember the contradictory decrees and regulations, which caused confusion in society – nobody knew which regulation was applicable and what had to be done. This situation was particularly difficult for persons with disabilities.

The Styrian Monitoring Committee established in March 2020, following the consultation of a range of advocacy and self-advocacy organisations, the following fundamental problems:

- „Absence of or insufficient information, in particular in regards of reliable and accessible information on the concrete danger and code of behaviour for persons with cognitive impairments on the one hand and for deaf people on the other hand;
- Lack of advice or support, in particular for persons with psychosocial impairments;
- Loss of personal assistance or limited personal communication;
- Insecurity regarding frequently changing and partially differing Covid-regulations (for instance when or who needs to wear masks, which meetings with which groups of people are permitted or not permitted);
- Undersupply with protective equipment. “¹⁴

The same problems occurred in all of Austria and subsequently several other severe ones arose, as stated, amongst others, by the Tyrolian Monitoring Committee: *“Persons with disabilities were declared an “at risk group” and for that reason subjected to exacerbated measures and restricted in their rights.”*¹⁵ In all of Austria visitation rights were restricted in services for persons with disabilities and hospitals. This seclusion of residential and care homes had grave consequences for the residents and their relatives. Residents *“who decided to remain in the institution could not spend their weekends with their families as they used to. On the other side the burden on parents and relatives whose disabled children could not attend their services as usual during the entire lockdown, was very high. There was only one choice: either at home or in the institution. Furthermore, the high number of older people in need of care, which were cared for at home by relatives or nursing services, had to [...] struggle with the phenomenon of social isolation.”*¹⁶

Many of those challenges could have been mitigated via an early consultation of representative groups and self-advocates. However, it is unfortunately still the case that persons with disabilities are not given the opportunity to actively participate in decision making processes, including in crisis committees.

¹⁴ *Steiermärkischer Monitoringausschuss für Menschen mit Behinderungen (Styrian Monitoring Committee for Persons with Disabilities)*, Erst-Stellungnahme zum Thema „COVID-19“, 2 (First Position on the Topic of “COVID-19“), available <https://www.monitoring-stmk.at/wp-content/uploads/2021/05/Stellungnahme-Stmk-MA-COVID-19.pdf> (accessed 13.11.2022).

¹⁵ *Tiroler Monitoringausschuss (Tyrolian Monitoring Committee)*, Menschen mit Behinderungen im Krisen- und Katastrophenfall, (Persons with Disabilities in Crisis and Situations of Disaster) 11, available https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/UN-Konventionen/tiroler-monitoring-ausschuss/dokumente/stellungnahmen/Stellungnahme_Krisen_und_Katastrophenfall_Corona_2021.pdf (accessed 13.11.2022).

¹⁶ *Kärntner Monitoringausschuss (Carinthian Monitoring Committee)*, Tiefe Einschnitte für behinderte Menschen durch Corona-Maßnahmen (Big Cuts for Persons with Disabilities via COVID-measures), 2, available http://www.monitoring-ktn.at/wp-content/uploads/2021/03/Presstext-Corona_Nov20-2.pdf (accessed 17.11.2022).

3. Absence of Participation in Crisis Management and Prevention

This absence of opportunities for persons with disabilities to participate also becomes visible in Carinthia in the preparation for a potential blackout, a large-scale power outage. Despite the experiences with COVID-19 having shown that the participation of persons with disabilities and their representative organisations makes sense, they are once again not included in the task force. While, following from the Public Session 2022 “Climate Crisis and Disaster Protection”, and the suggestion by the Carinthian Disability Ombudsman, a meeting took place on 20.09.2022, where various representative organisations of persons with disabilities were informed about the planned measures of the Carinthian crisis protection, it is not planned to include them in the Crisis Management group.

During the meeting the individual responsibility of each person was also referenced and that this also applies to persons with disabilities. The emergency forces will not be able to provide holistic services for society, therefore persons with disabilities and their relatives also need to take their own precautions. The state of Carinthia is planning to establish central points of contact (“Lighthouse”) in each municipality. Those lighthouses will be equipped with emergency power supply systems and shall ensure basic communication supplies between emergency forces, authorities, and the general public in the case of a blackout.¹⁷

Comprehensive information materials are sent to every Carinthian household and the media reports on a regular basis about a potential widescale power outage. This information is neither accessible, nor understandable by everyone, hence the representative organisations present suggested to urgently provide information in plain language.

