Inputs**:** Internal displacement in the context of the slow-onset adverse effects of climate changeReport of the Special Rapporteur on the human rights of internally displaced persons Deadline: 17 June 2020

**Examples of national and/or regional laws and policies relevant to internal displacement in the context of disasters and climate change.**

Although national and regional laws in ASEAN countries do not make direct provisions to internally displaced persons and migrants that are specifically related to the impact of climate change and slow-onset emergencies, the ASEAN Human Rights Declaration (2012) still includes the protection of the rights of migrant workers. Principle number 4 of the same states that: “The rights of women, children, the elderly, persons with disabilities, migrant workers, and vulnerable marginalised groups are inalienable, integral and indivisible part of human rights and fundamental freedom”. The principle could be leveraged to ensure the rights of migrants are protected in the context of disasters and climate change.

One example of a positive national law to address ongoing vulnerabilities of children displaced from climate change can be seen in the Philippines. The Philippines Children’s Emergency Relief and Protection Act set out measures not only to prevent future displacement but also to offer protection for children who have been displaced. The plans Comprehensive Emergency Program makes sure displaced children have their basic needs covered, establishes evacuation and care centers, and increases national protections against violence against children including trafficking, exploitation and abuse. The Philippines Children’s Emergency Relief plan is an example of a good practice evolving out of cooperation between the national government, the United Nations, and Filipino citizens who were consulted in development of the bill.

Additionally, even though not specific to Internal Displacement per se, it is noticeable the island of Vanuatu in the Pacific integrated customary/traditional laws (Kastom Law). The law provides constitutional and judicial recognition to migrants pushed to migrate from other islands because of the challenges posed by clime-change and slow-onset emergencies. This is particularly relevant in the context of small islands that are geographically dispersed and isolated across the pacific. Additionally, with sea levels rising, some Pacific nations may soon cease to exist at all. Low-lying island nations like the Marshall Islands, Fiji, Kiribati, and Vanuatu are expected to lose large amounts of land by the end of the century.

**Available data and evidence on internal displacement linked to slow-onset natural hazards in the context of the adverse effects of climate change (globally or in a specific region or country), trends and/or challenges and gaps with regards to data collection, analysis and use.**

Currently there are limited to no information management systems in place that can help facilitate the monitoring, tracking and verification of information related to IDPs in the context of climate change and slow-onset emergencies and serve as early warning systems to support early action.

Governments in the Asia and Pacific generally have limited capacity in the data management and are not always keen to share data and information on issues related to child protection and child rights violations, including for what concerns adverse consequences of climate-change and slow-onset emergencies. For example, as also highlighted by an ADB report in 2012 on *Addressing Climate Change and Migration in Asia and the Pacific:* “In general a lack of appropriate data, especially linked to slow-onset-natural hazards to (a) be spatially and temporarily specific to about the location, the timing, the extent and the nature of climate change and its likely impacts on different population groups (i.e. men, women, wealthy and poor) and (b) establish accurately and comprehensively the contemporary patterns of internal and international mobility”. This is particularly relevant for the case management and the family tracing and reunification (FTR) of unaccompanied and separated children (UASC) in the context of Climate Change (CC), let alone the access to children and families to child-centred services and assistance.

**The impact of climate change-related internal displacement on the enjoyment of human rights by specific groups, such as indigenous peoples, minorities, children, older persons and persons with disabilities.**

60% of the World’s Young Population are children that live in Asia and Pacific. 50% of those that are displaced and/or at risk of being displaced because of the impact of climate change and slow-onset emergencies are children. Despite this figure, little attention has been given to the impact that their displacement has on their protection and ability to enjoy their rights in safety and dignity. Of concern is their exposure to increase trafficking and exploitation, including sexual exploitation – a trend that is already high in the Region. Adverse consequences of climate change are also linked to barriers to access documentation for children, including birth certificate and civil documentation and resulting heighten risks of statelessness.

Trends of this kind are already been experienced in rural areas of Cambodia, Vietnam, Thailand and Philippines where internal displacement often assumes the form of children’s “migration” for sexual exploitation and exploitative labour.

For example, in the UN Concluding Observations for the Convention to End Discrimination Against Women (CEDAW), it was noted that in Cambodia the impacts of climate change and natural disasters will disproportionately affect women and children living in rural areas. In 2005, the same committee emphasized the vulnerability of rural children through their mothers. The Committee expressed its concern about the insufficient explanation provided with respect to the impact of those phenomena on women/ The Committee also expressed its concern to their increased vulnerability to trafficking and other forms of exploitation, such as prostitution.

