




TÉLÉCOPIE | FACSIMILE TRANSMISSION

DATE: 12 October 2022

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to the United Nations Office at Geneva

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OBJET/SUBJECT: **Call for input - 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”**



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

12 October 2022

Excellency,

I have the honour to address you in my capacity as the Special Rapporteur on the promotion and protection of human rights in the context of climate change, pursuant to resolution 48/14 of the Human Rights Council.

I am writing to invite your Excellency's Government to provide inputs to my report to be presented to the 53rd Session of the Human Rights Council in 2023, focusing on the human rights implications of climate change displacement, including legal protection of people displaced across international borders.

The attached questionnaire will also be available on my mandate's webpage in the coming days at [www.ohchr.org/srclimatechange](http://www.ohchr.org/srclimatechange).

I would be grateful if this letter and the annexed questionnaire could be transmitted to relevant authorities, inviting them to kindly provide submissions or documents **no later than 11 November 2022**.

All submissions will be made publicly available and posted on the Special Rapporteur's homepage at the OHCHR website.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read "Ian Fry".

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



## Call for inputs

### **Special Rapporteur on the promotion and protect 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”**

#### **Purpose**

To inform the Special Rapporteur on the promotion and protection of human rights in the context of climate change’s report on addressing the human rights implications of climate change displacement including legal protection of people displaced across international borders to be presented to the 53rd Session of the Human Rights Council in 2023.

#### **Background**

One of the thematic issues identified by the UN Special Rapporteur relates to addressing the human rights implications of climate change displacement including legal protection of people displaced across international borders.

The United Nations Refugee Agency (UNHCR) estimates<sup>1</sup> that global forced displacement has surpassed 84 million at mid-2021. As of end of 2020, 49 million are internally displaced people and an estimated 35 million (42 per cent) of the 82.4 million forcibly displaced people are children below 18 years of age.

According to the Internal Displacement Monitoring Centre data<sup>2</sup>, nearly 1,900 disasters triggered 24.9 million new displacements across 140 countries and territories in 2019. This is the highest figure recorded since 2012 and three times the number of displacements caused by conflict and violence.

Displaced people are often portrayed as victims of slow-onset events in need of assistance and protection, but the literature also provides examples of how they can be drivers of community-based solutions. For many communities, return is a desirable durable solution, but it is less likely in situations where slow-onset climate processes are at play because they tend to be all but irreversible.

In response, a case concerning the deportation of a Kiribati citizen from New Zealand who claimed to be a climate change refugee, the Human Rights Committee held the view<sup>3</sup> that the facts before it do not permit it to conclude that the author’s removal to

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<sup>1</sup> UNHCR, 2021-2022, Refugee Data Finder, URL: <https://www.unhcr.org/refugee-statistics/>

<sup>2</sup> Internal Displacement Monitoring Centre, 2021, Global Report on Internal Displacement, 2020: <https://www.internal-displacement.org/global-report/grid2020/>

<sup>3</sup> Human Rights Committee, 2020, [Views](#) adopted by the Committee under article 5 (4) of the Optional Protocol concerning communication No. 2728/2016, CCPR/C/127/D/2728/2016

Kiribati violated his rights under article 6 (1) of the International Covenant on Civil and Political Rights.

It would appear apparent from this finding and the findings of the national court that initially heard the case, that persons displaced across international borders are not defined as refugees under the 1951 UN Refugee Convention. Subsequently there appears to be no legal definition for a climate change refugee.

Consequently, there are limited legal protections for people displaced across international borders as a consequence of being forcibly displaced by climate change. This means that these people may be deprived of their human rights and makes them prone to exploitation and suffering. Women and children and persons with disabilities may be particularly vulnerable to such circumstances. Furthermore, a recent statement by special procedures mandate-holders which the Special Rapporteur joined noted with alarm that among 84 million people who are currently forcibly displaced worldwide, lesbian, gay, bisexual, trans and gender diverse (LGBT) persons are particularly vulnerable and marginalized. Fleeing persecution and socio-economic exclusion, they often reside in countries that do not provide strong human rights protections or actively discriminate based on sexual orientation and gender identity.

In light of these recent findings, it is important to explore options and respond to the need for urgent responses to the climate change displacement. In particular, it is important to understand and find legal remedies and redress for individuals and communities displaced by climate change.

### **Legal options to provide human rights protections for people displaced by climate change**

Consistent with the mandate, the Special Rapporteur is exploring legal actions to provide appropriate human rights protections for people displaced by climate change. This includes people internally displaced within their own country and those that are displaced across international borders as a consequence of climate change. Specific considerations will be given to individuals and communities displaced as a consequence of climate change, namely: women, children, persons with disabilities, indigenous peoples, local communities, peasants and other people working in rural areas, people living in conditions of water scarcity, drought and desertification, persons belonging to minority groups, homeless persons, persons living in poverty, older persons, migrants, refugees and internally displaced persons, those living in conflict areas and those already in vulnerable situations, and the importance of recognizing their agency in contributing to climate action.

### **Questionnaire**

The Special Rapporteur is therefore, seeking input from States, business enterprises, civil society organizations and intergovernmental organizations on what legal actions are necessary to protect the rights of individuals and communities displaced by the impacts of climate change.

The Special Rapporteur invites and welcomes answers to the following questions:

1. What experiences and examples are you aware of, of individuals or communities, displaced by climate change?
2. 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?

3. 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.
4. 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.
5. What international, regional and national policies and legal approaches are necessary to protect people and communities displaced by climate change
6. Please provide separate considerations for people or communities internally displaced and those displaced across international borders
7. 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?
8. Should separate and particular considerations be given to indigenous peoples with respect to climate change displacement? What are these particular considerations?

### **Submission of responses**

We strongly encourage you to please send your responses to the questionnaire in Word format by email to: [hrc-sr-climatechange@un.org](mailto:hrc-sr-climatechange@un.org)

We kindly request that your submission be concise and limited to a maximum of 5 pages (or 2,500 words), not including appendices or attachments. Due to a limited capacity for translation, we also request that your inputs be submitted in English, French, or Spanish.

**The deadline for submission is 11 November 2022.**

All submissions will be made publicly available and posted on the Special Rapporteur’s homepage at the OHCHR website.

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