The representatives also addressed the following challenges in the meeting on 20.09.2022:

- How can supply be ensured for those persons with disabilities and older persons who do not live in institutions and do not have a personal or familial safety net?
- How can the service provision of personal assistance be ensured when the communication network collapses entirely?
- How can it be avoided that persons have to remain for days stuck in an elevator?

¹⁷ *Kommunalnet*, Blackout: Ein Leuchtturm für jede Kärntner Gemeinde (Blackout: A Lighthouse for each Carinthian Municipality), <https://www.kommunalnet.at/2021/02/10/blackout-ein-leuchtturm-fuer-jede-kaerntner-gemeinde/> (accessed 10.02.2021).

IV. International Aspects of the Climate Crisis and the UN CRPD

1. Climate Affects Everyone

Worldwide there were 7,348 natural disasters in the last 20 years, which affected 4.03 billion people and led to the deaths of over 1.2 million people.¹⁸ This is an enormous increase compared to the previous 20 years, in which 4,212 of those disasters were recorded.¹⁹ 80% of all disasters are traced back to the climate crisis.²⁰ The climate crisis becomes visible e.g. in large-scale droughts,²¹ hurricanes which destroyed entire coastal regions²² or disastrous floods.²³ The consequences of such disasters are destroyed houses and villages, the loss of harvests, the destruction of fields and resulting famines.²⁴

On a global level, climate change is mainly caused and advanced by the **countries in the Global North**,²⁵ such as the US, China, Russia, Brazil, Japan, India, and the EU member states as well as the United Kingdom.²⁶ This arises from determining the contributions of individual countries to the climate crisis. When determining this, factors such as the size of the country or the contribution per person are frequently measured.²⁷

¹⁸ *UNDRR*, The Human Cost of Disasters – An overview of the last 20 years 2000-2019 (2020) 6, 13.

¹⁹ *UNDRR*, The Human Cost of Disasters 6.

²⁰ *European Commission*, Humanitarian Aid Donors' Declaration on Climate and Environment, https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/climate-change-and-environment/humanitarian-aid-donors-declaration-climate-and-environment_en (accessed 12.12.2022) mVa *UNDRR*, The Human Cost of Disasters 1 ff.

²¹ *UNHCR Österreich*, UNHCR ruft zur Hilfe wegen katastrophaler Dürre in Ostafrika auf (UNHCR calls for help regarding catastrophic drought in East Africa), <https://www.unhcr.org/dach/at/79077-unhcr-ruft-zur-hilfe-wegen-katastrophaler-duerre-in-ostafrika-auf.html> (accessed 29.06.2022). see also *UNDRR*, The Human Cost of Disasters 18.

²² *Caritas international*, Positionspapier „Klimawandel und Humanitäre Hilfe“ (Position paper “Climate Change and Humanitarian Help“ 1, available <https://www.caritas-international.de/informieren/themen/umwelt-enzyklika/klimawandel-humanitaere-herausforderung> (accessed 07.09. 2022) with reference to cyclones in Mozambique in 2019. See also *UNDRR*, The Human Cost of Disasters 17.

²³ *Caritas Österreich*, Spenden und Nothilfe Flutkatastrophe Pakistan (Donations and Emergency Aid Flood Disaster Pakistan), https://www.caritas.at/spenden-helfen/auslandshilfe/katastrophenhilfe/laender-brennpunkte/flutkatastrophe-pakistan?gclid=Cj0KCQjwguGYBhDRARIsAHgRm4-CcNjS1VFr2MokHMhKTzoYyLeYMC4Bf6jXb66hNp3_D6dZa7WILEUaAjy5EALw_wcB (accessed 07.09.2022) regarding the flooding in Pakistan. See also *UNDRR*, The Human Cost of Disasters 10, 17. *Kurier*, Schwere Unwetter in Kärnten: Zivilschutzalarm in mehreren Gemeinden (Severe Flooding in Carinthia: Civil Protection Alert in several Municipalities), <https://kurier.at/chronik/oesterreich/schwere-unwetter-in-kaernten-wieder-zivilschutzalarm-ausgeloeset/402083911> (accessed 22.07.2022).

