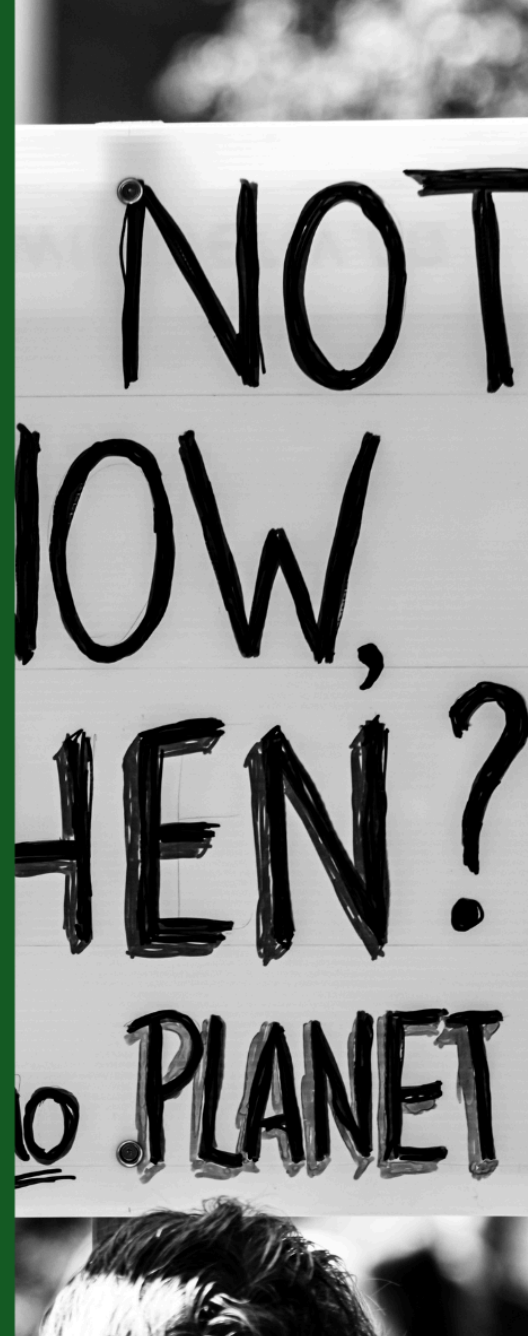


Written Submission on Access to Information on Climate Change and Human Rights

*To inform the thematic report of the
Special Rapporteur on the promotion
and protection of human rights in the
context of climate change to the United
Nations General Assembly 79th session*



The Children and Youth Major Group to the United Nations Environment Programme (CYMG) is the mandated, official, and self-organized space for children and youth to contribute to and engage in intergovernmental and allied policy processes at the UNEP and relevant environmental governance and conservation processes within the broader UN system. CYMG serves as the official youth engagement mechanism to UNEP. It advocates for stronger environmental policies, promotes intergenerational equity, and empowers young people. CYMG's involvement is crucial for integrating youth perspectives into international environmental governance processes and addressing pressing environmental challenges collaboratively.

The preparation of this submission was led by the CYMG Disaster, Climate and Resilience Working Group through a participatory consultative process. We appreciate the voluntary contributions of our constituents (individuals and organizations) who participated in the submission process.

Recommendations on Access to information on climate change and human rights

1. What kind of information should be collected and shared to identify and prevent negative impacts on human rights arising from climate change and climate change response measures? What kind of information can be particularly challenging to access and why?

Data on average sea-level rise and the vulnerability and collateral damage predictive assessment to gain more insights and informations on the coastal communities that are the most impacted and exposed to a high-risk of becoming a climate refugees;

Data on the global demands of fossil fuels and the need of critical minerals needed for energy transition as to understand how the global population is now ready to phase out carbon emissions and achieving a far more equitable just transition for all;

Data on indigenous demographic analysis to identify the trends to better mobilise tailored-measures for localised climate change adaptation and mitigation measures in indigenous territories;

Data on the current practices in a specific social setting and the impact it has on the environment. Concurrently data on suggested interventions and their impact on people both currently and in future (impact of the interventions on the way of life especially on culture and norms is difficult to access as there are no metrics to measure);

Disaggregated data by gender, age, disability and race (to identify those people who are at risk from climate change impacts) as well as information on demographics, living conditions and their access to resources;

Data on climate change effects in short and long term, specifying their effects in different regions, that is possible by the CYMG members that are around the world, particularly highlighting the very vulnerable locations. Some of the information that should be collected and shared are changes in temperature, precipitation patterns, sea level rise and extreme weather events.

Data on policy and legal frameworks, information on existing policies, laws and regulations related to climate change. One of the most worrying issues is the existence of soft law mechanisms in environmental remediation as a result of judicial processes and the lack of environmental policies to counteract this. The information that should be collected and shared are the number of existing policies in countries that seek to enforce decisions about the environment remediation.

Data on Human Rights violations as a result of climate change, information of loss of livelihoods, food insecurity, access to water, danger of microplastics, etc.

