EUROPEAN PROTECTION OF PEOPLE WITH DISABILITIES IN LANDS TRIGGERED BY NATURAL HAZARDS - AN UNFINISHED MATTER

*Dr. sc. Ivan Allegranti**

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Summary

Between 1980 and 2020, natural disasters incurred 487 billion Euros in economic damage in the European Union. The escalating frequency of such events necessitated emergency legislation for protecting affected individuals' rights. However, the effectiveness of European Disaster Risk Management policies is hindered by complexity, potentially limiting evacuees' fundamental rights like housing and healthcare access. Furthermore, the regulatory framework lacks provisions safeguarding people with mental and physical disabilities during disasters. Despite the absence of explicit regulations, an investigation into the European Court of Human Rights jurisprudence suggests a fundamental right to remain in one's homeland. Notably, all EU Member States have ratified the 2006 Convention on the Rights of Persons with Disabilities, endorsing equal rights for individuals with disabilities. This study, utilising qualitative methods, seeks to propose legally viable solutions, such as a multi-party protocol, to enable those with disabilities to continue residing in their homeland in the aftermath of a natural hazard.

Keywords: *disabilities; disaster law; European Union; CRDP.*

* Ivan Allegranti, Ph.D., Lecturer, Comenius University in Bratislava, Faculty of Law, Slovakia; ivan.allegranti@unicam.it. ORCID: https://orcid.org/0000-0003-0184-0194.
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1 INTRODUCTION

Climate-related extreme events have led to substantial economic losses for the European Union, with an estimated 487 billion Euros lost between 1980 and 2020 across its 27 Member States.[1] These events, including floods[2] or wildfires[3] or landslides,[4] have become increasingly frequent and severe. Consequently, understanding the EU's legal framework for Disaster Risk Management (hereinafter: DRM) and Disaster Risk Reduction (hereinafter: DRR) is essential to mitigate future damages.

Furthermore, at a practical level, this article adopts a sociological and legal approach, employing a qualitative methodology based on doctrinal legal analysis, case-law review and policy content analysis to examine the personal and social impacts of natural disasters on individuals with disabilities. The paper first examines the existing European legal framework governing DRM and DRR, with particular attention to the human dimension of disasters. It then introduces the concept of disability through an analysis of the Convention on the Rights of Persons with Disabilities (hereinafter: CRPD),[5] framing disability as a rights-based issue rather than a condition of vulnerability alone. Building on this foundation, the study investigates the European context, focusing on the EU Disability Strategy 2021-2023 and the role of accessibility as a structural principle in disaster preparedness and response, before moving to its conclusions.

The analysis will demonstrate a significant regulatory gap at EU level concerning the protection of persons with disabilities in the event of natural disasters and argues that a comprehensive and effective rethinking of disability within EU disaster policies is urgently required in order to both ensure inclusive protection mechanisms and to fulfil the fundamental commitment to leaving no one behind.

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1 European Environment Agency, "Economic Losses and Fatalities from Weather- and Climate-related Events in Europe," accessed February 3, 2022, https://www.eea.europa.eu/publications/economic-losses-and-fatalities-from.

2 Il Resto del Carlino, "Alluvione nelle Marche: tutti i dati, ora per ora: ecco cosa è successo," accessed September 21, 2022, https://www.ilrestodelcarlino.it/marche/alluvione-cosa-successo-1.8098852.

3 Deutsche Welle, "Europe Set for Record Wildfire Destruction in 2022," accessed August 14, 2022, https://www.dw.com/en/europe-set-for-record-wildfire-destruction-in-2022/a-62802068; Tagesschau, "Es ging um Minuten," accessed December 8, 2022, https://www.tagesschau.de/inland/gesellschaft/katastrophenschutz-flut-ahrtal-101.html.

4 Corriere della Sera, "Ischia frana Casamicciola: le ultime notizie," accessed November 27, 2022, https://www.corriere.it/cronache/diretta-live/22_novembre_27/ischia-frana-news-maltempo-aaacd044-6e1d-11ed-9a2e-9215bb841eb8.shtml.

5 UN Convention on the Rights of Persons with Disabilities, A/RES/61/106 of January 24, 2007. Entered into force March 3, 2008.

2 THE EUROPEAN UNION'S DISASTER RISK MANAGEMENT AND DISASTER RISK REDUCTION LEGAL FRAMEWORK

The legal basis for DRM and DRR in the EU is laid out in Article 196 of the Treaty on the Functioning of the European Union (hereinafter: TFEU).[6] This article encourages cooperation among Member States to improve disaster prevention and protection systems. It also mandates the EU to support national, regional, and local civil protection actions, promote effective cooperation among national services, and ensure consistency in international civil protection work. Additionally, it requires Member States to define disaster-related terms and establish their own regulations on prevention and preparedness. While the EU provides guidance, much of the responsibility for disaster-related definitions and regulations lies with individual countries.

Several key documents have shaped the EU's approach to DRM and DRR.[7] Notably, two important documents were introduced and adopted within the European legal framework in regard to DRM and DRR policies. The first one is the Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism.[8] The second one is Decision No 2014/762/EU, adopted on 16 October 2014, which implements the functioning of the EU Civil Protection Mechanism as adopted through Decision No 1313/2013/EU. The first one outlines the EU's actions to prevent and manage disasters, including knowledge sharing among Member States, promoting risk assessments, and coordinating the development of early warning systems. The second one further requires the creation of a response mechanism, the Emergency Response Coordination Centre, to ensure effective action during disasters.[9] A significant turning point for the EU's disaster response legislation came due to its influence from the UN[10] and with the adoption of the United Nations Sendai Framework for Disaster Risk Reduction[11] in the EU legal framework, which has influenced EU policies. Therefore, the EU Action Plan

6 Consolidated Version of the Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012.

7 Communication to the European Parliament and the Council, Towards a Stronger European Disaster Response: The Role of Civil Protection and Humanitarian Assistance, COM(2010) 600 final, 26.10.2010.; Michel Barnier, *For a European Civil Protection Force: Europe Aid* (Brussels: European Communities, EUISS, 2006), 35.

8 Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism, OJ L 347, 20.12.2013.

9 Commission Implementing Decision of 16 October 2014 No 2014/762/EU Laying Down Rules for the Implementation of Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism and Repealing Commission Decisions 2004/277/EC, Euratom and 2007/606/EC, Euratom (notified under document C(2014) 7489), OJ L 320, 6.11.2014.

10 United Nations and European Union, "Improving Lives: Partnership between the UN and EU," accessed March 23, 2025, https://www.unbrussels.org/report2010/#/page/-1.

11 UNISDR, "Sendai Framework for Disaster Risk Reduction 2015–2030," accessed March 23, 2025, http://www.wcdrr.org/uploads/Sendai_Framework_for_Disaster_Risk_Reduction_2015-2030.pdf.

on the Sendai Framework aims to improve risk prevention, societal resilience, and investments in DRM and DRR policies and practices across sectors such as infrastructure, health, food security, and climate change adaptation.[12] For instance, the Plan promotes disaster resilience horizontally thus incorporating the sustainable development principle stated in Articles 11 and 191 of the TFUE. Also, the European Next Generation EU plan has implemented the policies and attention towards DRM and DRR.[13] Lastly, the European Green Deal[14] further supports the EU's commitment to disaster resilience by integrating environmental and disaster preparedness goals. In this regard, the European Green Deal may represent today the strongest political commitment to a policy integration agenda ever put forth by the European Commission as all EU actions and policies must fit into the broad framework that is established by this document.[15]

Despite these efforts, a gap remains in the EU's protection of vulnerable groups, particularly people with disabilities, during natural hazards. In fact, the current EU legal framework primarily addresses disaster prevention, preparedness, and response at a general level but does not offer specific measures or protections for people with disabilities during catastrophic events. For instance, the 2019 amendments to Decision No 1313/2013/EU focused on financial measures for disaster response and allocation of funds, without considering inclusive strategies to safeguard vulnerable populations.[16] Similarly, Regulation (EU) 2016/369, which outlines emergency support, provides financial assistance but does not directly address the unique needs of disabled individuals.[17]

3 DISASTER, LOSS AND PLACE ATTACHMENT

Individuals affected by a natural hazard experience profound trauma beyond the immediate physical and psychological damage.[18] The first type of trauma occurs

12 Action Plan on the Sendai Framework for Disaster Risk Reduction 2015–2030: A Disaster Risk-Informed Approach for All EU Policies, Commission Staff Working Document SWD (2016) 205 final.

13 European Union, "Next Generation EU," accessed March 23, 2025, https://next-generation-eu.europa.eu/index_en.

14 Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 Establishing the Recovery and Resilience Facility, OJ C 364, 28.10.2020.

15 United Nations Office for Disaster Risk Reduction, *Europe's Opportunity to Manage Risk and Build Resilience: Recommendations to the European Green Deal* (New York: UNDDR, 2020), 1-11.