²⁴ *Compare Aktion gegen Hunger (Action against Hunger)*, Klimakrise führt zu Hunger (Climate Crisis Results in Hunger), <https://www.aktiongegengendehunger.de/aktuelles/klimakrise-fuehrt-zu-hunger> (accessed 12.05.2022).

²⁵ *European Parliament*, EU Responses to Climate Change, <https://www.europarl.europa.eu/news/en/headlines/priorities/climate-change/20180703STO07129/eu-responses-to-climate-change> (accessed 12.12.2022); *European Parliament*, Greenhouse Gas Emissions by Country and Sector: Infographic by Country and Sector, (<https://www.europarl.europa.eu/news/en/headlines/priorities/climate-change/20180301STO98928/greenhouse-gas-emissions-by-country-and-sector-infographic> (accessed 12.12. 2022).

²⁶ *Matthews/Graham/Keverian/Lamontagne/Seto/Smith*, National Contributions to Observed Global Warming, 3 f, available under <https://iopscience.iop.org/article/10.1088/1748-9326/9/1/014010/pdf> (Version 2014) as well as *Crippa/Guizzardi/Muntean/Schaaf/Solazzo/Monforti-Ferrario/Olivier/Vignati*, Fossil CO₂ and GHG Emissions of All World Countries – 2020 Report, 4 ff, available <https://op.europa.eu/en/publication-detail/-/publication/71b9adf3-f3dc-11ea-991b-01aa75ed71a1/language-en> (Version 2020).

²⁷ *Matthews/Graham/Keverian/Lamontagne/Seto/Smith*, National Contributions, 3 f.

Thereby, countries in Central Africa or South America show in some cases a higher per person contribution in emissions, however the overall consumption of these countries is lower as the population is smaller and the overall contribution to climate change is lower.²⁸

The 193 United Nations Member States decided in 2015 on the 2030 Agenda with 17 Development Goals (Sustainable Development Goals, SDGs) which should be realized by 2030. They include goals such as social, economic, and political inclusion or equal access to work and education for persons with disabilities amongst others based on the principle of “Leaving No One Behind”.²⁹ In the Sustainable Development Report (SDR) which was published by Cambridge University Press and the Bertelsmann Foundation, UN Member States are listed based on how far they have progressed in their development towards the **climate goals** of the 2030 Agenda. Austria is with 82.3 points out of 100 on place 5 on the list, behind Norway (82.3), Sweden (85.2), Denmark (85.6) and Finland (86.5).³⁰ It was stated that in relation to sustainable consumption and production as well as measures of climate protection and partnerships to reach the climate goals, there is room for improvement.³¹ Regarding the latter it was repeatedly criticized that Austria does not, as agreed, spend 0.7% of its gross domestic product on international aid, but only 0.31%.³²

This report also lists the **spillover-effect** of the respective countries. This effect describes the impact of one country on another. The Sustainable Development Report deals with the negative spillover-effect, which leads to another country having difficulties to reach the goals of the 2030 Agenda because of the actions of one country.³³ The spillover-effect can for instance originate where one country pollutes cross-border waters, whereby the pollution impacts the environment of other nations.³⁴ Or where one country sells its waste to another country for disposal and incineration.³⁵ Austria achieves in the spillover-ranking 59.4 points³⁶ and is thereby in one of the last places. This can be traced back, amongst other factors, to a non-sustainable lifestyle, expressed for instance in the export of plastic waste and nitrogen emissions from imports.³⁷ Rich countries produce in general most of the negative spillover-effects on others.³⁸

²⁸ Matthews/Graham/Keverian/Lamontagne/Seto/Smith, National Contributions, 4.

²⁹ Bundeskanzleramt (Chancellors Office), Nachhaltige Entwicklung – Agenda 2030/SDGs (Sustainable Development – Agenda 2030/SDGs), <https://www.bundeskanzleramt.gv.at/themen/nachhaltige-entwicklung-agenda-2030.html> (accessed 21.11.2022). GA Resolution 70/1 (2015) Transforming our World: the 2030 Agenda for Sustainable Development, 25.09.2015, in particular. Goals 4.5, 8.5 and 10.2.

³⁰ Sachs/Lafortune/Kroll/ Fuller/Woelm, Sustainable Development Report 2022, 14.

³¹ Sachs/Lafortune/Kroll/ Fuller/Woelm, Sustainable Development Report 2022, 21.