Lack of access to resources could also increase the vulnerabilities of both disabled children and indigenous children in South East Asia and the Pacific. Indigenous children in South East Asia and the Pacific who already face societal marginalization could have a difficult time access government resource, maintaining their heritage, or simply surviving under extreme weather conditions. As the UN Permanent Forum on Indigenous Issues notes in their 2008 the very existence of many of these territories [in the pacific region] is under threat due to rising sea levels caused by climate change. Soil erosion from destructive wave activity, frequent storm surges and landslides is resulting in land loss to many indigenous communities. As such, an integral part of the culture, heritage and traditions of Pacific indigenous peoples is in jeopardy. The indigenous people of the Pacific continue to have human rights concerns as a result of the loss of ancestral lands and territories. Many are in danger of losing their traditional territories and thus of disappearing as distinct peoples.

Additionally, disabled children could face vulnerabilities if their lives are disrupted or they are forced to move because of climate change. As the World Health Organization reports, “people with disabilities report seeking more health care than people without disabilities and have greater unmet needs. For example, a recent survey of people with serious mental disorders, showed that between 35% and 50% of people in developed countries, and between 76% and 85% in developing countries, received no treatment in the year prior to the study.”[[1]](#footnote-1) Limited availability of services, physical barriers to services, or poverty and lack of affordable access all could increase the vulnerabilities of children whose lives have been impacted by climate change.[[2]](#footnote-2)

If vulnerable communities are not looked after, many individuals in the community will suffer from lack of food, shelter, access to health services, and access to education. When facing limited options, vulnerable individuals may fall victim to human trafficking or dangerous and illegal smuggling.

**Analysis of the response of States and the international community to (a) prevent the conditions that might lead to displacement and prepare for internal displacement in climate change contexts, including early warning, climate change mitigation and adaptation, and disaster risk reduction, (b) protect and assist those internally displaced in such disaster situations, and (c)provide effective remedies, overcome protracted displacement and support durable solutions for them.**

Over the last decade major international changes have been made to address the increasing risk of climate change. On September 19, 2016, the United Nations General Assembly unanimously adopted the New York Declaration for Refugees and Migrants. The New York Declaration for Migrants recognizes climate change and the complexity of the drivers of forced migration: “Some people move in search of new economic opportunities and horizons. Others move to escape armed conflict, poverty, food insecurity, persecution, terrorism, or human rights violations and abuses. Still others do so in response to the adverse effects of climate change, natural disasters (some of which may be linked to climate change) or other environmental factors. Many move, indeed, for a combination of these reasons.” [[3]](#footnote-3) Additionally, this declaration requested that voluntary guidelines on “the treatment of migrants in vulnerable situations (especially unaccompanied and separated children) who do not qualify for international protection as refugees and who may need assistance” will be developed, along with a new ‘Global Compact’

In December 2018, the United Nations General Assembly built upon the New York declaration, and ratified the U.N. Global Compact for Safe, Orderly and Regular Migration. Through this compact, states are encouraged to investigate and develop strategies not only to combat climate change, but also “integrate displacement considerations into disaster preparedness” and “develop coherent approaches to address the challenges of migration movements in the context of sudden-onset and slow-onset natural disasters.”[[4]](#footnote-4) While the compact itself is non-binding and does not offer any punishment for states who fail to comply, the compact itself lays out a standard of migration policy that can be used to establish state policy.

**Responsibility of the business sector in the prevention, response and provision of remedy to climate change-related displacement, for example by including considerations relating to climate change and displacement in human rights due diligence processes, in line with the UN Guiding Principles on Business and Human Rights.**

*Develop a National Action Plan on business and human rights (NAP BHR) which recognises key international standards and child-specific concerns:* States are strongly encouraged to develop a NAP BHR and use the development process as an opportunity to audit whether the current implementation, monitoring and enforcement of existing laws is sufficient to ensure business respect for children’s right to a healthy environment, including potential impacts that could lead to displacement. Inter-governmental agencies could assist states in development of the NAP BHR.

