**Call for inputs**

Special Rapporteur on the promotion and protection of human rights
in the context of climate change

“Addressing the human rights implications of climate change displacement including legal protection of people displaced across international borders”

***What experiences and examples are you aware of, of individuals or communities, displaced by climate change?***

In recent years, we have witnessed an increased militarisation of borders that makes it incredibly hard for people to leave their home and enter so-called safe havens. The EU borders are just one example where we have seen a heavy armament and militarisation, also of the discourse, so the way migration and migrants are framed. As the climate crisis grows more severe, the number of people on the move for climatic reasons only increases. The problem is, they will face (and are already facing) border personnel that are more and more brutal, heavily armed, and restrictive, making the situation for climate-induced migration only more insecure. Another example is that after natural catastrophes and climate disasters, we see the number of domestic and gender-based violence increasing, Australia is only one of many examples here. Thus, one crisis ‘informs’ or impacts the other, only worsening the situation for affected people. As security can barely be guaranteed during flight or migration, women, children, and LGBTQI\* people on the move are incredibly endangered.

***Please provide examples of policies, practices and legal remedies and concepts of how States, business enterprises, civil society and intergovernmental organisations can provide protection for people and communities displaced by climate change.***

**States**

States can facilitate safe migration as an adaptation strategy by creating regular migration pathways for displaced people. An example: Argentina has established an Environmental Humanitarian Visa Program for people from selected countries who have been forced to move from their place of habitual residence as a result of socio-natural disasters.[[1]](#footnote-1) This can function as a best practice and starting point for other countries. Besides humanitarian visas, relevant protection of displaced people in international migratory contexts can also be provided through temporary protection, authorisation to stay, regional and bilateral free movements’ agreements.

In the case of internally displaced people, a project by the city of Beira in Mozambique serves as an example of a local initiative. The city has committed to support the dignified relocation and reintegration of displaced communities forced to leave their home due to the impacts of climate change. This includes the provision of temporary shelter, the relocation of families to safer areas of the city and providing them with land ownership and livelihood support.[[2]](#footnote-2)

When examining the gender dimensions of climate change displacement, a concrete measure that should also not be overlooked is the provision of access to health care, especially access to sexual and reproductive health care, in receiving and transit states. The lack of access to sexual and reproductive health is considered one of the leading causes of death, disease and disability among displaced women and girls of childbearing age.[[3]](#footnote-3)

Furthermore, to ensure lasting protection, states must also reduce climate vulnerability in areas where displaced communities have been relocated to by implementing inclusive policies focussed on building resilience to climate shocks.

**Intergovernmental organisations**

Intergovernmental organisations working with people displaced due to climate change should adopt overarching principles which contribute to their protection and are applied to all activities of the organisation. The International Organisation for Migration (IOM) has committed to a rights-based, gender-responsive, migrant-centred, inclusive, and human security approach.[[4]](#footnote-4)

**Civil society**

As flight and migration has always been relevant to many civil society organisations, the increasing threat of the climate crisis should encourage organisations to rethink their approaches and increasingly adopt a climate-sensitive approach. This way, they can build on the experiences and best practices already made and broaden the concept of migration as such. Civil society also has the unique opportunity to put pressure on governments and businesses on the one side and show unapologetic solidarity with affected people and local civil society organisations. To truly improve the situation for migrants and people on the move, civil society can help to shape the discourse and shift the narrative from migration as a danger towards a focus on the people and migrations as something natural - because people across the globe have always been on the move.

**Business enterprises**

When it comes to business enterprises, self-commitment really must go hand in hand with stricter rules and increased checks and balances. Businesses must be held accountable for the ways they either contribute to (forced) migration or worsen the situation for people through exploitation etc. Because of their economic power and leverage, businesses may be a valuable partner if they are willing to share power. They might enter a fruitful discourse with governments and civil society if they are willing to follow rules set out for them. There must increasingly be ways to truly connect economic issues also with the climate crisis and human rights and encourage joint responsibility and caretaking.