³² Globale Verantwortung (Global Responsibility), Sustainable Development Report 2022, <https://www.globaleverantwortung.at/sustainable-development-report-2022/> (accessed 29.09.2022).

³³ Sachs/Lafortune/Kroll/ Fuller/Woelm, Sustainable Development Report 2022, 28.

³⁴ Sachs/Lafortune/Kroll/ Fuller/Woelm, Sustainable Development Report 2022, 28.

³⁵ Sachs/Lafortune/Kroll/ Fuller/Woelm, Sustainable Development Report 2022, 28.

³⁶ Sachs/Lafortune/Kroll/ Fuller/Woelm, Sustainable Development Report 2022, 102.

³⁷ Globale Verantwortung, Sustainable Development Report 2022, <https://www.globaleverantwortung.at/sustainable-development-report-2022/>.

³⁸ Sachs/Lafortune/Kroll/ Fuller/Woelm, Sustainable Development Report 2022, 28.

Climate change is consequently increasingly **caused** or exacerbated **by the countries of the Global North**. Particularly effected by climate change are however frequently those countries which **contribute the least to the origins of disasters**.³⁹ Countries in Africa, Asia and North- and South America are impacted the most severely by weather disasters. An aggravating factor is that in many countries of the Global South a high proportion of society lives in extreme poverty and with a high number of persons with disabilities affected, as 80% of persons with disabilities worldwide live in those countries.⁴⁰

Individuals as well as authorities frequently have less opportunities to **prepare** for disasters (e.g., via the installation of monitoring systems or measures of risk control) in countries where the majority of people lives in poverty.⁴¹

Furthermore, due to the economic situation in developing countries, there are less means and resources available to **combat** climate change itself or even to only **adjust** the own living conditions (for instance by switching to grow climate resistant plants or the installation of irrigation systems). It can be the case that the state itself reaches its financial or administrative limits. In the case of a climate-induced disaster, society then depends on international aid from other states, where their own state is not able to manage the situation themselves.⁴²

It is estimated that by 2050 over 140 million people will be forced to leave their hometown or **flee** because of the impacts of climate change.⁴³ Where life in a place which is affected by a disaster or the consequences of the climate crisis, is not possible anymore, it is often difficult for persons with disabilities to leave or flee, as they have to deal with exacerbated circumstances and additional barriers.⁴⁴

2. The UN CRPD Applies to Everyone

This global injustice, as described in the above chapter, is opposed to agreements such as the UN CRPD. The purpose of the **UN CRPD** is, according to Article 1 UN CRPD, to guarantee the human rights for persons with disabilities. These are indivisible and apply to everyone. The entry point to the international dimension regarding situations of risk can be found in particular in Article 11 UN CRPD and regarding the international

³⁹ *Geography 250*, Mapping the Impacts of Climate Change, <https://blog.richmond.edu/geog250/files/2016/02/Geography1.png> (accessed 07.09.2022). *Climate Impact Lab*, Climate Impact Map, <https://impactlab.org/map/#usmeas=absolute&usyear=1981-2010&gmeas=absolute&gyear=1986-2005&tab=global> (accessed 07.09.2022).

⁴⁰ *Laenderdaten.info*, Entwicklungsländer (Developing Countries), <https://www.laenderdaten.info/entwicklungslaender.php> (accessed 07.09.2022); *CBM*, Armut und Behinderung: Inklusion durchbricht den Kreislauf (Poverty and Disability: Inclusion Breaks the Cycle), <https://www.cbm.de/informieren/armut-und-behinderung.html> (accessed 07.09.2022). see also *UNDRR*, The Human Cost of Disasters 20 f.

⁴¹ *UNDRR*, The Human Cost of Disasters 20.

⁴² *Caritas International*, Positionspapier „Klimawandel und Humanitäre Hilfe“ 3 f.

⁴³ *World Bank Group*, Groundswell – Preparing for International Climate Migration, xxi ff, available <https://openknowledge.worldbank.org/handle/10986/29461> (Version 2018).

⁴⁴ Compare *Ghenis*, Climate Change, Migration, and People with Disabilities, 20 available worldinstituteondisabilityblog.files.wordpress.com/2018/09/migration-blogs-take-2.pdf (Version 2015); *World Bank Group*, Groundswell, 6.

cooperation in Article 32. These regulations address amongst other things Austria's actions on a global level.

