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# Advancing a rights-based approach to climate change resilience and migration in the Sahel



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# Executive Summary

In the Sahel region of Africa, as in many other places around the world, climate change is adversely affecting the enjoyment of a broad range of human rights. Individuals and communities in the region are confronted with threats to their livelihoods from degraded lands and declining agricultural production, to their homes and health from ever more frequent floods and other impacts, and to their lives and security from growing conflicts, including over natural resources. These climate change-related threats combine with other factors to drive or compel migration, often in situations that are unplanned and precarious. Communities and individuals that already face situations of vulnerability or multiple and intersecting forms of discrimination face even greater human rights risks.

OHCHR's research and analysis has demonstrated the connection between climate change and migration, and the important guidance international human rights law offers in addressing it.<sup>1</sup> This report builds on that past research and analysis, incorporating the results of visits throughout 2021 and 2022 to three selected communities in Mauritania, Niger and Nigeria that have been affected by climate change-related migration, as well as consultations with relevant stakeholders throughout the Sahel region. Engagement with affected communities in these three case studies allowed OHCHR to better understand and assess the human rights risks faced in the region in the context of climate change-related migration.

Climate change is undermining already limited enjoyment of many human rights by people in affected areas in countries of origin, destination and transit. Countries in the Sahel are disproportionately burdened by climate change despite having contributed very little to global emissions, and the communities most affected by this burden are often already those in vulnerable situations. Climate change-related migration often happens in irregular or unsafe circumstances, as migration that occurs in reaction to, rather than in anticipation of, climate change-related events tends to take place in situations of greater vulnerability. In such circumstances, those who move may do so in a situation where they are even more likely to lose access to already precarious livelihoods and security, as well as critical social and economic safety networks.

Threats to the **right to life** arise from climate change-related causes including extreme weather events and rising incidence of infectious diseases, sometimes compelling people to migrate in search of safety. Droughts, floods, soil degradation, and other phenomena linked to climate change are making it more difficult for households to enjoy the **right to food** and sustain livelihoods, especially for those working in agriculture or related areas, sometimes making migration of one or more family members a survival strategy. These phenomena also create risks to the **right to health** both in locations of origin and in migrant camps and other locations of transit or destination. And they threaten the **right to housing** as homes are lost and living conditions eroded due to climate change-related extreme weather events, and those who migrate may face precarious and inadequate living conditions. Migration in response to these circumstances may lead to situations where people are susceptible to labour exploitation

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<sup>1</sup> Refer to selected OHCHR reports and guidance:

- OHCHR/UN, Principles and Practical Guidance on the Protection of the Human Rights of Migrants in Vulnerable Situations- Report” (2018), A/HRC/37/34.
- OHCHR, “Human rights protection gaps in the context of migration and displacement of persons across international borders resulting from the sudden-onset and slow-onset adverse effects of climate change” (2018), A/HRC/38/21.
- Platform on Disaster Displacement (PDD) and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants” (2018), A/HRC/37/CRP.4.
- OHCHR, “Human rights, climate change and migration in the Sahel” (2021)
- OHCHR, “Analytical study on the rights of older persons in the context of climate change” (2021), A/HRC/47/46
- OHCHR’s Key Messages on Human Rights, Climate Change and Migration, available at: [https://www.ohchr.org/Documents/Issues/ClimateChange/Key\\_Messages\\_HR\\_CC\\_Migration.pdf](https://www.ohchr.org/Documents/Issues/ClimateChange/Key_Messages_HR_CC_Migration.pdf)

and abuse and face violations of the **rights to decent work and just and favourable conditions of work**. Lack of access to the **right to information** on climate change and its effects, as well as migration policy and their human rights, undermines the ability of those affected by climate change to make informed decisions about the options available to them.

Situations of vulnerability linked to longstanding structures of inequality and discrimination aggravate the human rights risks associated with climate change and climate change-related migration. For example, among other consequences of impediments to the enjoyment of the **rights to water and sanitation**, a decline in water tables due to climate change has had a disproportionate impact on women and girls, including exposing them to increased risk of gender-based violence. Climate change and related migration are also diminishing children's access to the **right to education** including where access to schools is limited for migrants and where children are kept out of school to contribute to family livelihoods. In the context of climate change, **unequal access to and ownership of land, including on the basis of gender, as well as conflicts over land and natural resources** are aggravating human rights risks.

Interviews with community members revealed their attempts at finding coping mechanisms to address climate risks and identified their needs for support, namely for livelihood diversification, regular migration pathways, and broad and non-discriminatory access to rights and services in countries of origin, transit, and destination. Avenues for effective integration of the voices and preferences of affected communities such as these in domestic and international climate action are much too limited.

The recommendations of this report should guide States in the Sahel and in the international community, as well as international and regional organizations, civil society and other stakeholders, to put in place a human rights-based approach to climate change-related migration. This includes **ensuring meaningful participation, inclusion, and access to justice** in order to provide more effective and sustainable solutions for people and planet. Affected communities are already addressing climate change with resilience and tenacity and their efforts need to be supported so they are empowered to safeguard their future. It also requires **providing adequate resources to affected communities, including through climate finance**. Human rights-based climate financing programmes, as well as enhanced and sustained efforts to raise the level of enjoyment of all human rights, are fundamental to accelerating adaptation and addressing loss and damage, especially for individuals and communities in situations of vulnerability.

A human rights-based approach to climate change-related migration also entails **ensuring pathways for safe and regular migration**. Facilitating migration that is planned and regular, both within the region and outside of it, may reduce human rights risks and allow for better outcomes for migrants and for countries and communities of departure, transit, and destination. **Engaging in human rights-based planning for sustainable development and climate resilience** that incorporates climate change-related migration would allow for better access to rights prior to movement, when people move and after.



## Introduction

Climate change adversely affects the enjoyment of a broad range of human rights, including the rights to development, food, health, a healthy environment, housing, life, sanitation, self-determination and water.<sup>2</sup> Climate change causes or contributes to an increase in the frequency and intensity of climate and weather events that aggravate or interact with other factors that compel people to move.<sup>3</sup> Policies on climate change and migration should ensure the dignity, safety, and human rights of migrants<sup>4</sup> affected by climate change and reduce the risk of unplanned or unchosen migration related to climate change through effective and human rights-based climate action.

Climate change in the Sahel<sup>5</sup> amplifies the effects of existing situations of vulnerability, especially food insecurity and political instability. Temperatures in the Sahel are rising 1.5 times faster than the global average while rainfall is erratic and wet seasons are shrinking.<sup>6</sup> Even if climate change is kept below 1.5 degrees of warming globally, impacts on the Sahel will be dramatic.<sup>7</sup>

The Sahel region has experienced deep poverty and significant environmental degradation,<sup>8</sup> against a backdrop of lack of access to human rights, including economic, social and cultural rights, one of the consequences of the colonial era. The region has experienced chronic food shortages since the early 1970s, with causes ranging from human rights violations, poverty and economic crisis to desertification and other impacts of climate change.<sup>9</sup> It is currently one of the regions most affected by food shortages and severe malnutrition in the world.<sup>10</sup> The war in

<sup>2</sup> See A/HRC/10/61; A/HRC/RES/42/21; A/RES/76/300.

<sup>3</sup> PDD and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants,” 2018, A/HRC/37/CRP.4, para. 1.

<sup>4</sup> There is no universal legal definition of “migrant”. OHCHR defines an international migrant as “any person who is outside a State or location of which they are a citizen or national, or, in the case of stateless person, their State or location of birth or habitual residence”. See OHCHR, “Recommended Principles and Guidelines on Human Rights at International Borders,” 2014. An internal migrant is any person who moves within the boundaries of a State, including internally displaced persons (IDPs). In this report, ‘migrant’ is used as an umbrella term and also covers those who fall into well-defined legal categories, such as migrant workers, refugees, victims of human trafficking, etc.

<sup>5</sup> The Sahel is the term used to refer to the region of Africa between the Sahara desert, in the north, and the Sudanian Savannah in the south. OHCHR’s work related to climate change and migration in the Sahel focuses on the ten countries included in the United Nations Integrated Strategy for the Sahel (Burkina Faso, Cameroon, Chad, The Gambia, Guinea, Mali, Mauritania, Niger, Nigeria, and Senegal), with a particular emphasis on community engagement in Mauritania, Niger, and Nigeria.

<sup>6</sup> See, e.g., UNHCR and others, “Climate Risk Profile: Sahel,” pp. 6-8.

<sup>7</sup> IPCC, “Impacts of 1.5°C of Global Warming on Natural and Human Systems,” Special Report 15, Chapter, 3, 2018, available at [www.ipcc.ch](http://www.ipcc.ch).

<sup>8</sup> See, e.g., Ibrahim Thiaw, UN Special Adviser on the Sahel, “Remarks,” Joint meeting between the United Nations Economic and Social Council (ECOSOC) and the UN Peacebuilding Commission, November 13, 2018, [www.un.org/ecosoc/](http://www.un.org/ecosoc/).

<sup>9</sup> PDD and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants,” paras. 92-98.

<sup>10</sup> Food Security Information Network (FSIN), “Global Report on Food Crises 2022,” pp. 48-54.



Ukraine has affected global grain supplies, and further exacerbated three consecutive years of food and nutrition crisis in the Sahel. Drought and high inter-annual climate variability are being felt in the region in the form of decreased agricultural yields, loss of pastureland, and the shrinking of important water bodies.<sup>11</sup>

What could be described as a lack of sufficient emphasis on guaranteeing all human rights in some countries of the region, and a lack of investment in a human rights-based approach to climate change, is very likely to exacerbate this already precarious human rights situation.

Migration in the region is driven by and interacts with a wide range of economic, social, cultural, religious, political, and environmental factors.<sup>12</sup> Millions of people migrate for labour purposes within West Africa annually to work in sectors like agriculture and extractive industries.<sup>13</sup> Eighty per cent of the migration in West and Central Africa is internal to the region,<sup>14</sup> where migration is further facilitated by the visa-free movement regime of members of the Economic Community of West African States.<sup>15</sup>

While migration has traditionally been used in the Sahel to adapt to seasonal patterns, climate change effects like rainfall variability and periodic drought are increasingly leading to longer-term or even permanent migration.<sup>16</sup> Climate change is furthermore expected to intensify the conditions in the region compelling people to leave their regions and countries of origin. For instance, in response to the extremely seasonal and unimodal distribution of rainfall typical for the region, subsistence farmers migrate to towns and work by the roadsides, to seek alternative sources of income during the agricultural off-season.<sup>17</sup> In addition, longer dry seasons increase the pressure on water and pastures, resulting in pastoralists migrating off traditional routes used for seasonal migration with grazing animals (transhumance).<sup>18</sup>

Climate variability, particularly multi-seasonal drought in dryland areas, is anticipated to increase the pace of internal and cross-border migration in the Sahel region. The most elevated estimates predict that close to 86 million people may be internally displaced in 2050 in Sub-Saharan Africa due to the effects of climate change.<sup>19</sup> A recent study finds that without concrete climate and development action, up to 32 million people in West Africa could be compelled to move within their countries by 2050, in response to water scarcity, declines in crop and ecosystem productivity, and sea level rise, augmented by storm surge.<sup>20</sup> The same study predicts that if no action is taken by 2050, as many as 19.1 million people (around 30 per cent of the population) could be displaced in Niger alone.<sup>21</sup>

This report examines the human rights risks of climate change in the Sahel, including human rights risks of related migration, and seeks to identify the circumstances under which the human rights of all people and communities concerned can be protected. While it does not provide a comprehensive analysis of all human rights challenges related to climate change and migration in the Sahel, it shows some of the key challenges faced by selected affected populations in three countries: Mauritania, Niger and Nigeria. The report also provides concrete recommendations for States, affected communities and relevant stakeholders both within the Sahel and in the international community to realize the human rights of people affected by climate change and take human rights-based climate action.

<sup>11</sup> Thiaw, “Remarks.”

<sup>12</sup> Rigaud, Kanta Kumari, and others, “Groundswell Africa: Internal Climate Migration in West African Countries,” 2021, p. 2.

<sup>13</sup> IOM, “Environmental Migration, Disaster Displacement and Planned Relocation in West Africa,” 2021, p. 3.

<sup>14</sup> Fransje Molenaar and Floor El Kamouni-Janssen, “Turning the Tide: The Politics of Irregular Migration in the Sahel and Libya,” 2017, p. 68.

<sup>15</sup> The 1979 Protocol to the ECOWAS treaty relating to Free Movement of Persons, Residence and Establishment abolishes the visa and entry permit requirement for ECOWAS citizens for a period not exceeding 90 days.

<sup>16</sup> Dina Ionesco and others, “The Atlas of Environmental Migration,” 2016, pp. 22-23.

<sup>17</sup> PDD and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants,” para. 95.

<sup>18</sup> Ionesco and others, “The Atlas of Environmental Migration,” p. 22.

<sup>19</sup> Rigaud, Kanta Kumari, and others, “Groundswell: Preparing for Internal Climate Migration,” 2018, p. 111.

