## **SUBMISSION BY SAVE THE CHILDREN IN RESPONSE TO THE CALL FOR INPUTS ON**

## The human rights implications of climate change displacement including legal protection of people displaced across international borders

The following Save the Children’s inputs focuses on children’s rights in the context of displacement caused by climate change. The data and information provided is taken mainly from Save the Children report - “[Walking into the eye of the Storm How the Climate Crisis is driving child migration and displacement](https://resourcecentre.savethechildren.net/pdf/Eye-of-the-Storm.pdf/)”. The study seeks to respond to the knowledge gap and provide a new, child-focused perspective on how the Climate Crisis is driving migration and displacement. It places children’s voices at the heart of the study, speaking directly to 239 children, from 5 different countries and continents living in different types of climate conditions.

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

* Globally, an estimated 77 million children are living in poverty and exposed to climate threats such as flooding, severe drought, or recurrent cyclones.[[1]](#footnote-1) As well as being on the frontline of the Climate Crisis, they are more sensitive to its impacts – more prone to malnutrition as a result of climate-induced food insecurity; to waterborne diseases as a result of water contamination; and more affected by the loss of schools and health care centres that comes with catastrophic cyclones and floods.
* More than 1 billion children live in urban areas, many of which are located in low-lying coastal areas or on floodplains with high exposure to climate threats.[[2]](#footnote-2) In Mozambique, an estimated 11.3 million children live along riverbanks or on lowland floodplains. Similarly, in Fiji, an estimated 303,000 children live in low-lying coastal areas.
* Almost 160 million children live in drylands, where they are exposed to high or extremely high drought severity.[[3]](#footnote-3) It is projected that by 2040, almost 600 million children (about 1 in 4 of the world’s children) will live in areas under extremely high water supply stress.[[4]](#footnote-4)
* 115 million children are at high or extremely high risk from tropical cyclones.[[5]](#footnote-5)
* An estimated 222 million children live in mountainous regions. In Peru, approximately 2.7 million children live in the Andean highlands (exposed to heavy rains, drought, strong winds, and intense cold fronts) with approximately 93,000 children living downstream of glacial lakes, exposed to outburst floods.
* **Food insecurity:** Children in Mali forced to leave for more fertile land as they are unable to make a yield on crops. Children are more sensitive to under-nutrition and malnourishment[[6]](#footnote-6) arising from climate-induced food insecurity; more sensitive to certain vector and waterborne diseases such as malaria; less able to regulate their body temperature; less physically strong; and their mental health is more vulnerable.[[7]](#footnote-7)
* **Unplanned displacement of children and families following sudden-onset climate disasters.** In Fiji, an estimated 58,000 children have been displaced by floods and cyclones since 2008; in Mozambique, 685,000 people were displaced by cyclones in 2019 and future annual displacements from weather-related events are estimated at just under 42,000 people each year.
* **Compounding existing vulnerabilities of slow onset events**: drought, glacial retreat, sea level rise, saltwater intrusion, desertification, and ocean acidification, can gradually affect ecosystems and in turn, people’s lives and livelihoods, which can compound existing vulnerabilities and trigger migration.[[8]](#footnote-8)

1. **Do you think there are differences between the notion of climate change migrants and people displaced by climate change? If yes, what are these differences?**

* The lines are certainly blurred between migration and displacement. Migration could be considered an indirect effect of climate change while displacement is a direct effect of climate change. Migration is also often the result of multiple factors not just climate threats.
* The drivers of mobility are complex, interrelated and highly dependent on context.[[9]](#footnote-9). As well as directly driving displacement and indirectly driving migration, climate processes and events also act as a threat multiplier for other crisis drivers including conflict and environmental degradation (for example, pollution or deforestation)[[10]](#footnote-10), which can make child migration and displacement more likely.
* Climate change has long been thought of as a ‘threat multiplier’ that makes it more likely that a child or family will migrate or be displaced when other factors are in play. But increasingly, **more intense and frequent climate disasters such as floods and cyclones are directly driving displacement**, by forcing families and communities to abandon their home for survival, whether temporarily or permanently.
* In the past, unplanned displacement has primarily been internal and short-term. However, within highly exposed and vulnerable populations, displacement can become both chronic and prolonged. Protracted displacement is becoming widespread, increasingly driven by sudden-onset climate threats such as flooding (e.g. in Mozambique) or climate threats in combination with conflict (e.g. in Iraq and Mali). It is also increasingly being driven by slow-onset threats such as low rainfall and drought (e.g. in Iraq).
* **Slow-onset climate changes such as drought and sea level rise are driving migration** through the loss of agricultural productivity, loss of capital, wages and income, increasing food prices, and stressed ecosystems,children and families decide to move in search of food, water, shelter or livelihoods.
* In 2019 water shortages displaced 15,000 people in the south of Iraq. In many cases, land and livestock owners rented out their lands or sold their herds to finance migration, and young boys in particular migrated in search of more certain livelihoods.
* Nevertheless millions of children who face climate risks remain trapped in high-risk locations, unable to move due to lack of funds, social networks, fear or family or ancestral ties, placing them in even greater risk.

