

WHY ARE WE LEAVING THEM BEHIND? A STUDY ON IMPACT OF CLIMATE CHANGE ON PEOPLE WITH DISABILITY

1. PURPOSE OF THE PROJECT

“Climate justice” is a buzz word amongst environmentalist to politicians. Trump’s decision to pull out from Paris agreement and Greta Thunberg’s address at United Nations Climate Conference in the year 2018 created much debate in the global arena regarding the climate justice. Protection of climate is the need of the hour because the effect of climate change affects rich, poor, men and women, younger and older generation but not equally. Climate change is one of the gravest challenges faced by the humans and if we do not act immediately, humanity would suffer from major catastrophe in near future. This will adversely affect the vulnerable groups and younger generations. Climate change also affects the ecosystem and cause irreversible damages.

The climate change will affect everyone, but not equally, women, indigenous people, poor and disabled people will be most affected. The climate change has adverse impact on health, water shortage, food security, loss of biodiversity, forest fires, vector borne disease etc. the vulnerable section of the population will in the disadvantaged position and priority must be given to them during climate crisis.

According to 2011 census, about 2.68 crore people are disabled which constitute 2.21% of population.¹ People with disability in India face issues like accessibility, education, shelter, transportation, poverty etc. Since the disability is multifaceted issue, the MDG tries to solve the issue by addressing the above mentioned issues because the disabled people are at the higher risk of poverty in case of disaster or environmental crisis, will have problem in accessing the relief material or service, evacuation, low prioritization, facing hardship, death, loss of livelihood, employment, lack of access to information, social- economic support, social marginalisation, increased exposure to violence and health hazards.² The people with disability are the most vulnerable in the time of disaster due to climate change and there is an urgent requirement of policy and action plan to safeguard the interest of people with disability. Within the sphere of people with disability, women, people living in rural area, people living under the poverty, PWD affected by AIDS, transgender and PWD, PWD from so called low caste etc, are most affected. The Person with Disabilities Act 1995, which deals

¹ Available at http://mospi.nic.in/sites/default/files/publication_reports/Disabled_persons_in_India_2016.pdf

² Available at https://www.un.org/disabilities/documents/review_of_disability_and_the_mdgs.pdf

with education, employment and barrier free environment in accessibility aspect³ lists down 21 types of disability and each disability faces unique problem in the time of crisis due to climate change e.g. leprosy, even cured leprosy will aggravate the health condition due to increased in temperature. The Rehabilitation Council of India Act of 1992 for PWD and National Policy for People with disability 2006 also do not mention about about protection and safe guarding the interest of the people with disability during climate crisis.

RESEARCH QUESTIONS

1. Whether India being the party to the Paris Convention, promote the rights of PWD by taking actions to address climate change?
2. Whether Indian Disaster Management legislations and policy adopt right based approach, which provides for accessibility and inclusion of PWD in disaster risk reduction policies?
3. Whether Tamil Nadu is prepared to meet contingent event caused due to climate change which safeguards the interest of PWD, by way of formulation appropriate plans and policy?

SIGNIFICANCE OF THE PROJECT

Person with disabled are more vulnerable in climate change event and disaster, the main reasons are they are mostly personally unprepared and they cannot be evacuated without any difficulties, they also face issues post disaster. They also tend be leftover during evacuation After a detailed study of the issue, at a primary level an awareness video will be made to general public regarding the climate change impact on PWD and appealing to them to be more empathetic to their situation , help them in such crisis and to make smart life choices. In the long run will work with Dec 3 Movement, to insist government of Tamil Nadu to come up with a comprehensive policy for PWD to protect them during climate change related disaster.

³ Available at <https://dredf.org/legal-advocacy/international-disability-rights/international-laws/india-persons-with-disabilities-act/>

CHATER 1 INTERNATIONAL CONVENTIONS ON INCLUIVE DISABILITY DISTASTER MANAGEMENT

The people with disabled are the most affected and vulnerable group during climate disaster, India is home for more than 2 crore population and has faced many climate related issues like flash floods, drought, incessant rain, heat waves etc. In many situations Indian disaster force had acted effectively, but there is no specific policy or laws for people with disability. India should make such policy so that PWD are not left behind during climate change related disaster. In such policy or action there must include PWD in the decision making, planning to implementation. The national policies for disaster management should have provisions for preparedness, evacuation, planning and response, availability of information, access to service, infrastructure and commodities.⁴ The national policies for PWD cannot be effectively implemented when the people on ground zero has been educated this also includes the stakeholders. The aid workers should be well equipped and sensitive wisth the needs of the people with disability. There should be various programmes to increase the awareness for PWD and the post disaster relief should also be provided like reconstruction and other rehabilitation relief.

