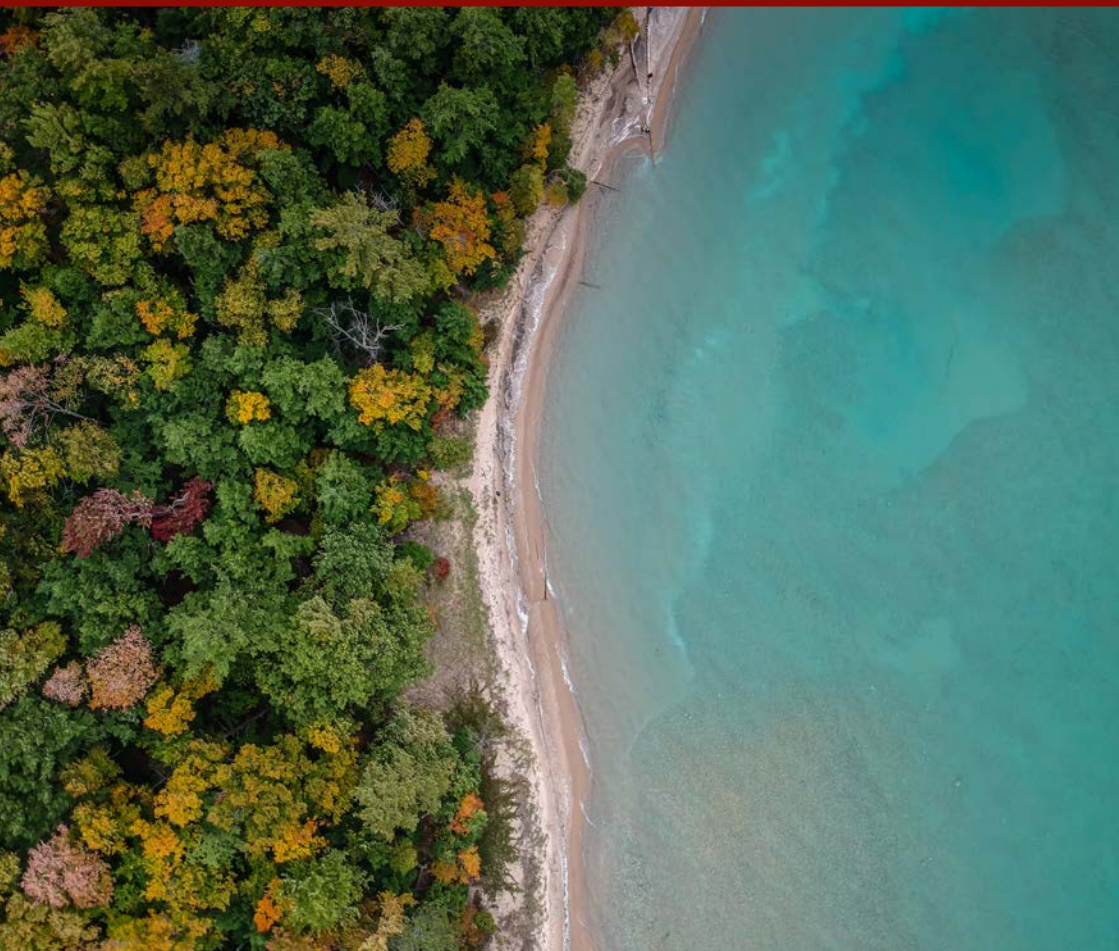


THE RIGHTS OF PERSONS WITH DISABILITIES IN THE CONTEXT OF THE UN FRAMEWORK CONVENTION ON CLIMATE CHANGE

Relevant International Frameworks and Compilation of
Decisions adopted by the Parties to the UNFCCC



**Council of Canadians
with Disabilities**

A VOICE OF OUR OWN



About CCD

The Council of Canadians with Disabilities (CCD) is a social justice organization of people with all disabilities that champions the voices of people with disabilities, advocating an inclusive and accessible Canada, where people with disabilities have full realization of their human rights, as described in the UN Convention on the Rights of Persons with Disabilities.

About Inclusiva

Inclusiva works for an inclusive world through a communal, systemic, and integrated approach, by carrying out positive activities that join together discourse and action to promote respect for the rights, autonomy, and dignity of persons with disabilities in Risk Management.

