

Questionnaire in relation to Human Rights Council Resolution A/HRC/RES/41/21 on human rights and climate change

- 1. Please describe the impacts of the adverse effects of climate change on the full and effective enjoyment of the human rights of persons with disabilities. Where possible, please share specific examples and stories.**

The impacts are multi-faceted, especially when intersectional in nature, for example:

Persons with Disability (PwD) *and* gender. PwD who are female, *inter alia*, can be vulnerable to abuse when housed inappropriately because of an evacuation procedure.

PwD *and* socio-economic status. PwD with poor access to finance can find themselves more likely to live in cheaper housing built on cheaper land i.e. in or near flood-risk zones.

PwD *and* type of disability. Some disabilities will leave some PwD at an even greater risk of a breach of their rights, if they cannot hear a warning, or cannot see that a climate change catastrophe is about to happen (that is clearly visible to others with sight).

Specific example:

In 2006, the UN adopted the United Nations Convention on the Rights of Persons with Disabilities (CRPD); Article 11 of the CPRD obliges states to undertake measures necessary to safeguard PwD in situations of humanitarian emergency, including natural disasters. While fundamental rights for PwD have been strengthened, there is more work to be done. The UN Department of Economic and Social Affairs (DESA) still admits “individuals with disabilities are disproportionately affected in disaster and emergency...situations”. Nowhere in a developed country was this more evident than in New Orleans and the flooding caused by Hurricane Katrina. Hurricane Katrina struck the USA in 2005. Benilda Caixeta was a woman who relied upon a wheelchair for mobility in her New Orleans home. She had been assured for some days that her rescue would be imminent; it was not, and Benilda’s body was found in her apartment days later (www.govinfo.gov). Her death, and the death of others, raises questions about the strength of equality laws to ensure equal treatment in situations of risk, such as flooding due to climate change.

- 2. Please describe any relevant commitments, legislation, policies and other measures that you have taken, in compliance with applicable international human rights law, in particular the Convention on the Rights of Persons with Disabilities, to promote an approach to climate change mitigation and adaptation that ensures the full and effective enjoyment of the human rights of persons with disabilities. Please also note and identify any relevant mechanisms for ensuring accountability for these commitments including their means of implementation.**

Both the UK and Ireland (I am Irish, but I live in the UK) have ratified the CRPD. However, there is little 'meat on the bones' and the ratifications clearly should be fleshed out with relevant policies, which should be created by PwD. The UN High Level Political Forums (HLPF) and their Voluntary National Reviews can help to call countries to account.

- 3. Please share a summary of any relevant data that captures how the adverse effects of climate change have affected persons with disabilities, taking into account multiple and intersecting forms of discrimination (i.e. discrimination based on a combination of multiple grounds, including disability, gender, race, colour, sex, language, religion, nationality and migration status).**

The National Statistics Office of Ireland does hold statistics on PwD. However, the data is not disaggregated at this point in time.

- 4. Please describe mechanisms and tools that can be used to measure and monitor the impacts of climate change on the full and effective enjoyment of the human rights of persons with disabilities.**

I feel the Washington Group sets can help (I took a course this summer with the Washington Group in London this year; it is clear the team is enthusiastic vis-a-vis disability being recorded as part of national censuses).

- 5. Please identify and share examples of good practices and challenges in the promotion, protection, and fulfilment of the human rights of persons with disabilities in the context of the adverse effects of climate change. Please include examples that highlight multilateral cooperation and approaches that are implemented in close consultation with and with the active involvement of persons with disabilities, including children with disabilities, through their representative organizations.**

One of the challenges is to know what is required when:

- PwD themselves are not necessarily an integral part of policy creation
- Statistics are weak or non-existent vis-a-vis PwD

For example, Ireland has no register of individuals who might be vulnerable in an emergency situation; from my own research, vulnerable individuals must contact emergency services and request assistance in times of emergency. The UK uses Local Resilience Forums to plan for emergencies, whereby plans might vary between counties, lacking cohesion on a national scale.

- 6. Please provide any additional information you believe would be useful to support climate action that promotes the full and effective enjoyment of the rights of persons with disabilities.**

It is essential to have meaningful engagement with Persons with Disabilities, so that they can create and execute their own climate change adaptation plans. Indeed, PwD should be in positions of management, so that the approach is both top-down and bottom-up.

Ownership of these plans make them known to the community to which they have most relevance. So often PwD are not included in the decision-making process, the same process to which they could offer the most insight and impact. It is also of relevance to offer PwD paid work. Too often the knowledge value of PwD is reduced to filling in questionnaires, or answering surveys.

These, in themselves, are valuable exercises; but why is someone without a disability in paid employment when those with a disability, whose opinions are essential to the formulation of policy, remain unpaid? We would not allow a dentist's husband to carry out dental work; we would not allow a surgeon's friend to perform surgery; yet we regularly exclude PwD from the workforce and from decision-making processes that affect them the most, instead replacing them with individuals who might know someone with a disability. A useful question for the next questionnaire would be: Do you have a disability? Another might be: Do you know someone with a disability? These two questions might indicate to you how many people with disabilities are involved in the decision-making processes that impact their lives so much (and how many people who know someone with a disability feel this gives them sufficient insight into how PwD might feel and what PwD might require).

Many thanks for reading this response to your questionnaire. Best wishes, Elizabeth

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