16 Decision Amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism, COM(2019) 125 final, 7.3.2019.

17 Regulation (EU) 2016/369 on the Provision of Emergency Support within the Union, OJ L 70/1, 16.3.2016.

18 Sarah Nettleton, "Losing a Home Through Mortgage Repossession: The Views of Children," *Children & Society* 15, no. 2 (2001): 82; Kandauda A.S. Wickrama and Violet Kaspar, "Family Context of Mental Health Risk in Tsunami Affected Mothers: Findings from a Pilot Study in Sri Lanka," *Social Science & Medicine* 64, no. 3 (2007): 994; Chiara Rollero et al., "Does Place Attachment Affect Social Wellbeing?," *Revue Européenne de Psychologie Appliquée* 60,

right after the event when individuals realize that what they have built over their lifetime has been destroyed in an instant, resulting in both economic and emotional harm. The second trauma arises during the reconstruction phase and continues until it is completed. For instance, the desire to return to normalcy, to see rebuilt landscapes without interruption,[19] is deeply felt among the victims.[20]

Thus, evacuees rarely accept[21] the idea of abandoning[22] — either voluntarily or forcibly,[23] for an indefinite period[24] — a place considered as 'sacred' as their own home or land. From the above, it becomes clear that the relationship often established between a home and its owner is not solely based on the ownership of the property but also encompasses the intangible and emotional bond between them.[25] This phenomenon is called 'place attachment' by academic literature.[26] For instance, territories need to be reconstructed, and hope and prosperity must be given back to its inhabitants who have likely lost most of their properties and jobs. Economy and society must be rebuilt to allow future sustainable development in these areas.[27] On a legal perspective, this right can be enshrined as those protected within the legal framework of the European Convention on Human Rights (hereinafter: ECHR)[28] and

no. 4 (2010): 233; Susan C. Rush et al., "Rebuilding Sustainable Communities for Children and Families After Disaster: Recommendations from Symposium Participants in Response to the April 27th, 2011 Tornadoes," *Community Mental Health Journal* 51 (2015): 132.

19 Matteo Clemente and Luca Salvati, "'Interrupted' Landscapes: Post-Earthquake Reconstruction in Between Urban Renewal and Social Identity of Local Communities," *Sustainability* 9, no. 11 (2017).

20 "Io non crollo," accessed May 9, 2025, https://www.iononcrollo.org; Lorella Pettinari, "Diario di Bordo di una Terremotata," Facebook, accessed May 9, 2025, https://www.facebook.com/rinascita.it/.

21 Il Fatto Quotidiano, "È morta nonna Peppina, la donna simbolo del terremoto 2016 aveva 98 anni. Dallo sfratto alla vittoria: la sua battaglia per la casa," accessed April 10, 2025, https://www.ilfattoquotidiano.it/2021/11/19/e-morta-nonna-peppina-la-donna-simbolo-del-terremoto-2016-aveva-98-anni-dallo-sfratto-alla-vittoria-la-sua-battaglia-per-la-casa/6398531/; Il Sole24 Ore, "Terremoto, convalidato l'arresto dello sfollato che non vuole lasciare Arquata. Il legale: «Assurdo»," accessed October 1, 2024, https://www.ilsole24ore.com/art/terremoto-convalidato-l-arresto-sfollato-che-non-vuole-lasciare-arquata-legale-assurdo-AEGLL5L.

22 Alessandro Chiappanuvoli, "Gli sfollati del terremoto tra disagio e voglia di una vita normale," accessed May 9, 2025, https://www.internazionale.it/reportage/alessandro-chiappanuvoli/2016/12/17/terremoto-marche-sfollati-accoglienza.

23 Ivan Allegranti, "Delocalizzazione commerciale in località colpite da calamità naturali: uno sguardo comparatistico fra Italia e Giappone," in *Solidarietà ed Emergenze*, ed. Carlotta Latini (Naples: Editoriale Scientifica, 2022), 175.

24 Ivan Allegranti, "Delocalizzazione commerciale," 175.

25 Chiara Tenella Sillani, "I Diversi Profili del Diritto di Proprietà," *Rassegna di Diritto Civile* 4 (2013): 1060.

26 Qing Chen et al., "Stay in Risk Area: Place Attachment, Efficacy Beliefs and Risk Coping," *International Journal of Environmental Research and Public Health* 19, no. 4 (2022): 2375.

27 Chiara Della Valle and Enrico Mariani, "Il confinamento domiciliare nel post-sisma dell'Appennino centrale," *Scienze del Territorio,* special issue (2020): 97; Luigi De Bonis and Marco Giovagnoli, "Terremoti, distruzione/ricostruzione, tradizione/innovazione e comunità locale," *Scienze del Territorio* 7 (2019): 12.

28 (European) Convention for the Protection of Human Rights and Fundamental Freedoms, ETS

can be called "the right to remain in your own homeland" which can be detected through a personalistic interpretation of the concept of private property in light of Article 8 ECHR and Article 1 of Protocol 1 of the ECHR. The evolution of the protection extended to the right to property – especially thanks to Article 8 devoted to private and family life – has increased the borders within which real estate property is today seen as a right among humans. In fact, it is also thanks to the European Court of Human Rights (hereinafter: ECtHR) that, today, property has lost its meaning only as a material good, but has become something that goes beyond the physical and economic *res*.[29]

The social function attributed to property rights has increased its relevance within legal practitioners and doctrine, allowing a development of the concept that property rights are beyond the actual material good.[30] Private property has become something more, and it is now intended as "an instrument able to fulfil human dignity."[31] Analyzing property law in the context of the ECHR and the ECtHR case law, it is necessary to start our reflection by defining the concept of "home" within the meaning of private and family life of Article 8 paragraph 1 ECHR. In this regard, the copious jurisprudence of the ECtHR helped to reshape the meaning of property rights. In fact, today, the Strasbourg Court does not interpret "home" exclusively as traditional apartments and houses, but also includes caravans, other mobile homes[32] as well as places where a person carries out their professional and/or working activity[33] and all activities that are part of their private and family life.[34] For instance, in the *Fernández Martínez v. Spain* case,[35] the Court ruled that "restrictions on an individual's professional life may fall within Article 8 where they have repercussions on the manner in which he or she constructs his or her social identity by developing relationships with others."

Nowadays, it is the ECtHR's common opinion that the link between the domicile and the person complaining of a violation must be lasting and meaningful

No. 005, 1950.

29 Tomasz Nieborak, "Human Rights in the Light of the Process of Financialisation," *Bialystok Legal Studies* 26, no. 5 (2021): 161.

30 Chiara Tenella Sillani, "I diversi profili del diritto di proprietà," *Rassegna di Diritto Civile* 4 (2013): 1060; Beatrice Sirgiovanni, "Dal diritto sui beni comuni al diritto ai beni comuni," *Rassegna di Diritto Civile* 1 (2017): 240.

31 Pietro Perlingieri, *Introduzione alla problematica della proprietà* (Naples: Edizioni Scientifiche Italiane, 2011), 6.

32 ECtHR, Chappell v. United Kingdom, App. no. 10461/83, Judgment of March 30, 1989, para. 26; ECtHR, Société Colas Est et al. v. France, App. no. 37971/97, Judgment of April 16, 2002, para. 41; ECtHR, Buck v. Germany, App. no. 41604/98, Judgment of April 25, 2005, para. 31; ECtHR, Popovi v. Bulgaria, App. no. 39651/11, Judgment of September 9, 2016, para. 103.

33 ECtHR, Buckley v. the United Kingdom, App. no. 20348/92, Judgment of September 29, 1996, para. 52; ECtHR, Chapman v. the United Kingdom, App. no. 27238/95, Judgment of January 18, 2001, para. 71; ECtHR, Yordanova and Others v. Bulgaria, App. no. 19009/04, Judgment of April 24, 2012, para. 103.

34 ECtHR, Loizidou v. Turkey, App. no. 15318/89, Judgment of December 18, 1996, para. 66.

35 ECtHR, Fernández Martínez v. Spain, App. no. 56030/07, Judgment of June 12, 2014, para. 109.

in a material and affective way. However, it is thanks to the concept of "private life", linked to that of domicile (home), that Article 8 of ECHR provides full protection to those who complain about a property violation within the Convention's meaning. "Private (and family) life" in Article 8 of the ECHR is therefore intended as a broad concept for which it does not seem possible to give an exhaustive or even unambiguous definition. The definition of "private and family life" includes both the physical and the psychological integrity of a person,[36] the right to establish and develop relationships with other human beings,[37] and other aspects concerning a person's physical and social identity,[38] as well as their right to personal fulfilment or self-determination.[39]

Therefore, today, a violation of the right to property according to Article 8 of the ECHR and Article 1 of Protocol No. 1 includes not only actual damage or a direct violation of property rights, but also the emotional, personal, and professional relationship between the *res* and the individual.[40] In fact, legal doctrine has affirmed that today, there is not only a right to property, but also a right to "remain in your own homeland", underlining the affective relationship between immovable property and its possessor.[41] Moreover, if we deepen the current analysis, we can also extend the borders of this right as including, together with the "right to remain in your own homeland," the right to "remain and produce in your own homeland."[42] In fact, the right under Article 8 of the ECHR, by virtue of the social function of private property, is referred both in the right to remain in someone's place as well as in the right to exercise an economic activity.[43] This allows every individual not only to have a right to the rebuilding of his property but also to a fundamental right that allows him or her to remain in his or her own homeland, thus creating and developing any type of business.[44] To the current analysis, then, it is necessary to examine the concept of "disability" as understood within international conventions and the broader international community.

