



Österreichischer Behindertenrat – Austrian Disability Council



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Vienna, 31.03.2025

Re: Müllner v. Austria (Application no. 18859/21)

THE EUROPEAN COURT OF HUMAN RIGHTS (FOURTH SECTION)

WRITTEN COMMENTS ON BEHALF OF THE AUSTRIAN DISABILITY COUNCIL

Mr. President,
esteemed Members of the European Court of Human Rights,

hereby we respectfully submit our comments on the respondent Government's observations in the proceeding *Müllner v. Austria* (Application no. 18859/21), pursuant to the leave granted on March 13th, 2025.

The Austrian Disability Council is the legally recognized umbrella organization of over 85 member associations representing approximately 1.4 million persons with disabilities in Austria. The Austrian Disability Council respectfully would like to take this opportunity to provide our comments on three arguments put forward by the government. For a more detailed examination of the disproportionate impact of climate change on persons with disabilities, we kindly refer to the Austrian Disability Council's Third Party Intervention of December 4th, 2024.

Yours sincerely,
Klaus Widl



1. Government Program 2025-2029

1. The Government, in its observations, references the Government Program 2020-2024 and emphasizes Austria's position among the countries with the most ambitious climate targets worldwide (page 13, para. 7.1.). In response, the Austrian Disability Council would like to make the following statement:
2. In the meanwhile, on February 27th, 2025, the newly elected Austrian government presented its government program 2025-2029.¹ The benchmark should therefore not be the past, but the current government program, which sets different priorities due to the (different) parties now represented. The Austrian Disability Council is deeply concerned that the current government program not only completely disregards the needs of persons with disabilities on climate with regards to environmental protection but also indicates a setback in terms of climate policy.
3. While the commitment to a socially just and comprehensive climate policy in line with the 17 UN Sustainable Development Goals is a positive first step², it remains insufficient without concrete measures to effectively mitigate the impacts of climate change. This omission is particularly alarming, as persons with disabilities are disproportionately affected by the impacts of climate change (as detailed in the Austrian Disability Council's Third Party Intervention of December 4th, 2024).
4. The consequences of this exclusion are severe. The rising frequency of extreme weather events – such as heatwaves, storms, and other climate-related crises – can worsen existing health conditions and create life-threatening situations. Without targeted measures to address these risks, persons with disabilities remain exposed to significant harm. There is an urgent need for measures to specifically address these challenges.
5. The complete absence of persons with disabilities in the new government's climate and environmental policies is an alarming sign, reflecting a fundamental disregard for their rights and needs in this critical area. Given this omission, it is to be expected that there will be setbacks in ensuring inclusive climate action – sending a troubling message

¹ Jetzt das Richtige tun. Für Österreich, [Regierungsprogramm 2025-2029.pdf](#) (last accessed: 24.03.2025).

² Jetzt das Richtige tun. Für Österreich, p. 153, [Regierungsprogramm 2025-2029.pdf](#) (last accessed: 24.03.2025).



about how the government, and by extension Austria, recognizes the reality of persons with disabilities in addressing the climate crisis.

2. On Victim Status, particularly to para 3.2.4.

6. Regarding the link between heat and deteriorating health, the government states in its observations that „*the applicant (...) may resort to the health system, social security services and, last but not least, state funding for adaption measures to reduce the effects of high outdoor temperatures to a tolerable degree.*” (page 21, para 3.2.4.).

This statement is not only dismissive but also often entirely unfeasible for persons with disabilities for the following reasons:

Health System:

7. Although, Austria provides comprehensive health insurance coverage, many healthcare facilities are still not fully accessible (physically, communicatively, socially, and economically) as the Committee of the Convention on the Rights of Persons with Disabilities (CRPD) stated in its concluding observations of August 2023.³
8. Due to the lack of accessibility in healthcare facilities or the long waiting times for appointments with general practitioners (*Kassenärzt*innen*) or for treatments covered by health insurance, some persons with disabilities are forced to turn to private doctors (*Wahlärzt*innen*) or pay for therapies privately. Since the reimbursement by the public sector for private doctors or privately paid therapies is far from covering the full cost, this places a significant financial burden on many persons with disabilities. Some persons with disabilities do not have the necessary financial means and remain without care for extended periods, which often leads to a worsening of their illness or disability.
9. Additionally, healthcare professionals often lack proper training in working with persons with disabilities. As a result, they are unable to adequately address their needs.
10. Therefore, the recommendation to simply seek assistance from the health system is insufficient, as the existing physical and structural barriers, along with the lack of adequate training for healthcare professionals in working with persons with disabilities, hinder access to appropriate care and can lead to inadequate treatment.

