Guidance Tool: Integrating Rights of Persons with Disabilities in Nationally Determined Contributions (NDCs)

Working Draft of November 2024

Summary checklist:

1. Advance a human rights-based approach including the human rights of persons with disabilities in all climate action
2. Ensure inclusion and meaningful participation of persons with disabilities
3. Mainstream rights of persons with disabilities across NDC themes and sectors, including the context of mitigation, adaptation, loss and damage, and just transition
4. Conduct disability-inclusive assessments
5. Use disability-specific metrics and disaggregated data
6. Foster care and support economies
7. Promote disability-inclusive climate finance
8. Support capacity-building and education
9. Consider intersectionality and gender equality

Under the Paris Agreement, States are expected to revise their Nationally Determined Contributions (NDCs) or climate action plans by 2025. It is crucial they ensure that these plans are inclusive, human rights-based, and reflective of the needs, requirements, and rights of all members of society, including persons with disabilities. This Guidance Tool[1] aims to provide general policy guidance on integrating the human rights of persons with disabilities in countries' revised NDCs, to respect, protect and fulfil the rights of persons with disabilities while benefiting from their valuable contributions to climate action and solutions.[2]

[1] This Guidance Tool was made possible by funds from the UNPRPD Fund. It does not necessarily reflect the official position of the UNPRPD Fund. It may be freely used for non-commercial, fair use purposes, with proper acknowledgement of partners and the UNPRPD Fund. This Guidance Tool is a working draft, constituting an informal interim knowledge product within the scope of the UNPRPD Climate Change, disability inclusion and intersectionality multi country programme, carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR), International Labour Organization (ILO), and United Nations Development Programme (UNDP).

[2] This Guidance Tool draws, inter alia, on: Analytical study on the promotion and protection of the rights of persons with disabilities in the context of climate change – Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/44/30) and OHCHR & CIEL, Integrating Human Rights in Nationally Determined Contributions (NDCs): Toolkit for Practitioners (November 2022). See also, for example: ILO Just Transition Policy Brief: "Nothing about us without us" Realizing disability rights through a just transition towards environmentally sustainable economies and societies (November 2022); UNDP Policy Brief, A Resilient Future for All: Advancing

Persons with disabilities currently comprise approximately 16% of the global population. They are disproportionately affected by climate change impacts. Their inclusion in climate action is an opportunity to enhance the effectiveness of NDCs and advance their compliance with human rights law. The Paris Agreement preamble states that Parties "should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights", including regarding "persons with disabilities". This must include upholding the human rights enshrined in the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

In accordance with the Paris Agreement, Article 4, "[i]n order to achieve the long-term temperature goal set out in Article 2, Parties aim to reach global peaking of greenhouse gas emissions as soon as possible, recognizing that peaking will take longer for developing country Parties, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty".

In this regard, according to Article 4, each Party "shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve", each of which "will represent a progression beyond the Party's then current nationally determined contribution and reflect its highest possible ambition, reflecting its common but differentiated responsibilities and respective capabilities, in the light of different national circumstances". In addition, in communicating their NDCs, "all Parties shall provide the information necessary for clarity, transparency and understanding". Parties are required to communicate their nationally determined contributions every five years.

Adopting a disability-inclusive, human rights-based approach in NDCs will support States in aligning their own national climate policies with their international human rights obligations, the Paris Agreement and the UN Framework Convention on Climate Change (UNFCCC), and the Sustainable Development Goals, contributing to more effective climate policies and a more just and sustainable future where no one is left behind.

A. Impacts of Climate Change on the Rights of Persons with Disabilities

Both sudden-onset natural disasters and slow-onset events can affect the access of persons with disabilities to the means of enjoying their rights, including to safe drinking water and sanitation, adequate and nutritious food, health, adequate housing, education, and decent work. NDCs should acknowledge how climate change uniquely affects persons with varying disabilities and their rights.