Data on the climate changes responses/interventions that have maybe been implemented but have human rights violation cases arising from them. That then guides for a new

approach in terms of which approaches should be directed towards which specific group of affected people and how not to infringe on their rights.

In some cases, governments or other stakeholders may restrict access to information related to climate change impacts, as also happens in the documentation of human rights violations.

That could be a significant barrier in the seek of information about. In addition to the usual "vulnerability" variables (e.g. poverty rates, access to health), it would be useful to have information about how those variables would be impacted in case of an emergency response. For example, in a flood-prone area, how far would people have to travel to reach the closest health post in a non-flood-prone area? In case of a typhoon, where would people be relocated as for emergency plan - is that location close to schools, hospitals, etc.?

Addressing the second question as to why the access of such information is particularly hard from a standpoint of someone living in a developing country:

1. The lack of access to the necessary tools to conduct nationwide census on a regular basis that can provide accurate depiction of the changing circumstances of the different communities
2. The presence of a large number of people who aren't officially registered in the government records and the persistence of the informal economy
3. Government's lack of transparency and trust to issue such information to the public. (harder even after garnering necessary data to accommodate for their needs)

2. Are existing approaches to collect, share and monitor information on climate change and human rights sufficient for the public to assess the magnitude of actual and potential negative impacts on their human rights, and the adequacy of States' responses to these risks? How can these approaches be improved?

The existing approaches to collect, share, and monitor information on climate change and human rights need significant improvements to allow the public to adequately assess the magnitude of negative impacts and the adequacy of States' responses. These methods should be renewed to adopt a more integrated and holistic approach, enabling the effective management and utilization of data related to climate change and human rights. A targeted strategy is essential to achieve the goals set for the just implementation of climate and human rights initiatives.

Data collection methods must become more rigorous, and the collected data should be made accessible to the public. Transparency is crucial for the public to understand the actual and potential impacts on their human rights and to hold States accountable for their responses to these risks. Currently, donors, development partners, and national governments often collect large amounts of data that are not made public. Typically, only the outcomes of data analyses, such as vulnerability maps, are shared, while the underlying raw data remain inaccessible. Facilitating access to raw data is essential, as it would enable context-specific

analyses and allow practitioners to explore different approaches to assess the climate change-human rights nexus, such as evaluating the impact of floods on human rights.

Non-governmental entities, including private institutions, sometimes misuse their access to data, particularly concerning indigenous lands and communities. Specific national policies should be implemented to control and monitor how information is accessed and used, ensuring the protection of indigenous people. The data, while available, often remains undisclosed to the public until emergencies arise. There needs to be a shift towards making this information readily accessible and understandable to the general population, not just experts. This can be achieved through regular and rigorous dissemination of information via capacity-building initiatives and community outreach programs.

Effective monitoring and validation of information on climate change and human rights are crucial. Identifying and addressing data gaps will ensure a more accurate and comprehensive understanding and responses. Outcomes from data analyses should be consistently reviewed and updated to reflect the current situation accurately. By addressing these areas, the existing approaches can be significantly improved to ensure the public can adequately assess the impacts of climate change on their human rights and the effectiveness of States' responses.

3. Are there undue barriers to obtain access to information on human rights and climate change that is up to date? (eg, language and technical accessibility, use of technology, grounds for non-disclosure, other?)

Yes, there are undue barriers to obtaining up-to-date information on human rights and climate change. These barriers can be broadly categorized as issues related to data availability, political restrictions, technological accessibility, lack of awareness, and technical complexity.

Firstly, data availability is a significant issue, particularly for vulnerable populations such as those in remote or marginalized areas, including indigenous communities, low-income groups, and older adults. The limited data on these groups makes it challenging to address their specific needs effectively.

Political barriers also play a critical role. In some instances, governments may restrict access to information related to climate change impacts due to political reasons or economic interests. Such restrictions can hinder the public's ability to understand and respond to these issues adequately.

Technological accessibility presents another barrier. Many people, especially in remote areas, may lack access to the internet and electronic devices, making it difficult for them to find and utilize relevant information. Additionally, there is often a lack of awareness and interest in accessing information on human rights and climate change, further complicating efforts to disseminate this knowledge.

For nomadic or seasonal migrants, the information might not seem relatable, which decreases their likelihood of seeking it out. Moreover, the technical complexity of the

information can be a significant obstacle. Often, the data is presented in a highly technical manner, which is not easily understood by the general community. Those responsible for disseminating this information sometimes conceal critical details, possibly for financial gains, such as information related to carbon credits, keeping the communities vulnerable.

4. Are there examples in which international cooperation effectively supported public access to information on climate change and human rights? What are the challenges in implementing UNFCCC Articles 4 (public access to information) and 6 (public awareness), and Paris Agreement Article 12 (public access to information), and other international instruments and processes that can support/contribute to international cooperation on access to information on climate change and human rights?

Examples of Effective International Cooperation

International cooperation has shown effectiveness in supporting public access to information on climate change and human rights through several key initiatives. The Corporate Sustainability Due Diligence Directive (CSDDD) in the European Union is a prominent example. This directive aims to enhance corporate transparency and accountability, requiring companies to disclose their impacts on climate and human rights.