<sup>20</sup> Rigaud, Kanta Kumari, and others, “Groundswell Africa: Internal Climate Migration in West African Countries,” p. 62.

<sup>21</sup> *Ibid.*, p. xxv.

## Methodology

This present report is part of a wider effort by OHCHR to identify, document, and analyze the human rights impacts of climate change-related migration, including in the Sahel.<sup>22</sup> In 2021, OHCHR completed an initial scoping report summarizing existing research on this nexus in the Sahel.<sup>23</sup> Throughout 2021 and 2022, OHCHR visited communities in Mauritania, Niger and Nigeria that had been affected by climate change-related migration and held a series of consultations with groups and individual community members, following a human rights-based approach including ensuring gender-responsiveness, and child-sensitive and disability-inclusive approaches. These visits had a goal of understanding the impacts of climate change on the realization of human rights in these communities and related migration, and what is required to build their resilience and adaptation. They also enabled an exchange that expanded community members' understanding of their human rights and of the resources and networks available to them to more effectively claim those rights. OHCHR also held consultations, virtually and in-person, with relevant stakeholders including government, regional, international, and civil society actors throughout the Sahel region, with the aim of gathering information from these stakeholders and conveying community perspectives to them. This report builds on and is informed by those exchanges.

The analysis of the present report focuses on three communities in Mauritania, Niger and Nigeria: a migrant community in Nouadhibou, Mauritania; an agricultural village in the Tahoua region of Niger; and migrant communities in Guma Local Government Area (LGA) in Nigeria's Benue State. These three communities were chosen because the diverse experiences of their members reflect a cross-section of the various ways that climate change-

<sup>22</sup> PDD and OHCHR "The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants"; A/HRC/38/21; OHCHR, "Key Messages on Human Rights, Climate Change and Migration."

<sup>23</sup> OHCHR, "Human rights, climate change and migration in the Sahel," 2021.

related migration is affecting people in the region. A combination of desk-based research, expert discussions with stakeholders and United Nations partners including the International Organization for Migration, the United Nations High Commissioner for Refugees, the United Nations Framework Convention on Climate Change, the United Nations Convention to Combat Desertification, the Food and Agriculture Organization of the United Nations, and the United Nations' Children Fund, meetings with authorities and national human rights institutions in the three countries and engagement and interviews with affected communities themselves informed the report. Engagement with representatives of regional organizations such as ECOWAS, the United Nations Office for West Africa and the Sahel, the African Development Bank, the African Union, the African Commission on Human and Peoples' Rights and other regional stakeholders also allowed for a broader understanding of the nexus between human rights, climate change, and migration and identification of key obstacles and potential avenues for enhanced human rights protection of migrants and other people in communities affected by climate change-related migration.

Nouadhibou, Mauritania, is a coastal city that is a transit and destination location for seasonal fishermen and for cross-border migration, including for migrants who departed Sierra Leone after devastating floods, particularly in 2017. Interviews held by OHCHR with community members from Sierra Leone allowed for a better understanding of the circumstances in which they left their country of origin and of the human rights challenges related to their irregular migration status in Mauritania.

In the Tahoua region of Niger, migration is often gendered, with men agriculturalists compelled to leave due to climate change effects, including floods, desertification, soil degradation and related crop failure, compounded with high levels of poverty and linked human rights risks. Interviews with community members in the rural village visited by OHCHR, which consist primarily of women, children, older persons and persons with disabilities, allowed a better understanding of the lived reality and human rights risks experienced by those left behind.

The Guma LGA of Benue State, Nigeria, is a location of origin, transit, and destination for internally displaced persons, particularly those affected by conflicts between agriculturalists and pastoralists that are aggravated by climate change-related strains on resources.<sup>24</sup> In the selected communities of Iye and Mande Dem displaced populations, living in camps and temporary accommodations, reported having experienced flooding, windstorms and rainstorms, increasing temperatures, environmental degradation, aridity, population pressure on land, crop failure, drought and soil erosion. The main driver of internal displacement, however, is conflict resulting from land and resource scarcity, with climate change as a linked and additional complex contributor. Exchanges with internally displaced persons in these communities in Nigeria focused on better understanding their exposure to human rights risks, prior to moving but also in camps and in host communities.

OHCHR appreciates the willingness of Mauritania, Niger, and Nigeria to receive OHCHR staff, and is grateful for their full support in the preparation and conduct of visits and missions undertaken within the framework of this area of work.

<sup>24</sup> See OHCHR, "Human rights, climate change and migration in the Sahel," pp. 5-6.

## Relevant legal and policy framework

International human rights law<sup>25</sup> establishes obligations for States to respect, protect, and fulfill the human rights of all persons, including migrants. Climate change-related migration requires a human rights-based approach in accordance with applicable international human rights law obligations. In countries of origin, transit, and destination migrants are entitled to the respect, protection and fulfilment of all human rights, including the right to development and the right to a clean, healthy and sustainable environment, which was recently recognized by the Human Rights Council and the General Assembly.<sup>26</sup> These human rights obligations, which are further elaborated below with regard to individual rights, are also complemented by a number of international, regional, and national policy commitments that provide specific guidance on how to address climate change-related migration.

Given the global nature of climate change, including the different degrees of States' contribution to it, complying with these international obligations and policy commitments, as well as applying a human rights-based approach to climate change-related migration in the Sahel, is not merely the responsibility of Sahelian States, which are among the States most severely impacted by climate change.<sup>27</sup> Rather it requires that, within global policy frameworks, States around the world take measures, individually and collectively, in accordance with international human rights law and other applicable international law, including through international cooperation and assistance with a view to ensuring climate change mitigation and adaptation. States should also implement a holistic and comprehensive approach to global migration.

<sup>25</sup> OHCHR, "The Core International Human Rights Instruments and their monitoring bodies."

<sup>26</sup> A/RES/76/300.

<sup>27</sup> See, e.g., UNHCR et al., "Climate Risk Profile: Sahel," pp. 6-8.



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The 2030 Agenda for Sustainable Development and its Sustainable Development Goals includes commitments related to both climate change and migration relevant to address climate change-related migration in the Sahel.<sup>28</sup> In the Paris Agreement to the UN Framework Convention on Climate Change, States parties acknowledged that climate change is a common concern of human kind and that they should “when taking action to address climate change, respect, promote and consider their respective obligations on human rights”, including the rights of migrants.<sup>29</sup> The Sendai Framework for Disaster Risk Reduction 2015-2030<sup>30</sup> calls for States to promote and protect all human rights in managing the risk of disasters, including slow-onset and sudden onset effects of climate change. The Global Compact for Safe, Orderly and Regular Migration<sup>31</sup> (GCM) contains specific commitments relevant to addressing the adverse drivers of migration, including climate change and other environmental factors<sup>32</sup> and to providing options and solutions for those migrating in the context of climate change.<sup>33</sup> During the 2022 International Migration Review Forum, the Member States of the GCM renewed their commitment to enhancing and diversifying the availability of safe, orderly, and regular migration pathways for those migrating in the context of climate change.<sup>34</sup>

Many of the States in the Sahel are members of ECOWAS,<sup>35</sup> which allows for free movement between its Member States for citizens of those States.<sup>36</sup> ECOWAS also has a Regional Climate Strategy, designed to foster solidarity and commitment for “effective and sustainable action on climate change.”<sup>37</sup>

States in the Sahel region have also elaborated and implemented policies related to climate change and migration that have relevance for their approach to the intersection of these issues. Yet, such policies should be reviewed with a view to integrating a human rights-based approach to both the policies and their implementation. A number of States in the region, including Niger and Nigeria, have committed to accelerating GCM implementation.<sup>38</sup> Under the Paris Agreement and other international climate action frameworks, States in the region have also prepared Nationally Determined Contributions (NDCs)<sup>39</sup> and National Adaptation Programmes of Action (NAPAs),<sup>40</sup> which outline State commitments to climate change mitigation and adaptation actions. States in the Sahel including Mauritania<sup>41</sup> and Niger<sup>42</sup> have incorporated considerations relating to migration in their NDCs and NAPAs.

<sup>28</sup> A/RES/70/1, see Goal 13 and targets 1.5 and 10.7.

<sup>29</sup> Paris Agreement, 2015, preamble.

<sup>30</sup> A/RES/69/283.

<sup>31</sup> A/RES/73/195.

<sup>32</sup> Ibid., paras. 18(h)-(l).

<sup>33</sup> Ibid., paras. 21(g)-(h).

<sup>34</sup> A/RES/76/266, para. 59.

<sup>35</sup> Burkina Faso, The Gambia, Guinea, Mali, Niger, Nigeria, and Senegal are all members of ECOWAS.

<sup>36</sup> The 1979 Protocol to the ECOWAS treaty relating to Free Movement of Persons, Residence and Establishment abolishes the visa and entry permit requirement for ECOWAS citizens for a period not exceeding 90 days.

<sup>37</sup> ECOWAS, “Validation of the ECOWAS regional climate strategy,” 30 April 2022.

<sup>38</sup> UN Migration Network, “Champion countries initiative.”

<sup>39</sup> UNFCCC, “Nationally Determined Contributions (NDCs).”

<sup>40</sup> UNFCCC, “National Adaptation Programmes of Action.”

<sup>41</sup> Mauritania, “First NDC (Updated submission),” available at UNFCCC, “NDC Registry,” p. 61; Mauritania, “National Adaptation Programme of Action (English),” available at UNFCCC, “Submitted NAPAs,” p. 15.

<sup>42</sup> Niger, “First NDC (Updated submission),” available at UNFCCC, “NDC Registry,” p. 2; Niger, “National Adaptation Programme of Action (English),” available at UNFCCC, “Submitted NAPAs,” p. 24.



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# **The relationship between human rights, climate change and migration in the Sahel**

Drivers of migration are varied and multifaceted, but the underlying human rights reality (including civil and political rights, economic, social and cultural rights, the right to development and the right to a healthy environment) plays a very important role in migration. Measurable positive change in the level of enjoyment of human rights often has a direct bearing on migration decisions and whether migration is freely chosen and happens in conditions of safety and dignity.<sup>43</sup>

The risks climate change poses to human rights can create or exacerbate situations of vulnerability,<sup>44</sup> which in turn can act as further drivers of migration.<sup>45</sup> These risks are most acutely felt by those that are already in vulnerable situations, including those related to discrimination, marginalization, and systemic inequality.<sup>46</sup> People living in poverty, indigenous peoples, minorities, women, children, youth, older persons, persons with disabilities, LGBTIQ+ persons, racially and ethnically marginalized groups, and migrants may experience particular situations of vulnerability<sup>47</sup> and are often those who will feel the effects of climate change the hardest. Furthermore, limited economic, social and institutional resources in States and communities and a lack of adequate investment by Government actors and the international community in economic, social and cultural rights often exacerbate situations of vulnerability and low adaptive capacity.<sup>48</sup> In turn, this may diminish access to migration as a strategy for climate adaptation.<sup>49</sup> Those who are unable to migrate when they wish to do so often experience greater situations of vulnerability in the face of the adverse effects of climate change.<sup>50</sup> Vulnerability to harm and increased human rights risks will also continue to affect people as they take the decision to migrate and through their journey.<sup>51</sup> Due to the insufficient safe, regular pathways for admission and stay, some migrants are compelled to move due to climate change effects in an irregular and precarious manner, and are therefore particularly at risk of human rights violations and abuses in transit and in destination countries. Migrants who move out of necessity are less likely to be able to make choices about when and how they move or to formulate alternative options when their migration does not go as planned, and they are therefore more likely to migrate in conditions that do not respect the dignity of the human being.<sup>52</sup> Yet, migration is an important adaptation strategy to the adverse impacts of climate change, and when freely chosen and governed by States and the international community in a manner which is based in human rights, provides an opportunity to build resilience among individuals and communities while reducing exposure to situations of vulnerability and human rights violations.

<sup>43</sup> See, e.g. A/HRC/37/34.

<sup>44</sup> PDD and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants,” para. 52.

<sup>45</sup> A/HRC/37/34, para. 14.

<sup>46</sup> PDD and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants,” para. 53; see also A/HRC/50/57.

<sup>47</sup> “Migrants in vulnerable situations” are persons who are unable effectively to enjoy their human rights, are at increased risk of violations and abuse and who, accordingly, are entitled to call on a duty bearer’s heightened duty of care. Factors that generate vulnerability may cause a migrant to leave their country of origin in the first place, may occur during transit or at destination, regardless of whether the original movement was freely chosen, or may be related to a migrant’s identity or circumstances. Vulnerability in this context should therefore be understood as both situational and personal. See OHCHR/UN, “Principles and guidelines on the human rights protection of migrants in vulnerable situations,” 2018.

<sup>48</sup> IPCC, “Working Group II contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change,” 2022, pp. 52-53.

<sup>49</sup> *Ibid.*, p. 52.

<sup>50</sup> See Caroline Zickgraf, “Keeping People in Place: Political Factors of (Im)mobility and Climate Change,” *Social Sciences* Vol. 8, No. 8, 2019, pp. 229-232. See also PDD and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants,” para. 52.

<sup>51</sup> A/HRC/37/34, para. 15.