With respect to their right to life, persons with disabilities tend to suffer from disproportionately higher rates of morbidity and mortality in emergencies and face challenges in accessing emergency support. In terms of the right to health, climate change exacerbates existing health inequalities, and persons with disabilities may experience more severe health impacts due to reduced access to healthcare and increased risks from extreme weather events, and disruptions to essential services. Regarding the right to food, climate-induced food shortages and malnutrition tend to affect persons with disabilities and their families more severely, often due to pre-existing socioeconomic vulnerabilities. In the context of the right to housing, climate-related displacement and relocation can pose significant challenges for persons with

Disability Inclusion in Disaster Risk Reduction and Recovery for Building Resilience and Leaving No One Behind, (28 November 2023).

disabilities, particularly in accessing adequate, accessible housing. With respect to the right to water and sanitation, climate change impacts on water resources can disproportionately affect persons with disabilities who already face barriers in accessing safe water and sanitation. Concerning livelihoods and decent work, climate change can exacerbate existing barriers to employment and economic participation for persons with disabilities, particularly in climate-sensitive sectors. Regarding mobility, climate-induced migration and displacement can pose unique challenges for persons with disabilities, including loss of support networks and difficulties in terms of mobility and accessing transportation and services.

B. Guidance for Disability-Inclusive NDC Revision

1. Advance a human rights-based approach including the human rights of persons with disabilities in all climate action

To promote policy coherence, States should align their climate policies and programs with international human rights law, ensuring NDC commitments align with and advance human rights principles, standards, and obligations. States should promote equality, non-discrimination, and participation of persons with disabilities in all climate policies. In their NDCs, States may consider including explicit reference to key instruments on rights of persons with disabilities and related human rights, such as the right to a clean, healthy, and sustainable environment.[3]

The **UN Convention on the Rights of Persons with Disabilities (UNCRPD)** provides a comprehensive framework for ensuring the full and equal enjoyment of all human rights by persons with disabilities. By explicitly incorporating key UNCRPD principles and articles into their NDCs, countries can align their climate commitments with their obligations under the Convention, for example:

- Countries should commit to meaningfully involve organisations of persons with disabilities (OPDs) and persons with disabilities in all stages of climate policy development, implementation, and monitoring. This is in alignment with **Article 4.3** of the UNCRPD, which requires close consultation with and active involvement of persons with disabilities through their representative organizations in decision-making processes concerning issues relating to them. Countries should commit to involve organizations of persons with disabilities (OPDs) and persons with disabilities in all stages of climate policy development, implementation, and monitoring.

- The emphasis on awareness-raising in **Article 8** should be incorporated into NDCs through commitments to develop accessible climate education and awareness programs that specifically integrate and address the rights of persons with disabilities. This would help ensure that persons with disabilities and the wider population are fully informed about climate risks and opportunities for action, and that climate policy actors are informed about the human rights of persons with disabilities.

- The principle of accessibility, outlined in **Article 9**, should be woven throughout NDCs, guaranteeing accessible and inclusive environments, information, and communication in all climate-related processes and outcomes. For instance, countries should commit to ensuring that all new climate-resilient infrastructure, such as flood defenses or climate-smart buildings, are fully

[3] See: UN General Assembly resolution 76/300 on the human right to a clean, healthy and sustainable environment and Decision 1/CMA.4 (Sharm el-Sheikh Implementation Plan) (FCCC/PA/CMA/2022/10/Add.1) ("…their respective obligations on human rights, the right to a clean, healthy and sustainable environment…".

accessible. Similarly, in the context of transitioning to low-carbon transport systems, NDCs can include targets for making public transportation and electric vehicle charging stations accessible.

- **Article 11**, which addresses situations of risk and humanitarian emergencies, is relevant to climate change adaptation, loss and damage, and disaster risk reduction. NDCs should integrate this obligation by including specific measures to ensure the safety and protection of persons with disabilities in climate-related disasters and committing to develop inclusive early warning systems, accessible emergency shelters, and targeted evacuation procedures.

