**Advisory Committee**

**Twenty-eighth session**

8–12 August 2022

Agenda item 2 (d)

 Impact of new technologies for climate protection on the enjoyment of human rights

 Study of the Human Rights Council Advisory Committee – Preliminary outline and research questions

Contents

 *Page*

 I. Background 3

 II. Introduction 3

 III. Scope of the study 3

 IV. Definition of new technologies for climate protection (NTCP). State of development, test and use 3

 V. Applicable framework 3

 VI. Assessing potential benefits and risks 3

 VII. Human rights approach 4

 VIII. Building governance 5

 IX. Conclusions 5

 X. Recommendations 5

 I. Background

 II. Introduction

 III. Scope of the study

* Difference between “new” and “old” technologies
* Focus on selected few technologies vs. holistic and inclusive approach
* Balancing the need to advance in the development of new technologies for climate protection (NTCP) with human rights impacts and concerns

 IV. Definition of new technologies for climate protection (NTCP). State of Development, test and use

* Solar Radiation management
* Carbon Dioxide Removal
* Climate protection policies (mitigation and adaptation measures) – cascading risks, maladaptation, effective time perspectives.

 V. Applicable framework

 A. International

* International environmental law
* International human rights law
* International humanitarian law

 B. National

* National relevant legislation

 C. Other

* Business regulations
* Other regulations

 VI. Assessing potential benefits and risks

 A. Utility-purposes and reasons

* Why are these technologies needed? Purpose and positive impact.
* Can the use/effects of these technologies be restraint in time and space?
* How NTCP can contribute to human rights promotion and protection?

 B. Measurement

* How may the positive impact on climate be assessed?
* Can the potential risks be foreseen and prevented? How?
* Impact in short/mid/long term and the question of scale;
* How can the impact be assessed and attributed given scientific uncertainty?

 C. Impact assessment

* What are the major risks and challenges for human rights protection?
* Are there examples demonstrating that potential social, environmental and human impacts are being considered in the process of development? How? Are there any procedures in place?

 D. Precautionary approach

* What are the main features of this approach?

 VII. Human Rights Approach

 A. Specific rights to be considered

* What are the main rights that are engaged by these technologies and how they would be impacted?

 B. Particularly vulnerable people (regions, Indigenous Peoples, local communities, low-income households, developments gaps)

* Are there countries that could disproportionately bear the burden of potential misuses or flaws of these technologies? Are at the same time these countries the most affected by climate change?
* Are there groups that could be disproportionally affected by negative impacts?

 C. Protection framework

* Which are the main applicable cross-cutting principles?
* What HR must be primarily be considered by policy makers?
* What human rights violations might be foreseen?
* Are environmental procedural rights guaranteed? Can they be easily exercised?
* What are the main gaps identified?

 D. Accountability

* Can an enhanced business due diligence be a solution?
* What are the potential human rights violations that can be committed in this context? Are those violations categorized by international law or by national criminal law?
* How can violations be proved and how individual damages measured and determined?
* And how could responsibility for such actions been attributed? To whom?

 VIII. Building governance

* Is the existing governance framework adequate to face the potential risks deriving from the implementation of NTCP at this moment?
* If not, what elements could be improved or accelerated?
* What are the key actors for global governance in this field?
* How to guarantee inclusivity in the making of policies and decision-making processes?

 A. Research

* Origin and structure of companies developing these technologies
* Origin of funds for research private/public

 B. Development

* Main actors: private/public /consortiums?

 C. Test

* What technologies have been tested and with what result?

 D. Commercialization

* Patents

 E. Deployment and use

* Who bears the responsibility of authorising the use of these technologies?
* Is the international legal framework sufficient to guarantee a coordinated application and response to potential negative impacts?

 F. Accountability

* Are there adequate accountability mechanism and procedures for cases of misuse?
* How could the impacts of these technologies be monitored?
* What space is given to civil society and human rights defenders? Is their action properly protected?

 IX. Conclusions

 X. Recommandations

 Human rights impact: Assessment

 1. Individual rights

 2. Procedural rights

 3. Particularly vulnerable groups

 4. Specificities of violations

 5. Specificities of victims

 6. Is the human rights legal framework well-equipped?

* Meaningful public participation in the debate
* Public engagement in decision-making process
* Citizen’s and public awareness
* Access to information
* Access to remedy
* Monitoring