*Integrate the consideration of children’s rights into existing environmental impact assessments for proposed projects and policies, including potential impacts on displacement:* Where environmental impact assessments form a prerequisite to implementing national policies, or infrastructure, natural resource, urban planning and other projects, States in the Region are encouraged to incorporate specific consideration of the impact of that policy or project on children’s rights to the environment. States in the Region are advised to also ensure that agencies and institutions responsible for conducting, monitoring and enforcing the outcome of environmental impact assessments are sufficiently informed about children’s right to a healthy environment and have access to sufficient resources and capacity to implement their responsibilities effectively.

**The role of National Human Rights Institutions in monitoring, reporting and promoting accountability for climate change-related internal displacement, handling complaints and gathering disaggregated data, supporting States in preventing the conditions that might lead to displacement and responding to displacement in line with their human rights obligations, and promoting sustainable development, in accordance with the Paris Principles.**

Gather evidence on the rights violations experienced by children in the context of climate change and the impact that CC and slow-onset emergencies have on their displacement and access to rights including services, assistance, family reunification and documentation:HR institutions play a key role in gathering that evidence and use it to advocate for policies, processes and practices to prevent conditions that lead to displacement and respond/be accountable to the its adverse consequences on children rights and protection.

**Examples of mechanisms used to hold States, companies or other actors accountable for climate change-related displacement, and to provide effective remedy to those affected.**

Climate litigations procedures. And example is the following case brought to the UN Human Rights Committee on climate-related migration and resulting decision: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f127%2fD%2f2728%2f2016&Lang=en>

**Any other information stakeholders wish to share regarding internal displacement in the context of the adverse effects of climate change.**

It would be extremely valuable if the SR’s office could look into the following additional areas of concern that are potentially drivers of internal displacement in the East Asia and Pacific region especially for children’s rights and access and enjoyment of basic human rights:

1. Dam construction and displacement:  Given the growing electricity demand among Mekong countries, many of them have built or are in the process of building dams that have caused displacements along the Mekong river. While resettlement policies exist for many, they are not always implemented effectively, affecting the most vulnerable populations: [Hydropower resettlement in the Mekong region](https://wle.cgiar.org/hydropower-resettlement-mekong-region) (2018). The dams built along the Mekong River have also compounded together with drought conditions to lead to the historically low water levels in the river. Data on the scale and impacts of dams in the region needs to be further investigated. In addition, many of these hydropower supplies are disguised as climate-sensitive/green initiatives that are good but the negative social and environmental impacts of these are yet to be assessed and evaluated;
2. Land degradation and land grabbing as drivers of deforestation and displacements: Large scale plantations in south-east Asia, such as palm oil and rubber plantations, have significant negative implications for child rights and likely links to displacement, especially with cases of land-grabbing. There is a lot of peer-reviewed publications on the problem, for example: [Climate change policies, land grabbing and conflict: perspectives from Southeast Asia](https://ictaweb.uab.cat/fitxers/articles/Climate%20change%20policies%20land%20grabbing%20and%20conflict%20perspectives%20from%20Southeast%20Asia.pdf) . Additionally, UNICEF’s publication – [Palm Oil and Children in Indonesia](https://www.unicef.org/indonesia/media/4391/file), highlights the impact of the sector on children. Children of internal migrants often lack access to basic support services.  More information and data is needed to show the extent to which the large scale plantations sector has contributed to internal displacement;
3. How non-climatic factors (socio-economic factors, etc.) interact with the slow-onset climatic factors to influence displacement:There is a need for more data on how non-climatic factors (such as poverty, education level etc.) interact with slow-onset climatic factors (eg. temperature rise etc.) to influence displacement in the region. UNICEF has regularly conducted [Multiple Indicator Cluster Surveys](https://mics.unicef.org/) (MICS) for countries that could provide some socio-economic data at household levels, especially child-sensitive data.

1. WHO, Disability and Health Fact Sheet, at <https://www.who.int/news-room/fact-sheets/detail/disability-and-health> [↑](#footnote-ref-1)
2. WHO, Disability and Health Fact Sheet [↑](#footnote-ref-2)
3. UNICEF “No Place to Call Home” at <https://unicef.sharepoint.com/sites/DRP-Migration/Shared%20Documents/Document%20Library/Advocacy/UNICEF%20Flagship%20Publications/No%20Place%20To%20Call%20Home%20-%20Climate%20Change%20and%20Forced%20Displacement.pdf> [↑](#footnote-ref-3)
4. Compact for Migration page 9 (“Natural Disasters, the adverse effects of climate change, and environmental degradation” paragraphs h-l) [↑](#footnote-ref-4)