- Pursuant to **Article 21** on freedom of expression and opinion and access to information, NDCs should ensure that all climate-related information, including emissions targets, adaptation plans, and implementation progress reports, is provided in multiple accessible formats without additional cost to persons with disabilities. Governments should require that both public and private entities involved in NDC implementation ensure full accessibility of services and information, inter alia.

- In accordance with **Article 25**, which recognizes the right of persons with disabilities to the highest attainable standard of health without discrimination, NDCs should include measures to ensure climate change does not disrupt access to the full range of health services, including by climate-proofing healthcare facilities, ensuring continuous power supply for essential medical equipment, and maintaining accessibility of health services during climate events. To fulfill obligations to provide health services as close as possible to people's own communities including in rural areas, NDCs should protect community-based health infrastructure against climate impacts, particularly in remote and rural locations with potentially limited transportation options during emergencies.

- The right to work and employment, covered in **Article 27**, should be reflected in NDCs through commitments to ensure that just transition is inclusive for persons with disabilities. This could involve setting targets for the inclusion of persons with disabilities in green jobs training programs or establishing support mechanisms for disability-inclusive entrepreneurship in sustainable sectors.

- **Article 28**, which considers adequate standard of living and social protection, should be integrated into NDCs by ensuring that climate policies do not disproportionately burden persons with disabilities and that social protection systems are strengthened to build their climate resilience. For example, NDCs could include commitments to develop disability-inclusive social protection programs that concretely support their adaptive capacity.

- Regarding **Article 29** requirements on participation in political and public life, NDCs should guarantee that persons with disabilities can effectively and fully participate in all climate governance and processes, without discrimination and on an equal basis with others, with accessible consultations, facilities, and materials and appropriate support including assistive technologies.

- **Article 31**, which calls for the collection of appropriate information and statistics, should be addressed by committing to collect disability-disaggregated data, including quantitative and qualitative data, across all climate-related indicators, to track how climate impacts and policies affect persons with disabilities and to adjust policies accordingly.

- The CRPD provision on international cooperation in **Article 32** should be reflected in NDCs by including commitments to ensure adequate international climate finance to developing countries to

ensure the resources needed for implementation and that climate finance provided or received supports disability-inclusive climate action.

- In accordance with **Article 33** on governmental focal points and coordination mechanisms, NDCs should establish clear institutional arrangements for disability inclusion within climate governance structures and ensure coordination between climate and disability-related bodies in NDC implementation. NDCs should also incorporate specific provisions for meaningful engagement of OPDs in monitoring, evaluating, and reporting on the implementation of climate commitments.

2. Ensure inclusion and meaningful participation of persons with disabilities

To ensure inclusive and effective climate action, NDCs should explicitly recognize persons with disabilities and organizations of persons with disabilities (OPDs) as essential stakeholders, emphasizing their agency and potential as active participants in climate solutions. This involves guaranteeing their meaningful participation at all stages of NDC development and implementation. Specific measures should be established to facilitate inclusion, such as ensuring representation in decision-making processes at global and national levels, providing accessible information and consultation processes, conducting targeted outreach to diverse disability groups, and promoting the involvement of persons with disabilities in developing innovative climate strategies. Investing in capacity-building and education of OPDs and persons with disabilities on technical aspects of NDCs, the Paris Agreement, and related instruments could also support their meaningful inclusion. By acknowledging the rights, agency, perspectives, and contributions of persons with disabilities, NDCs can foster more equitable climate action.

3. Mainstream rights of persons with disabilities across NDC themes and sectors

NDCs should integrate disability considerations throughout all key sectors and themes, rather than treating disability merely as a standalone issue. This mainstreaming approach could involve assessing the differentiated impacts on persons with disabilities and identifying targeted actions for inclusion across priority areas such as energy, transport, agriculture, disaster risk reduction, and just transition planning. By incorporating rights of persons with disabilities into the NDCs' overarching vision and principles, setting specific targets and indicators for inclusion, and aligning with national disability strategies and UNCRPD obligations, NDCs could ensure coherence with broader sustainable development efforts including the Sustainable Development Goals.