Similarly, the Escazú Agreement in Latin America and the Caribbean focuses on ensuring access to environmental information, public participation, and justice in environmental matters.

Challenges in Implementing UNFCCC Articles and Paris Agreement Article 12

One major challenge is the accessibility and dissemination of information on Nationally Determined Contributions (NDCs) and national climate ambitions. Although this information is crucial for understanding and addressing climate change, the guidance for market approaches is still not finalized, making these frameworks non-operational. This lack of finalized guidance impedes the effective dissemination and use of this information.

Moreover, there is a limited number of individuals, including professionals, who thoroughly understand these frameworks well enough to effectively communicate the information to the target audience. This knowledge gap among professionals further complicates efforts to raise public awareness and ensure widespread access to critical information.

5. Are there concrete examples of, or specific challenges for business to communicate information on risks, including in different countries, in relation to climate change and human rights? What are the barriers for the rights holders to access to this information and to evaluate the adequacy of an enterprise's response to these risks? Are there specific examples of State regulation that have significantly improved access to information held by private actors on climate change and human rights?

Businesses face various challenges in communicating information on climate change and human rights risks. Many businesses voluntarily record the risks they face regarding climate change and human rights. They often use frameworks such as International Financial Reporting Standards (IFRS) and Environmental, Social, and Governance (ESG) standards to communicate this information. Environmental impact assessments are also commonly conducted to evaluate both the impacts and risks associated with environmental and climate changes.

Specific country regulations provide concrete examples of how businesses are required to communicate these risks. In Switzerland, companies, banks, and insurance companies with at least 500 employees, CHF 20 million in total assets, and CHF 40 million in turnover must report according to the Task Force on Climate-related Financial Disclosures (TCFD) standards. This mandate ensures that large enterprises disclose their climate-related financial risks, enhancing transparency. In Germany, the Act on Corporate Due Diligence Obligations in Supply Chains, which came into force on January 1, 2023, requires German enterprises to respect human rights in global supply chains. This includes issues like child labor, fair wages, and environmental protection, benefiting people in supply chains, enterprises, and consumers.¹

The forthcoming EU Due Diligence Directive aims to reveal human rights and environmental violations across supply chains, though its effectiveness remains to be seen. Greenwashing presents a significant barrier for rights holders to access accurate information and evaluate the adequacy of business responses. Businesses may engage in greenwashing, misleading stakeholders about their environmental practices and impacts. Measures to avoid the misuse of private data are essential to combat this issue.^{2,3}

Public participation frameworks also play a crucial role. In countries like Kenya, public participation is embedded in the constitution, which accelerates information sharing and ensures community involvement in decision-making processes. By adhering to these regulations and frameworks, businesses can improve the transparency and adequacy of their responses to climate change and human rights risks, thus providing better access to information for rights holders and stakeholders.

6. What are the impacts on human rights of inadequate access to information from public authorities and/or business? Are there concrete examples of, or specific challenges in, collecting and sharing information on disproportionate levels of actual and potential harm from climate change and climate change response measures (disaggregated data on Indigenous Peoples, women, children, local communities, persons with disabilities, older persons, persons living in extreme poverty, others)?

Inadequate access to information from public authorities and businesses significantly impacts human rights, particularly among vulnerable groups. In Morocco, negative impacts

¹ <https://www.bmas.de/EN/Europe-and-the-World/International/Supply-Chain-Act/supply-chain-act.html>

² <https://www.eqs.com/compliance-blog/biggest-gdpr-fines/>

³ <https://www.enforcementtracker.com/>

of climate change mitigation measures often result from a lack of consultation and engagement with communities. This includes the absence of free, prior, and informed consent (FPIC) processes. Despite being aware of potential negative impacts, authorities sometimes fail to act, exacerbating the situation for affected communities.

In Tanzania, indigenous people have been forcibly displaced under the guise of a "nature conservation project." These communities often lack access to education, are unaware of their rights, and face language barriers. Forced displacement without adequate support or protection of land rights highlights the need for policies that safeguard both indigenous communities and those displaced to new areas.

Data sovereignty is another critical issue. Often, entities collecting data from indigenous people assume ownership of that data, disregarding the principle of data sovereignty. This practice undermines the rights of indigenous communities over their information.

Governments sometimes hide information from communities to conceal the level of harm caused by climate change and the shared experiences of suffering. This lack of transparency prevents communities from understanding and addressing the impacts effectively. Public participation is often hindered by untimely communication of dates and venues for meetings, particularly for controversial projects, thereby excluding various groups from the decision-making process.

Environmental defenders, especially those from indigenous communities, frequently face threats and intimidation. There is a rapporteur on environmental defenders, and finding synergies with his workstream could be beneficial, as it might provide additional support and protection for these defenders.

Concrete examples and challenges in collecting and sharing information on the disproportionate levels of harm caused by climate change include the difficulties faced by Indigenous Peoples, women, children, local communities, persons with disabilities, older persons, and those living in extreme poverty. Disaggregated data is essential for understanding the specific impacts on these groups and for developing targeted response measures.