Art. 11 UN CRPD includes the State Parties' explicit obligation to guarantee the protection and safety of persons with disabilities in situations of risk, such as humanitarian emergencies. Under **Art. 32 UN CRPD**, State Parties must take efficient and appropriate measures for the realization of the purpose and objectives of the UN CRPD, via cooperation between states and with international and regional organisations and civil society.

In compliance with this, the Republic of Austria, and thereby its society, provides via tax money, assistance in other countries, which are not able to do so themselves, in the form of **humanitarian assistance** and long-term via **development coordination**.⁴⁵

This assistance needs to be expanded to ensure that it can function effectively. This encompasses for instance the necessity to raise more financial means for this area as well as the inclusion of persons with disabilities at every stage of such a measure. Persons with disabilities must be actively involved in the planning of a project, the organization as well as the realization. This can ensure that assistance is usable for everyone and does indeed reach everyone. It must be ensured that every stage of a project where Austrian money is being used is inclusive. This is currently only sporadically the case.⁴⁶

3. Decisions by Us for Everyone

An important part of participation in climate questions consists of the education on how **decisions** regarding the climate are made. Combating climate change happens largely at an international level since climate is global and effects everyone. Many international regulations are furthermore made at a global stage in the form of international agreements.

Examples of relevant agreements on combating the effects of climate change are, apart from the already mentioned 2030 Agenda, the **Climate Framework Convention** (United Nations Framework Convention on Climate Change UNFCCC)⁴⁷ from 1992, the **Kyoto Protocol**⁴⁸ or the **Paris Agreement 2015**.⁴⁹ These were created in processes taking several years, including via conferences which were attended by state representatives as well as international experts and set out perspectives, objectives, and options. The participation and inclusion of persons with disabilities in these processes is problematic.

⁴⁵ *UMA*, Stellungnahme "Inklusion und Barrierefreiheit in der humanitären Hilfe" (Statement "Inclusion and Accessibility in Humanitarian Assistance") 1 ff, available <https://www.monitoringausschuss.at/stellungnahmen/humanitaere-hilfe-2022/> (Version 2022).

⁴⁶ *UMA*, Humanitären Hilfe 14 ff.

⁴⁷ Rahmenübereinkommen der Vereinten Nationen über Klimaänderungen (Framework Convention on Climate Change), BGBl 1994/414.

⁴⁸ Protokoll von Kyoto zum Rahmenübereinkommen der Vereinten Nationen über Klimaänderungen samt Anlagen (Kyoto Protocol regarding the UN-Framework Convention on Climate Change), BGBl III 2005/89.

⁴⁹ Übereinkommen von Paris (Paris Agreement), BGBl III 2016/197.

Organisations of and for persons with disabilities were represented at the 26th **UN Climate Change Conference** (COP 26) and used the space for the first time for relevant civil society side-events, such as the event entitled “CBM UK: An inclusive planet: inclusion, mental health and climate change” on 05.11.2021 and the event entitled “Disability, Resilience and Inclusion in our Cities” on 11.11.2021.⁵⁰ Therefore, the topic of persons with disabilities was referenced.⁵¹

The interests of persons with disabilities were mentioned again at this year’s **COP 27** in Sharm El-Sheikh from 06.11. – 18.11.2022, such as at the side event „From Exclusion to Leadership: People With Disabilities Develop An Agenda for Inclusive Climate Action“ on 10. 11. 2022.⁵² An actual inclusion, where their interests are foundationally included in every discussion, was however once again not evident. Due to the differing impact of the climate crisis, a “Loss and Damage” Fund for developing countries was established in the final document of the COP 27, wherefrom countries, which have contributed the least to the crisis, will receive assistance. The details, such as how it will be filled or how the interests of persons with disabilities will be included, shall however only be regulated at the COP 28 in 2023 via a “Transitional Committee”.⁵³ Furthermore the exit from oil and gas is missing in the final document. The reactions of Austrian and European representatives regarding the Climate Change Conference’s results were cautious.⁵⁴

The absence of **accessible information** is another barrier to participation. Information on climate change is, due to the international dimension, published in English. German translations or versions in plain language are difficult to obtain and the latter rarely exists. Even speech-to-text interpreters or sign language interpreters are absent on climate-related events or their broadcasting.