About CIEL

Founded in 1989, the Center for International Environmental Law (CIEL) uses the power of law to protect the environment, promote human rights, and ensure a just and sustainable society. CIEL is dedicated to advocacy in the global public interest through legal counsel, policy research, analysis, education, training, and capacity building.

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Preface

DAVID R. BOYD,
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RIGHTS AND THE ENVIRONMENT

Scientists are unequivocal in their conclusion: we are embroiled in an unprecedented global climate emergency. The Intergovernmental Panel on Climate Change stated that to meet the commitments set forth in the Paris Agreement will require “rapid, far-reaching and unprecedented changes in all aspects of society.” The UN High Commissioner for Human Rights, Michelle Bachelet, recently warned that “The world has never seen a human rights threat of this scope.” Climate change is already inflicting a dizzying array of harms, including increased frequency and intensity of extreme weather events, melting of glaciers and ice sheets, rising sea levels, storm surges, saltwater intrusion, ocean acidification, flooding, heatwaves, droughts, wildfires, increased air pollution, desertification, water shortages, the destruction of ecosystems, biodiversity loss, and the spread of water-borne and vector-borne disease.

These negative impacts do not affect everyone equally, but

rather fall more heavily upon the shoulders of vulnerable groups including women, children, indigenous peoples, persons with disabilities, and those living in poverty. Some individuals fall into more than one of these categories, exacerbating the heightened challenges that they face.

Perhaps the most overlooked group in climate change negotiations, policy-making, and program implementation to date has been persons with disabilities. This excellent publication is a vital step in remedying this oversight.

There is ample evidence that empowering vulnerable communities and respecting their rights can lead to stronger climate actions and more resilient societies. Mitigation actions and adaptation efforts that include persons with disabilities in their design and implementation are likely to have broad societal benefits, in much the way that access initiatives have improved societal well-being in the past. Accessible sidewalks and

improved public transit services, for example, not only benefit persons with disabilities but also children, seniors, pregnant women, and others.

It is encouraging to see growing recognition — at the international level — of the importance of taking a rights-based, disability-inclusive approach to climate action. However, what is of paramount importance going forward is action at the national level to turn these admirable words into tangible changes that improve human well-being.

The actions taken in the decade ahead to prevent catastrophic levels of climate change must be ambitious and aggressive, replacing our current addiction to fossil fuels with renewable energy, restoring the world's forests, and rethinking

agricultural systems to deliver predominantly plant-based and healthy food to eight billion people.

Every climate action taken should incorporate a rights-based approach. The processes of developing and implementing climate actions should be inclusive and participatory. Mitigation actions, adaptation measures, and innovative approaches to financing loss and damage must all have human rights at their heart in order to be effective and equitable.

Ensuring that all climate actions respect, protect, and fulfill the rights of persons with disabilities and other vulnerable groups will help ensure that achieving the goal of a clean, healthy and sustainable future will truly benefit everyone, leaving no one behind.



PART 1

Introduction

Around 15% of the world's population is estimated to be persons with disabilities, which is understood to include “long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”¹ Persons with disabilities are recognized as one of the most marginalized segments of the population — they experience disproportionate levels of poverty and unemployment, lack access to transportation, education, healthcare, and other basic services, and are underrepresented in social and political institutions and spaces.² These challenges are further compounded for women, children, and other minorities with disabilities who experience intersecting forms of oppression.

Because they tend to be among the most resource-poor in their communities and face barriers in accessing healthcare, transportation, and humanitarian assistance, persons with disabilities are increasingly recognized to be disproportionately vulnerable to the consequences of climate change.³ Furthermore, the transition to a low-carbon economy will impact employment for persons with disabilities. However, with the right approach, that impact can be positive: A just transition is an opportunity for greater inclusion of persons with disabilities in stable, well-paying employment through the 18 million new jobs in green technologies expected to be created by 2030.⁴

In the Cancun Agreements, the Parties identified persons with disabilities as one of the segments of the population whose human rights are acutely affected by the impacts of climate change (decision 1/CP.16). In the Paris Agreement, the Parties further acknowledged that they should, “when taking action to address climate change, respect, promote and consider their respective obligations on human rights,” including those owed to persons with disabilities (Preamble). In a number of decisions and

¹ Convention on the Rights of Persons with Disabilities art. 1, Dec. 13, 2006. 2515 UNTS 3.