36 ECtHR, X and Y v. the Netherlands, App. no. 8978/80, Judgment of March 26, 1985, para. 22.

37 ECtHR, Niemietz v. Germany, App. no. 13710/88, Judgment of December 16, 1992, para. 29.

38 ECtHR, Mikulić v. Croatia, App. no. 53179/99, Judgment of September 4, 2002, para. 53.

39 Allison M. Dussias, "Does the Right of Self-Determination Include a Right to a Homeland," *Syracuse Journal of International Law and Commerce* 31, no. 1 (2004): 87; ECtHR, Pretty v. the United Kingdom, no. 2346/02 of April 29, 2002, para. 61.

40 ECtHR, Paradiso and Campanelli v. Italy, App. no. 25358/12, Judgment of January 24, 2017, para. 159; ECtHR, Jankauskas v. Lithuania, App. no. 50446/17, Judgment of November 13, 2017, para. 56; ECtHR, Bărbulescu v. Romania, App. no. 61469/08, Judgment of September 5, 2017, para. 71.

41 Lecia Vicente, Lucia Ruggeri and Kozue Kashiwazaki, "Beyond Lipstick and High Heels: Three Tell-Tale Narratives of Female Leadership in the United States, Italy, and Japan," *Hastings Women's Law Journal* 32, no. 1 (2021): 13.

42 Ivan Allegranti, "L'attualità di un caso 20 anni dopo (nota a Durini c. Italia, Corte EDU, 12 gennaio 1994 n. 19217/91)," *Rivista Giuridica dell'Edilizia* 6 (2023): 449.

43 Judgement of October 22, 1991, *Georg von Deetzen v. Hauptzollamt Oldenburg*, C-44/89, EU:C:1991:401.

44 *European Charter for Rural Areas: Draft Recommendation (Doc. 7507)*, accessed March 23, 2025, https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=7441&lang=en.

4 DEFINING DISABILITIES

The definition of "disability" has long been debated across policy makers around the world,[45] especially before the adoption of the CRPD. In fact, the CRPD preamble recognises "disability (as) an evolving concept," as it is the "interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others." The text of the Convention has been rapidly acclaimed by the international legal academic and policy makers as "revolutionary,"[46, 47] as it has adopted a "bold new vision,"[48] a holistic and an "all of society"[49] approach into the intricate field of human rights law.

Still, the scientific community (medicine and other related fields of science) has drawn a definition of disability as "a state of decreased functioning associated with disease, disorder, injury, or other health conditions, which in the context of one's environment is experienced as an impairment, activity limitation, or participation restriction."[50] For instance, the shift arisen from the CRPD is related to the fact that persons with disability – who were previously seen as merely objects of rights[51] – are hereinafter entitled not only to be protected and cared for but are also intended as subjects of all human rights.[52]

For instance, the purpose of the Convention is stated in expansive language: to

45 Matilde Leonardi et al., "The Definition of Disability: What Is in a Name?," *The Lancet* 383, no. 9921 (2006): 1219.

46 Michael L. Perlin and Naomi M. Weinstein, "'There's Voices in the Night Trying to Be Heard': The Potential Impact of the Convention on the Rights of Persons with Disabilities on Domestic Mental Disability Law," *Brooklyn Law Review* 84, no. 3 (2019): 977-1006.

47 Michael L. Perlin, *International Human Rights and Mental Disability Law: When the Silenced Are Heard* (Oxford: Oxford University Press, 2011), 24.

48 Penelope Weller, "The Convention on the Rights of Persons with Disabilities and the Social Model of Health: New Perspectives," *Journal of Mental Health Law* (2011): 74.

49 Anna Lawson, "The United Nations Convention on the Rights of Persons with Disabilities: New Era or False Dawn," *Syracuse Journal of International Law and Commerce* 34, no. 2 (2006): 563.

50 Jerome E. Bickenbach et al., "Models of Disablement, Universalism and the International Classification of Impairments, Disabilities and Handicaps," *Social Science & Medicine* 48, no. 9 (1999): 1173.

51 Vincenzo Barba, "Persone con disabilità e capacità: Art. 12 della Convenzione sui Diritti delle Persone con Disabilità e diritto civile italiano," *Rassegna di Diritto Civile,* no. 2 (2021): 422; Gerard Quinn, "Rethinking Personhood: New Directions in Legal Capacity, Law and Policy, or How to Put the 'Shift' Back in 'Paradigm Shift,'" accessed March 23, 2025, https://citizenship.sites.olt.ubc.ca/files/2014/07/Gerard_Quinn_s_Keynote_-_April_29__2011.pdf; Rosemary Kayess and Phillip French, "Out of Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities," *Human Rights Law Review* 8, no. 1 (2008): 1; see also Tara Melish, "The UN Disability Convention: Historic Process, Strong Prospects, and Why the U.S. Should Ratify," *Human Rights Brief* 14, no. 2 (2007): 37; Nélida Álvarez Lata and Juan A. Seoane, "El Proceso de Toma de Decisiones de la Persona con Discapacidad: De los Modelos de Representación y Guarda a la Luz de la Convención sobre los Derechos de las Personas con Discapacidad," *Derecho Privado y Constitución* 24 (2010): 11.

52 Kayess and French, "Out of Darkness into Light?," 8.

"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."[53] The first five articles (sometimes referred to as the "Cornerstone Principles")[54] explain the purpose of the Convention, define key terms, articulate basic principles, and set forth the general obligations of ratifying states.[55] Articles 6 through 30 set goals and mandates related to civil and political rights (Articles 12 through 20) and economic, social, and cultural rights (Articles 22 through 30); they also contain several "tailor-made" provisions on specific topics such as natural hazards and emergency planning (Article 11).[56] The remaining articles deal with the Convention's monitoring and enforcement mechanisms and other procedural issues (articles 31 to 50).[57] The Convention also establishes a United Nations Monitoring Committee ("the Committee") to monitor compliance with the Convention. And, lastly, an Optional Protocol annexed to the Convention establishes procedures for the Committee to handle complaints by individuals or groups against specific States Parties for violations of the Convention.[58]

The CRPD, moreover, integrates other relevant existing human rights instruments into its text. For instance, the Convention combines anti-discrimination rights from the International Covenant on Civil and Political Rights with rights related to an adequate standard of living and equality from the International Covenant on Economic, Social and Cultural Rights.[59] This integration follows the United Nations' theory of the "human right to (sustainable) development,"[60] which holds that both sets of rights are necessary for development and must be enforced together. For example, civil rights laws prevent adverse harms, while equality measures remedy

53 Art. 1, UN Convention on the Rights of Persons with Disabilities.

54 Ann Leahy and Delia Ferri, "The Right to Participate in Cultural Life of Persons with Disabilities in Europe: Where Is the Paradigm Shift?," *Alter* 16, no. 1 (2022): 6.

55 Preamble, CRPD.

56 Art. 3, CRPD. See also Antoni Vaquer Aloy, "El maltrato al causante vulnerable: A favor de una nueva causa de indignidad sucesoria," *ADC* 3 (2020): 1070; Vincenzo Barba, "Persone con disabilità e capacità," *Rassegna di Diritto Civile* 2 (2021): 422; Francesca Ortali, "Per non lasciare nessuno indietro," in *Disabilità e diritti umani*, ed. Angelo D. Marra (Naples: Edizioni Scientifiche Italiane, 2018), 164; Ciro Pizzo, "Disabilità, anzianità e non autosufficienza," in *Lavorare con esperienze, expertise e saperi nel mercato che verrà*, eds. Anna D'Ascenzo and Stefania Ferraro (Bologna: Mimesis, 2022), 64.

57 Nadina Foggetti, "I diritti delle persone con disabilità e il diritto internazionale alla luce della CRPD: Problemi attuali e prospettive future," in *Disabilità e diritti umani*, ed. Angelo D. Marra (Naples: Edizioni Scientifiche Italiane, 2018), 44. The Convention on the Rights of Persons with Disabilities marks the first time a UN convention allows its beneficiaries to directly submit complaints to a monitoring body. Articles 32 and 33 of the Convention highlight the role of associations in the realization and monitoring of its purposes.

58 "International Disability Caucus," accessed February 1, 2006, https://www.un.org/esa/socdev/enable/rights/idc05.htm. By ratifying the Optional Protocol, a State Party consents to the Committee's competence to hear complaints; this process operates through Article 34 and the Optional Protocol rather than creating a private right of action.

59 See f.n. 46.

60 Ivan Allegranti, "Il binomio comunità territorio nel prima della crisi climatica contemporanea," *Federalismi* 16 (2025): 10.

inequalities that already exist due to a history of discrimination.[61]

For what is of interest for the current analysis, it is important to understand that across the CRPD there are many principles – which most of the time can be translated into actions[62] or conditions[63] – made available to the disabled person, which try to eliminate as much as possible the difference among disabled and non-disabled people. Nevertheless, it must be pointed out that the programmatic style of the Convention has also been used by another important charter among the UN, the Millennium Declaration which enunciates the Millennium Development Goals of 2000.[64]

In this instance, the favourable reception and the inclusive "all of society" approach embedded in the text of the Convention have proven pivotal to its commendable reception within the international community. It is noteworthy that the Sustainable Development Goals[65] owe their inclusivity and comprehensive societal engagement to the holistic and ground-breaking perspective on disability given by the Convention. This approach endeavours assiduously to ensure that no individual (especially disabled persons) is marginalised nor excluded by society.