³ CRPD/C/AUT/CO/2-3 (11).

State Funding for adaptation measures:

11. As already mentioned in the Third Party Intervention of the Austrian Disability Council from December 4th, 2024, persons with low incomes, including many, but not all, persons with disabilities, tend to live in areas where urban green spaces, such as parks or tree-lined streets that offer cooling effects, are rare and they also struggle to escape the heat. Due to low incomes, they often reside in small apartments, limiting their ability to retreat to cooler, shaded areas, and in poorly insulated homes that heat up significantly during hot weather.⁴ Additionally, they are more likely to rent, which makes it challenging to implement climate-friendly solutions to mitigate the heat. Tenants do not have a legal right to exterior blinds but must demonstrate local customary practice and the need for them, being dependent on the landlord's decision. Plus, they are expensive to purchase and operate.⁵
12. In line with the CRPD, which guarantees the right to equal participation in society, persons with disabilities must have the same access to public spaces and environments as others, including in relation to climate adaptation measures. While it may be necessary, to adjust one's home to cope with extreme weather events, it remains essential that all individuals – persons with disabilities included – are able to leave their homes. This means that persons with disabilities, like all others, must be able to engage in social life, even as the impacts of climate change intensify. They should not be restricted to their homes due to unsuitable living conditions or inaccessible public spaces. Ensuring accessibility and inclusive urban planning is not just a matter of convenience – it is a fundamental right that allows persons with disabilities to fully participate in society, even during extreme weather events.
13. For this reason, adapting homes can only be one of many measures that the impacts of the ever-increasing climate change in Austria demand.
14. Finally, it remains to be said, that these measures to reduce the effects of climate change, especially the high outdoor temperatures, will need to be continuously expanded as long as the root causes of rising temperatures are not properly unaddressed.

⁴ Volkshilfe Wien: Betroffen von der Klimakrise. 2024. P. 50
Bericht_Betroffen_von_der_Klimakrise_VH.pdf (last accessed: 24.03.2025).

⁵ Volkshilfe Wien: Keine Abkühlung in Sicht? Wenn Hitze für Mieter*innen unerträglich wird. 2024.
<https://www.volkshilfe-wien.at/wohnblog/energiearmut/> (last accessed: 24.03.2025).



3. On Other forms of support, as stated in III. of the Enclosure 3

Treatment and support of MS patients

15. Further support measures are listed at the end of this enclosure. The Austrian Disability Council would like to contextualise these in the course of this statement.
16. Some measures listed here, like the exemption from the Austrian Broadcasting Corporation (ORF) contribution, have – apart from monetary relief – no relevance for persons with disabilities and MS patients affected by climate change.
17. Others even – and this illustrates the respondent Government's approach to climate protection and climate mitigation – negatively reinforce it. As laid out in the Austrian Disability Council's Third Party Intervention of December 4th, 2024, one response to Austria's increasingly high GHG emissions in the transport sector has to be climate-friendly mobility. The two paragraphs of the Enclosure, which list allowances to obtain a driving license, exemptions from the motor vehicle insurance tax and motor vehicle tax as well as parking in short-term parking zones, illustrate the Austrian government's huge focus on vehicle mobility. Even the restriction to "*only if using public means of transportation is unacceptable*" is a great example of the displaced focus, as with a view to the context of this statement, the improvement of public transport and its accessibility should be the actual focus of attention.
18. This is exacerbated by the fact that not all listed forms of support are available to every person with a disability or patient with MS. Financial assistance when purchasing a new and/or adapted motor vehicle is restricted to persons with disabilities who are gainfully employed. This is contradictory in the present context, as it can be assumed that the more rapid climate change progresses, the harder it will become for individuals like the claimant in this case to engage in gainful employment.