

## CONCEPT NOTE

### CLIMATE CHANGE AND HUMAN RIGHTS

#### BACKGROUND INFORMATION ON THE PACIFIC REGION

#### AND QUESTIONS FOR DISCUSSION

*“Climate change is a reality that now affects every region of the world. The human implications of currently projected levels of global heating are catastrophic. Storms are rising and tides could submerge entire island nations and coastal cities. Fires rage through our forests, and the ice is melting. We are burning up our future – literally.”*

*“Many of you are from States that are already suffering from the worst impacts of climate change, but no State should fool itself that it will be spared. Neither should we forget that in all States, it will be the poor and the marginalised who will bear the worst consequences. Addressing these disproportionate impacts is at the core of the movements for climate and environmental justice.”*

[Michelle Bachelet](#), United Nations High Commissioner for Human Rights, 2019

#### I. Background information

There is a clear consensus regarding the urgency to take action to mitigate the drastic consequences of climate change, including their impact on individuals' enjoyment of their human rights, as exemplified by the High Commissioner's [opening](#) statement at the 42<sup>nd</sup> regular session of the Human Rights Council in September of this year. This urgency goes hand in hand with the need to create or strengthen links between relevant United Nations agencies and mechanisms as well as with relevant regional organizations and other stakeholders, including representatives of civil society, at the international, regional and domestic level, including in the context of the SDGs. Various proposals of how to address climate change and its effects within the UN human rights mechanisms are currently under discussion. These include committing to address issues through States' voluntary pledges for Human Rights Council elections and through UPR recommendations, establishing a new Special Procedure or other Council mandate and strengthening the role of environmental human rights defenders in the work of the UN human rights mechanisms.

## II. Human Rights Council resolutions and other activities dealing with climate change in 2019

In 2019, the Human Rights Council focused on climate change in its resolutions, panel discussions and reports on numerous occasions. Please find a brief overview of its actions in this field below.

### 1. Resolution on human rights and climate change.<sup>1</sup>

[Resolution 41/21](#) recalls the 2030 Agenda for Sustainable Development and its commitment to leave no one behind, including, *inter alia*, its Goal 13 on taking urgent action to combat climate change and its impacts. It also makes the explicit connection between poverty eradication and climate change resilience and the promotion and protection of human rights, including the rights of persons with disabilities who are disproportionately affected by the negative impacts of climate change. In this regard, the resolution takes note of the interrelated reports of three [Special Procedures](#), including the Special Rapporteur on the right to a safe, clean, healthy and sustainable [environment](#) and their report focusing on climate change and human rights, as well as their report on [air pollution](#) and human rights; the Special Rapporteur on extreme poverty and their report on the interlinkages between the human rights relating to [climate change and poverty \(more information about this report below\)](#); and the Special Rapporteur on the right to food focusing and their report on the right to food in the context of [natural disasters](#).

### 2. Panel discussion on the theme of “women’s rights and climate change: climate action, best practices and lessons learned”.<sup>2</sup>

This panel [discussion](#) was held on 28 June 2019, during the Council’s 41st session, pursuant to Council [resolution 38/4](#). Entrenched gender discrimination intensifies the impact of climate change on women, particularly when they are also subject to discrimination as members of marginalized communities. Women’s rights to health, food and livelihoods are among the rights affected. The consultation and full and equal participation and leadership of women and girls in decision-making, planning and implementation of climate action is essential to protecting women’s rights and ensuring effective climate action. Women’s unique knowledge and experience, particularly at the local level, related to agriculture, conservation and the management of natural resources makes inclusion of women in climate action and decision making processes critical to effective and informed action. Identifying equality of opportunity and treatment of women and men as a specific focus and goal from the outset, climate action has the potential to spur low-carbon development and economies for both men and women, build inclusive societies, transform gender norms, enhance women’s participation in economic

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<sup>1</sup> [A/HRC/RES/41/21](#)

<sup>2</sup> [A/HRC/42/26](#)

activities and contribute towards achieving the Sustainable Development Goals (Goal 5, Goal 10, Goal 13), for which women are fundamental actors.