***What international, regional and national policies and legal approaches are necessary to protect people and communities displaced by climate change?***

Besides the strengthening of regular migration pathways, policies and legal approaches need to provide a cohesive basis for gender-responsive, inclusive migration governance. In the case of practical approaches, resettlements should be evaluated through an intersectional feminist lens. This means taking intersecting challenges and specific vulnerabilities of displaced people and communities into account throughout the resettlement process from start to finish, focusing on women, children, people with disabilities, LGBTQI\*, BPoC and indigenous communities. Policies must prioritise the safety and needs of displaced people in host communities, facilitate the accessible and meaningful inclusion of displaced people in decision-making and provide them with access to public services and crucial resources throughout the process, irrespective of their migration status. Policies aimed at protecting displaced people and their rights must ensure that the displacement setting does not exacerbate existing inequalities and vulnerabilities or create new ones. They should for example consider that a migrant woman may face double discrimination based on her gender and her migrant status in potential host communities. At the same time, policies should look beyond vulnerabilities and centre community-led approaches, recognise women’s role as leaders and agents of change in displacement settings and account for the potential for empowerment and positive outcomes of migration for displaced communities.

***What do you understand by the concept of “climate change refugee”? Do you think that the UN Refugee Convention should include a separate category for climate change refugees? How do you think this would work? What other legal options may be possible?***

Opening the UN Refugee Convention to include a special refugee status tied to climate change reasons comes with potential disadvantages which include the fact that isolating environmental or climatic reasons from economic, political or social ones may be difficult and lead to long legal procedures. Furthermore, it could lead to the exclusion of people in need of protection, such as those moving because of a mix of factors or at a time where their migration would not be considered forced (yet), who would not be able to prove the necessary link.[[5]](#footnote-5) Regardless of the particular form, the baseline is that on the international level, there needs to be some codified protection for people displaced due to climate change and climate insecurity should be recognised as a legitimate basis for claiming asylum.

In addition, there needs to be an internationally accepted definition of environmental migration, specifically climate migration. Connected instruments and laws that are already in place, such as the Convention Relating to the Status of Refugees, the United Nations Declaration on the Rights of Indigenous Peoples, the UNFCCC, or the Universal Declaration of Human Rights should be strengthened.

***Should separate and particular considerations be given to indigenous peoples with respect to climate change displacement? What are these particular considerations?***

Although general considerations mentioned before (e.g., consideration of intersecting challenges, prioritisation of needs and safety, ability to participate in decision-making, etc.) also apply to Indigenous peoples who have been displaced due to the climate crisis, they should be given additional particular consideration. The loss of land and cultural heritage that comes with displacement must be taken into account as ancestral ties to territory and particular ways of life cannot simply be replicated elsewhere (in areas they will be resettled to). Policies should therefore mitigate cultural and social costs of the displacement as much as possible. Furthermore, policies need to ensure that Indigenous peoples’ rights such as the right to self-determination, land rights, and the right to pursue their own governance and economic and social development are upheld. Solutions need to enable displaced Indigenous communities to continue their traditions, way of living, and accommodate specific needs as well as pose as few institutional and socio-cultural barriers as possible for them when settling into new areas.

1. Boletín Oficial de la República Argentina, Dirección Nacional de Migraciones, Disposición 891/2022, 16 May 2022, <https://www.boletinoficial.gob.ar/detalleAviso/primera/262784/20220519>. [↑](#footnote-ref-1)
2. Mayors Migration Council (2022): Localizing the Global Compacts: First Report on Local Action for Migrants and Refugees, p. 26, <https://www.mayorsmigrationcouncil.org/news/localizing-the-global-compacts-2022>. [↑](#footnote-ref-2)
3. Beek, Kristen/Angela Dawson/Anna Whelan (2017): A review of factors affecting the transfer of sexual and reproductive health training into practice in low and lower-middle income country humanitarian settings, in: *Conflict and Health*, vol. 11, no. 1, doi:10.1186/s13031-017-0118-9.; United Nations Population Fund (2018): Five reasons migration is a feminist issue, <https://www.unfpa.org/news/five-reasons-migration-feminist-issue>. [↑](#footnote-ref-3)
4. International Organization for Migration (2021): Institutional Strategy on Migration, Environment and Climate Change 2021–2030 For a comprehensive, evidence and rights-based approach to migration in the context of environmental degradation, climate change and disasters, for the benefit of migrants and societies, p. 12-14, <https://environmentalmigration.iom.int/sites/g/files/tmzbdl1411/files/documents/IOM-Institutional-Strategy-MECCC_0.pdf>. [↑](#footnote-ref-4)
5. Ionesco, Dina (2019): Let’s talk about climate migrants, not climate refugees, IOM, <https://environmentalmigration.iom.int/blogs/lets-talk-about-climate-migrants-not-climate-refugees-think-piece>. [↑](#footnote-ref-5)