<sup>52</sup> A/HRC/31/35, para. 11.



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# Human rights at risk in the Sahel



In the Sahel, climate change directly and indirectly affects the enjoyment of human rights and aggravates or interacts with other drivers of migration, such as violations of economic, social and cultural rights, increased poverty levels, and conflict. Climate change, in and of itself, constitutes a violation of the human right to a clean, healthy and sustainable environment which depends on a safe and stable climate. In the Sahel, climate change-related human rights violations are already commonplace<sup>53</sup> and conflict, including around resources, and the lack of durable solutions have led to repeated and continuous migration. The following sections elucidate how a number of particular rights are affected in the context of climate change and migration in the Sahel.



## A. THE RIGHT TO LIFE

Article 6 of the International Covenant on Civil and Political Rights (ICCPR), as well as other human rights treaties,<sup>54</sup> state that every human being has the inherent right to life. In its General Comment No. 36, the Human Rights Committee noted that environmental degradation and climate change constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life.<sup>55</sup> The Committee also stated that “implementation of the obligation to respect and ensure the right to life, and in particular life with dignity, depends, inter alia, on measures taken by States to preserve the environment and to protect it against harm, pollution and climate change caused by public and private actors.”<sup>56</sup> States “should therefore ensure sustainable use of natural resources, develop and implement substantive environmental standards, conduct environmental impact assessments and consult with relevant States about activities likely to have a significant impact on the environment, among other measures.”<sup>57</sup>

In its decision in *Teitiota v. New Zealand*, the Human Rights Committee recalled that the right to life cannot be properly understood if it is interpreted in a restrictive manner.<sup>58</sup> It noted that sudden-onset events and slow-onset processes can propel cross-border movement of individuals seeking protection from climate change-related harm. It further noted that without robust national and international efforts, the effects of climate change in sending States may expose individuals to a violation of their right to life thereby triggering

<sup>53</sup> See, e.g., OHCHR, “Human rights, climate change and migration in the Sahel.”

<sup>54</sup> Art. 3 of the Universal Declaration of Human Rights (UDHR); Art. 6 of the Convention on the Rights of the Child (CRC); Art. 9 of the Convention on the Rights of All Migrant Workers and Their Families (CMW).

<sup>55</sup> Human Rights Committee, “General comment No. 36: Art. 6: Right to Life,” 2019, para. 62.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Human Rights Committee, *Teitiota v. New Zealand*, CCPR/C/127/D/2728/2016, 7 January 2020, para. 9.4.

the non-refoulement obligations of the receiving States.<sup>59</sup> In *Billy et al. v. Australia*, the Committee further affirmed that “environmental degradation can compromise effective enjoyment of the right to life, and that severe environmental degradation can adversely affect an individual’s well-being and lead to a violation of the right to life.”<sup>60</sup>

Climate change is having significant impacts on the right to life in the Sahel. Sea level rise in coastal areas is leading to increased risk of mortality, injuries and poor physical and mental health,<sup>61</sup> while flooding and increased rainfall is increasing exposure to water or insect-borne diseases.<sup>62</sup> Dry seasons and drought such as those observed in the community OHCHR engaged with in Niger have had an impact on increased consumption of or contact with unsafe water and the likelihood of diarrhea. In September 2021, a cholera epidemic in the department of Bouza, Niger, caused severe illness and even death of a number of members of the community.<sup>63</sup>

Extreme weather events, such as persistent torrential rainfalls, have caused flooding and infrastructure damage in the Sahel region,<sup>64</sup> with impacts on the right to life and the right to an adequate standard of living, including the rights to water and sanitation, adequate food and adequate housing. Sierra Leonean community members in Mauritania shared experiences with OHCHR about the impacts of such extreme weather events. As one interviewee recounted, “*I had to leave Sierra Leone because of climate change. I lost my wife in the floods of 2017. My parents and myself were left without house, belongings, everything was destroyed. I had to find work to support them and myself, so I left Sierra Leone.*” Most of the community members interviewed by OHCHR had lost family members in the floods of 2017, with serious impacts on their mental health. Many reported that the fear of repetition, the loss of adequate housing and belongings, and the lack of livelihood options compelled them to migrate.<sup>65</sup>

In Nigeria, host communities and internally displaced persons interviewed by OHCHR had been repeatedly affected by flooding both in their places of origin and of the Benue River, with potential life-threatening consequences for those who lost homes in the flooding as well as consumers of water that became polluted in the floods’ aftermath.<sup>66</sup> “*I come from Taraba State, but I had to flee from there with my family due to the increased flooding which destroyed my home*”, said an interviewee in Nigeria.

In a recent case addressing the intersection of the right to life and the right to a healthy environment,<sup>67</sup> the Nigerian Supreme Court held that the right to a clean and healthy environment to sustain life is a fundamental human right of citizens, and thus that the State, including the state-owned hydrocarbon corporation “owes the community a duty to protect them against noxious and toxicant pollutants and to improve and safeguard the water they drink, the air they breathe, the land and forest, including wildlife in and around the two rivers, they depend on for their existence, living and economic activities.”<sup>68</sup> Through its interpretation of the interconnections between the right

<sup>59</sup> Ibid., para. 9.11.

<sup>60</sup> Human Rights Committee, *Billy et al. v. Australia*, CCPR/C/135/D/3624/2019, 22 September 2022, para. 8.5.

<sup>61</sup> PDD and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants,” para. 102.

<sup>62</sup> Sara Vigil, “Climate Change and Migration: Insights from the Sahel,” in *Out of Africa: Why People Migrate*, Giovanni Carbone, ed. (Milan, Ledizioni, 2017), p. 60; Sabine J. F. Henry and Stephanie dos Santos, “Rainfall variations and child mortality in the Sahel: results from a comparative event history analysis in Burkina Faso and Mali,” *Population and Environment*, Vol. 34 No. 4, 2013, p. 433.

<sup>63</sup> Findings from community visits in Niger, carried out between July 2021 and June 2022; see also Secrétariat Général Direction Générale de la Promotion de la Santé Direction de la Surveillance et de la Riposte aux Epidémies, “Epidémie de Choléra, Rapport Numéro 34,” 1 November 2021.

<sup>64</sup> See, e.g., Nadir Ahmed Elagib and others, “Debilitating floods in the Sahel are becoming frequent,” *Journal of Hydrology*, Vol. 599, 2021.

<sup>65</sup> Findings from community visits in Mauritania, carried out between May 2021 and June 2022.

<sup>66</sup> Findings from community visits in Nigeria, carried out between June 2021 and June 2022.

<sup>67</sup> *Centre for Oil Pollution Watch v. NNPC*, SC 319/2013, 2018.

<sup>68</sup> Ibid., para. 37.

to life, the obligation to protect the environment and the right of all people to a general satisfactory environment favorable to their development as a basis for recognizing the right to a clean and healthy environment, this ruling may expand the possibilities for climate change litigation to protect the rights to a healthy environment and life in Nigeria.<sup>69</sup>

## B. THE RIGHT TO FOOD

The International Covenant on Economic Social and Cultural Rights (ICESCR) (Article 11)<sup>70</sup> and the Universal Declaration of Human Rights (UDHR) (Article 25) recognize the right of everyone to an adequate standard of living, including adequate food, and the right to be free from hunger and malnutrition. The Committee on Economic, Social and Cultural Rights, explaining the scope of State party obligations to avoid discrimination, has clarified that Covenant rights apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation.<sup>71</sup>

The Committee has also stated that an important component of the right to food is the sustainability of long-term food availability and accessibility. This is linked to food security, “implying food being accessible for both present and future generations.”<sup>72</sup> The Committee further specified that, “even where a State faces severe resource constraints, whether caused by . . . climatic conditions or other factors, measures should be undertaken to ensure that the right to adequate food is especially fulfilled for vulnerable population groups and individuals.”<sup>73</sup>

With multiple years of food and nutrition crisis beginning in 2019,<sup>74</sup> the Sahel is one of the regions of the world most affected by food shortages and severe malnutrition. The number of people in a study of 16 North and West African States including the three project countries facing a food crisis classified as “severe” or worse doubled between 2019 and 2020, from around 12.7 million people to 24.8 million.<sup>75</sup> Children are particularly affected by the food crisis, with detrimental effects on their healthy development, as demonstrated by a recent report that shows alarming rates of severe malnutrition for children in the Sahel. For 2022 “it is estimated that 6.3 million children aged 6-59 months in six countries of the Sahel will suffer from wasting, with more than 1.4 million children estimated to be likely to suffer from severe wasting.”<sup>76</sup>

A large percentage of the population in the Sahel region depends on rain-fed agriculture, pastoralism and fishing for their livelihoods.<sup>77</sup> Those sectors are highly vulnerable to the adverse effects of climate change, such as flooding, drought and irregular rainfall patterns, which adversely affect soil quality and food production and

<sup>69</sup> Muhammed Tawfiq Ladan, “A Review of Nigeria’s 2021 Climate Change Act: Potential for Increased Climate Litigation,” 28 March 2022.

<sup>70</sup> All of the countries in the Sahel region are parties to the ICESCR, see <https://indicators.ohchr.org/>.

<sup>71</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 20, 2009, para. 30.

<sup>72</sup> Committee on Economic, Social and Cultural Rights, “General Comment No. 12: The Right to Adequate Food (Art. 11),” 1999, para. 7.

<sup>73</sup> *Ibid.*, para. 28.

<sup>74</sup> Food Security Information Network (FSIN), “Global Report on Food Crises 2022,” pp. 48-54.

<sup>75</sup> *Ibid.* (Countries considered for this study: Benin, Burkina Faso, Cameroon, Chad, Côte d’Ivoire, Gambia, Guinea, Guinea-Bissau, Liberia, Libya, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone).

<sup>76</sup> WCA Regional Nutrition Working Group and others, “Joint note on the nutrition situation in the West and Central Africa (WCA) Region,” April 2022, p. 2. Wasting is defined as having a low weight for one’s height, and “usually occurs when a person has not had food of adequate quality and quantity and/or they have had frequent or prolonged illnesses.” World Health Organization, “Malnutrition.”

<sup>77</sup> PDD and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants,” para. 97.



result in food shortages.<sup>78</sup> Compounded with high levels of poverty, communities in the Sahel often have fewer resources to adapt to climate change,<sup>79</sup> and may face structural inequality in the distribution of resources and therefore the enjoyment of economic, social and cultural rights. Findings through community visits show how climate change and related events have affected nutrition through disruption of food systems and sources, loss of livelihoods, and increases in poverty. Impacts to food sources are compounded in places where malnutrition and hunger are already prevalent,<sup>80</sup> including as a result of a lack of meaningful emphasis on the realization of economic, social and cultural rights.

Many of the persons interviewed in Nigeria, who had lost their farmlands and livelihoods due to climate change and conflicts indirectly driven by droughts and desertification, reported being unable to secure means of livelihood or diversify crops to provide food for themselves and their families. Almost all indicated having to rely on humanitarian aid supplied by the government and humanitarian actors and having severe challenges in accessing basic food items. The interviews indicated that women and girls, children, persons with disabilities and older persons are particularly affected, with instances of some women reportedly resorting to sex work, some children being forced to work, and some girls facing sexual exploitation and abuse in order to access food. Persons with disabilities interviewed by OHCHR reported facing challenges during distribution of food aid, particularly due to lack of support and accessibility, including physical accessibility.<sup>81</sup> A woman with disabilities in Nigeria reported: *“Resettling here with my younger sister, we are faced with fear, poverty, hunger, sickness and death. Here, those that have special needs suffer huge discrimination and are exploited and sexually molested when we move about to find jobs. It has become very common that we have come to accept it in order to avoid hunger. Finding jobs or even schooling is impossible as we can barely feed ourselves and can’t afford school fees. So our education has been stopped.”*

Some older migrants interviewed by OHCHR in Niger indicated that because of their reduced physical capabilities and limited access to livelihoods, they had to rely on relief items and food allowances to survive, and some described feeling unvalued and ignored during the distribution of relief items and sometimes not receiving anything.<sup>82</sup> *“The earth does not give us anything anymore. My husband left to Nigeria to find alternative sources of income. We are waiting for the rainy season to start so they can come back and start sowing seeds. They call*

<sup>78</sup> IPCC, “Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change,” 2014, pp. 631-632.

<sup>79</sup> CARE International, “Integrating disaster risk reduction and adaptation to climate change: Community-based early warning systems in Dakoro, Niger,” 2016, p. 5.

<sup>80</sup> Findings from community visits in Niger and Nigeria, carried out between June 2021 and June 2022; see also A/HRC/32/23, para. 20.

<sup>81</sup> Findings from community visits in Nigeria, carried out between June 2021 and June 2022.

<sup>82</sup> Findings from community visits in Niger, carried out between June 2021 and June 2022.

*us every day to ask whether the rain has come. If it doesn't start raining soon, they will not come back this season and we are left alone with the very hard task of cultivating the land,"* shared an interviewee in Niger.