### **3. OHCHR analytical study on gender-responsive climate action for the full and effective enjoyment of the rights of women.<sup>3</sup>**

The report examines the impacts of climate change on women, identifies human rights obligations and responsibilities of States and other actors to implement gender-responsive approaches, shares illustrative practices, and issues conclusions and recommendations. In particular, it recommends, inter alia, that States:

- take more ambitious climate change mitigation and adaptation action to limit the impacts of climate change on all persons, particularly women;
- ensure the full, equal and meaningful participation of women with diverse backgrounds in climate change mitigation and adaptation at all levels;
- support capacity-building for women from diverse backgrounds to maximize their voice, confidence and negotiation skills;
- ensure that climate funds benefit countries and people most affected by climate change and systematically integrate women's human rights and gender equality into governance structures, project approval, implementation processes, and public participation mechanisms.

### **4. Report of the Special Rapporteur on extreme poverty and human rights "Climate change and poverty".<sup>4</sup>**

In his [report](#), presented at the 41st session of the Human Rights Council, the Special Rapporteur on extreme poverty stresses the devastating consequences that climate change will have for people living in poverty. The Special Rapporteur claims that climate change is, among other things, an unconscionable assault on the poor. Addressing climate change will require a fundamental shift in the global economy, decoupling improvements in economic well-being from fossil fuel emissions. It is imperative that this is done in a way that provides necessary support, protects workers and creates decent work. Although climate change has been on the human rights agenda for well over a decade, it remains a marginal concern for most actors. However, it represents an emergency without precedent and requires bold and creative thinking from the human rights community and a radically more robust, detailed and coordinated approach.

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<sup>3</sup> [A/HRC/41/26](#)

<sup>4</sup> [A/HRC/41/39](#)

## **5. Panel discussion on the environment, climate change and human rights during the 2019 HRC retreat**

This panel discussion took place during the Human Rights Council retreat in Dakar, Senegal on 21 – 22 October 2019. The President of the Human Rights Council moderated the discussion and United Nations High Commissioner for Human Rights made a statement during the panel.

While welcoming the increased recognition of the right to a healthy and sustainable environment as reflected by the inclusion of this right in national and regional legislation and jurisprudence in over 150 countries, as well as the Human Rights Council resolutions referring to the right to a healthy environment, panellists and participants also agreed on the necessity and urgency of ensuring climate justice when taking concrete actions.

Panellists and participants discussed the following ideas:

- How to ensure that States address climate change issues through voluntary pledges for HRC elections and through UPR recommendations;
- Whether a new Special Procedure mandate should be established or if existing mandate holders and subsidiarity bodies of the Council could more efficiently and systematically address climate change issues;
- Whether a Group of Friends on climate change could be established in connection to the UPR process;
- Whether it would be practical to establish a specific focus of annual HRC resolutions on climate change or to adopt resolutions on the human right to a healthy environment.

The High Commissioner supported these ideas and recommended the following concrete actions in order to strengthen the contribution of the Council and its mechanisms to tackle climate change and environmental degradation:

- Strengthening the annual Human Rights Council resolution on human rights and climate change by drawing more explicit connections between the resolution and ongoing work at the UNFCCC, calling on Special Procedures to address specific issues, and making recommendations based on findings in the mandated studies;
- Establishing an annual forum on human rights and climate change to involve UNFCCC, OHCHR and other relevant stakeholders;
- Including questions and recommendations relating to climate change in the Universal Periodic Review of the Human Rights Council and in the periodic reviews of the human rights treaty bodies;
- Calling upon the UPR and treaty bodies to function as a monitoring process for climate commitments made by States in other relevant for a such as the High-Level Political Forum;
- Requesting the HRC Advisory Committee to conduct a study on the human rights impacts of climate change;
- Creating a commission of inquiry into the human rights impacts of climate change and intergenerational equity.

Finally, participants discussed threats to environmental human rights defenders (EHRDs) and their precarious situation. They agreed that EHRDs should be more protected and that the Council should work with and empower activists as an ally to be included in its discussions.

### **Possible questions for discussion**

- 1. What human rights are most affected by climate change? Suggest strategies to mitigate the negative consequences of climate change for each of the human rights affected.*
  - 2. What strategies can you propose to ensure that climate action fully includes interests of and benefits women and girls in a gender-sensitive manner?*
  - 3. How to include marginalized communities, such as persons with disabilities, indigenous people, refugees and internally displaced persons in decision-making on climate change issues?*
  - 4. How can the work of the Human Rights Council be more efficient in fighting climate change and integrating a climate justice perspective in its discussions and output?*
  - 5. Do participants see benefits in replicating in the Pacific Region the approach of stakeholders and States of Latin America to develop a regional treaty on the rights to a healthy environment, the [Escazu Agreement](#)?*
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