² United Nations Department of Economic and Social Affairs, Disability and Development Report (2018), <https://social.un.org/publications/UN-flagship-report-disability-7> June.pdf

³ Cadeyrrn J Gaskin et al., Factors Associated with the Climate Change Vulnerability and the Adaptive Capacity of People with Disability: A Systematic Review, 9 *Weather Clim Soc* 801 (2017).

⁴ International Labor Organization, Persons with Disabilities in a Just Transition to a Low-Carbon Economy Policy Brief, 2019: https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_727084.pdf



reports, UNFCCC bodies have affirmed the importance of taking into account the needs of persons with disabilities and ensuring their engagement in relation to capacity-building, education, awareness, adaptation, and action for climate empowerment. This engagement will uphold the obligation of States to guarantee the rights of persons with disabilities while also improving state responses to climate change, as persons with disabilities are extremely knowledgeable and resourceful in designing adaptive solutions to complex problems.⁵

Unfortunately, climate policies and initiatives have generally failed to include persons with disabilities in

decision-making processes and to integrate their insights in the development of solutions for reducing carbon emissions and fostering climate resilience. Climate mitigation policies and programs, in fields such as public transportation, are often inaccessible to persons with disabilities, which reinforces existing social inequities. Every segment of the population should be able to contribute to the transition to a low-carbon society. Climate adaptation measures, including disaster risk readiness initiatives, frequently fail to consider the needs of the disability community and result in disproportionate rates of mortality in the context of climate-related severe weather events. Protecting and promoting the rights of persons with disabilities and ensuring their participation in the design and implementation of climate policies is therefore essential for the pursuit of effective and equitable climate policies.⁶

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) offers an international framework of principles and obligations that should inform the design and implementation of climate policies at all levels — local, national, regional, and international. Adopted in 2006, the UNCRPD is an international treaty that has been ratified by 180 countries, which clarifies and articulates the human rights obligations owed by states to

⁵ Marcie Roth, “A resilient community is one that includes and protects everyone” (2018) 74(2) *Bulletin of the Atomic Scientists* 91..

⁶ Sébastien Jodoin, Nilani Ananthamoorthy & Katherine Lofts, “A Disability Rights Approach to Climate Governance” (2020) 47(1) *Ecology Law Quarterly* (forthcoming)

persons with disabilities. The UNCRPD includes protections for civil and political rights such as the right to life (art. 10), legal capacity (art. 12), access to justice (art. 13), personal liberty and security (art. 14), freedom from torture (art. 15), freedom from exploitation, violence, and abuse (art. 16), physical and mental integrity (art. 17), liberty of movement (art. 18), freedom of expression and opinion, and access to information (art. 21), privacy (art. 22), and participation in political and public life (art. 29). The UNCRPD also encompasses social, economic, and cultural rights that are critical to the well-being of disabled persons, including rights to respect for home and the family (art. 23), education (art. 24), health (art. 25), work and employment (art. 27), an adequate standard of living (art. 28), and participation in cultural life, recreation, leisure, and sport (art. 30). Finally, the UNCRPD also includes provisions that address the particular challenges faced by persons with disabilities, such as accessibility (art. 9), independent living and inclusion in the community (art. 19), personal mobility (art. 20), and habilitation and rehabilitation (art. 26).

In order to honor their obligations to protect the rights of disabled persons, Parties to the UNCRPD have committed to “adopt all appropriate legislative, administrative and other measures for the implementation of the rights

recognized in the present Convention;” “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;” “take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;” “take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;” “undertake or promote research and development of universally designed goods, services, equipment and facilities;” and “closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations” in doing so (art. 4). They must also cooperate with other states, NGOs, and international organizations to support the realization of disability rights internationally (art. 32).

It is important to mention that even those states that have not ratified the UNCRPD are in any case obliged to respect and protect the fundamental rights of persons with disabilities under other international and regional human rights conventions. In addition, the importance of fostering the inclusion of persons with disabilities and ensuring that they can participate in society on an equal basis with others is explicitly recognized in goals 4, 8, 10, 11, and

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17 of the UN Sustainable Development Goals. Finally, the Sendai Framework on Disaster Risk Readiness adopted by consensus in 2015, provides that governments should engage and empower persons with disabilities and integrate their concerns in the context of developing universally accessible response, recovery, rehabilitation, and reconstruction approaches — commitments that would apply in the context of severe weather events and other natural disasters fueled by climate change.