5 THE EU APPROACH ON DISABILITY

The foundation in Europe regarding persons with disabilities can be found in the European Convention on Human Rights,[66] the European Social Charter,[67] the Treaty of Amsterdam,[68] and the EU Directive on Equal Treatment in Employment and Occupation,[69] which prohibits discrimination in the field of employment on the grounds of disability and encourages reasonable accommodation. Also Article 26 of the EU Charter on Fundamental Rights[70] recognises and respects the right of people with disabilities to benefit from measures designed to ensure their independence, social and occupational integration, and participation in the life of the community.[71]

However, although frequently referenced in numerous legal texts, no explicit definition of disability can be identified, nor does a holistic approach to the subject

61 Michael A. Stein and Penelope J.S. Stein, "Beyond Disability Civil Rights," *Hastings Law Journal* 58 (2007): 1240; see also Art. 3(1)(h) of the CRPD, in conjunction with CEDAW and the UN Convention on the Rights of the Child (CRC).

62 Art. 30, UN Convention on the Rights of Persons with Disabilities.

63 Art. 28, UN Convention on the Rights of Persons with Disabilities.

64 United Nations Millennium Declaration, A/RES/55/2 of September 18, 2000.

65 Transforming Our World: The 2030 Agenda for Sustainable Development, A/RES/70/1 of October 21, 2015.

66 Art. 14, European Convention on Human Rights, ETS No. 005 (1950).

67 Art. 15, European Social Charter, ETS No. 035 (1961), and European Social Charter (Revised), ETS no. 163 (1996).

68 Arts. 6a and 22, Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, OJ C 340, 10.11.1997.

69 Arts 1 and 4, Council Directive 2000/78/EC of 27 November 2000 Establishing a General Framework for Equal Treatment in Employment and Occupation, OJ L 303, 2.12.2000.

70 Charter of Fundamental Rights of the European Union, OJ C 364/1, 18.12.2000.

71 Preamble, point 15, European Social Charter (Revised), ETS No. 163 (1996).

emerge. What individual provisions from these binding norms reveal are, instead, positive or negative obligations imposed on actors external to the person with a disability (such as the State or the employer). These include, for example, the obligation to refrain from discrimination based solely on disability (Article 14 ECHR), to ensure that the working environment is suitable to enable persons with disabilities to perform their professional duties (Article 15 of the European Social Charter), or to guarantee that persons with disabilities can benefit from measures adopted by States to allow them to live an integrated life within society and their respective communities (Article 26 of the EU Charter of Fundamental Rights). Beyond this, however, little more can be found.

On the contrary, judicial decisions, whether of the European Court of Human Rights[72] or the Court of Justice of the European Union,[73] do not lack in an organic and systematic treatment of the issue,[74] effectively considering persons with disabilities in their broader social and structural dimension.[75] Still, the fragmented nature of

72 ECtHR, Fernandes de Oliveira v. Portugal, App. no. 78103/14, Judgment of January 31, 2019, para. 103-115, in which the Court assesses two important principles for people affected by a disability: a) a positive obligation of the State hospitals to adopt appropriate measures for the protection of patients' lives; b) a positive obligation on the authorities to take preventive operational measures to protect an individual from another individual or, in particular circumstances, from himself. By igniting these two obligations the ECtHR tries to protect the individual in a broader perspective thus including not only the hospital but also the state as a custodian of the person's life and care; see also: ECtHR, Glor v. Switzerland, App. no. 13444/04, Judgment of April 30, 2009, para 96, in which the Grand Chambre affirms the principle that the State has to take into account the circumstances of the person affected by disability and, if possible, find a solution fit for the person in light of Article 5 of Directive 2000/78/EU.

73 In decision Judgement of July 16, 2006, *Chacón Navas v. Eurest Colectividades SA*, C-13/05, EU:C:2006:456, para. 43, the court, by defining the concept of disability as "a limitation which results in particular from physical, mental or psychological impairments and which hinders the participation of the person concerned in professional life", affirms also a three important rules: a) sickness is not regarded as falling between Art. 1 of Directive 2000/78/EU and b) the condition of "disability" requires an impairment that lasts over time; c) the sole sickness does not allow the sick person to be protected in light of Art. 1 of the Directive. Only if this sickness evolves in a reasonable timeframe into a permanent condition, sickness can be protected in light of Art. 1 of Directive 2000/78/EU.

74 One of the main reasons for this approach lies in the rich and diverse body of case law concerning the rights of persons with disabilities, which has enabled the courts to examine the issue in a detailed yet focused manner, thereby providing a comprehensive overview of the subject. See: János Fiala-Butora, Michael Ashley Stein and Matthew S. Smith, "Disability Human Rights Standards before the European Court of Human Rights—False Convergence and Methodologically-Driven Divergence?," *Human Rights Law Review* 25, no. 4 (2025): 3; Branko Lubarda, "The Rights of Persons with Disabilities in the Case-law of the European Court of Human Rights," *Europe of Rights & Liberties* 3, no. 1 (2021): 6.

75 See: Judgement of September 11, 2025, *Bervidi G.L. v. AB SPA*, C-38/24, EU:C:2025:690, para. 53, affirms that the discrimination on the grounds of disability as enshrined in Art. 1 of Directive 2000/78/EU is both direct and indirect, thus protecting also the people who have a direct connection with the disabled person (i.e. a caregiver/the parent), therefore applying an "all of society" approach on the matter. See also: Judgement of July 17, 2008, *Coleman v. Attridge Law and Steve Law*, C-303/06, EU:C:2008:415, para 38.

the European jurisprudence makes it impossible to reconstruct – even through an interpretation oriented towards the Euro-constitutional dimension of the individual – a solid ground of protection to the person affected by a disability.

Then, the COVID-19 pandemic and its economic consequences made this issue even more pressing, as it amplified existing obstacles and inequalities.[76]

6 THE EU DISABILITY STRATEGY 2021-2030

With this in mind, in March 2021, the European Commission adopted the EU Disability Strategy 2021–2030, which aims to empower people with disabilities so that they can fully participate in society and in the European economy.[77] As of when the report was published, in Europe, 85 million people were affected by disability. Despite this, persons with disabilities still face considerable barriers in access to healthcare, education, employment, recreational activities, and participation in political life. They are also at a higher risk of poverty or social exclusion (28.4%) compared to persons without disabilities (18.4%) and over half of persons with disabilities reported feeling more discriminated against in 2019.[78] Therefore, the Commission promoted emergency measures as early as spring 2020, and in May, it proposed a major recovery plan for Europe.[79] The EU's next long-term budget, combined with NextGenerationEU,[80] represents to date the largest stimulus package ever adopted. This package is intended to support a disability-inclusive COVID-19 response and recovery.[81]

Thus, the European Parliament called for a renewed disability strategy covering all areas of the Convention, and the Council is committed to continuing work on its implementation.[82] The European Economic and Social Committee and the European

76 United Nations Department of Economic and Social Affairs, "COVID-19 Outbreak and Persons with Disabilities," accessed March 25, 2025, https://www.un.org/development/desa/disabilities/covid-19.html.

77 European Commission, "European Comparative Data on Europe 2020 and Persons with Disabilities: Labour Market, Education, Poverty and Health Analysis and Trends", 19, accessed March 26, 2023, https://demagog.org.pl/wp-content/uploads/2022/02/UE-osoby-niepelnosprawne.pdf.

78 European Commission, "Special Eurobarometer 493: Discrimination in the EU," accessed March 26, 2023, https://data.europa.eu/data/datasets/s2251_91_4_493_eng?locale=en.

79 Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: Europe's Moment – Repair and Prepare for the Next Generation, COM(2020) 456 final, 27.5.2020.

80 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: The EU Budget Powering the Recovery Plan for Europe, COM(2020) 442 final, 27.5.2020.

81 European Union External Action, "Joint Statement by the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President Josep Borrell, Vice-President Věra Jourová," accessed March 26, 2023, https://www.eeas.europa.eu/eeas/journalists-joint-statement-high-representativevice-president-josep-borrell-and-vice-president_en.

82 European Parliament Resolution of 18 June 2020 on the European Disability Strategy post-2020 (2019/2975(RSP)), OJ C 362, 8.9.2021; Conclusions of the Council of the European Union and the Representatives of the Member States Meeting within the Council on Access to

Committee of Regions emphasised the role of accessibility and independent living, as well as the importance of governance and monitoring.[83]

For instance, this Strategy is designed to enhance the quality of life for persons with disabilities over the next decade, both within the EU and globally.[84] Achieving its objectives requires coordinated efforts at national and EU levels, underpinned by a strong commitment from Member States, as well as regional and local authorities, to implement the Commission's proposed actions. In domains such as transport and the internal market, the EU shares competence with Member States. However, in areas like health, education, and culture, the responsibility primarily lies with national governments, with the EU playing a supportive, complementary role.

