

Summary of Recommended Actions on Human Rights and Climate Change from OHCHR Expert Meeting of 6 - 7 October

Climate change is a threat to us all and to future generations, and to the enjoyment of human rights now and in the years ahead. A continually warming world will be a graveyard for entire ecosystems, entire peoples – and potentially even entire nations.

United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein

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Introduction

This summary is derived from discussions and other inputs received in the context of the multi-stakeholder expert meeting on Human Rights and Climate Change that the Office of the High

Commissioner for Human Rights (OHCHR) organized in collaboration with the Mary Robinson Foundation – Climate Justice and the Geneva Pledge for Human Rights in Climate Action from 6-7 October 2016 in Geneva.¹ It addresses the potential role of various stakeholders in moving forward the human rights and climate change agenda in relevant fora. It is illustrative not comprehensive, a starting point for efforts to integrate human rights in climate actions and ensure such actions respect, promote, protect and fulfil the rights of those most vulnerable to climate impacts.

As expert meeting participants observed, **climate change was a development issue, one explicitly integrated in the 2030 Agenda for Sustainable Development which, in turn, was founded on human rights, including the right to development.** It was overwhelmingly agreed that the links between development, human rights and climate change needed to be better understood and reflected in the determinations of all relevant actors. **Particular efforts needed to be made to protect the rights of those most vulnerable to climate change and ensure their meaningful participation in climate actions.** Better information, research and analysis about climate change and its impacts, including disaggregated data would contribute to this objective.

An underlying thread of the discussions was the need to break down silos, improve communications, ensure meaningful participation, and eliminate misconceptions about rights-based climate action. In order to act accordingly, Parties needed to understand that rights-based climate action was in their interest and that of their people, and reflected commitments that had already been made in Paris, in the 2030 Agenda and by ratifying relevant human rights instruments. As an initial step toward fulfilling these commitments, OHCHR calls upon the Parties to the United Nations Framework Convention on Climate Change and other relevant stakeholders to take some of the following actions which were suggested at the expert meeting.²

Respect, promote and consider human rights in UNFCCC processes

At COP21 in Paris, the Parties agreed to respect, promote and consider human rights in their climate actions. Meeting participants emphasized it was critical that this commitment be translated into action. Noting that action at the UNFCCC was state-driven, participants called upon the Geneva Pledge for Human Rights in Climate Action and other human rights champions to take a more active role in promoting integration of human rights in UNFCCC processes. During the meeting, the following recommendations were advanced:

For States

- 1) Uphold international human rights obligations and commitments in climate actions and promote policy coherence.
- 2) Take action to keep human rights on the agenda at the UNFCCC. This could include some or all of the following:
 - a) A working group on human rights and climate change
 - b) A programme of work on human rights and climate change
 - c) A workshop or expert briefing on human rights and climate change
 - d) Designated focal points for human rights, gender and indigenous peoples' rights
 - e) Participation of human rights experts in UNFCCC dialogues
 - f) A side event to discuss the output of OHCHR's expert meeting

¹ More information and relevant documentation regarding the expert meeting is available at: <http://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/ClimateChange.aspx>

- 3) Take urgent action to mitigate climate change by raising the ambition of nationally determined contributions.
- 4) Integrate human rights considerations throughout measurement, review and verification processes at the UNFCCC including the transparency framework.
- 5) Establish guidelines for integration of human rights considerations in relevant communications (i.e. nationally determined contributions, adaptation communications and national communications).
- 6) Call for the global stocktake to specifically address the impact of climate change and climate actions on human rights as well as progress toward and good practices with regard to protecting human rights.
- 7) Develop the loss and damage system with human rights considerations, including the rights of persons displaced by climate change in mind. Ensure that those negatively affected by climate change have access to remedies.
- 8) Establish and support strong social and environmental safeguards for climate financing mechanisms like the Green Climate Fund and the Sustainable Development Mechanism.
- 9) Engage in equitable, international cooperation in line with existing human rights and climate commitments, including with respect to technology-sharing, finance, and capacity-building.
- 10) Strengthen and extend the Lima Work Programme on gender focussing on elements such as: improved gender analysis, participation, gender action plans, sex-disaggregated data, gender-responsive budgeting and women's knowledge.
- 11) Recognize indigenous peoples' rights and ensure that the traditional knowledge platform established by the Paris decision promotes respect for their dignity and rights as well as sustainable development.
- 12) Ensure transparency and the meaningful participation of all relevant stakeholders in UNFCC processes.

General Recommendations

- 13) Communicate more effectively, including through multi-stakeholder and evidence-based advocacy, practical guidance and parallel reporting to the UNFCCC. Be ready to support rights-based climate action.