3.1 Mitigation

Countries should integrate rights of persons with disabilities in their mitigation strategies setting and pursuing ambitious emission reduction targets that will respect, protect and fulfill their rights. This can involve ensuring accessibility and inclusivity in the context of low-carbon technologies, assessing and addressing the impact of mitigation measures on persons with disabilities, and promoting their inclusion in a just and equitable transition to sustainable societies and economies. Mitigation targets should be designed with consideration of how they affect and can benefit persons with disabilities. Low-carbon transportation initiatives and urban planning should likewise ensure full accessibility.

3.2 Adaptation

In the adaptation components of NDCs, countries should prioritize disability-inclusive strategies that address the unique needs of, and heightened risks faced by, persons with disabilities in the context of climate

change. This may include making climate-related information and early warning systems accessible in multiple formats, developing inclusive evacuation procedures, and climate-proofing critical disability support services and infrastructure. NDCs should promote universal design principles in climate-resilient infrastructure and services, ensuring accessibility across all relevant sectors. By identifying disability-specific adaptation needs and incorporating them into strategies, countries can enhance the overall resilience of communities. Disability-inclusive agricultural adaptation for food security could involve ensuring measures to support workers, peasants, and other people working in rural areas with disabilities, including through accessible adaptive technologies and training as well as targeted financial support.

3.3 Loss and Damage

Loss and damage components in NDCs should explicitly address the rights and needs of persons with disabilities, who face disproportionate climate impacts and harm due to intersecting vulnerabilities. Traditional loss and damage assessments often overlook their experiences for instance due to insufficient disaggregated data, discriminatory practices, and an overemphasis on quantifiable economic loss and damage rather than non-economic dimensions such as cultural displacement or reduced accessibility. Central to a human rights-based approach to loss and damage is ensuring the right to effective remedy of persons with disabilities for climate-related harms, in line with equity, polluter pays, and common but differentiated responsibilities and respective capabilities. NDCs should also guarantee direct access to climate finance for persons with disabilities and implement disability-inclusive disaster risk reduction strategies.

3.4 Just Transition

NDCs should advance decent work and social justice by integrating just transition considerations. This includes building on the ILO Guidelines for a just transition towards environmentally sustainable economies and societies for all, the recent International Labour Conference 2023 resolution concerning a just transition, and the Human Rights Council resolution 56/8 concerning human rights and climate change, focused on just transition. The ILO just transition Guidelines should be operationalized with the UNCRPD as a guiding framework in the context of the revision and implementation of NDCs. A disability-inclusive just transition should recognize persons with disabilities as among the most climate-vulnerable groups while ensuring the meaningful participation of persons with disabilities and their representative organizations in effective and accessible social dialogue and stakeholder consultation, as well as their full participation at all levels of just transition-related policies, programmes and processes.

NDCs should outline specific measures to guarantee the access of persons with disabilities to green jobs and entrepreneurship opportunities, including targeted skills development programs, workplace accommodations, and strengthened social protection systems, aligned with human rights and ILO standards across all policy areas mentioned in the Just Transition Guidelines. States should conduct human rights due diligence that identifies and mitigates transition-related risks. Key components should include disability-responsive social protection to facilitate labour market transitions, support for disability-inclusive green jobs and entrepreneurship, and dedicated programs ensuring access to emerging opportunities in low-carbon sectors including tailored skills development and workplace accommodation support. All such measures should align with core human rights principles of non-discrimination and equality, including gender equality.