Therefore, an analysis of the EU Disability Strategy 2021-2030 highlights a significant discrepancy between its stated objectives and its practical effectiveness. While the Strategy articulates an ambitious commitment to equality, inclusion and participation of persons with disabilities, it largely relies on soft-law instruments and non-binding policy coordination, leaving implementation primarily to the discretion of Member States. As a result, the socio-cultural shift toward a rights-based understanding of disability promoted by the Strategy has not been translated into coherent and enforceable measures. The absence of a systematic integration between disability policy and EU frameworks aimed at addressing structural barriers to health, safety, and participation has resulted in fragmented and inconsistent approaches to the protection of persons with disabilities across all sectors of society, including the workplace, ultimately weakening its effectiveness as a tool for genuine and inclusive protection at EU level.[85]

Sport for Persons with Disabilities (2019/C 192/06), OJ C 192, 7.6.2019. Council Conclusions on the Inclusion of Persons with Disabilities in the Labour Market, OJ C 192/18, 7.6.2019.

83 European Committee of the Regions, Deinstitutionalisation in Care Systems at Local and Regional Level (2018/C 164/07), OJ C 164, 8.5.2018. European Economic and Social Committee, "Shaping the EU Agenda for Disability Rights 2020–2030: A Contribution from the European Economic and Social Committee (Own-Initiative Opinion)," accessed March 23, 2023, https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/shaping-eu-agenda-disability-rights-2020-2030-contribution-european-economic-and-social-committee-own-initiative-opinion.

84 European Disability Strategy 2010–2020: A Renewed Commitment to a Barrier-Free Europe, COM(2010) 636 final, 15.11.2010, in which the Strategy gives particular attention to groups such as women, children, elderly, homeless individuals, refugees, migrants, Roma, and other ethnic minorities. Thus, the Strategy supports the green and digital transitions and contributes to a healthier Europe, aligning with goals for a sustainable, innovative, resilient, and socially just European Union. The European Green Deal, COM(2019) 640 final, 11.12.2019; European Climate Pact, COM(2020) 788 final, 09.12.2020, highlight that the Strategy is part of the European Pillar of Social Rights Action Plan and complements broader equality strategies aimed at eliminating discrimination in all its forms. Through this, the EU advances its vision of a Union of Equality and strengthens its global leadership in promoting human rights, achieving the UN Sustainable Development Goals in combating inequality.

85 Benedetta Persechino et al., "Disabilità e lavoro: sintesi dell'evoluzione delle policy, dalla Convenzione ONU alle Strategie dell'Unione Europea," *Giornale Italiano di Medicina del Lavoro Ed Ergonomia* 43, no. 3 (2021): 18.

Nevertheless, a significant shortcoming in the EU's approach to disability is the lack of binding legal instruments (i.e. Convention, Regulation, or Directives) specifically dedicated to the rights of persons with disabilities.[86] Existing references in foundational treaties remain fragmented, failing to offer a comprehensive or enforceable framework as well as Court cases remaining mostly interested in the parts involved in the case. As a soft law instrument, this Strategy does not possess the legal authority of binding legislation. In fact, its implementation relies on voluntary compliance, making it a declaration of intent rather than a guarantee of rights.[87]

7 ACCESSIBILITY

In emergencies and natural hazards, ensuring accessibility becomes essential, especially for people with disabilities. Recognising this, the EU Disability Strategy 2021-2030 places strong emphasis on improving accessibility among EU Member States. Still, the question remains: how can people with disabilities be effectively safeguarded during crises if access is not guaranteed?

Access to physical spaces, digital tools, information, goods, services, transport, and infrastructure forms the foundation of equal participation for persons with disabilities in society. It is, in fact, both a fundamental right and a practical necessity. Over the past decade, the EU has made notable progress by introducing legal frameworks aimed at enhancing accessibility, including the European Accessibility Act covering products and services,[88] the Web Accessibility Directive,[89] the Electronic Communications Code,[90] the Audiovisual Media Services Directive, and copyright legislation.[91] Common European standards now promote accessible design (across architecture and technology) through the principle of "Design for All."[92]

86 European Union Agency for Fundamental Rights, "EU Framework for the UN Convention on the Rights of Persons with Disabilities," accessed March 23, 2023, https://fra.europa.eu/en/cooperation/eu-partners/eu-crpd-framework.

87 Domenico Gattuso, "La gestione delle emergenze in ottica di pianificazione dei trasporti," in *Disabilità e diritti umani*, ed. Angelo D. Marra (Naples: Edizioni Scientifiche Italiane, 2018), 98-99.

88 Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the Accessibility Requirements for Products and Services, OJ L 151, 7.6.2019.

89 Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the Accessibility of the Websites and Mobile Applications of Public Sector Bodies, OJ L 327, 2.12.2016.

90 Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 Establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018.

91 Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the Provision of Audiovisual Media Services, OJ L 303, 28.11.2018. World Intellectual Property Organization, "Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled," adopted June 27, 2013, accessed March 26, 2025, https://www.wipo.int/wipolex/en/treaties/textdetails/13169.

92 European Commission, "Accessibility Standards Resulting from Commission Mandates 376, 554, 420 and 473," accessed March 23, 2025, https://ec.europa.eu/social/main.jsp?catId=1485&langId=en.

Digital inclusion is also a growing policy priority. As the EU undergoes a digital transformation, initiatives are underway to ensure digital public services remain inclusive.[93] For instance, a recent proposal to amend roaming legislation includes provisions to improve emergency service access for users with disabilities.[94]

Accessibility also extends to travel. EU regulations ensure equal access to transport modes (air, rail, sea, and road) offering assistance to passengers with disabilities at no extra cost.[95] Programs such as the Access City Award[96] incentivise cities to take a comprehensive, proactive approach to accessibility that goes beyond legal compliance. Moreover, energy-efficient building renovations are being encouraged to simultaneously address physical accessibility.[97] To access shared management EU funds, Member States are required to comply with accessibility standards.[98] Additionally, accessibility must be embedded in public procurement and reflected in national Recovery and Resilience Plans.

Yet, significant barriers remain. People with disabilities still face challenges navigating within and across EU countries, whether in transportation, digital services, public spaces, or housing. A truly barrier-free Europe demands that accessibility be mainstreamed across all policy areas, including initiatives like the European Green Deal, the Renovation Wave, and the New European Bauhaus. Training professionals to understand and implement accessibility standards is nowadays equally vital.

At the EU level, the Commission is actively tracking the implementation of accessibility laws and assessing whether additional regulations may be needed.[99] Standardisation and technical specification efforts continue to ensure accessibility is

93 Ministerial meeting during Estonian Presidency of the Council of the EU, "Tallinn Declaration on eGovernment", 6.10.2017; Berlin Declaration on Digital Society and Value-Based Digital Government, 8.12.2020.

94 Proposal for a Regulation of the European Parliament and of the Council on Roaming on Public Mobile Communications Networks within the Union (Recast) COM(2021) 85 final, 24.2.2021.

95 Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the Technical Specifications for Interoperability Relating to Accessibility of the Union's Rail System for Persons with Disabilities and Persons with Reduced Mobility, OJ L 356, 12.12.2014.

96 European Commission, "Access City Award," accessed March 23, 2023, https://ec.europa.eu/social/main.jsp?catId=1141.

97 Commission Recommendation (EU) 2019/786 of 8 May 2019 on Building Renovation, C/2019/3352, OJ L 127, 16.5.2019.

98 Proposal for a Regulation of the European Parliament and of the Council Laying Down Common Provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and Financial Rules, COM(2018) 375 final, 29.5.2018; Directive 2014/24/EU of 26 February 2014 on Public Procurement and Repealing Directive 2004/18/EC, OJ L 94, 28.3.2014.

99 European Commission, "Evaluation Confirms Better Protection of Air, Ship, and Bus Passengers Thanks to EU Law," accessed March 23, 2023, https://transport.ec.europa.eu/news/evaluation-confirms-better-protection-air-ship-and-bus-passengers-thanks-eu-law-2021-12-15_en; Commission Staff Working Document: Evaluation Review of the Application of Directive (EU) 2016/2102 on the Accessibility of the Websites and Mobile Applications of Public Sector Bodies (Web Accessibility Directive), SWD(2022) 410 final, 7.12.2022.

fully embedded in EU policy frameworks. In 2023, the Commission committed to reviewing the internal market for assistive technologies, aiming to address regulatory inconsistencies across Member States that could limit affordability and innovation.[100] Simultaneously, the legislative review of energy performance standards for buildings is expected to promote further accessibility improvements in renovation projects.[101]

However, despite numerous initiatives and formal commitments, there remains a disconnect between vision and execution.[102] Measures like the EU Disability Card represent steps toward stronger rights recognition, but broad, impactful reforms have been limited. Progress continues, but often at a slow and incremental pace. While the EU's strategies acknowledge the critical role of accessibility, turning these principles into everyday reality for people with disabilities will require sustained political will, investment, and coordinated action across all levels of governance.

8 CONCLUSIONS

This analysis has demonstrated that the European Union's legislative framework is inadequate in ensuring the effective protection of the rights of persons with disabilities in the event of natural disasters. This shortcoming is not limited to emergency situations, but reflects a broader structural deficiency already present in ordinary circumstances, where the legal protection afforded to persons with disabilities remains fragmented and insufficient.