1. **What legislation, policies and practices are you aware of that are in place to give protection to the rights of individual and communities displaced by climate change?**

* Global policy frameworks do not comprehensively protect the needs and rights of people displaced by climate change, let alone the specific needs of children. Some promising practice exist at regional and country level – which must be built on to ensure that every child who has to move or migrate because of climate change, has their rights upheld and their voice heard.
* There are three global frameworks that address the impact of climate-driven migration and displacement in specific high-risk settings. However, these frameworks do not specifically address child migration and displacement.
  + UN Convention to Combat Desertification (UNCCD) – for drylands
  + Small Island Developing States Accelerated Modalities of Action (SAMOA) – for low-lying coastal areas
  + New Urban Agenda – for urban areas.
* The Global Compacts on Refugees and the Compact on Safe, Orderly and Regular Migration make some reference to the interlinks between migration and displacement and climate change but do not comprehensively address the interlinks and within this the specific the needs of children
* Save the Children recognises wide-ranging barriers to effective governance of climate-related child migration and displacement, including:
  + Lack of data including disaggregated data to track mobility flows and inadequate monitoring systems
  + Gaps in legislation, lack of (awareness of) climate-related legislative and policy frameworks inadequate social protection mechanisms and inadequate political commitments
  + Limited capacity and funding and insufficient leadership to implement plans – leading to a gap between policy and practice
  + Lack of coordination across silos, (e.g. the need to integrate climate-related migration and displacement across development strategies and plans, not just disaster risk management) and sectors (e.g. public, private, civil society, communities and children)
  + Lack of standardisation
  + Lack of accountability and government corruption

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

* As the governance architecture for migration and displacement evolves, there is an increasing opportunity to address the needs of the most vulnerable groups including children – a current significant gap. Although a strong international legal framework is in place to protect the rights of children, including child migrants, significant implementation gaps remain[[11]](#footnote-11). **Most climate-related migration and displacement scenarios fall outside almost all legal frameworks,** which typically only respond to regular migration flows and individuals fleeing human rights violations or persecution.[[12]](#footnote-12)
* Importantly, few international processes directly integrate child mobility considerations into climate and environmental conventions. This is despite growing acknowledgement that climate change is both directly and indirectly driving migration and displacement. **More policy convergence and synergies are needed to address the relationship between climate change, the environment, and migration and displacement, from different angles**.
* **Regional and national coordination mechanisms are essential for ensuring coordinated and coherent responses** at each stage of migration and displacement, including before, during and after moving. For instance, in the Pacific, the Technical Working Group on Human Mobility has been established (Save the Children Australia is one of its members) under the regional Framework for Regional Development. Similar coordination mechanisms could be established in other regions and at national level.
* In Save the Children’s report, several priority areas are recommended including **advocacy campaigns that promote the voices and agency of children affected by climate-related migration and displacement, and forums for child advocacy, awareness raising, and knowledge sharing.** CSOs and governments need to increase their readiness and capacity to deliver holistic, sustainable solutions for children and families affected by climate-related migration and displacement.
* **Legislation, policies, strategies, and plans** must
  + Adopt a child-focused approach
  + Increase coherence between climate change, mobility, humanitarian, and development frameworks
  + Promote mobility as a positive adaptation strategy
  + Close the policy and implementation gap.
  + **Scale up government social protection systems** (e.g. cash-plus approaches) to address the impacts of climate shocks on children and their families, with the ambition to move to universal child benefits to improve child well-being, reduce poverty and build resilience.
* **CSOs, INGOs should:**
  + **Strengthen coordination, collaboration and knowledge sharing across traditional disciplines and silos** (e.g. disaster risk reduction, climate change, urban, humanitarian, recovery, development, gender, welfare and social inclusion) and support the development of global collaboration mechanisms
  + **Adopt a ‘hotspots’ approach to programming** that focuses on high climate-risk settings (rather than a regional approach) and supports the most vulnerable and at-risk children and their families to prepare for displacement, migration, or relocation. This would require the availability of comprehensive and detailed local data.
  + **Incorporate climate expertise and associated risks into child migration and displacement programming** (e.g. linking mobility with climate change) rather than addressing them in isolation, to ensure coherent decision making and service provision for children that is founded on long-term scenario planning.
  + **Develop and implement long-term durable solutions** which are responsive to changing mobility patterns, the escalating number of protracted, permanent and repeated child displacements, and the increasing number of government community relocations.
  + **Prioritise holistic support** before, during, and after planned and unplanned migration and displacement. This must include (a) protection support, (b) assistance to facilitate continuation of education, and (c) provision of post-mobility psychosocial support given the profound impacts of climate-related displacement, migration, and relocation on children.
  + **Provide continued support throughout the migration** journey with a focus on high climate risk origins and destinations for children, notably urban and peri-urban areas in low-lying coastal areas, on steep slopes, or on river floodplains, which are playing host to increasing numbers of children displaced or migrating as a result of climate change.
  + **Prepare for population movement in a proactive, planned and child-sensitive way so** that it is timely and well considered (e.g. relocation of communities downstream of glacial lakes or away from low-lying coastal areas), not just reactive support for unplanned displacement.