In its most recent resolution on human rights and climate change, the United Nations Human Rights Council has called on states “to support the resilience and adaptive

capacities of persons with disabilities both in rural and urban areas to respond to the adverse impacts of climate change.”⁷ As governments and other actors move forward with the implementation of the Paris Agreement, it will be vital that their efforts be carried out in ways that ensure the full and effective participation of persons with disabilities and strengthen their rights and dignity in a changing climate.

Part One of this compilation provides a reference guide for all actors involved in climate policies and climate actions, including governments, civil society actors, private corporations, and financial institutions. Part Two reproduces the relevant provisions of the UN Convention on the Rights of Persons with Disabilities that should guide the Parties in the implementation of their obligations under the UNFCCC, and of the Sendai Framework that relate to the inclusion of persons with disabilities in disaster risk readiness efforts. Finally, Part Three lists all of the references to disability and persons with disabilities adopted by the UNFCCC bodies. These references, mandates, and commitments constitute a baseline, as national and international legal frameworks for the protection of the rights of persons with disabilities extend far beyond the references adopted by the UNFCCC.

⁷ (UN Human Rights Council Resolution 41/21, 2019)

PART 2

Relevant International Frameworks

2.1 Convention on the Rights of Persons with Disabilities

While only some provisions of the Convention are reproduced here, no conclusion should be drawn regarding the relevance of those provisions not included.

Article 1: Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 2: Definitions

For the purposes of the present Convention:

“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 3: General principles

The principles of the present Convention shall be:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;

- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4: General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;

(d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;

(e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;

(f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;

(g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;

(h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;

(i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations. [...]

Article 5: Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 6: Women with disabilities

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 7: Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Article 8: Awareness-raising

1. States Parties undertake to adopt immediate, effective and appropriate measures:

- (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

(b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;

(c) To promote awareness of the capabilities and contributions of persons with disabilities.[...]

Article 9: Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. [...]

Article 10: Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Article 11: Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, 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.



Article 12: Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law. [...]

Article 13: Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others [...].

Article 14: Liberty and security of person

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

(a) Enjoy the right to liberty and security of person;

(b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty. [...]

Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation. [...]

Article 16: Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and

outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects. [...]

Article 17: Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Article 18: Liberty of movement and nationality

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, [...]

Article 19: Living independently and being included in the community

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

(a) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

(b) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 20: Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

(a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;

(b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;

(c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;

(d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Article 21: Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

(a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

(b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;

(c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;

(d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;

(e) Recognizing and promoting the use of sign languages.

Article 22: Respect for privacy

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. [...]

Article 23: Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities

ities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others [...]

Article 24: Education

1. States Parties recognize the right of persons with disabilities to education. [...]

Article 25: Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

(a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;

(b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;

(c) Provide these health services as close as possible to people's own communities, including in rural areas;

(d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising



Photo by Nikhita S on Unsplash

awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;

(e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;

(f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

Article 26: Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects

of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, [...]

Article 27: Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, [...]

Article 28: Adequate standard of living and social protection

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;

(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;

(c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;

(d) To ensure access by persons with disabilities to public housing programmes; [...]

Article 29: Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

(e) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives [...]

(f) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs [...]

Article 32: International cooperation

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Conven-

tion, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

- (a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
- (b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- (c) Facilitating cooperation in research and access to scientific and technical knowledge;
- (d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.[...]

Article 33: National implementation and monitoring

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework,

including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process. [...]

2.2 Sendai Framework for Disaster Risk Reduction 2015-2030

While only some provisions of the Framework are reproduced here, no conclusion should be drawn regarding the relevance of those provisions not included.

Hyogo Framework for Action: Lessons learned, gaps identified and future challenges

7. There has to be a broader and a more people-centred preventive approach to disaster risk. Disaster risk reduction practices need to be multi-hazard and

multisectoral, inclusive and accessible in order to be efficient and effective. While recognizing their leading, regulatory and coordination role, Governments should engage with relevant stakeholders, including women, children and youth, persons with disabilities, poor people, migrants, indigenous peoples, volunteers, the community of practitioners and older persons in the design and implementation of policies, plans and standards. There is a need for the public and private sectors and civil society organizations, as well as academia and scientific and research institutions, to work more closely together and to create opportunities for



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collaboration, and for businesses to integrate disaster risk into their management practices. [...]