In the absence of specific EU provisions addressing disability in disaster contexts, the CRPD assumes particular relevance. While Article 10 affirms the right to life for persons with disabilities, Article 11 expressly addresses situations of risk, requiring States Parties to take "all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters." Consequently, States Parties, including the European Union, are under a binding obligation, at least at a normative level, to ensure the protection of persons with disabilities when natural hazards occur.[103]

Nevertheless, within the current European legal framework, there is no explicit obligation imposed on Member States to protect, or even to aim to protect, persons with disabilities in the context of natural disasters. Although the EU and its Member States are bound by the CRPD and therefore subject to positive obligations

100 Union of Equality: Strategy for the Rights of Persons with Disabilities 2021–2030, COM(2021) 101 final, 3.3.2021., 18.

101 Proposal for a Directive of the European Parliament and of the Council on the Energy Performance of Buildings (Recast), COM(2021) 802 final, 15.12.2021.

102 Union of Equality: Strategy for the Rights of Persons with Disabilities 2021–2030, chapter 5.5, noting gaps in protection for persons with disabilities during and after natural disasters, particularly in long-term reconstruction efforts.

103 *Bervidi G.L. v. AB SPA*, C-38/24 of September 11, 2025, para 46 which states that "the European Union has approved the UN Convention, the provisions of which are therefore, from the time of that convention's entry into force, an integral part of the EU legal order," therefore stating that the EU applies in toto the CRDP.

derived from it, these commitments have not been translated into concrete, binding EU legislation.[104] As a result, in practical terms, persons with disabilities remain largely unprotected during catastrophic events, given the absence of EU regulations or directives specifically designed to guarantee their rights (also) in emergency situations.[105]

To address this gap and to ensure preparedness for future disasters affecting Member States, this paper calls upon EU institutions, representative organisations of persons with disabilities, and national authorities to consider the adoption of a binding Regulation or Directive expressly applicable to persons with disabilities in emergency contexts. Such an instrument would reflect a genuinely inclusive, 'whole-of-society' approach to disaster preparedness and response, ensuring that no one is left behind when catastrophe strikes.

BIBLIOGRAPHY

Books and Articles:

1. Allegranti, Ivan. "Delocalizzazione commerciale in località colpite da calamità naturali: uno sguardo comparatistico fra Italia e Giappone." In *Solidarietà ed Emergenze*, ed. Carlotta Latini, 175-184. Naples: Editoriale Scientifica, 2022.
2. Allegranti, Ivan. "Il binomio comunità territorio nel prima della crisi climatica contemporanea." *Federalismi* 16 (2025): 1-14.
3. Allegranti, Ivan. "L'attualità di un caso 20 anni dopo (nota a Durini c. Italia, Corte EDU, 12 gennaio 1994 n. 19217/91)." *Rivista Giuridica dell'Edilizia* 6 (2023): 449-467.

104 This obligation may be inferred from a combined reading of Articles 1 and 5 of Directive 2000/78/EC, which entrusts Member States, and consequently public authorities, with the responsibility of "reasonably accommodating" (i.e. creating the necessary conditions) persons with disabilities to express their abilities within social and professional contexts. When applied to situations of natural disasters, these principles translate into a positive obligation on the part of the European Union to ensure that persons with disabilities are placed in conditions that allow them to perform their vital functions, which are often severely compromised due to their specific circumstances and therefore require particular precaution. Such an approach is essential to promote their "full social integration and participation in the life of the community" within the meaning of Article 15(3) of the Revised European Social Charter (ETS No. 163, 1996), an integration that, as demonstrated above, can be abruptly disrupted within seconds by a natural catastrophe. In this regard, the Italian Reconstruction Code (Law No. 40 of 18 March 2025) may be regarded as a best practice. Article 10 of the Code provides for the possibility of increasing financial support to households affected by a disaster in cases involving the destruction or severe damage of movable property, including registered movable assets and "those instrumental to the provision of care and assistance services." Through this provision, the Italian legislator has effectively incorporated persons with disabilities into the broader reconstruction strategy, recognising not only the need to restore the equipment essential to their vital functions, but also the importance of embedding their well-being within the overall objectives of post-disaster recovery. As a result, the future Italian Extraordinary Commissioner will be legally required, under penalty of non-compliance, to take into account the obligations set out in Article 10 of Law No. 40 of 2025, thereby ensuring that persons with disabilities are explicitly included within the structural framework of post-catastrophe reconstruction.

105 Union of Equality: Strategy for the Rights of Persons with Disabilities 2021–2030*,* COM(2021) 101 final, 03.03.2021., chapter 5.5.

4. Álvarez Lata, Nélida, and Juan A. Seoane. "El Proceso de Toma de Decisiones de la Persona con Discapacidad: De los Modelos de Representación y Guarda a la Luz de la Convención sobre los Derechos de las Personas con Discapacidad." *Derecho Privado y Constitución* 24 (2010): 11-66.
5. Barba, Vincenzo. "Persone con disabilità e capacità: Art. 12 della Convenzione sui Diritti delle Persone con Disabilità e diritto civile italiano." *Rassegna di Diritto Civile,* no. 2 (2021): 419-450.
6. Barnier, Michael. *For a European Civil Protection Force: Europe Aid*. Brussels: European Communities, EUISS, 2006.
7. Bickenbach, Jerome E., Somnath Chatterji, Elizabeth M. Badley, and Tevfik B. Üstun. "Models of Disablement, Universalism and the International Classification of Impairments, Disabilities and Handicaps." *Social Science & Medicine* 48, no. 9 (1999): 1173-1187.
8. Chen, Chen, Shill Guo, Xin Deng, Wei Wang, Jiahao Song, and Dingde Xu. "Stay in Risk Area: Place Attachment, Efficacy Beliefs and Risk Coping." *International Journal of Environmental Research and Public Health* 19, no. 4 (2022): 2375-2394.
9. Clemente, Matteo, and Luca Salvati. "'Interrupted' Landscapes: Post-Earthquake Reconstruction in Between Urban Renewal and Social Identity of Local Communities." *Sustainability* 9, no. 11 (2017): 1-13.
10. De Bonis, Luigi, and Marco Giovagnoli. "Terremoti, distruzione/ricostruzione, tradizione/innovazione e comunità locale." *Scienze del Territorio* 7 (2019): 12-19.
11. Della Valle, Chiara, and Enrico Mariani. "Il confinamento domiciliare nel post-sisma dell'Appennino centrale." *Scienze del Territorio,* special issue (2020): 95-105.
12. Dussias, Allison M. "Does the Right of Self-Determination Include a Right to a Homeland." *Syracuse Journal of International Law and Commerce* 31, no. 1 (2004): 83-93.
13. Fiala-Butora, János, Michael Ashley Stein, and Matthew S. Smith." Disability Human Rights Standards before the European Court of Human Rights—False Convergence and Methodologically-Driven Divergence?" *Human Rights Law Review* 25, no. 4 (2025): 1-25.
14. Foggetti, Nadina. "I diritti delle persone con disabilità e il diritto internazionale alla luce della CRPD: Problemi attuali e prospettive future." In *Disabilità e diritti umani*, ed. Angelo D. Marra, 13-55. Naples: Edizioni Scientifiche Italiane, 2018.
15. Gattuso, Domenico. "La gestione delle emergenze in ottica di pianificazione dei trasporti." In *Disabilità e diritti umani*, ed. Angelo D. Marra, 95-103. Naples: Edizioni Scientifiche Italiane, 2018.
16. Kayess, Rosemary, and Phillip French. "Out of Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities." *Human Rights Law Review* 8, no. 1 (2008): 1-34.
17. L. Perlin, Michael. *International Human Rights and Mental Disability Law: When the Silenced Are Heard*. Oxford: Oxford University Press, 2011.
18. L. Perlin, Michael, and Naomi M. Weinstein. "'There's Voices in the Night Trying to Be Heard': The Potential Impact of the Convention on the Rights of Persons with Disabilities on Domestic Mental Disability Law." *Brooklyn Law Review* 84, no. 3 (2019): 977-1006.
19. Lawson, Anna. "The United Nations Convention on the Rights of Persons with Disabilities: New Era or False Dawn." *Syracuse Journal of International Law and Commerce* 34, no. 2 (2006): 563-619.
20. Leahy, Ann, and Delia Ferri. "The Right to Participate in Cultural Life of Persons with Disabilities in Europe: Where Is the Paradigm Shift?" *Alter* 16, no. 1 (2022): 5-29.
21. Leonardi, Matilde, Jerome Bickenbach, Tevfik Bedirhan Ustun, Nenad Konstansek, and Somnath Chatterji. "The Definition of Disability: What Is in a Name?" *The Lancet* 383, no. 9921 (2006): 1219-1221.