4. Conduct disability-inclusive assessments

To inform NDC priorities and implementation as well as adaptation and loss and damage planning, countries should conduct comprehensive disability-inclusive climate vulnerability, risk, and impact assessments. These assessments should examine how climate hazards interact with existing barriers faced by persons with disabilities, analyze intersecting forms of vulnerability, and identify disability-specific needs. Such assessments should uncover specific vulnerabilities and adaptive capacities of different groups of persons with disabilities as well as potential solutions proposed by the people affected themselves. Such assessments should seek to address disproportionate impacts on persons with disabilities, particularly during extreme weather events or climate-related displacement, and serve to ensure the continuity of disability-related care and support services in climate disaster contexts.

5. Use disability-specific metrics and disaggregated data

To drive action and accountability, as well as rights-based monitoring, reporting, and verification, NDCs should incorporate the use of concrete, measurable targets related to rights of persons with disabilities and inclusion. They should commit to collecting disability-disaggregated data on climate impacts and outcomes of NDC measures, to track progress and account for diverse experiences, vulnerabilities, and needs. They could also involve metrics such as the number of persons with disabilities participating in climate programs, the proportion of climate finance allocated to disability-inclusive initiatives, and the representation of persons with disabilities in climate decision-making bodies. States should include disability-specific indicators in NDC monitoring and evaluation frameworks, report on the implementation of disability-inclusive policies throughout the NDC cycle, inclur4 disability-specific indicators in NDC tracking frameworks, and report on disability inclusion in NDC implementation to both UNFCCC and CRPD monitoring mechanisms.

6. Foster care and support economies

To integrate the rights of persons with disabilities, NDCs should recognize and support care and support systems that provide for the enjoyment of human rights. They should outline strategies for community-based, gender-responsive, disability-inclusive, and age-sensitive care and support systems that promote dignity, autonomy, and full societal participation for persons with disabilities. There should be investment in public care and support services, protection of the rights of care and support workers and unpaid care and support providers, as well as challenging of gender stereotypes in care work. As part of just transition strategies, NDCs should recognize, reduce, and redistribute unpaid care and support work, which often disproportionately affects persons with disabilities' families, particularly women. Additionally, NDCs should consider how climate change impacts care and support needs strengthening support systems accordingly. Resilient comprehensive care and support systems, and health systems, including rehabilitation, can also involve commitment to climate-proofing disability support services and ensuring continuity of critical services for persons with disabilities during climate-related disruptions.

7. Promote disability-inclusive climate finance

NDCs should promote disability-inclusive international cooperation and climate finance. This could be done for example through commitments and plans to allocate specific proportions of funding to disability-inclusive projects, particularly benefiting those in developing countries. Disability considerations should be mainstreamed in climate funding criteria, ensuring fully accessible funding access procedures for

persons with disabilities, providing direct access to small grants for grassroots organizations including OPDs, and incorporating universal design principles in infrastructure investments. Key measures could include establishing explicit disability inclusion requirements in climate finance mechanisms, guidance for disability-inclusive stakeholder consultations in funded projects, and ensuring dedicated resources for disability-inclusive climate actions within NDC implementation planning.

8. Support capacity-building and education

Effective disability-inclusive climate action requires capacity-building both in terms of providing OPDs with resources, including in accessible formats, to participate on equal terms in climate policymaking while addressing barriers they currently face, as well as education of climate policymakers on the rights of persons with disabilities. NDCs should commit to developing accessible climate education, also including content related to rights of persons with disabilities, while providing targeted training to support OPDs' climate advocacy. This may include establishing disability focal points within climate agencies, training climate practitioners on disability inclusion, and fostering knowledge exchange between climate and disability stakeholders.

9. Consider intersectionality and gender equality

NDCs should recognize that persons with disabilities are not a homogeneous group, experiencing climate impacts differently based on intersecting factors such as gender, age, ethnicity, and type of impairment. This intersectional approach requires developing targeted programs that address the specific barriers and compounded vulnerabilities faced by groups experiencing multiple forms of marginalization, such as women with disabilities, Indigenous persons with disabilities, and older persons with disabilities. Climate policies should acknowledge and respond to these overlapping forms of discrimination, ensuring that climate action benefits all persons with disabilities across diverse socioeconomic contexts and lived experiences.