III. Guiding Principles

19(d). Disaster risk reduction requires an all-of-society engagement and partnership. It also requires empowerment and inclusive, accessible and non discriminatory participation, paying special attention to people disproportionately affected by disasters, especially the poorest. A gender, age, disability and cultural perspective should be integrated in all policies and practices, and women and youth leadership should be promoted. In this context, special attention should be paid to the improvement of organized voluntary work of citizens; [...]

19(g). Disaster risk reduction requires a multi-hazard approach and inclusive risk-informed decision-making based on the open exchange and dissemination of disaggregated data, including by sex, age and disability, as well as on easily accessible, up-to-date, comprehensible, science-based, non-sensitive risk information, complemented by traditional knowledge;

IV. Priorities for action

32. The steady growth of disaster risk, including the increase of people and assets exposure, combined with the lessons learned from past disasters, indicates the need to further strengthen disaster preparedness for response, take action in anticipation of events, integrate disaster risk reduction in response preparedness and ensure that capacities are in place for effective response and recovery at all levels. Empowering women and persons with disabilities to publicly lead and promote gender equitable and universally accessible response, recovery, rehabilitation and reconstruction approaches is key. Disasters have demonstrated that

the recovery, rehabilitation and reconstruction phase, which needs to be prepared ahead of a disaster, is a critical opportunity to “Build Back Better”, including through integrating disaster risk reduction into development measures, making nations and communities resilient to disasters. [...]

36(iii). Persons with disabilities and their organizations are critical in the assessment of disaster risk and in designing and implementing plans tailored to specific requirements, taking into consideration, inter alia, the principles of universal design; [...]

PART 3

Compilation of relevant decisions under the UNFCCC process

3.1 References in the Paris Agreement

Preamble

Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the

rights of indigenous peoples, local communities, migrants, children, **persons with disabilities** and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,



3.2 Compilation of Other Relevant Mandates and Decisions

Action for Climate Empowerment

2012

Decision 15/CP.18 (Conference of the Parties)

Doha work programme on Article 6 of the Convention

Also recognizing that a goal of education is to promote changes in lifestyles, attitudes and behaviour needed to foster sustainable development and to prepare children, youth, women, **persons with disabilities** and grass-root communities to adapt to the impacts of climate change, [...]

Also reaffirming the importance of taking into account gender aspects and the need to promote the effective engagement of children, youth, the elderly, women, **persons with disabilities**, indigenous peoples, local communities and non-governmental organizations in activities related to Article 6 of the Convention, [...]

9. Implementation of Article 6 of the Convention has a broad range of stakeholders, including, governments, the private sector, IGOs, NGOs and others

international organizations, decision makers, scientists, the media, teachers, the general public, youth, women, **people with disabilities** and indigenous peoples among others.

2013

Report of SBI 39 (Subsidiary Body for Implementation)

Summary report on the Dialogue on Article 6 of the Convention

193. The SBI recalled decision 15/CP.18, which reaffirms the importance of taking into account gender aspects and the need to promote the effective engagement of children, youth, the elderly, women, **persons with disabilities**, indigenous peoples, local communities and non-governmental organizations in activities related to Article 6 of the Convention.



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2014

Decision 19/CP.20 (Conference of the Parties)

The Lima Ministerial Declaration on Education and Awareness-raising

Reaffirming that public participation, access to information and knowledge are crucial for developing and implementing effective policies to combat climate change and adapt to its impacts, as well as to engage actively, as appropriate, all stakeholders, including children, youth, the elderly, women, **persons with disabilities**, indigenous and local communities and non-governmental organizations in the implementation of these policies,

2015

Decision 15/CP.21 (Conference of the Parties)

Terms of reference for the intermediate review of the Doha work programme on Article 6 of the Convention

Reaffirming the importance of taking into account gender aspects and the need to promote the effective engagement of children, youth, the elderly, women, **persons with disabilities**, indigenous peoples, local communities and non-governmental organizations in activities related to Article 6 of the Convention,

Adaptation

2018

Decision 9/CP.24 (Conference of the Parties)

Report of the Adaptation Committee

8. Encourages Parties to apply a participatory approach to adaptation planning and implementation so as to make use of stakeholder input, including from the private sector, civil society, indigenous peoples, local communities, migrants, children and youth, **persons with disabilities** and people in vulnerable situations in general;