Effectively mobilize human rights mechanisms to address climate change

It was widely recognized that human rights mechanisms including the Human Rights Council and its special procedures, the treaty-bodies and national human rights institutions could play an important role in documenting the impacts of climate change and climate actions on the enjoyment of human rights, supporting rights-based climate action, and monitoring climate commitments. In this regard, several concrete recommendations arose from the discussions.

General Recommendations

- 14) Raise awareness and improve coordination and information-sharing between international human rights mechanisms, governments, media, civil society, the UNFCCC and other relevant actors.
- 15) Establish mechanisms and processes to ensure effective communications and cooperation between various human rights bodies at all levels.

16) Invite government representatives working on environmental issues to engage with human rights mechanisms.

For the Human Rights Council

- 17) Integrate human rights and climate change considerations in the Universal Periodic Review
- 18) Consider establishing an annual forum on climate change and human rights and / or a Special Rapporteur on climate change and human rights.
- 19) Continue to issue a resolution on human rights and climate change on an annual basis.

For Treaty-Bodies

- 20) Integrate human rights and climate change in guidelines to States on periodic reporting.
- 21) Develop general comments and recommendations on human rights and climate change.
- 22) Establish a joint treat-body working group on human rights and climate change.

For Special Procedures

- 23) Continue to engage in joint advocacy on climate change and to consider climate impacts in relevant country and thematic reporting.

For National Human Rights Institutions

- 24) Monitor national commitments and issue parallel reports on human rights and climate change to human rights mechanisms.
- 25) Provide technical support and advice on human rights and climate change to their governments and parliaments.
- 26) Raise awareness of the human rights impacts of climate change and climate action including in collaboration with relevant stakeholders.
- 27) Provide a platform for climate-related complaints.

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For Civil Society

- 28) Engage with and support human rights mechanisms in this area. Submit parallel reports on human rights and climate change.
- 29) Build coalitions with local groups to document and report human rights issues at the national level and bring them to the attention of international human rights mechanisms.

For States

- 30) Approach human rights reporting, climate reporting and reporting on the SDGs in a holistic way. Encourage these processes to feed into each other and treat them as an opportunity to break down internal silos and promote cross-sectoral cooperation. For example, include climate impacts and efforts to integrate human rights in climate action in periodic human rights reporting and feed this into SDG reporting.

Breakdown silos, improve awareness, build capacity and ensure meaningful participation

Throughout the discussions, meeting participants continually returned to the need to breakdown silos at all levels, to promote improved communications, better information-sharing and increased awareness, to build human rights capacity and to ensure meaningful, informed participation of all relevant stakeholders in climate action. The following reflects a summary of these points.

General Recommendations

- 31) Guarantee the rights to education, access to information, participation and expression throughout climate processes.

- 32) Improve communications and cooperation between climate, human rights and development experts, including by establishing relevant fora, like expert meetings, for their interaction.
- 33) Formally link climate, human rights and development actions in the context of relevant forum such as the General Assembly, the Human Rights Council, the High-Level Political Forum on the 2030 Agenda, and the Conference of the Parties to the UNFCCC.
- 34) Identify and promote climate actions with co-benefits that help those in vulnerable situations.

For States

- 35) Encourage cooperation across government ministries, build human rights capacity in relevant ministries addressing climate issues (i.e. environment, finance, etc.) and climate capacity in relevant ministries addressing human rights issues. Create multi-disciplinary task teams.
- 36) Collect and disseminate disaggregated data on climate change and its impacts.
- 37) Promote meaningful participation of all stakeholders in climate action. Bring climate finance to the local level and carry out initiatives like land reform that protect rights and promote positive climate outcomes.
- 38) Undertake structural reforms at the international and country-level in relation to energy, industrialization, investment, trade, land use and tenure, debt, etc. in order to free up/provide additional resources for rights-based sustainable development.

For International Organizations

- 39) Develop UN system-wide positions on human rights and climate change. Promote system-wide cooperation including production of capacity-building tools that support State efforts to integrate human rights in climate action. Support and highlight good practices.
- 40) Support and build civil society capacity for participation and engagement with climate and human rights processes.
- 41) Establish a platform for judiciaries to discuss and share information on climate change and human rights.
- 42) Strengthen the capacity of human rights mechanisms, including regional mechanisms to address climate change and its impacts.
- 43) Support the rights of indigenous peoples and local communities in the context of the traditional knowledge platform established by the Paris decision.
- 44) Create safe spaces for environmental and human rights defenders to exercise their rights.

For Civil Society

- 45) Monitor, lobby, and support governments, businesses and other actors in implementation of climate commitments. For example, advocate inclusion of human rights in national adaptation plans and nationally determined contributions.
- 46) Raise awareness of climate change and its human rights impacts and build capacity at the national level. Bring appropriate actions to human rights mechanisms and courts to flesh out State and business obligations related to climate change.
- 47) Engage and collaborate with other relevant actors to improve understanding of crucial human rights issues such as: climate change, human mobility and complementary protection, the impacts of climate change on persons in vulnerable situations, particularly those experiencing intersecting forms of discrimination, and the responsibilities of businesses for climate-related human rights impacts.
- 48) Bring appropriate actions before human rights mechanisms and courts to flesh out State and business obligations related to climate change.