22. Lubarda, Branko. "The Rights of Persons with Disabilities in the Case-law of the European Court of Human Rights." *Europe of Rights & Liberties* 3, no. 1 (2021): 6-19.
23. Melish, Tara. "The UN Disability Convention: Historic Process, Strong Prospects, and Why the U.S. Should Ratify." *Human Rights Brief* 14, no. 2 (2007): 37-47.
24. Nettleton, Sarah. "Losing a Home Through Mortgage Repossession: The Views of Children." *Children & Society* 15, no. 2 (2001): 82-94.
25. Nieborak, Tomasz. "Human Rights in the Light of the Process of Financialisation." *Bialystok Legal Studies* 26, no. 5 (2021): 161-185.
26. Ortali, Francesca. "Per non lasciare nessuno indietro." In *Disabilità e diritti umani*, ed. Angelo D. Marra, 161-174. Naples: Edizioni Scientifiche Italiane, 2018.
27. Perlingieri, Pietro. *Introduzione alla problematica della proprietà*. Naples: Edizioni Scientifiche Italiane, 2011.
28. Persechino, Benedetta, Grazia Fortuna, Maria Cristina Dentici, Antonio Valenti, and Sergio Iavicoli. "Disabilità e lavoro: sintesi dell'evoluzione delle policy, dalla Convenzione ONU alle Strategie dell'Unione Europea." *Giornale Italiano di Medicina del Lavoro Ed Ergonomia* 43, no. 3 (2021): 7-18.
29. Pizzo, Ciro. "Disabilità, anzianità e non autosufficienza." In *Lavorare con esperienze, expertise e saperi nel mercato che verrà*, eds. Anna D'Ascenzo and Stefania Ferraro, 61-81. Bologna: Mimesis, 2022.
30. Quinn, Gerard. "Rethinking Personhood: New Directions in Legal Capacity, Law and Policy, or How to Put the 'Shift' Back in 'Paradigm Shift.'" Accessed March 23, 2025. https://citizenship.sites.olt.ubc.ca/files/2014/07/Gerard_Quinn_s_Keynote_-_April_29__2011.pdf
31. Rollero, Chiara, and Norma Piccoli. "Does Place Attachment Affect Social Wellbeing?" *Revue Européenne de Psychologie Appliquée* 60, no. 4 (2010): 233-238.
32. Rush, Susan C., Rick Houser, and Ashley Patridge. "Rebuilding Sustainable Communities for Children and Families After Disaster: Recommendations from Symposium Participants in Response to the April 27th, 2011 Tornadoes." *Community Mental Health Journal* 51 (2015): 132-138.
33. Sirgiovanni, Beatrice. "Dal diritto sui beni comuni al diritto ai beni comuni." *Rassegna di Diritto Civile* 1 (2017): 229-246.
34. Stein, Michael A., and Penelope J.S. Stein. "Beyond Disability Civil Rights." *Hastings Law Journal* 58 (2007): 1203-1240.
35. Tenella Sillani, Chiara. "I Diversi Profili del Diritto di Proprietà." *Rassegna di Diritto Civile* 4 (2013): 1058-1076.
36. Vaquer Aloy, Antoni. "El maltrato al causante vulnerable: A favor de una nueva causa de indignidad sucesoria." *ADC* 3 (2020): 1067-1095.
37. Vicente, Lecia, Lucia Ruggeri, and Kozue Kashiwazaki. "Beyond Lipstick and High Heels: Three Tell-Tale Narratives of Female Leadership in the United States, Italy, and Japan." *Hastings Women's Law Journal* 32, no. 1 (2021): 3-26.
38. Weller, Penelope. "The Convention on the Rights of Persons with Disabilities and the Social Model of Health: New Perspectives." *Journal of Mental Health Law* (2011): 74-83.
39. Wickrama, Kandauda A.S., and Violet Kaspar. "Family Context of Mental Health Risk in Tsunami Affected Mothers: Findings from a Pilot Study in Sri Lanka." *Social Science & Medicine* 64, no. 3 (2007): 994-1007.

Legal Sources:

1. Berlin Declaration on Digital Society and Value-Based Digital Government, 8.12.2020.
2. Charter of Fundamental Rights of the European Union, C 364/1, 18.12.2000.

3. Commission Implementing Decision of 16 October 2014 No 2014/762/EU Laying down Rules for the Implementation of Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism and Repealing Commission Decisions 2004/277/EC, Euratom and 2007/606/EC, Euratom (notified under document C(2014) 7489), OJ L 320, 6.11.2014.
4. Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the Technical Specifications for Interoperability Relating to Accessibility of the Union's Rail System for Persons with Disabilities and Persons with Reduced Mobility, OJ L 356, 12.12.2014.
5. Commission Recommendation (EU) 2019/786 of 8 May 2019 on Building Renovation, C/2019/3352, OJ L 127, 16.5.2019.
6. Consolidated Version of the Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012.
7. Council Conclusions on the Inclusion of Persons with Disabilities in the Labour Market, OJ C 192/18, 7.6.2019.
8. Council Directive 2000/78/EC of 27 November 2000 Establishing a General Framework for Equal Treatment in Employment and Occupation, OJ L 303, 2.12.2000.
9. Decision Amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism, COM(2019) 125 final, 7.3.2019.
10. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism, OJ L 347, 20.12.2013.
11. Directive 2014/24/EU of 26 February 2014 on Public Procurement and Repealing Directive 2004/18/EC, OJ L 94, 28.3.2014.
12. Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the Accessibility of the Websites and Mobile Applications of Public Sector Bodies, OJ L 327, 2.12.2016.
13. Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the Provision of Audiovisual Media Services, OJ L 303, 28.11.2018.
14. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018.
15. Deinstitutionalisation in Care Systems at Local and Regional Level (2018/C 164/07), OJ C 164, 8.5.2018.
16. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the Accessibility Requirements for Products and Services, OJ L 151, 7.6.2019.
17. European Charter for Rural Areas: Draft Recommendation (Doc. 7507). Accessed March 23, 2025. https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=7441&lang=en.
18. European Climate Pact, COM(2020) 788 final, 09.12.2020.
19. (European) Convention for the Protection of Human Rights and Fundamental Freedoms, ETS No. 005, 1950.
20. European Disability Strategy 2010–2020: A Renewed Commitment to a Barrier-Free Europe, COM(2010) 636 final, 15.11.2010.
21. European Green Deal, COM(2019) 640 final, 11.12.2019.
22. European Parliament Resolution of 18 June 2020 on the European Disability Strategy post-2020 (2019/2975(RSP)), OJ C 362, 8.9.2021.
23. European Social Charter, ETS No. 035, 1961.
24. European Social Charter (Revised), ETS no. 163, 1996.
25. Italian Reconstruction Code - Law No. 40 of 18 March 2025.
26. Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. Accessed March 26, 2025. https://www.wipo.int/wipolex/en/treaties/textdetails/13169.

27. Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 Establishing the Recovery and Resilience Facility, OJ C 364, 28.10.2020.
28. Transforming Our World: The 2030 Agenda for Sustainable Development, A/RES/70/1 of October 21, 2015.
29. Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, OJ C 340, 10.11.1997.
30. UN Convention on the Rights of Persons with Disabilities, A/RES/61/106 of January 24, 2007.
31. UNISDR Sendai Framework for Disaster Risk Reduction 2015–2030. Accessed March 23, 2025. https://www.undrr.org/publication/sendai-framework-disaster-risk-reduction-2015-2030.
32. United Nations General Assembly, Transforming Our World: The 2030 Agenda for Sustainable Development, A/RES/70/1 of October 21, 2015.
33. United Nations Millennium Declaration, A/RES/55/2 of September 18, 2000.

Case Law:

1. ECtHR, Bărbulescu v. Romania, App. no. 61469/08, Judgment of September 5, 2017.
2. ECtHR, Buck v. Germany, App. no. 41604/98 of April 25, 2005.
3. ECtHR, Buckley v. the United Kingdom, App. no. 20348/92, Judgment of September 29, 1996.
4. ECtHR, Chapman v. the United Kingdom, App. no. 27238/95, Judgment of January 18, 2001.
5. ECtHR, Chappell v. United Kingdom, App. no. 10461/83, Judgment of March 30, 1989.
6. ECtHR, Fernandes de Oliveira v. Portugal, App. no. 78103/14, Judgment of January 31, 2019.
7. ECtHR, Fernández Martínez v. Spain, App. no. 56030/07, Judgment of June 12, 2014.
8. ECtHR, Glor v. Switzerland, App. no. 13444/04, Judgment of April 30, 2009.
9. ECtHR, Jankauskas v. Lithuania, App. no. 50446/17, Judgment of November 13, 2017.
10. ECtHR, Loizidou v. Turkey, App. no. 15318/89, Judgment of December 18, 1996.
11. ECtHR, Mikulić v. Croatia, App. no. 53179/99, Judgment of September 4, 2002.
12. ECtHR, Niemietz v. Germany, App. no. 13710/88, Judgment of December 16, 1992.
13. ECtHR, Paradiso and Campanelli v. Italy, App. no. 25358/12, Judgment of January 24, 2017.
14. ECtHR, Popovi v. Bulgaria, App. no. 39651/11, Judgment of September 9, 2016.
15. ECtHR, Pretty v. the United Kingdom, App. no. 2346/02, Judgment of April 29, 2002.
16. ECtHR, Société Colas Est et al. v. France, App. no. 37971/97, Judgment of April 16, 2002.
17. ECtHR, X and Y v. the Netherlands, App. no. 8978/80, Judgment of March 26, 1985.
18. ECtHR, Yordanova and Others v. Bulgaria, App. no. 19009/04, Judgment of April 24, 2012.
19. Judgement of July 16, 2006, *Chacón Navas v. Eurest Colectividades SA*, C-13/05, EU:C:2006:456.
20. Judgement of July 17, 2008, *Coleman v. Attridge Law and Steve Law*, C-303/06, EU:C:2008:415.
21. Judgement of October 22, 1991, *Georg von Deetzen v. Hauptzollamt Oldenburg*, C-44/89, EU:C:1991:401.
22. Judgement of September 11, 2025, *Bervidi G.L. v. AB SPA*, C-38/24, EU:C:2025:690.