The majority of the people in the community visited in Niger rely on small-scale and subsistence farming. Droughts have resulted in reduced agricultural outputs or in crop failure. In a context of diminished access to food and livelihoods related to food production and due to the limited possibilities of livelihood diversification, for almost all of the community members interviewed in Niger, migration of at least one member of a household has become a common adaptation and survival strategy.<sup>83</sup> Communities visited reported that more diversified sources of income and remittances provided by migration opportunities had become a necessity and the only source of livelihood for many, particularly during the agricultural off-season.<sup>84</sup>

Responding to concerns over diminished agricultural output, national adaptation strategies in Niger commit to fighting desertification, to restoring degraded land, to promoting rural water supply and to introducing appropriate technological innovations.<sup>85</sup> These strategies focus on local food production and emphasize the strong attachment of many Nigerien people to the land and agriculture as part of their culture and identity.<sup>86</sup> Regional plans for meeting food system needs focus on allocation of climate risk, enhanced food system resilience, agro-ecological production methods, and strengthened food system governance.<sup>87</sup> Community members interviewed by OHCHR, however, expressed interest in accessing revenue generating activities that also include non-farming employment opportunities, to ensure livelihoods that are less vulnerable to the impacts of climate change. For instance, women, who reported often bearing the brunt of climate change and staying back when their male family members migrate, expressed their wish to develop the moringa and karite value chains for cosmetic products, to work as hairdressers, or to cultivate small gardens, to ensure (adequate levels of) food outside the rainy season.<sup>88</sup> *"We are expected to cultivate the land. It is hard work, under the burning sun, and yet we know we will not have sufficient crops to survive the rest of the year. We want to learn something else, selling pastries, plait braids as hairdressers, cultivate off-season vegetable farming, have a small herd of goats,"* noted a woman in Niger. OHCHR conveyed these community preferences to local, national and regional actors working on climate change policy, in order to facilitate policy responses that more clearly reflect participation and inclusion of rights-holders and explicitly employ a human rights-based approach.

## C. THE RIGHTS TO WATER AND SANITATION

The human rights to safe drinking water and to sanitation are derived from the right to an adequate standard of living (ICESCR Article 11) and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the rights to life and human dignity. The rights to water and sanitation have also been established in other human rights treaties.<sup>89</sup> The Committee on Economic, Social and Cultural Rights has noted that "the human right to water is indispensable for leading a life in human

<sup>83</sup> Findings from community visits in Niger, carried out between July 2021 and June 2022; see also Diana Hummel, "Climate change, land degradation and migration in Mali and Senegal – some policy implications," *Migration and Development*, Vol. 5, No. 2 (2016), p. 222.

<sup>84</sup> Findings from community visits in Niger carried out between July 2021 and June 2022.

<sup>85</sup> See IOM, "National Study on the nexus between migration, environment and climate change in Niger," 2020, pp. 33-36; see also Niger, "First NDC (Updated submission)"; Niger, "National Adaptation Programme of Action (English)."

<sup>86</sup> Findings from community and stakeholder visits in Niger carried out between July 2021 and June 2022.

<sup>87</sup> See, e.g., African Union, "African Union Climate Change and Resilient Development Strategy and Action Plan 2022-2032," 2022, p. 40.

<sup>88</sup> Findings from community visits in Niger carried out between July 2021 and June 2022.

<sup>89</sup> The rights to water and sanitation are also reflected in Article 14(2) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 24.1 of the CRC, and Article 28 of the Convention on the Rights of Persons with Disabilities (CRPD).

dignity” and “is a prerequisite for the realization of other human rights.”<sup>90</sup> The Committee has further advised that an adequate supply of safe drinking water is necessary to fulfil the right to health and closely linked to the rights to adequate housing and adequate food.<sup>91</sup> In turn, access to sanitation is fundamental to protect the quality of drinking water and water resources.<sup>92</sup> According to the Committee, the rights to water and sanitation contain both entitlements and freedoms. “The freedoms include the right to maintain access to water supplies necessary for the right to water, and the right to be free from interference, such as the right to be free from arbitrary disconnection or contamination of water supplies.” Entitlements include “the right to a system of water supply and management that provides equality of opportunity for people to enjoy the right to water.”<sup>93</sup>

Water quality and availability in the Sahel are severely impacted by the adverse effects of climate change. Sea level rise has resulted in increased salinization of some fresh water sources, while repeated droughts have affected others, and flooding has impacted the quality of water.<sup>94</sup> The impacts of climate change on access to safe drinking water and sanitation are aggravating existing human rights gaps, straining the already low capacity for resilience of communities. Furthermore, as climate change worsens, groundwater stores in the Sahel are likely to be depleted and not replenished, draining aquifers.<sup>95</sup> These impacts are influenced by policy choices that have affected water accessibility, by diverting water flows and lowering water tables, leaving the needs of many threatened.<sup>96</sup> Research shows that declining availability of water can be a significant driver of precarious migration in some parts of the Sahel.<sup>97</sup> In particular, the drying of Lake Chad has been linked to a shift from internal and seasonal to international and permanent migration in search of sustainable livelihoods. Conflicts around resources in the Lake Chad region also drive precarious migration.<sup>98</sup>



<sup>90</sup> Committee on Economic, Social and Cultural Rights, “General Comment No. 15: The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights),” 2002, para. 1.

<sup>91</sup> *Ibid.*, paras. 2-3.

<sup>92</sup> *Ibid.*, para. 29.

<sup>93</sup> *Ibid.*, para. 10.

<sup>94</sup> Shahira A. Ahmed and others, “The impact of water crises and climate changes on the transmission of protozoan parasites in Africa,” *Pathogens and Global Health*, vol. 112 no. 6, 2018, p. 288.

<sup>95</sup> IPCC, “Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change,” pp. 1217-1218.

<sup>96</sup> Wetlands International, “Water Shocks: Wetlands and Human Migration in the Sahel,” 2017, p. 12.

<sup>97</sup> *Ibid.*, p. 30.

<sup>98</sup> *Ibid.*, pp. 30-31.

The performance of tasks of a domestic nature, particularly those that rely on the use of natural resources, such as water supply and collection of firewood have been exacerbated by climate change with the burdens faced by women further compounded by the more frequent migration of men.<sup>99</sup> Communities interviewed by OHCHR explained how a decline in water tables due to climate change has had a disproportionate impact on women and girls, who traditionally hold water fetching roles and who face increased risks of gender-based violence, including sexual violence. They also reported suffering negative health consequences of having to travel for water as supplies diminish.<sup>100</sup> *“Our water table in the village has dropped to 30m underground, fetching water has become increasingly dangerous. We need a well or borehole in the village, currently we are walking 20 km every day to fetch water, required for cultivation, for the animals, as well as for us, as drinking water,”* reported a woman in Niger.

Reduced access to safe water and safely managed sanitation is often accompanied by significant health effects, including increased transmission of disease,<sup>101</sup> negative impacts on sexual and reproductive hygiene and health<sup>102</sup> and decreased access to food and secure livelihoods. Furthermore, increased migration to cities because of the adverse effects of climate change puts an additional pressure on the inadequate water and sanitation infrastructure already strained in urban areas creating additional risks to the effective enjoyment of the rights to water and sanitation.<sup>103</sup> Community members emphasized the need for infrastructure development and access to sponsored safe water sources.

## D. THE RIGHT TO HEALTH

The right to the highest attainable standard of physical and mental health is protected by Article 12 of the ICESCR and other human rights treaties.<sup>104</sup> The right to health is closely tied to the rights to adequate food and to water and sanitation,<sup>105</sup> and the right to a clean, healthy and sustainable environment,<sup>106</sup> and thus where access to these rights is reduced, human health is also adversely impacted.<sup>107</sup>

States must protect the right to health by ensuring that everyone within their jurisdiction, including migrants, has access to the underlying determinants of health, such as safe water, sanitation, food, nutrition and housing, and to a comprehensive system of healthcare, which is available to everyone without discrimination, and economically accessible to all.<sup>108</sup> The Committee on Economic, Social and Cultural Rights has also noted that the underlying determinants of health include healthy environmental conditions,<sup>109</sup> and that States’ obligations to respect the right to health include refraining from unlawfully polluting air,

<sup>99</sup> IOM, “National Study on the nexus between migration, environment and climate change in Niger,” 2020, p. 20.

<sup>100</sup> Findings from community visits in Niger, carried out between July 2021 and June 2022.

<sup>101</sup> See, e.g., World Health Organization, “Drinking-water,” 21 March 2022.

<sup>102</sup> A/HRC/47/38, para. 50.

<sup>103</sup> Olivia Serdeczny et al., “Climate change impacts in Sub-Saharan Africa: from physical changes to their social repercussions,” *Regional Environmental Change*, Vol. 17, No. 6, 2017, p. 1595.

<sup>104</sup> See also Art. 5 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); Art. 12 CEDAW; Art 24, CRC; Arts. 28, 43, and 45 CMW; and Art. 25 CRPD.

<sup>105</sup> See Committee on Economic, Social and Cultural Rights, “General comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12),” 2000.

<sup>106</sup> See A/HRC/RES/48/13.

<sup>107</sup> See Committee on Economic, Social and Cultural Rights, “General comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12).”

<sup>108</sup> Ibid., para. 34; Committee on Economic, Social and Cultural Rights, “Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights,” 2017.

<sup>109</sup> Committee on Economic, Social and Cultural Rights, “General comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12),” para. 11.

water and soil.<sup>110</sup> It has further stated that “strict walls” should exist between health-care personnel and law enforcement authorities.<sup>111</sup>

The Committee holds that everyone has the right to control one’s health and body, including sexual and reproductive freedom.<sup>112</sup> Equally, the Committee on the Elimination of Discrimination against Women has said that States are obligated to ensure that access to health systems and services, goods and facilities, including sexual and reproductive health services and mental health services, are available, accessible, acceptable and of good quality, including in the context of climate change and related disasters.<sup>113</sup> Under the CRC, all children have the right to enjoy the highest attainable standard of health, and States are obliged to ensure that no child is deprived of the right to access health services.<sup>114</sup>

Climate change has numerous impacts on people’s health in the Sahel, including by leading to death and illness from increasingly frequent extreme weather events, such as heatwaves, storms and floods, disrupting food systems, and increasing prevalence of zoonotic and food-, water- and vector-borne diseases.<sup>115</sup> Climate change may further undermine many of the social determinants for good health which are already limited in the Sahel, such as livelihoods, equality and access to health care and social support structures, with disproportionate effects on those in vulnerable situations.<sup>116</sup> For those migrating in the context of climate change, the right to health is often adversely impacted, as health services are difficult to access for migrants or not available at a sufficient scale, and economic barriers may exclude some from accessing them. High temperatures in the Sahel often increase risk of diseases, such as heat cramps, heat stroke or cerebral meningitis.<sup>117</sup> Common chronic illnesses, such as hypertension, cardiac issues and diabetes may also be amplified by climate change.<sup>118</sup> These illnesses disproportionately affect older persons and medications to treat them are reportedly not available in local clinics in the communities visited by OHCHR in Niger and Nigeria.<sup>119</sup>

In the community visited by OHCHR in Nigeria, it was reported that floods contaminated freshwater supplies and heightened the risk of water-borne diseases such as dysentery, typhoid fever, measles, diarrhea, cholera and river blindness. Floods also created breeding grounds for disease-carrying insects such as mosquitoes, increasing the vulnerability of the community members to diseases and mortality. In this context, lack of access to medical services has contributed to deaths due to cholera and malaria.<sup>120</sup> It was also reported that overcrowding, poor waste management and problems with drainage in camps for internally displaced persons in Nigeria’s Benue State turned sources of water dirty and unsafe, increasing chances for diseases to thrive. Exposure to weather-related risks for people in these communities has also increased the risk of skin diseases and respiratory infections. The cramped and unhygienic conditions of the camps have also led to the spread of communicable diseases.<sup>121</sup>

<sup>110</sup> Ibid., para. 34.

<sup>111</sup> Committee on Economic, Social and Cultural Rights, “Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights,” para. 12.

<sup>112</sup> Ibid., para. 8.

<sup>113</sup> Committee on the Elimination of Discrimination against Women, “General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change,” 2018, para. 65.

<sup>114</sup> Art. 24 CRC; see also Art. 55 CMW.

<sup>115</sup> UNHCR et al., “Climate Risk Profile: Sahel,” p. 16.

<sup>116</sup> See WHO, “Climate change and health,” October 2021.

<sup>117</sup> See, e.g., Adetola Elizabeth Adejo and Deborah Ebinoluwa Oluwadara, “Climate Change and Human Security in Nigeria and Niger Republic,” *KIU Journal of Social Sciences*, Vol. 8, 2022, p. 220.

<sup>118</sup> See, e.g., United States Environmental Protection Agency, “Climate Change and the Health of People with Chronic Medical Conditions.”

<sup>119</sup> Findings from community visits in Niger and Nigeria, carried out between June 2021 and June 2022.

<sup>120</sup> Findings from community visits in Nigeria, carried out between June 2021 and June 2022.

<sup>121</sup> Ibid.