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

* Each region faces unique challenges in relation to the governance of climate-related migration and displacement. There are barriers to translating these regional commitments into national frameworks, and to subsequent implementation of these commitments. However, there are some promising regional developments including:
  + Latin America and the Caribbean: the ‘Comprehensive Regional Protection and Solutions Framework’ is a concrete application of the Global Compact for Migration for the region by encouraging regional cooperation between countries of origin, transit and destination, to foster responsibility-sharing on matters related to prevention, protection and durable solution.
  + Asia Pacific: some Pacific countries and territories (including Fiji) have endorsed the regional ‘Framework for Resilient Development in the Pacific’, which includes commitments relating to climate change, migration and displacement, and standards relating to the inclusion of high-risk groups including children.
  + Africa: the ‘Convention for the Protection and Assistance of Internally Displaced persons in Africa’ (the Kampala Convention, which has been ratified by nations including case study countries, Mali and Mozambique) expands the refugee definition to indirectly include those who move because of sudden- and slow-onset weather events and processes, and explicitly recognises their protection and assistance needs.
* Few countries have a comprehensive policy framework in place to address climate-related child migration and displacement. **Climate-related child migration and displacement should be integrated into humanitarian and development legal and policy frameworks.** There should also be more coherence between climate change, migration, and child rights policies, strategies and budgets at national and local level – to ensure that all action is climate-risk informed and considers child migration and displacement.
* **Legal, policy, and planning frameworks must promote migration as a positive adaptation strategy and assist migrant and displaced people to search for durable solutions**, rather than just seek to control the number of people who move or stay.[[13]](#footnote-13) In Peru, the government has started to establish a comprehensive strategy for managing population movements relating to environmental and climate changes. It is currently preparing an ‘Action Plan to Avert and Address Forced Migration due to the Effects of Climate Change’ and has adopted the ‘Law on Population Relocation for Areas with Very High, Unmitigable Risk’ for areas with recurrent landslides, mudslides, flash floods, and river flooding. Some climate change or disaster risk management legislation, policies, strategies or plans recognise the impacts of weather-related disasters on migration and displacement, including relocation/resettlement as a potential adaptation strategy. For example, Mozambique’s ‘National Adaptation Programme of Action’, Fiji’s ‘Climate Change Act’, Mali’s ‘National Adaptation Plan for Action’, and Peru’s ‘National Strategy on Climate Change’.