Internet Sources:

1. Chiappanuvoli, Alessandro. "Gli sfollati del terremoto tra disagio e voglia di una vita normale." Accessed May 9, 2025. https://www.internazionale.it/reportage/alessandro-chiappanuvoli/2016/12/17/terremoto-marche-sfollati-accoglienza.

2. Corriere della Sera. "Ischia frana Casamicciola: le ultime notizie." Accessed November 27, 2022. https://www.corriere.it/cronache/diretta-live/22_novembre_27/ischia-frana-news-maltempo-aaacd044-6e1d-11ed-9a2e-9215bb841eb8.shtml.
3. Deutsche Welle. "Europe Set for Record Wildfire Destruction in 2022." Accessed August 14, 2022. https://www.dw.com/en/europe-set-for-record-wildfire-destruction-in-2022/a-62802068.
4. European Commission. "Access City Award." Accessed March 23. 2023. https://ec.europa.eu/social/main.jsp?catId=1141.
5. European Commission. "Accessibility Standards Resulting from Commission Mandates 376, 554, 420 and 473." Accessed March 23, 2025. https://ec.europa.eu/social/main.jsp?catId=1485&langId=en.
6. European Commission. "European Comparative Data on Europe 2020 and Persons with Disabilities: Labour Market, Education, Poverty and Health Analysis and Trends." Accessed March 26, 2023. https://demagog.org.pl/wp-content/uploads/2022/02/UE-osoby-niepelnosprawne.pdf.
7. European Commission. "Evaluation Confirms Better Protection of Air, Ship, and Bus Passengers Thanks to EU Law." Accessed March 23, 2023. https://transport.ec.europa.eu/news/evaluation-confirms-better-protection-air-ship-and-bus-passengers-thanks-eu-law-2021-12-15_en.
8. European Commission. "Special Eurobarometer 493: Discrimination in the EU." Accessed March 26, 2023. https://data.europa.eu/data/datasets/s2251_91_4_493_eng?locale=en.
9. European Environment Agency. "Economic Losses and Fatalities from Weather- and Climate-related Events in Europe." Accessed February 3, 2022. https://www.eea.europa.eu/publications/economic-losses-and-fatalities-from.
10. European Union. "Next Generation EU." Accessed March 23, 2025. https://next-generation-eu.europa.eu/index_en.
11. European Union Agency for Fundamental Rights. "EU Framework for the UN Convention on the Rights of Persons with Disabilities." Accessed March 23, 2023. https://fra.europa.eu/en/cooperation/eu-partners/eu-crpd-framework.
12. European Union External Action. "Joint Statement by the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President Josep Borrell, Vice-President Věra Jourová." Accessed March 26, 2023. https://www.eeas.europa.eu/eeas/journalists-joint-statement-high-representativevice-president-josep-borrell-and-vice-president_en.
13. Il Fatto Quotidiano. "È morta nonna Peppina, la donna simbolo del terremoto 2016 aveva 98 anni. Dallo sfratto alla vittoria: la sua battaglia per la casa." Accessed April 10, 2025. https://www.ilfattoquotidiano.it/2021/11/19/e-morta-nonna-peppina-la-donna-simbolo-del-terremoto-2016-aveva-98-anni-dallo-sfratto-alla-vittoria-la-sua-battaglia-per-la-casa/6398531/.
14. Il Resto del Carlino. "Alluvione nelle Marche: tutti i dati, ora per ora: ecco cosa è successo." Accessed September 21, 2022. https://www.ilrestodelcarlino.it/marche/alluvione-cosa-successo-1.809885.
15. Il Sole24 Ore. "Terremoto, convalidato l'arresto dello sfollato che non vuole lasciare Arquata. Il legale: «Assurdo»." Accessed October 1, 2024. https://www.ilsole24ore.com/art/terremoto-convalidato-l-arresto-sfollato-che-non-vuole-lasciare-arquata-legale-assurdo-AEGLL5L.
16. "Io non crollo." Accessed May 9, 2025. https://www.iononcrollo.org.
17. Pettinari, Lorella. "Diario di Bordo di una Terremotata." Facebook. Accessed May 9, 2025. https://www.facebook.com/rinascita.it/.
18. Tagesschau. "Es ging um Minuten." Accessed December 8, 2022. https://www.tagesschau.de/inland/gesellschaft/katastrophenschutz-flut-ahrtal-101.htm.

19. United Nations and European Union. "Improving Lives: Partnership between the UN and EU." Accessed March 23, 2025. https://www.unbrussels.org/report2010/#/page/-1.
20. United Nations Department of Economic and Social Affairs. "COVID-19 Outbreak and Persons with Disabilities." Accessed March 25, 2025. https://www.un.org/development/desa/disabilities/covid-19.html.

Other:

1. Action Plan on the Sendai Framework for Disaster Risk Reduction 2015–2030: A Disaster Risk-Informed Approach for All EU Policies, Commission Staff Working Document, SWD (2016) 205 final.
2. Commission Staff Working Document: Evaluation Review of the Application of Directive (EU) 2016/2102 on the Accessibility of the Websites and Mobile Applications of Public Sector Bodies (Web Accessibility Directive), SWD(2022) 410 final, 7.12.2022.
3. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: The EU Budget Powering the Recovery Plan for Europe**,** COM(2020) 442 final, 27.5.2020.
4. Communication to the European Parliament and the Council, Towards a Stronger European Disaster Response: the Role of Civil Protection and Humanitarian Assistance, COM(2010) 600 final, 26.10.2010.
5. Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: Europe's Moment – Repair and Prepare for the Next Generation, COM(2020) 456 final, 27.5.2020.
6. Conclusions of the Council of the European Union and the Representatives of the Member States Meeting within the Council on Access to Sport for Persons with Disabilities (2019/C 192/06), OJ C 192, 7.6.2019.
7. European Economic and Social Committee. "Shaping the EU Agenda for Disability Rights 2020–2030: A Contribution from the European Economic and Social Committee (Own-Initiative Opinion)." Accessed March 23, 2023. https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/shaping-eu-agenda-disability-rights-2020-2030-contribution-european-economic-and-social-committee-own-initiative-opinion.
8. "International Disability Caucus." Accessed February 1, 2006. https://www.un.org/esa/socdev/enable/rights/idc05.htm.
9. Ministerial meeting during Estonian Presidency of the Council of the EU. "Tallinn Declaration on eGovernment", 6.10.2017.
10. Proposal for a Directive of the European Parliament and of the Council on the Energy Performance of Buildings (Recast), COM(2021) 802 final, 15.12.2021.
11. Proposal for a Regulation of the European Parliament and of the Council Laying Down Common Provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and Financial Rules, COM(2018) 375 final, 29.5.2018.
12. Proposal for a Regulation of the European Parliament and of the Council on Roaming on Public Mobile Communications Networks within the Union (Recast), COM(2021) 85 final, 24.2.2021.
13. Union of Equality: Strategy for the Rights of Persons with Disabilities 2021–2030, COM(2021) 101 final, 3.3.2021.
14. United Nations Office for Disaster Risk Reduction. *Europe's Opportunity to Manage Risk and Build Resilience: Recommendations to the European Green Deal.* New York: UNDDR, 2020.

Ivan Allegranti*

Sažetak

EUROPSKA ZAŠTITA OSOBA S INVALIDITETOM NA PODRUČJIMA POGOĐENIMA PRIRODNIM KATASTROFAMA: NERAZRJEŠENO PITANJE

Između 1980. i 2020. godine prirodne katastrofe prouzročile su gospodarsku štetu u iznosu od 487 milijardi eura u Europskoj uniji. Sve učestalija pojava takvih događaja zahtijevala je donošenje hitnih zakonodavnih mjera radi zaštite prava katastrofom pogođenih osoba. Međutim, učinkovitost europskih politika upravljanja rizicima od katastrofa otežana je njihovom složenošću, što može ograničiti ostvarivanje temeljnih prava evakuiranih osoba, poput prava na stanovanje i pristupa zdravstvenoj skrbi. Nadalje, regulatorni okvir ne sadržava odgovarajuće odredbe za zaštitu osoba s tjelesnim i mentalnim invaliditetom tijekom katastrofa. Unatoč nepostojanju izričitih odredbi, analiza sudske prakse Europskoga suda za ljudska prava upućuje na postojanje temeljnoga prava osobe da ostane u svojoj domovini. Važno je istaknuti da su sve države članice Europske unije ratificirale Konvenciju o pravima osoba s invaliditetom iz 2006. godine, potvrđujući načelo jednakih prava osoba s invaliditetom. Ovaj rad, oslanjajući se na kvalitativne metode istraživanja, nastoji predložiti pravno održiva rješenja, poput višestranačkog protokola, kako bi se osobama s invaliditetom omogućio nastavak života u vlastitoj domovini nakon prirodne katastrofe.

Ključne riječi: *invaliditet; pravo upravljanja katastrofama; Europska unija; Konvencija o pravima osoba s invaliditetom.*

* Dr. sc. Ivan Allegranti, predavač, Sveučilište Comenius u Bratislavi, Pravni fakultet, Slovačka; ivan.allegranti@unicam.it. ORCID: https://orcid.org/0000-0003-0184-0194.
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