Health coverage in many countries in the Sahel is low and there are barriers for accessing it— such as availability or costs associated with healthcare services and medicines.<sup>122</sup> Indeed, OHCHR visits in Niger and Nigeria revealed serious ongoing challenges relating to the accessibility and availability of health care personnel that are only likely to worsen as climate change exacerbates the health situation in the region. While local dispensaries have been established in remote villages in Niger, the medical staff were not always equipped to address situations requiring urgent medical attention. Interviews indicated that costs for ambulances have been borne by the community, creating additional obstacles due to prevalent poverty.<sup>123</sup>

Visits by OHCHR in camps in Nigeria also showed the absence of adequate health facilities, and OHCHR, in seeking to promote greater realization of migrant rights in this context, has raised these conditions with State authorities and other stakeholders. In one instance, OHCHR also took steps to ensure that medical and psychosocial support was provided to a 13-year-old survivor of sexual violence. Camp inhabitants reported having limited access to medical care and facing a scarcity of drugs and medical equipment as well as medical professionals, many of whom have left because of conflict.<sup>124</sup> As an NGO worker in a camp in Nigeria summarized, *“People there suffer terrible health conditions. The biggest health challenges are coughing, diarrhea, fever and ulcer for children. Childbirth is overseen by women in the camp, whose main qualification is that they are mothers. Babies are lost not just in childbirth but also to malnutrition, this is sadly not shocking as the mothers and fathers are themselves suffering from ulcers that are likely hunger induced. On top of all the challenges residents of this camp face, there is the drug and harmful substances addiction problem that is running unchecked (...) There is very high maternal and child mortality rate especially of children under five dying from convulsion and cholera. Women die often of common illnesses like typhoid and malaria. The lack of basic drugs in the mobile clinic results more often in grave illnesses and death.”*

Among the Sierra Leonean community in Mauritania, some interviewees noted that before arriving in Mauritania and during their migration journey they faced increased health risks, stemming from reduced access to health-care facilities, goods and services, as well as difficulty accessing underlying determinants of health such as food and water. In addition, some noted facing increased health risks from conditions of housing and work in informal employment sectors. One interviewee in Mauritania shared: *“Look at my baby – he has skin rashes. His father died soon after he was born. I cannot work, because I need to look after him. They [pointing at a family] let me stay in their house, but to feed him I need to beg. I can only afford to feed him cookies. I need to treat these rashes, but how? I have no papers and no means to go see any doctor.”*

Persons interviewed by OHCHR noted that the lack of access to reproductive health and rights in Mauritania, Niger and Nigeria has led to life-threatening challenges affecting women and girls. The challenges that women face during migration have at times reportedly led to unsafe terminations of pregnancies with severe health risks for the women or abandonment of new-born children.<sup>125</sup> *“We can be lucky if pregnancies and childbirth go according to plan. I faced severe difficulties during the birth of my smallest boy. The local health clinic was not in a position to assist, they did not know what the issue was,”* reported a woman in Niger.

Persons interviewed by OHCHR in Nigeria revealed the psychosocial distress faced by some while compelled to move to escape violence, loss of their homes, the adverse effects of climate change and loss of privacy and family life. Many people, particularly young men, are reportedly prone to using drugs as an unhealthy coping mechanism for psychosocial distress. The psychosocial needs of migrants in camps were reportedly vast and unmet by the resources available for the provision of psychosocial support.<sup>126</sup> Migrants may also suffer mental

<sup>122</sup> Findings from community visits in Mauritania, Niger and Nigeria, carried out between May 2021 and June 2022.

<sup>123</sup> Findings from community visits in Niger, carried out between July 2021 and June 2022.

<sup>124</sup> Findings from community visits in Nigeria, carried out between June 2021 and June 2022.

<sup>125</sup> Findings from community visits in Mauritania, Niger and Nigeria, carried out between May 2021 and June 2022.

<sup>126</sup> Findings from community visits in Nigeria, carried out between June 2021 and June 2022.

health impacts from the discrimination to which they may be subject,<sup>127</sup> as reported by migrants in Mauritania, who referred to trauma due to their experience of environmental disaster and low self-esteem related to their irregular status and the discrimination they face.<sup>128</sup>

## E. THE RIGHT TO HOUSING

The ICESCR (Article 11) recognizes the right of everyone to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The Convention on the Rights of the Child recognizes the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

According to the Committee on Economic, Social and Cultural Rights, the right to housing should not be interpreted narrowly in terms of physical shelter (walls and a roof), but understood more broadly as the right to live in security, peace and dignity.<sup>129</sup> The Committee has identified certain aspects of the right to adequate housing that must be taken into account when evaluating whether it has been fulfilled. Adequacy of housing includes: the right to security of tenure; availability of services, materials, facilities, and infrastructure; affordability; habitability; location; and cultural adequacy.<sup>130</sup> Everyone, everywhere is entitled to the effective enjoyment of the right to housing without discrimination.<sup>131</sup>

The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context has emphasized that the provision of housing should not be denied to undocumented migrants, and they must be afforded a minimum level of housing assistance that ensures conditions consistent with human dignity.<sup>132</sup> The Special Rapporteur has also called on States to undertake climate change mitigation and adaptation measures that respect, protect, and fulfil the human rights of affected communities, including their right to adequate housing.<sup>133</sup>

Enjoyment of the right to adequate housing is threatened by climate change impacts in the Sahel. Some people take the decision to migrate as they are seeking in part to provide income that will allow their families to secure less precarious housing.<sup>134</sup> Others are compelled to migrate after homes are lost in sudden onset disasters, such as flooding and landslides,<sup>135</sup> as slow onset effects render their lands uninhabitable,<sup>136</sup> or in the context of conflicts resulting from scarce resources.<sup>137</sup>

Those who are compelled to migrate due to the adverse effects of climate change may face poor or precarious living conditions, both in transit and in destination countries.<sup>138</sup> For instance in Mauritania, migrant communities

<sup>127</sup> A/HRC/32/23, para. 28.

<sup>128</sup> Findings from community visits in Mauritania, carried out between May 2021 and June 2022.

<sup>129</sup> Committee on Economic, Social and Cultural Rights, "General Comment No. 4: The right to adequate housing (article 11(1) of the Convention)," 1991, para. 7.

<sup>130</sup> *Ibid.*, para. 8.

<sup>131</sup> *Ibid.*, para. 6; see also Committee on Economic, Social and Cultural Rights, "Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights," paras. 5, 6, 14.

<sup>132</sup> A/65/261, para. 93.

<sup>133</sup> A/64/255, paras. 70-74.

<sup>134</sup> Caroline Zickgraf and others, "The Impact of Vulnerability and Resilience to Environmental Changes on Mobility Patterns in West Africa," KNOMAD Working Paper 14, 2016, p. 10.

<sup>135</sup> Findings from community visits in Mauritania, carried out between May 2021 and June 2022.

<sup>136</sup> PDD and OHCHR "The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants," paras. 100-101.

<sup>137</sup> Findings from community visits in Nigeria, carried out between June 2021 and June 2022.

<sup>138</sup> See, e.g., A/HRC/31/35, para. 35.

visited by OHCHR often live in overcrowded rooms that do not meet habitability standards.<sup>139</sup> Due to a lack of access to regular income-generating activities, migrants reported facing difficulties in securing continuous renting arrangements. In terms of availability of facilities, services, materials, and infrastructure, concerns were raised by some migrants interviewed by OHCHR with regard to cooking facilities and access to water and sanitation, as community members reported having to resort to more expensive means of securing water, such as buying water buckets, due to lack of running water in housing facilities. *“I would like to have my own space for my wife and child. We had a small place. But for a few months now, I don’t have regular work and could no longer pay our rent – we had to leave our apartment and now live together with friends. We don’t have any space to ourselves,”* reported one interviewee in Mauritania.

Housing shortages and inadequate residential facilities also constitute a dominant and persistent challenge affecting persons in Nigeria.<sup>140</sup> As a result of conflict between agriculturalists and pastoralists, many houses and properties have been destroyed. Most migrants fled to neighboring communities, usually taking refuge under bridges, or in schools, town halls, churches or mosques, and in makeshift shelters provided by the government. Such makeshift shelters are also often vulnerable to destruction by rains, overcrowded or isolated and in insecure or inhospitable areas, increasing risks of exploitation and abuse. Some migrants have resorted to living in informal settlements, which are not only inadequate due to their density in any given location, but also fall short of standards for adequate housing. Informal shelters visited by OHCHR were constructed from torn clothes, mosquito nets and sticks, which are easily destroyed by windstorms and rains.

Other migrants live with kin or relatives in host communities, potentially overstressing limited space and resources and creating tension within poor communities. Indeed, overcrowding, lack of privacy and the collapse of regular routines and livelihood patterns have contributed to anger, frustration and violence in communities visited by OHCHR. *“Our tents are bad, and roofs are leaking. There are insects, scorpions and snakes everywhere. The major challenges we face are lack of money, food, security, intolerance and quarrels among the different tribes and languages who are forced to cohabit together in a very small space, violence, lack of medical support, rape of young girls and even married women, extortion and armed attacks from outside the camp. We have to face these on a daily basis and have no one to stop them,”* shared an interviewee in Nigeria. In one instance, OHCHR, in collaboration with the national human rights institution and local authorities, was able to halt the eviction of migrants who were living in empty school buildings in the region. The conditions of living of internally displaced persons in Nigeria and lack of security of their tenure, as well as that the Government has deprioritized the provision of durable housing solutions has been raised previously.<sup>141</sup>



<sup>139</sup> Findings from community visits in Mauritania, carried out between May 2021 and June 2022.

<sup>140</sup> Findings from community visits in Nigeria, carried out between June 2021 and June 2022.

<sup>141</sup> A/HRC/43/43/Add.1, para. 52.

## F. THE RIGHT TO EDUCATION

Article 13 of the ICESCR recognizes the right of everyone to education, including free and compulsory primary education available to all, and generally available and accessible secondary and higher education. The Committee on Economic, Social and Cultural Rights has emphasized that education has to be flexible and adaptive to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings,<sup>142</sup> and that all children, regardless of their migration status, have the right to receive education.<sup>143</sup>

Under Article 30 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW),<sup>144</sup> each child of a migrant worker shall have the right of access to education on the basis of equality of treatment with nationals of the State concerned. Article 28 of the CRC also recognizes the right of the child to education, and Article 29 specifies that such education should be directed to, inter alia, the development of respect for the natural environment. Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women emphasizes the requirement to ensure gender equality in education.

Education is a key factor in reducing vulnerability to disasters. A study covering 130 countries found that fulfilling the right to education, and in particular education of women and girls, was the most important factor in reducing such vulnerability.<sup>145</sup> As elsewhere, in the Sahel, education level has a close relationship to the possibility of pursuing diverse livelihoods.<sup>146</sup> This is because the probability of becoming involved in non-agricultural economic activity rises with the level of education.<sup>147</sup> Low levels of access to education for some communities and individuals in the Sahel have become increasingly detrimental as climate change impacts the availability of traditional livelihoods.<sup>148</sup> For example, as pastoralist migration routes are closed off and pastoralism becomes less viable, children who have been kept out of school to contribute to the care of livestock may find themselves at a particular disadvantage later in life.<sup>149</sup>

However, accessing education may also become more difficult as children and families migrate. Emergency conditions during disasters, as well as existing legal and practical barriers, may act as a further impediment for migrant children from accessing and attending schools.<sup>150</sup> Many migrants in Mauritania informed OHCHR that they had experienced denials of access to social welfare programmes and education for their children, reportedly linked to their migration status.<sup>151</sup> While some migrant children are admitted to attend public or private schools, school fees can form an access barrier, and admission to national exams reportedly needs to be negotiated with the exam administrators for migrant students wishing to take the exam each year.<sup>152</sup>

<sup>142</sup> Committee on Economic, Social and Cultural Rights, “General comment No. 13: The Right to Education (Art. 13),” 1999, para. 6.

<sup>143</sup> Committee on Economic, Social and Cultural Rights, “General comment No. 20,” 2009, para. 30.

<sup>144</sup> Chad and Cameroon have signed but not ratified the CMW, the other States in the Sahel are parties to the Convention. See <https://indicators.ohchr.org/>.

<sup>145</sup> Erich Streissnig and others, “Effects of Educational Attainment on Climate Risk Vulnerability,” *Ecology and Society*, Vol. 18, No. 1, 2013, p. 5.

<sup>146</sup> Hummel “Climate change, land degradation and migration in Mali and Senegal – some policy implications,” p. 219.

<sup>147</sup> Ibid.

<sup>148</sup> See UNOWAS, “Pastoralism and Security in West Africa and the Sahel,” 2019, p. 27.

<sup>149</sup> See Ibid., pp. 30, 44.

<sup>150</sup> Findings from community visits in Mauritania, carried out between May 2021 and June 2022.

<sup>151</sup> Ibid.

<sup>152</sup> Ibid.