⁵⁰ Program available under <https://ukcop26.org/the-conference/green-zone-programme-of-events/> (accessed 28.09.2022).

⁵¹ Compare *Bundeskanzleramt*, COP 26: Gemeinsame Sache im Kampf gegen den Klimawandel (Common Cause against Climate Change), <https://www.bundeskanzleramt.gv.at/themen/europa-aktuell/cop-26-gemeinsame-sache-im-kampf-gegen-den-klimawandel.html> (accessed 09.09.2022).

⁵²Event on 10.11.2022: IDA, SMRC, Sustain Our Abilities, McGill University, EDF, CBM UK: From Exclusion to Leadership: People With Disabilities Develop An Agenda for Inclusive Climate Action, available <https://unfccc.int/event/ida-smrc-sustain-our-abilities-mcgill-university-edf-cbm-uk-from-exclusion-to-leadershippeople-with-0> (accessed 21.11.2022).

⁵³ *UNCC*, COP27 Reaches Breakthrough Agreement on New “Loss and Damage” Fund for Vulnerable Countries, <https://unfccc.int/news/cop27-reaches-breakthrough-agreement-on-new-loss-and-damage-fund-for-vulnerable-countries#:~:text=Set%20against%20a%20difficult%20geopolitical,Celsius%20above%20pre%2Dindustrial%20levels.> (Version 20.11.2022).

⁵⁴ Compare Standard-article *Reuters*, Gewessler zu COP 27: “Bin enttäuscht vom Ergebnis dieser Konferenz“ (Gewessler Regarding COP 27: I am Disappointed by the Results of this Conference), <https://www.derstandard.at/story/2000141031736/gewessler-zu-cop27-ich-bin-enttaeuscht-vom-ergebnis-dieser-konferenz> (Version 21.11.2022); *Kurier*-Artikel *Gaul*, Van der Bellen nach Klimakonferenz: “Die Welt ist nicht auf dem richtigen Kurs“ (Van der Bellen after Climate Change Conference: The World is not Headed the Right Direction), <https://kurier.at/politik/ausland/27-klimakonferenz-erreichte-schwache-einigung-sonntagfrueh/402229098> (Version 20.11.2022) etc.

Active involvement of persons with disabilities and their representative organisations in the preparations and negotiations as well as accessible and readily available information for everyone are needed to fight the impact of the climate crisis. This applies also to the implementation of the projects of the “Loss and Damage” Fund as well as on a general level in humanitarian aid in climate disasters.⁵⁵ For an actual participation and an effective fight against the impact of climate change, persons with disabilities and their representative organization must not only be invited to climate conferences but have to be provided with the relevant resources to prepare accordingly and participate. Furthermore, they need to be involved at every stage of the preparation of climate change measures from the outset and automatically.

Additionally, a systematic change of thinking to inclusive climate politics is required by states and organisations involved in the planning.

4. Combating Climate Change by Austria

Austria has already, amongst other things, committed via the above-named agreements to reduce greenhouse gas emissions. According to the Kyoto Protocol, Austria’s reduction should amount to 13%. This goal has so far not been realized. Nevertheless, Austria set itself the objective to be climate neutral by 2040.⁵⁶

Austria is trying to reach this goal with the help of the EU’s **Green Deal** and **measures** such as an eco-social tax reform, a mobility master plan, the greening of the building sector as well as local and district heating, the expansion of renewable energy and climate-friendly technology⁵⁷ as well as via the Climate Council’s recommendations⁵⁸. An Energy and Climate Plan was also developed for Austria. Some of those documents on climate change engage with particularly vulnerable groups or persons with disabilities.⁵⁹ Active participation by persons with disabilities in the development of measures or the discussion process regarding the climate crisis is, to the knowledge of the Independent Monitoring Committee, currently not the case.

⁵⁵ Compare *UMA*, *Humanitäre Hilfe* 2022, 1 ff.