Ensure those affected by climate change have access to effective remedies

It was emphasized that States have the primary obligation to remedy climate harms. This obligation extends to all rights-holders and to harm that occurs both inside and beyond boundaries. States

should be accountable to rights-holders for their contributions to climate change including for failure to adequately regulate the emissions of businesses under their jurisdiction regardless of where such emissions or their harms actually occur. Parties should:

- 49) Take measures to ensure that those harmed by climate change and / or climate action have access to effective remedies including judicial and other redress mechanisms.
- 50) Further explore loss and damages at the UNFCCC including through the Warsaw Mechanism.
- 51) Ensure a particular focus on vulnerable persons and communities as beneficiaries of climate actions and funds.
- 52) Take appropriate measures to protect human rights defenders, particularly environmental human rights defenders.
- 53) Consider establishment of a Climate Justice Tribunal that can take legally binding action in respect of both States and non-State actors.

Promote accountability for businesses and ensure they do no harm

It was agreed that the ever-growing role of businesses and public-private partnerships in the context of climate and sustainable development actions necessitated enhanced measures to ensure their accountability as follows:

- 54) States should take adequate measures to protect all persons from human rights harms caused by businesses and to ensure that their own activities, including activities conducted in partnership with the private sector, respect and protect human rights.
- 55) Businesses themselves should employ human rights due diligence and ensure they do no harm in line with the United Nations Guiding Principles on Business and Human Rights. They must be accountable for their climate impacts and participate responsibly in climate change mitigation and adaptation efforts with full respect for human rights.
- 56) Other stakeholders and the courts should promote business accountability

Close the protection gap for those displaced by climate change

It was recognized that climate change posed a particular and growing threat to persons in vulnerable situations, often serving as a driver of their displacement. In this context, there was a need to address the impacts of displacement on the rights of persons involved. Participants called for action to:

- 57) Address the root causes of forced displacement by strengthening social protection systems, empowering persons in vulnerable situations and investing in productive, inclusive and resilient development in agriculture, forestry, fisheries and aquaculture
- 58) Clarify the relationship between climate change and movements of people.
- 59) Clarify the obligations of States to persons displaced by climate change
- 60) Strengthen the role of regional bodies in taking action on climate-related movement of persons.
- 61) Guarantee non-discrimination against people on the move.
- 62) Address collective displacement and associated human rights harms.
- 63) Make disaster risk insurance accessible to all.
- 64) Establish mechanisms for impacted people to participate in relevant decision-making including in discussions at the UNFCCC.
- 65) Emphasize the importance of pre-emption through appropriate disaster risk reduction and adaptation including by taking effective climate change mitigation actions and increasing the resilience of livelihoods and food systems.

66) Further explore the principle of *non-refoulement* as a complementary framework for the protection of persons displaced by climate change.

67) Call for an expert meeting on Climate Change, Human Rights, and Displacement/Migration.

Doing our part at OHCHR

I urge all the parties that will be at the COP22 in Marrakech to ensure that the meeting is about States taking action in accordance with their international human right obligations

UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein

OHCHR has engaged in a number of activities to raise awareness of climate change and its human rights impacts. The United Nations High Commissioner for Human Rights has repeatedly called for aggressive rights-based climate action to keep warming to no more than 1.5 degrees above pre-industrial levels and ensure all persons have adequate capacity to adapt to the negative impacts of climate change.

Through its Key Messages on Human Rights and Climate Change, the Office has provided concrete recommendations and guidance for integrating human rights in climate actions. The Office has also provided specific recommendations for the integration of human rights in UNFCCC processes, including submissions on the implementation of the Paris Agreement, the Nairobi Work Programme, the Lima Work Programme, the Paris Committee on Capacity-Building and modalities for the Sustainable Development Mechanism.

By organizing multi-stakeholder events such as the expert meeting from which this summary of recommendations is derived, the Office has contributed to breaking down silos and raising awareness of the intersections of human rights and climate change. The Office also supports the work of human rights mechanisms addressing climate change, including the human rights treaty-bodies and the United Nations Special Rapporteur on human rights and the environment. We are currently in the process of developing tools to assist States and other stakeholders in fulfilling their human rights obligations in the context of climate change. However, OHCHR cannot act alone and urgent, rights-based action is needed.

According to the UN High Commissioner for Human Rights “there is a clear disconnect between the Paris Agreement’s stated ambition to limit warming to less than two degrees and the commitments countries have made. That gap must be closed. The world cannot wait.”

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