The Convention on Rights of Persons with Disability (CRPD), is to protect the rights of person with disability, so that they could enjoy their human rights to the full extent, the convention provides for full freedom and promote their inherent rights.⁵ The convention also provides for right to life, and the state party should take all necessary measures steps to enjoy their life at equal basis with others.⁶ The same CRPD provides for protection of PWD during risk and humanitarian emergencies. It states the obligation of the state party to implement the provisions of international law, including international humanitarian law and international human rights, during armed conflicts humanitarian emergencies and the occurrence of natural disasters.⁷ The convention further provides for the protection of people with disability during the time of climate related crisis by providing shelter, and rehabilitation, social protection which includes right to food, water, shelter particularly post conflict.⁸ Similar conventions like Incheon Strategy and Sendai Frameworks which states for non-discrimination and

⁴ Available at <https://social.un.org/publications/UN-Flagship-Report-Disability-Final.pdf>

⁵ Article 1 of CRPD

⁶ Article 10 of CRPD

⁷ Article 11 of CRPD

⁸ Articles 19, 26, 28 of CRPD

inclusive mechanism to save people with disability in the time of disaster. The Incheon strategy, along with United Nations Economic and Social Committee for Asia and the Pacific, came up with 10, goals to make the right real for the persons with disabilities.⁹ The Goal 7 of the Incheon Strategy states disability inclusive disaster risk reduction and management.¹⁰ The Sendai Framework on Disaster Risk Reduction (SFDRR) provides for inclusive, accessible participation of people with disability and the framework also mandates for leadership of PWD for giving appropriate response during the time of climate related crisis.¹¹

CHAPTER 2 INDIAN LEGISLATIONS ON PROTECTION OF PWD DURING CLIMATE RELATED DISASTER.

India being party to the CRPD, it has come up with a draft National Disaster Management Guidelines, Disability and Disaster Oct 2018 which protects people with disability in the time of natural disaster, providing shelter and rehabilitation after the disaster¹². The Rights of Person with Disability (RPWD) Act 2016, was enacted based on UNCRPD. Based on Article 11 of UNCRP, Section 8 RPWD Act gives for safety of PWD during humanitarian emergencies and natural disaster. The Act stipulates for working along with National and State Disaster Management Authority, in the lines of Section 2 of the Disaster Management Act 2005 for safety of PWD.¹³ Mental Health Care Act 2017 also provides for treatment during the time of disaster. The guidelines says there is increase in the severity and frequency of the disaster and PWD are exposed to greater risk than the general population and increase in mortality rate. The draft guidelines coordinate various bodies to protect PWD. The aim of the guidelines is to implement Disability- Inclusive Disaster Risk Management (DiDRM) mechanism and strengthening the participation of various stakeholders. As I have mentioned above the guidelines takes into consideration of children. SC/ST, women and transgender people are included in the draft.

State of Kerala and Odisha have their own disaster management policy which protects people with disability. In the State of Tamil Nadu there is no such inclusive policy for disabled, the State Disaster Management Perspective plan 2018- 2030 and The Tamil Nadu State Disaster Management Plan 2016 are silent about protection of people with disability. Tamil Nadu has

⁹ Available at <https://www.unescap.org/sites/default/files/Incheon%20Strategy%20pocket%20version.pdf>

¹⁰ Ibid.

¹¹ Available at https://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf

¹² Article 33 of CRPD

¹³ Available at <https://ndma.gov.in/images/pdf/DISABILITY-DISASTER-GUIDELINES.pdf>

faced many climate related disaster, and many PWD in the state were severely affected. During Chennai flood in 2016, PWD faced difficulties in evacuation and in accessing relief material and rehabilitation.

CONCLUSION

State of Tamil Nadu should come with an inclusive disaster management policy; it must include a panel of people with disability, in the every stage of the policy. Awareness programmes should be conducted regularly to educate people about the difficulties faced by the PWD during natural disaster and they should be protected. The PWD should also be educated and they should be prepared during the crisis. The aid workers should be given special training regarding rescue of the people and special equipments should be provided during rescue efforts in to evacuate PWD safely. India has no special policy to protect PWD during the time of climate related issues. India according to CRPD, should implement inclusive disaster management guidelines which protects PWD during climate related disaster. India and Tamil Nadu in accordance with the law should enact an inclusive disaster management policy, and the state should also provide for appropriate rehabilitation in the accessible manner. Various NGOs and civil societies should work with the government in the formulation, implementation, evaluation and monitoring the policy. Climate related disaster impact will be felt by everyone, we should make better lifestyle, like switching to public transport, cycling, growing more plants, using more renewable energy, organic farming. The Climate related issues affects people who are poor, women, indigenous people etc. each and every act we do has a long lasting impact on people in future. We are robbing the lives of many people for our greed, by adopting climate friendly practices our future generation can experience the same or even a better healthy life.