⁵⁶ *Wiener Umwelt Anwaltschaft (Viennese Environmental Ombudsman)*, *Kyoto-Vereinbarung (Kyoto Agreement)*, [https://wua-wien.at/klimaschutz-klimawandelanpassung-und-resilienz/kyoto-vereinbarung#:~:text=Auch%20%C3%96sterreich%20ist%20damals%20dem,1990%20um%2013%20%25%20zu%20senken.](https://wua-wien.at/klimaschutz-klimawandelanpassung-und-resilienz/kyoto-vereinbarung#:~:text=Auch%20%C3%96sterreich%20ist%20damals%20dem,1990%20um%2013%20%25%20zu%20senken.;); *BMK*, *Nachhaltige Klimaschutz-Maßnahmen*, https://www.bmk.gv.at/themen/klima_umwelt/agenda2030/bericht-2020/nachhaltigkeit.html (accessed 09.09.2022).

⁵⁷ *BMK*, *Nachhaltige Klimaschutz-Maßnahmen (Sustainable Climate Protection Measures)*, available https://www.bmk.gv.at/themen/klima_umwelt/agenda2030/bericht-2020/nachhaltigkeit.html.

⁵⁸ *Der Klimarat (The Climate Council)*, *Klimaneutralität bis 2040: Die Empfehlungen (Climate Neutrality by 2040: The Recommendations)*, 1 ff, available <https://klimarat.org/> (accessed 21.11.2022).

⁵⁹ See e.g., *Bundesministerium für Nachhaltigkeit und Entwicklung (Federal Ministry for Sustainability and Development)*, *Die österreichische Strategie zur Anpassung an den Klimawandel (The Austrian Strategy on Adjusting to Climate Change)*, 1 ff, available https://www.bmk.gv.at/themen/klima_umwelt/klimaschutz/anpassungsstrategie/publikationen/oe_strategie.html (Version January 2017).

V. Looking Ahead and Recommendations

Even though these topics, such as planned measures, lie in the future, the time is now to intervene and contribute to them, so that these changes are possible for everyone and not imposed in a form, which does not consider the individual or cannot consider it anymore. In doing so it is not sufficient to just speak about persons with disabilities, but actual participation of equal standing is required. Persons with disabilities are to be seen as experts in their own matters and not (merely) as victims which are e.g., endangered during a flight.

The Independent Monitoring Committee as well as the Carinthian Monitoring Committee therefore issue the following recommendations for consideration:

To the federation:

- Financing of development cooperation and humanitarian help amounting to 0.7% of the gross domestic product, with the consideration of the interests of persons with disabilities as a precondition
Concerns in particular: *Ministry of Foreign Affairs*
- Accessible information on climate change and events, in particular opportunities to participate
- Concerns in particular: *Ministry of Foreign Affairs, Ministry of Health*
- Inclusion of representative organisations, self-advocacy organisations and persons with disabilities at events regarding climate change
Concerns in particular: *Ministry of Foreign Affairs, Ministry of Health*
- Participation at negotiations regarding climate decisions and agreements
Concerns in particular: *Ministry of Foreign Affairs*
- Obligatory inclusion of concerns and interests in further training and education
Concerns also: *federal states, municipalities, blue-light organisations, crisis committees, decision-makers in cases of prevention and disaster*

To the federal states:

- Reduction of institutions which are posing a danger for persons with disabilities in cases of disaster
- Dismantling of obstacles in cases of emergency via accessible information and communication in cases of disaster as well as accessible warnings
Concerns also: *state warning centres, blue-light organisations*
- Guaranteeing that support services such as personal assistance, continue to operate in situations of emergency
Concerns also: *self-advocacy organisations, municipalities, service providers*

- Ensuring a participative and low-level discussion process at the preliminary stages on how a guarantee of service provision shall be organized in the case of crisis, in particular for persons who do not live in an institution and do not have a safety net.
Concerns also: *municipalities, disabled persons organisations, blue-light organisations*

To the municipalities:

- Establishment and support of community-based self-advocacy organisations as contact persons
Concerns also: *states, self-advocacy organisations*

To crisis committees and decision-makers on measures in cases of prevention and disaster:

- Development of measures (such as evacuation plans for buildings including elevators) which include persons with disabilities, so that they have the certainty that they will be saved or will have the chance to save themselves
- Accessible and transparent dissemination of information regarding measures in case of prevention and disaster
- Natural and comprehensive inclusion of representative organisations, self-advocacy organizations and persons with disabilities from the onset of developing measures in case of prevention and disaster
- Including assessments of needs of persons with disabilities as an integral aspect of planning measures in cases of prevention and disaster
- Information in plain language and transparent communication regarding crisis management

For the Independent Monitoring Committee

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