In addition, girls often have unequal access to education in the Sahel.<sup>153</sup> In Niger and Nigeria, for instance, many girls OHCHR spoke with reported missed educational opportunities as they were involved in domestic work, such as fetching water.<sup>154</sup> One girl in Nigeria reported: *“Climate change has really destroyed a lot of things for my parents and as we moved here, it has also interfered with our schooling. Many of us including younger children are absent from school either due to lack of money for fees or fear of abduction and also during heavy rains as there are no means of transportation. Difficulties with fetching water during drought also make our parents keep us at home to fetch water as it is we, the younger children, who are responsible for collecting water.”*

Visits by OHCHR to affected communities also revealed failures to provide access to quality education for marginalized communities and those in remote villages and camps.<sup>155</sup> Communities OHCHR spoke with reported the absence of basic educational infrastructure.<sup>156</sup> Interviewees in Nigeria reported that climate change-related events and ensuing conflicts have in some instances damaged existing school buildings and other infrastructure such as roads and bridges, interrupting schooling. Parents interviewed indicated being obliged by circumstances to engage their children in unsafe labour, such as begging, hawking, farm and domestic labour or scavenging, or take them out of school entirely. Some children reported being separated from their families in the chaos of flight and being left to fend for themselves, disrupting their education and putting them at heightened risk of abuse. Reportedly, this context also contributed to increasing incidences of early marriage of girls in countries in the Sahel.<sup>157</sup>

<sup>153</sup> United Nations Population Fund (UNFPA) and World Bank, “Sahel Women’s Empowerment and Demographic Dividend,” 2019, p. 9.

<sup>154</sup> Findings from community visits in Niger and Nigeria, carried out between June 2021 and June 2022.

<sup>155</sup> Ibid.

<sup>156</sup> Findings from community visits in Mauritania, Niger and Nigeria, carried out between May 2021 and June 2022.

<sup>157</sup> Findings from community visits in Nigeria, carried out between June 2021 and June 2022.

## G. THE RIGHTS TO DECENT WORK AND TO JUST AND FAVOURABLE CONDITIONS OF WORK

The rights to decent work and to just and favourable conditions of work are enshrined in various human rights treaties. Under articles 6 to 8 of the ICESCR, everyone has the right to decent work and to just and favourable conditions of work, without discrimination.<sup>158</sup> The CMW provides that States should ensure migrants do not experience discrimination in the workplace, and that no distinctions are made in conditions of employment between nationals and non-nationals, with respect, inter alia, to wages, workplace rights, social representation including trade union rights, recognition of skills and qualifications, and social protection.<sup>159</sup> The Committee on Economic, Social and Cultural Rights has recognized that migrants, particularly those with irregular status, often experience discrimination based on their migration status and face specific risks of labour abuse and exploitation.<sup>160</sup>

All persons, including all migrants, have a right to decent work, including safe working conditions and sufficient remuneration to support themselves and their families.<sup>161</sup> States must protect all workers, including migrants, from exploitation and abuse.<sup>162</sup>

Many migrants in the Sahel move under conditions that make them particularly susceptible to labour exploitation and abuse. Those who are compelled to move due to adverse impacts of climate change, may be more likely to move in vulnerable conditions and with irregular status and thus tend to face heightened barriers to access assistance, protection and support networks.<sup>163</sup> While all workers, including migrants, are protected by law, the migrant community visited by OHCHR in Mauritania, for instance, reported being subject to labour exploitation and abuse, including working long hours for little pay, due to the circumstances in which they left their country following environmental disasters.<sup>164</sup> The migration journey of many interviewed was marked by a lack of resources, social and economic networks to rely on, and documentation. Most reportedly worked in unfavorable conditions, including being underpaid for work.

Many migrants interviewed in Mauritania also recounted being in constant fear of deportation and facing obstacles to regularize their stay, including financial challenges, which create additional vulnerabilities to exploitation. The fees for obtaining a resident card in Mauritania is 30,000 ouguiyas (approximately 80 USD) and documents required include work contracts,<sup>165</sup> which are reportedly difficult to obtain, even for Mauritanian citizens. A pilot project, set up in 2021, has provided access to documentation to more than 56 migrants in vulnerable situations. Yet, the lack of a regular migration status has reportedly excluded migrants from enjoying rights and services. In the face of these challenges, many migrants interviewed by OHCHR, particularly men, indicated they were considering risking the life-threatening route to cross over to the Canary Islands by sea. One interviewee in Mauritania noted: “*We live here since several years now but are never recognized as part of the*

<sup>158</sup> See also Arts. 8 and 22 ICCPR; Art. 5 ICERD; Arts. 11 and 14 CEDAW; Art. 32 CRC; Art. 27 CRPD.

<sup>159</sup> Art. 25-26 CMW; see also Committee on Economic, Social and Cultural Rights, “General Comment No. 23 on the right to just and favourable conditions of work,” E/C.12/GC/23, 2016, para. 47(e); see also OHCHR/UN, “Principles and Guidelines on the human rights protection of migrants in vulnerable situations,” p. 37.

<sup>160</sup> Committee on Economic, Social and Cultural Rights, “Statement on Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights,” para. 13.

<sup>161</sup> Committee on Economic, Social and Cultural Rights, “General Comment No. 18 on the Right to Work,” E/C.12/GC/18, 2006, paras. 7, 18; see also ILO, “Decent Work.”

<sup>162</sup> Committee on Economic, Social and Cultural Rights, “General comment no. 18,” para. 7; see also A/HRC/26/35.

<sup>163</sup> See OHCHR/UN, “Principles and guidelines on the human rights protection of migrants in vulnerable situations,” p. 6. See also Zickgraf and others, “The Impact of Vulnerability and Resilience to Environmental Changes on Mobility Patterns in West Africa,” p. 10.

<sup>164</sup> Findings from community visits in Mauritania, carried out between May 2021 and June 2022.

<sup>165</sup> Journal officiel de la République de Mauritanie du 18 août 1965, Decree n°65.046.

society. We cannot find work and if we do, we often don't get paid the full salary. There is nowhere to complain. If we do, the police will immediately arrest us and send us back to Sierra Leone. If I can't find work soon, I will have to migrate further.” OHCHR’s Mauritania Country Office, through its sub office in Nouadhibou, is closely monitoring these cases and working together with local authorities in order to address any challenges linked to the conditions of migrants who may face risks of exploitation and discrimination.

Community visits in Nigeria revealed that only a few households interviewed had reliable livelihood options. For the others, in addition to facing barriers in accessing services and employment opportunities, their rights to property and freedom of movement were significantly affected by their migration. Restrictions on movement in camps, within host communities and between States posed challenges for the people interviewed to access rights and essential services.<sup>166</sup> Some migrants interviewed by OHCHR in Nigeria reported facing pressure to send remittances to families in communities of origin that continue to face climate risks.<sup>167</sup> Research indicates that remittances can be key funding sources for scaling up climate proofing, adapting agricultural methods, building up resilience<sup>168</sup> and supporting opportunities for livelihood diversification for those staying back.<sup>169</sup> Community members interviewed by OHCHR in Niger also discussed interference with their right to work. Those engaged in circular migration to Nigeria for livelihood diversification reported demands for payment by border officials which reduced their income upon return.<sup>170</sup>



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<sup>166</sup> Findings from community visits in Nigeria, carried out between June 2021 and June 2022.

<sup>167</sup> Ibid.

<sup>168</sup> Nakia Pearson and Camille Niaufre, “Desertification and Drought Related Migrations in the Sahel – The Cases of Mali and Burkina Faso”, in *The State of Environmental Migration*, 2013, p. 95.

<sup>169</sup> John F. Morton, “The impact of climate change on smallholder and subsistence agriculture,” *PNAS*, 2007.

<sup>170</sup> Findings from community visits in Niger, carried out between June 2021 and June 2022.

## H. LAND, RESOURCES, RELATED CONFLICTS, AND HUMAN RIGHTS

Several international human rights instruments link land issues to the enjoyment of specific human rights.<sup>171</sup> Article 11 of the ICESCR includes a requirement for States to realize the right to freedom from hunger in part by “developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.” Regional human rights mechanisms have also addressed land issues in relation to a number of civil, cultural, economic, political and social rights, including the rights of minorities and indigenous peoples.<sup>172</sup>

In relation to Article 14 of CEDAW,<sup>173</sup> the Committee on the Elimination of Discrimination against Women notes that food, energy, financial and environmental crises have led to State measures, often accompanied by expropriations, that have put rural women at risk of forced eviction and increased poverty and have further diminished their access to and control over land. Against this background, the Committee points out that States should ensure that rural women have effective access to agricultural resources.<sup>174</sup>

The UN Declaration on the Rights of Peasants and Other People Working in Rural Areas states that peasants and other people living in rural areas have the right to land, individually and/or collectively.<sup>175</sup> Moreover, peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage.<sup>176</sup> States shall take appropriate measures to ensure that they enjoy, without discrimination, a safe, clean and healthy environment.<sup>177</sup>

As climate change strains natural resources across the Sahel, security of land tenure and access to land becomes more important particularly for rural populations. Research indicates that around 50 million people raise livestock for their livelihoods in the Sahel.<sup>178</sup> For pastoralists in the Sahel, the regular seasonal movement of livestock is essential for their herds’ productivity.<sup>179</sup> However, longer dry seasons are increasing pressure on water and land, causing shifts in the routes many use in search of more productive pastures.<sup>180</sup> In some places, traditional transhumance routes are also becoming more dangerous due to conflict and the militarization of borders.<sup>181</sup>

Along some traditional pastoralist migration routes, farmers are seeking to expand land area under cultivation to make up for reduced crop yields.<sup>182</sup> Violent conflicts between agriculturalists and pastoralists in the Sahel are driven by numerous factors including competition around resources, and particularly around access to arable land

<sup>171</sup> Art. 26 United Nations Declaration on the Rights of Indigenous Peoples; Art. 16 CEDAW; Art. 17 UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP).

<sup>172</sup> See OHCHR, “Land and Human Rights: Standards and Applications,” 2015, p. 3.

<sup>173</sup> All States of the Sahel are parties to CEDAW, see <https://indicators.ohchr.org/>.

<sup>174</sup> Committee on the Elimination of Discrimination against Women, “General recommendation No. 34 on the rights of rural women,” 2016, paras. 60-62; see also OHCHR and UN Women, “Realizing Women’s Rights to Land and Other Productive Resources,” 2020.

<sup>175</sup> Art. 17 UNDROP.

<sup>176</sup> Ibid., art. 18.

<sup>177</sup> Ibid.

<sup>178</sup> Ousman Tall, “Herders vs Farmers: Resolving deadly conflict in the Sahel and West Africa,” Medium.com, 2018 (originally published in OECD Insights April 2018).

<sup>179</sup> PDD and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants,” para. 95.

<sup>180</sup> UNOWAS, “Pastoralism and security in West Africa and the Sahel: towards peaceful coexistence,” 2018, pp. 24–25.

<sup>181</sup> Giulio Morello and Joelle Rizk, “Conflict, climate change and the shrinking mobility space in the Central Sahel,” Forced Migration Review, March 2022, p. 22.

<sup>182</sup> Cees De Haan and others, “Pastoralism Development in the Sahel: A Road to Stability?” World Bank, 2014, p. 29.



and wetlands.<sup>183</sup> Tensions between host communities and migrants have also been recounted to be a recurring issue in the region.<sup>184</sup> These tensions have at times led to conflicts which may in turn be a reason compelling people to move.<sup>185</sup> In that vein, the UN Support Plan for the Sahel has highlighted that climate change in combination with demographic growth can worsen the security and peace situation and may compel people to migrate in precarious situations.<sup>186</sup>

Research indicates that through a combination of human activity and climate change, the surface area of Lake Chad has diminished by 95% in the past half century, leading to increasing conflict and instability.<sup>187</sup> This instability, combined with a lack of rainfall that leads to drought, has pushed many Nigerian pastoralists in search of grazing land to drive their herds into new areas, usually further south, and has led to tensions with farmers.<sup>188</sup> As an interviewee in Nigeria recounted, “[t]he southward migration of herders has triggered increasing violent competition over land and water use. The conflict situation has led to thousands of deaths, destroyed properties, wrecked agriculture and livelihoods of thousands, forcing them to adopt migration as a survival strategy.” Many local leaders have left their traditional places of residence due to, inter alia, to climate change-related effects, making traditional dispute mechanisms less effective in some areas, and rendering local agreements between herders and farmers more difficult to achieve.<sup>189</sup> Ongoing conflicts have also interfered with Governments’ abilities to respond to the adverse effects of climate change.<sup>190</sup>

Lack of access to land has particularly affected the livelihood security of women and their households.<sup>191</sup> Rules relating to transfer of land ownership, for instance, are reportedly less favourable to women in most countries in the Sahel.<sup>192</sup> When a man leaves or dies, women and other family members are often left without land.<sup>193</sup> Land is usually transferred to other men who are members of the family or customary chiefs who retain the full control of land use.<sup>194</sup> Women may be expected to cultivate the land belonging to their husbands who migrate to find better sources of livelihoods in the cities<sup>195</sup> but will not be considered to be the owners of those lands.