Capacity Building

2011

Decision 2/CP.17 (Conference of the Parties)

Outcome of the work of the Ad Hoc Working Group on Long Term Coop- erative Action under the Convention

Further reaffirming the importance of taking into account gender aspects and

acknowledging the role and needs of youth and **persons with disabilities** in capacity-building activities,

Decision 13/CP.17 (Conference of the Parties)

Capacity-building under the Convention

Also reaffirming the importance of taking into account gender aspects and acknowledging the role and needs of youth and **persons with disabilities** in capacity-building activities,

Loss and Damage

2012

Decision 3/CP.18 (Conference of the Parties)

Approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change to enhance adaptive capacity

Noting resolution 10/4 of the United Nations Human Rights Council on human rights and climate change, which

recognizes that the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights and that the effects of climate change will be felt most acutely by those segments of the population that are already vulnerable owing to geography, gender, age, indigenous or minority status, or **disability**,

Participation

2011

Report of SBI 34 (Subsidiary Body on Implementation)

Organization of the intergovernmental process

170. The SBI recognized the need to engage a broad range of stakeholders at the global, regional, national and local levels, be they government, including subnational and local government, private business or civil society, including youth and **persons with disability**, and that gender equality and the effective participation of women and indigenous peoples are important for effective action on all aspects of climate change.

Shared Vision

2010

Decision 1/CP. 16 (Conference of the Parties)

The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention

Noting resolution 10/4 of the United Nations Human Rights Council on human rights and climate change, which recognizes that the adverse effects of climate change have a range of direct and

indirect implications for the effective enjoyment of human rights and that the effects of climate change will be felt most acutely by those segments of the population that are already vulnerable owing to geography, gender, age, indigenous or minority status, **or disability**,

I. A shared vision for long-term cooperative action

7. Recognizes the need to engage a broad range of stakeholders at the global, regional, national and local levels, be they government, including subnational and local government, private business or civil society, including youth and **persons with disability**, and that gender equality and the effective participation of women and indigenous peoples are important for effective action on all aspects of climate change;



Table of References

Note: The electronic version of this document contains links to all of the original documents listed in the table of references.

UNFCCC Framework References:

2010	<u>Decision 1/CP.16: The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention</u>	Shared Vision	25
2011	<u>Decision 2/CP.17: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention</u>	Capacity-Building	23
	<u>Decision 13/CP.17: Capacity Building Under the Convention</u>	Capacity-Building	24
	<u>Report of SBI 34: Organization of the Intergovernmental Process</u>	Public Participation	24
2012	<u>Decision 3/CP.18: Approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change to enhance adaptive capacity</u>	Loss and Damage	24
	<u>Decision 15/CP.18: Doha work programme on Article 6 of the Convention</u>	Action for Climate Empowerment	22
2013	<u>Report of SBI 39: Summary report on the Dialogue on Article 6 of the Convention</u>	Action for Climate Empowerment	22
2014	<u>Decision 19/CP.20: The Lima Ministerial Declaration on Education and Awareness-raising</u>	Action for Climate Empowerment	23

2015	<u>Decision 1/CP.21: Annex – Paris Agreement</u>	Rights	21
	<u>Decision 15/CP.21: Terms of reference for the intermediate review of the Doha work programme on Article 6 of the Convention</u>	Action for Climate Empowerment	23
2018	<u>Decision 9/CP.24: Report of the Adaptation Committee</u>	Adaptation	23

Other International Framework References:

2006	<u>Convention on the Rights of Persons with Disabilities</u>	10
2015	<u>Sendai Framework for Disaster Risk Reduction 2015-2030</u>	19



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THE RIGHTS OF PERSONS WITH DISABILITIES IN THE CONTEXT OF THE UN FRAMEWORK CONVENTION ON CLIMATE CHANGE

Compilation of Decisions adopted by the Parties to the Convention

The Parties to the UN Climate Agreements have recognized that persons with disabilities are key stakeholders in the international response to climate change. As such, they must be engaged throughout the UNFCCC processes and their rights respected and promoted through any climate activity, including mitigation, adaptation, or capacity building. This document recalls the relevant provisions of the UN Convention on the Rights of Persons with Disabilities and of the Sendai Framework and provides a compilation of all references to persons with disabilities adopted by governments under the UN Framework Convention on Climate Change.



**Council of Canadians
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