1. **Please provide separate considerations for people or communities internally displaced and those displaced across international borders**

* Movement across borders:
  + In Mali, experts predict that cross-border migration will increase in future, in part driven by climate change (although this was not echoed by the majority of children).
  + There is increasing evidence of cross-border seasonal migration from high climate-risk countries impacted by slow-onset climate changes such as sea-level rise. In some cases this is promoted through regional and bilateral agreements.[[14]](#footnote-14)
  + In Mozambique, cross-border seasonal migration is a common coping strategy. Similarly, Mali has some of the highest numbers of unaccompanied migrant children travelling across borders, often as far as Europe.[[15]](#footnote-15) Key informants predicted that increasing numbers of children will cross borders if they are unable to make a livelihood in urban areas.
* Internal displacement
  + Displacements from sudden-onset weather events tend to displace large numbers of people but are usually short-lived[[16]](#footnote-16)[[17]](#footnote-17). Experts consulted in Fiji and Peru noted that such events generally result in immediate, short-term displacement to evacuation centres, or to the homes of relatives. Similarly, in Mozambique, it was noted that most weather-related displacements do not exceed three months, with families moving together to evacuation centres, which are often schools. However, children highlighted that even if displacements are short-lived, the impacts can be ongoing and far-reaching. Once the emergency has passed, many children and their families return to their origin communities to live in temporary shelters, where they may struggle to meet basic needs once they are no longer receiving assistance.
  + Semi-permanent displacement is a strategy adopted by internally displaced persons (IDPs) in some countries, where communities regularly return to high-risk floodplains on a temporary basis, for planting and harvesting.[[18]](#footnote-18) This was confirmed by experts consulted, who noted that displacement locations can sometimes become “permanent second zones to live in”. Children consulted in Mozambique described living in a school for several months, before moving into makeshift tents nearby to allow classes to resume. In Peru, it is also increasingly common for households to live across multiple locations following climate-related displacements. However, in some instances, families choose to return to high-risk locations despite being aware of the risks, because they are unable to secure a livelihood in their new location.
  + Urban areas are a key destination for children who migrate internally to avoid climate risks; as many as 70% of Dhaka’s slum dwellers are climate-induced migrants[[19]](#footnote-19) and protracted displacement is largely seen as an urban challenge in countries such as Mali and Somalia.[[20]](#footnote-20) Urban and peri-urban areas are particularly vulnerable to hydro-meteorological threats as a result of their location coupled with poor planning and/or infrastructure. Yet, host considerable numbers of children (1 billion) including a large number of internally displaced children.[[21]](#footnote-21)
  + To be sustainable, state-led resettlement programmes must take a long-term approach and ensure that children are at the heart of future responses and solutions to displacement.

1. **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?**

* Currently, there is no international framework that recognizes the category of “climate change refugee”. Save the children is giving some consideration as to whether such an international category should be established and the most effective legal formulation/instrument to cover it. That noted, displaced children are regulated by the Convention on the rights of the Child and, regardless of the causes of their displacement, the main principles (best interest of the child, child participation, right to life and development and non-discrimination) as well as its specific articles apply. The Convention has been ratified by almost all countries of the world except the USA. In light of this, all governments have the obligation to protect all children in their territory in accordance to the letter of the Convention.

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

* The intergenerational tensions must be considered in relation to displacement of younger generations from their communities of origin. In addition to the risks they face in their new location, children and families who are displaced or migrate as a result of climate change may also experience a profound loss of cultural identity as a result of leaving their homeland, as well as conflict over land and shared resources in their new location, and lack of access to services. The link between home and cultural identity can be so strong that some parents or grandparents may choose, despite the possible danger, to stay in high climate-risk locations because of their ancestral ties and deep sense of cultural obligation to the land – leaving children to move alone, weakening their cultural identity and increasing intergenerational tensions. -related migration and displacement (e.g. intergenerational differences).

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14. Oxfam (2016). The Future is a Choice: The Oxfam framework and guidance for resilient development [↑](#footnote-ref-14)
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17. Flavell A. et al. (2020). Migration, environment and climate change: Literature review. German

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18. Schraven B. (2014). Environmental Degradation, Climate Change, Migration and Youth. Migration and Youth: Challenges and opportunities, Chapter 15. Global Migration Group. [↑](#footnote-ref-18)
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20. Save the Children (2020a). Protection Beyond Reach: State of play of refugee and migrant children’s rights

    in Europe [↑](#footnote-ref-20)
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