Visits by OHCHR in Niger, for instance, showed that when male family members migrated, women became increasingly involved in farming activities.<sup>196</sup> “*In the absence of my husband, I cultivate the earth. The harvest however never belongs to myself or my children – it belongs to his family and I have no say in how it will be distributed,*” reported a woman in Niger. The risks women and girls face in this regard can be exacerbated by intersecting vulnerabilities, potentially worsening conditions for women living in poverty or with disabilities, older women, and girls.<sup>197</sup> “*The relatives of men killed in the violence often evict widows from their farmlands. Also, post-conflict economic and social disenfranchisement makes women and girls even more vulnerable to sexual and economic predation,*” reported an interviewee in Nigeria.

<sup>183</sup> IOM, “Environmental Migration, Disaster Displacement and Planned Relocation in West Africa,” p. 6.

<sup>184</sup> Findings from community visits in Niger, carried out between July 2021 and June 2022.

<sup>185</sup> Ibid.

<sup>186</sup> United Nations, “United Nations Support Plan for the Sahel,” May 2018, p. 8.

<sup>187</sup> UNHCR et al., “Climate Risk Profile: Sahel,” p. 11.

<sup>188</sup> IOM, “Environmental Migration, Disaster Displacement and Planned Relocation in West Africa,” p. 6.

<sup>189</sup> Ibid.

<sup>190</sup> OHCHR, “Human Rights, Climate Change and Migration in the Sahel,” p. 5.

<sup>191</sup> Kheira Tarif, “Climate Change and Violent Conflict in West Africa: Assessing the Evidence,” SIPRI Insights on Peace and Security, No. 2022/3, 2022, p. 4.

<sup>192</sup> ECOWAS, “ECOWAS Disaster Risk Reduction Gender Strategy and Action Plan 2020-2030,” 2020, p. 30.

<sup>193</sup> Ibid.

<sup>194</sup> Alfred Runezerwa Bizoza, “Land Rights and Economic Resilience of Rural Women in the G5-Sahel Countries, West Africa,” African Journal of Land Policy and Geospatial Spaces, Special Issue No.2, April 2019, p. 55.

<sup>195</sup> Abayomi S. Oyekale, “Gender Role in Agriculture, Climate Change and Food Security in the Sahel Belt of West Africa: Application of Poisson and Negative Binomial Regression,” Gender & Behaviour, Vol. 11 No. 2, 2013, p. 5504.

<sup>196</sup> Findings from community visits in Niger, carried out between July 2021 and June 2022.

<sup>197</sup> Ibid.

## I. RIGHT OF ACCESS TO INFORMATION

The right of access to information is recognized under Article 19 of the UDHR, Article 19 of the ICCPR, and in other relevant frameworks<sup>198</sup> as an element of freedom of expression. The right to information directly affects the ability of individuals to participate effectively in decision-making. The Human Rights Committee in its General Comment 34 interpreted the scope and limits of the right to information, stating that Article 19 requires that States proactively disseminate information in the public interest and ensure that access is “easy, prompt, effective and practical.”<sup>199</sup> The right to information facilitates people to better achieve other rights and to more effectively participate in public discussions on policy and government activities. Human rights mechanisms have also found the right to information an essential factor in ensuring the right to education,<sup>200</sup> the right to health,<sup>201</sup> and the right to water.<sup>202</sup>

States have reaffirmed the importance of access to information, including in Human Rights Council resolution 48/13 and General Assembly resolution 76/300 on the right to a clean, healthy and sustainable environment, and in international treaties and agreements on environment and climate change, including the Paris Agreement and the Rio Declaration on Environment and Development.<sup>203</sup>

Access to adequate information about climate change-related risks and weather forecasts has been identified as a challenge for farmers and pastoralists in the Sahel.<sup>204</sup> Indeed, many of the community members OHCHR interacted with lacked climate change literacy and had no information on the link between climate change effects and their changing environment and hence could not make an informed decision on the possibility to return to their homes in a safe and dignified manner. Some indicated that they believed they would be able to return to previous ways of sustaining their livelihoods.<sup>205</sup> *“I am praying every day for the rainy season to start, we will soon be able to grow our crops like we used to. The rain always started in May, this year we will again be able to cultivate our earth like we used to,”* said an interviewee in Niger.

Seeking to address the issue of reliable weather forecasts in a context where climate change has made weather less predictable and upended traditional weather patterns, the meteorological department of Nigeria developed an application for mobile phones.<sup>206</sup> It has been reported, however, that situations of poverty, low internet connectivity and lack of electricity in rural areas may undermine access to the application for the main target group.<sup>207</sup> In Niger, information is distributed primarily through the radio or through alternative communication channels often set up by cooperatives of farmers.<sup>208</sup> In Mauritania migrants reported being completely reliant on their own communities for relevant information, with very little access to local civil society or official information sources.<sup>209</sup>

<sup>198</sup> Art. 13 CRC; Art. 7 CEDAW, Art. 21 CRPD; Art. 13 CMW.

<sup>199</sup> Human Rights Committee, “General Comment No. 34,” 2001, para. 19.

<sup>200</sup> Committee on Economic, Social and Cultural Rights, “General Comment No. 13: The Right to Education,” para. 6(a).

<sup>201</sup> Committee on Economic, Social and Cultural Rights, “General Comment No. 14: The Right to the Highest Attainable Standard of Health,” para. 3; Committee on the Elimination of Discrimination against Women, “General Recommendation No. 24,” 1999, para. 31.

<sup>202</sup> Committee on Economic, Social and Cultural Rights, “General Comment No. 15: The Right to Water,” para. 12.

<sup>203</sup> United Nations Framework Convention on Climate Change, 1992; Paris Agreement, 2015; A/RES/47/190.

<sup>204</sup> Anne Jerneck and Lennart Olsson, “Adaptation and the Poor: development, resilience, and transition,” *Climate Policy*, Vol. 8 No. 2, 2008, p. 175.

<sup>205</sup> Findings from community visits in Mauritania, Niger and Nigeria carried out between May 2021 and June 2022.

<sup>206</sup> Nigerian Meteorological Agency, “NiMet seasonal climate prediction (scp) app now available for download,” 2022.

<sup>207</sup> Findings from community visits in Nigeria, carried out between June 2021 and June 2022.

<sup>208</sup> Findings from community visits in Niger, carried out between July 2021 and June 2022.

<sup>209</sup> Findings from community visits in Mauritania, carried out between May 2021 and June 2022.

Across the communities visited, people faced challenges in accessing information and meaningful participation in policy-making and programming related to the situations they faced. For instance, migrants interviewed by OHCHR noted that due to lack of information on the procedure for obtaining the ECOWAS identity card (a document necessary to take advantage of the ECOWAS free movement protocol), they faced difficulties in their migratory journey including financial losses and exploitation as well as violence at border crossings.



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# Human rights-based climate action in the context of climate change-related migration

The adverse impacts of climate change on populations, including migrants, require urgent, ambitious and effective action by States, regional bodies, private actors and the international community at large. Despite efforts taken at all levels, additional efforts to invest in the realization of economic, social and cultural rights, to prevent, mitigate and adapt to climate change and address its adverse effects on the enjoyment of human rights, including loss and damage, are needed. International human rights law and standards, including the principles of effective participation, transparency and non-discrimination, provide the framework to advance such efforts.<sup>210</sup> These actions can be facilitated through international, regional and bilateral cooperation, with the provision of adequate and additional climate finance to address the human rights impacts of climate change and support a just transition that measurably improves the level of realization of all rights, including economic, social and cultural rights. Greater efforts are needed to ensure that all persons have the capacity and means to adapt to climate change. These efforts should include: reducing situations of vulnerability and human rights risks; reducing the likelihood of compelled migration for those who do not wish to move and enhancing the availability of pathways for safe and regular migration for those who wish or need to move.<sup>211</sup> States can achieve this by ensuring all human rights impacted by the adverse effects of climate change are respected, protected and fulfilled, without discrimination.

## A. ENSURING PARTICIPATION, INCLUSION, AND ACCESS TO JUSTICE IN POLICIES ADDRESSING CLIMATE CHANGE-RELATED MIGRATION

Findings from OHCHR’s research and monitoring in the Sahel show that human rights-based policies and programmes addressing climate change adaptation, mitigation and loss and damage, where all people in the community, without discrimination, are fully informed, meaningfully participate and are adequately consulted on any decision affecting them, are likely to be more durable.<sup>212</sup> Community-based, participatory and inclusive approaches that seek to enhance resilience have a greater likelihood of allowing populations to stay in place where local adaptation options are viable. At the same time, they can allow for assessment of circumstances where migration may be the best option available to individuals and households or one of different options available to them. Among promising practices identified in the region, a project in Niger used a consultative and inclusive approach to addressing the food security of persons with disabilities who are unable to access climate change-related migration. The project deliberately involved other community members and local authorities to ensure they understood the need to priorities support for persons with disabilities.<sup>213</sup> OHCHR’s engagement with community members in vulnerable situations, including sexual violence survivors and those at risk of eviction, and efforts to build links between those community members and policy-makers, including national human rights institutions, led to concrete solutions, as mentioned above, that respected community members’ rights and alleviated their situations of vulnerability.

Successful local adaptation policies and programmes rely on a human rights-based approach. This includes upholding rights for all and prioritizing actions such as securing livelihoods, reducing poverty, enhancing adaptive capacity, promoting gender equality and fully informing and adequately consulting affected communities.<sup>214</sup> To this end, OHCHR held national stakeholder consultations in Mauritania, Niger, and Nigeria which gathered representatives of relevant governmental departments specialized in climate change and migration, national

<sup>210</sup> OHCHR, “Key Messages on Human Rights and Climate Change.”

<sup>211</sup> PDD and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants,” paras. 140-41.

<sup>212</sup> See also UNEP, “Livelihood Security: Climate Change, Conflict and Migration in the Sahel,” 2011, p. 66.

<sup>213</sup> Internal Displacement Monitoring Centre (IDMC), “Good Practices, the ‘Survival Yard’ programme in Niger, West Africa.”

<sup>214</sup> PDD and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants.”

human rights institutions, civil society organizations, and community members. These consultations brought members of affected communities into spaces where they could have a platform to directly share their experiences and propose community-led solutions in exchange with other stakeholders including policy-makers. Discussions held by OHCHR with members of the communities visited regarding land rights illustrate that developing gender-responsive land use policies with the involvement of local community leaders contributes to sustainable solutions,<sup>215</sup> and that participatory efforts that emphasize trust, peacebuilding, and shared ownership of interventions are key to addressing conflicts such as those between agriculturalists and pastoralists in the Sahel.<sup>216</sup> At the same time, judicial and other redress mechanisms as a part of ensuring access to justice and accountability for human rights harms endured in the context of climate change-related migration, are particularly important for migrants and those who have been relocated to address grievances and receive remedies for losses.<sup>217</sup> Discussions held by OHCHR revealed that compensation or other assistance available to those who have experienced negative human rights effects of climate change are often inadequate or inaccessible, failing to account for the loss and damage suffered or what is needed to rebuild lives and ensure sustainable futures.<sup>218</sup>



## B. PROVIDING THE RESOURCES NECESSARY TO INTEGRATE MIGRATION INTO HUMAN RIGHTS-BASED CLIMATE ADAPTATION AND MITIGATION EFFORTS

Capacity-building, climate financing and other forms of resource mobilization are fundamental to accelerating adaptation and addressing loss and damage, especially for marginalized populations, as well as vulnerable regions and sectors.<sup>219</sup> However, such programs as currently planned and implemented, may not suffice to reduce climate change-related risks to human rights, may not fully integrate human rights concerns linked to climate change-related migration,<sup>220</sup> and may not be accessible to the people who are most affected by climate change. The Government of Mauritania, for example, has estimated a need for more than forty billion USD in climate

<sup>215</sup> Findings from community visits in Mauritania, Niger and Nigeria carried out between May 2021 and June 2022. See also Rachel Furlow, “Addressing the politics of the climate–migration– conflict link”, *Forced Migration Review*, Vol. 69, 2022, p. 16.

<sup>216</sup> Adebunsi Isaac Adeniran, “Policy Briefing: Climate Change and Migration: Climatic Factors in Nigeria’s Farmer-Herder Conflict,” *Africa Portal*, 2020, p. 4.

<sup>217</sup> PDD and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants,” para. 50.

<sup>218</sup> Findings from community visits in Mauritania, Niger and Nigeria carried out between May 2021 and June 2022.

<sup>219</sup> IPCC, “Working Group II contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change,” 2022, pp. 27-28.

<sup>220</sup> See, e.g., OHCHR, “Human Rights, Climate Change and Migration in the Sahel,” pp. 24-25.

finance between 2021 and 2030, with just over one billion to be devoted specifically to integrating gender, youth, and human rights in climate action.<sup>221</sup> However, the country has so far only received 45.9 million USD in financing through the Green Climate Fund (GCF),<sup>222</sup> the largest global fund dedicated to help fight climate change. The five projects that the GCF has funded in Mauritania make limited references to migration, or treat it mainly as a problem to be “fought”.<sup>223</sup> These projects are illustrative of how climate change adaptation and mitigation efforts in the Sahel, many of which are funded through international climate finance, may not always reflect the lived reality of rights-holders, who, as revealed during OHCHR’s interviews, may in some cases view migration as a welcome adaptation strategy that is consistent with their traditional livelihood practices. OHCHR also received information from local stakeholders about barriers in accessing climate finance, which is reportedly not always tailored to the needs of rights-holders affected by climate change and seldom directly accessible to the affected communities who should be the primary beneficiaries, including because of cumbersome or burdensome processes for participation that act as de facto bars to civil society or community access.

## C. ENSURING PATHWAYS FOR SAFE AND REGULAR MIGRATION

Interviews conducted by OHCHR with community members in Mauritania, Niger and Nigeria revealed that migration that occurs in reaction to, rather than in anticipation of, events tends to take place in situations of greater vulnerability and risk,<sup>224</sup> and those who move may do so in a situation where they lose access to already fragile livelihoods and social and economic networks.<sup>225</sup> Climate change contributes to ever-growing numbers of people experiencing situations of precarity against a backdrop of already low levels of realization of rights. While adaptation policies often acknowledge that migration is a coping strategy that some may turn to in the face of the adverse impacts of climate change, only a few such policies embrace migration as an adaptation strategy to be adopted and facilitated, rather than something to be avoided. Incorporating both migration and resettlement into adaptation policies, such as National Adaptation Plans of Action, can help to facilitate migration that is safe and sustainable.<sup>226</sup>

On the other hand, State policies that seek only to limit migration as a response to climate change can be counterproductive and may exacerbate situations of vulnerability and human rights risk.<sup>227</sup> Deterrence approaches to migration can force migrants to move in irregular and precarious manners, and at increased risk of human rights abuses and violations.<sup>228</sup> Facilitating migration as a viable adaptation measure requires that migration is participatory and freely chosen, that safe and regular pathways for admission and stay are available and accessible, including to individuals in situations of greater vulnerability, and that the human rights of all migrants are respected, protected and fulfilled at all stages of migration, regardless of their migration status.<sup>229</sup>

<sup>221</sup> Mauritania, “First NDC (Updated submission),” p. 61.

<sup>222</sup> Green Climate Fund, “Mauritania.”

<sup>223</sup> See, e.g., Green Climate Fund, “Funding Proposal: Inclusive Green Financing Initiative (IGREENFIN I): Greening Agricultural Banks & the Financial Sector to Foster Climate Resilient, Low Emission Smallholder Agriculture in the Great Green Wall (GGW) countries – Phase I,” 2021, para. 69.

<sup>224</sup> See also L. Bruning and E. Piguët, “Changements environnementaux et migration en Afrique de l’Ouest,” *Belgeo*, 2018, para. 15.

<sup>225</sup> Findings from community visits in Mauritania, Niger and Nigeria carried out between May 2021 and June 2022.

<sup>226</sup> UNEP, “Livelihood Security: Climate Change, Conflict and Migration in the Sahel,” 2011, p. 66.

<sup>227</sup> Laura Freeman, “Environmental Change, Migration, and Conflict in Africa: A Critical Examination of the Interconnections,” *Journal of Environment and Development*, Vol. 26 No. 4, 2017, p. 357.

<sup>228</sup> See Morten Bøås, “EU migration management in the Sahel: unintended consequences on the ground in Niger?” *Third World Quarterly*, Vol. 42 No. 1, 2021, pp. 52-67.

<sup>229</sup> OHCHR, “Human Rights Climate Change and Migration in the Sahel,” pp. 26-27.

Expanding and enhancing pathways for safe and regular migration based on human rights, humanitarian grounds or other considerations is essential to facilitate migration as an adaptation strategy<sup>230</sup> and to address and reduce vulnerabilities, as committed to in the GCM.<sup>231</sup> In line with such commitments, a variety of measures have been implemented by Member States to facilitate admission and stay in the context of climate change related migration, including by providing humanitarian admission and stay, family reunification, private sponsorships and work permits;<sup>232</sup> relaxing visa requirements and fees through regional and sub-regional agreements for the free movement of persons; and the use of certificates or other supplemental documentation such as pastoralist transhumance agreements.<sup>233</sup>

## D. HUMAN RIGHTS-BASED PLANNING FOR SUSTAINABLE DEVELOPMENT AND RESILIENCE

Governments are required to consider human rights protection in policy planning and implementation processes.<sup>234</sup> Better planning, policy and information around climate change-related migration would allow for better access to rights prior to movement, when people move and after. This should include planning for labour market access, protecting access to adequate housing, and guaranteeing access to health and education. Rather than using rights exclusively as a remedial mechanism, incorporating human rights ex ante offers a basis for more sustainable adaptation responses.<sup>235</sup>

Reducing situations of vulnerability requires a green, resilient and inclusive path for sustainable development, based on carefully planned action that takes into account the entire migration cycle.<sup>236</sup> Policies that create opportunities for youth and young adults in non-agricultural and less climate-sensitive sectors can play a key role in building resiliency and expanding options for adaptation to the adverse effects of climate change. In Lagos, Nigeria, for example, local authorities have reportedly implemented promising reforms using public spending on educational and other social programs to plan for and accommodate rural-to-urban migration in the context of climate change.<sup>237</sup> In any planning process, it is important to address the situations of vulnerability of those who are unable to access migration as an adaptation strategy because of pre-existing human rights gaps in access to resources or freedom of movement.<sup>238</sup> Investing in long-term human rights-based development planning and durable solutions before and after migration is key to ensure that people do not move to places where they will face new or continued situations of vulnerability.<sup>239</sup> For instance, supporting climate-smart urban transitions with energy efficient, green, and resilient urban infrastructure and services, and embracing secondary cities or peri-urban areas as new growth poles,<sup>240</sup> may provide opportunities to ensure sustainable development in which the rights of all persons, including migrants, are protected in line with international law and standards.

<sup>230</sup> See United Nations Network on Migration, “Guidance Note: Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability,” 15 July 2021.

<sup>231</sup> Under the GCM States committed to cooperate to identify, develop and strengthen solutions for migrants compelled to leave their countries of origin owing to the adverse effects of climate change and to enhance availability and flexibility of pathways for regular migration.

<sup>232</sup> See United Nations Network on Migration, “Guidance Note: Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability,” 15 July 2021.

<sup>233</sup> Ibid.

<sup>234</sup> PDD and OHCHR “The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants,” para. 144.

<sup>235</sup> Ibid.

<sup>236</sup> Rigaud, Kanta Kumari and others., “Groundswell Africa: A Deep Dive into Internal Climate Migration in Nigeria,” 2018, p. 28.

<sup>237</sup> Ibid.

<sup>238</sup> L. Bruning and E. Pigué, “Changements environnementaux et migration en Afrique de l’Ouest,” para 20.

<sup>239</sup> Lauren Nishimura, “Adaptation obligations and adaptive mobility,” *Forced Migration Review*, Vol. 69, 2022, p. 40.

<sup>240</sup> Rigaud, Kanta Kumari, and others, “Groundswell Africa: Internal Climate Migration in West African Countries,” pp. 83-84.





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## Conclusion and recommendations

OHCHR's engagement in the Sahel, including with affected communities, has facilitated an improved understanding of climate change-related migration by illuminating: (i) the circumstances in which people move, (ii) their experiences prior to moving, in transit and at destination, (iii) the factors that may amplify situations of vulnerability they experience, (iv) how these factors impact their ability to move and under which conditions, and (v) ways in which they have been and can be empowered as rights-holders. It also highlighted that more concrete action is needed to protect the human rights of all communities in the Sahel from the adverse effects of climate change, and to ensure in particular that the rights of migrants are protected at all stages of migration.

In applying a human rights-based approach to research at the community level in the Sahel, OHCHR sought to expand the capacities of communities to claim their rights, including through greater access to knowledge and information as well as expanded networks of contacts with stakeholders and policy-makers. OHCHR also sought to bridge gaps between communities and authorities, encouraging more participatory, inclusive, and human rights-based decision-making in the context of climate change and related migration. Specific interventions by OHCHR were instrumental in securing access to housing and health rights in Nigeria, and in educating policy-makers on issues related to the right to water in Niger, as referenced in the sections on housing, health, and water and sanitation.

Important steps are being taken in the Sahel by States and other relevant stakeholders, including civil society organizations, national human rights institutions, the private sector, regional organizations, United Nations entities, and affected populations themselves in order to address the adverse effects of climate change, including on human rights and in the context of migration. However, existing human rights protection gaps faced by those compelled to migrate in response to the adverse effects of climate change require further action, including to uphold the human rights of all migrants and affected populations and to support ambitious and human rights-based climate action.

Recognizing that climate change action and migration governance based on human rights require collective efforts and cooperation, the following recommendations are addressed to States, both within the Sahel and in the international community, with the recognition that other stakeholders, including civil society actors, national human rights institutions, the private sector, regional organizations, United Nations entities, and International Development and Finance Institutions may also have a role to play in their implementation.

**In order to ensure that all laws, policies and programs aimed at addressing climate change-related migration are human rights-based, participatory, and inclusive:**

- Respect, protect and fulfil all rights for all, including migrants, through, among other measures, the ratification and implementation of human rights treaties and adoption of/adherence to relevant policy frameworks as a matter of priority, as well as adequate investments to realize economic, social and cultural rights and tackle inequality;
- Address data gaps through the collection, analysis and dissemination of data disaggregated by gender, age, migration status, sexual orientation and gender identity and other relevant factors, while upholding the right to privacy and data protection;
- Ensure informed and meaningful consultation and participation of all affected populations in all decisions that affect them, including in international forums, discussions, policymaking and decision-making processes;
- Build monitoring, advocacy, and assistance networks connecting affected communities, civil society, national human rights institutions, and other stakeholders;

- Ensure access to adequate information, including about climate change-related risks, weather forecasts, pathways for regular migration and access to rights and services, in particular for those in vulnerable situations, to ensure those affected are able to take informed decisions, and collaborate with local stakeholders to spread greater understanding of human rights and of climate change impacts and adaptive measures available;
- Formulate and implement human rights-based climate adaptation measures, including in Nationally Determined Contributions and National Adaptation Plans of Action, that meaningfully integrate climate change-related migration issues, uphold human rights, ensure access to justice and freedom from violence and exploitation, and enhance resilience;
- Independently monitor human rights violations and abuses faced by individuals in the context of climate change-related migration and ensure access to justice and effective remedies for affected communities, including migrants, regardless of their status.

**In order to ensure that adequate resources are devoted to addressing the human rights risks associated with climate change-related migration:**

- Finance and/or effectively implement robust measures for mitigation and prevention of the adverse impacts of climate change on human rights, including in the context of migration and support gender-responsive climate action that meets the needs of women, men, girls, boys, and persons with diverse gender identities;
- Provide further support for adaptive migration, including through social, capacity-building, financial, technical or technological support, as well as for the integration of migrants who are unable or unwilling to return into host communities;
- Enhance international cooperation and assistance on climate change and migration, accounting for climate change-related loss and damage, in compliance with obligations under international human rights law;
- Scale up human right-based climate financing, making it directly accessible to affected communities, such as migrant communities, including through the removal of existing procedural barriers.

**In order to ensure that safe, regular and human rights-based migration is available as an adaptation response to climate change:**

- Respect the liberty and freedom of movement for all persons and the right to leave any country, including their own. Guarantee the full implementation of existing free movement agreements without discrimination, including by making clear information about such agreements available and accessible at the community level;
- At all stages of migration, uphold the rights to health, food, water, sanitation, housing, education, decent work, and essential services for all migrants, regardless of status, including through international cooperation and assistance;
- Explore opportunities to make existing safe and regular migration pathways accessible to those who experience greater situations of vulnerability in the face of the adverse effects of climate change. Consider creating specific migration pathways for individuals at risk from climate change, including on human rights and humanitarian grounds;

- Develop appropriate screening procedures for the identification, referral and assistance of migrants compelled to leave or unable/unwilling to return due to the adverse effect climate change;
- Enable safe and human rights-based return procedures where feasible while ensuring that admission and return procedures uphold the prohibition of refoulement to risks of climate change-related irreparable harm and consider alternatives to return, including regularization;
- Tailor responses to the communities affected and to their needs.

**In order to ensure that sustainable development and climate resilience planning meaningfully incorporate the human rights of those migrating in the context of climate change:**

- Incorporate human rights into preparedness policies and programmes, which includes full respect of human rights before, during and after the migration journey. Facilitate migration away from potentially harmful areas to areas where the negative impacts of climate change are addressed and which are prepared for the arrival of migrants;
- In development planning, prioritize provision of necessary sustainable infrastructure in a non-discriminatory manner, access to adequate housing, water and sanitation and access to sustainable jobs, including for migrants, including in particular developing adequate educational, housing and health infrastructure in communities of destination;
- Ensure the involvement of migrant and host communities in the development of policies and the elaboration of responses and solutions, and support engagement of all those affected.





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**MINISTRY OF FOREIGN AFFAIRS  
OF DENMARK**  
*Danida*

Office of the United Nations  
High Commissioner  
for Human Rights (OHCHR)  
Palais des Nations  
CH 1211 Geneva, Switzerland  
Telephone: +41 (0) 22 917 92 20  
Email: [InfoDesk@ohchr.org](mailto:InfoDesk@ohchr.org)  
Website: [www.ohchr.org](http://www.ohchr.org)