**Submission on the Call for Inputs:**

***Access to information on climate change and human rights***

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1. ***Climate information [Q1]***

To effectively adapt to new climate realities and [understand and mitigate](https://www.unep.org/resources/report/climate-change-and-human-rights#:~:text=Climate%20change%20is%20one%20of,and%20communities%20across%20the%20world.) the human rights impacts of climate change, actors require full access to [information](https://link.springer.com/chapter/10.1007/0-306-47980-X_9) on the various and interacting dimensions of climate change and countries’ capacities, including data/information on:

* **Climate change and greenhouse gas (GHG) emissions levels**, including meteorological data, [environmental information](https://climateknowledgeportal.worldbank.org/) and scientific [research](https://wmo.int/site/global-framework-climate-services-gfcs), policy documents and case studies.
* **Impacts of climate change on humans**, generally and on people and groups in vulnerable situations.
* **Implementation of international climate instruments and Nationally Determined Contributions (NDCs)** (e.g., UNFCCC Art 12, the [Paris Agreement Enhanced Transparency Framework](https://unfccc.int/process-and-meetings/transparency-and-reporting/preparing-for-the-ETF)), including Government decision-making (minutes of Government meetings, justifications of decisions)
* **Financial and technological resources to be provided for low-income countries**.
* **Climate change** [**risks and hazards**](http://www.regionalclimateperspectives.com/uploads/4/4/2/5/44250401/gallinaetal2016multiriskassessments.pdf) **assessments.**
* How measures in **NDCs, National Adaptation Plans/communications and other climate mitigation/adaptation policies** [**respect and promote human rights**](https://www.ssoar.info/ssoar/bitstream/handle/document/59517/ssoar-2018-duyck_et_al-National_Human_Rights_Institutions_and.pdf?sequence=1&isAllowed=y&lnkname=ssoar-2018-duyck_et_al-National_Human_Rights_Institutions_and.pdf)in design and implementation
* **Impacts of climate change on biodiversity and habitats** (e.g., the [Convention on Biological Diversity](https://www.cbd.int/doc/legal/cbd-en.pdf) Art 14 on impact assessments and provisions on information sharing between states on cross-border harms).
* T**hreats of violence or attacks against environmental human rights defenders (EHRDs)** working on climate change (e.g., [Escazú Agreement](https://repositorio.cepal.org/server/api/core/bitstreams/7e888972-80c1-48ba-9d92-7712d6e6f1ab/content)). Furthermore, more information is needed not only about the threats and violence but also about **contributions by** [**biosphere defenders**](https://content.iospress.com/articles/environmental-policy-and-law/epl239003)using the law and other strategies for Earth stewardship and [just pathways to sustainability.](https://content.iospress.com/articles/environmental-policy-and-law/epl239009)
* **Projects and Environmental Impact Assessments (EIAs):** Information on infrastructural projects and their EIAs (e.g., [oil sands pipelines in the US under the NEPA](https://heinonline.org/HOL/LandingPage?handle=hein.journals/jenvll27&div=16&id=&page=)) is climate information, as is information on planning low-carbon developments and the extent to which they are aligned with human rights (climate change projects may [fail](https://www.wilsoncenter.org/blog-post/public-private-partnerships-in-africa-some-lessons-from-kenyas-lake-turkana-wind-power-project) to adhere to EIA laws and Indigenous Peoples’ rights).
* **Corporate human rights due diligence:** mandatory human rights due diligence ([mHRDD)](https://finance.ec.europa.eu/regulation-and-supervision/financial-services-legislation/implementing-and-delegated-acts/corporate-sustainability-reporting-directive_en) and how companies are addressing, preventing and protecting ‘do no harm’.
* **Local community consultations and Free, Prior and Informed Consent (FPIC)** on measures concerning climate mitigation and adaptation
* **Carbon majors’ historical contributions to carbon emissions**, based on attribution science: In 2022, [four Indonesian islanders sued Holcim](https://callforclimatejustice.org/en/the-case/), a major cement producer, and relied on the historical emission data of Carbon Majors and of Holcim. In Germany, [Lliuya v RWE](https://climatecasechart.com/non-us-case/lliuya-v-rwe-ag/) also included attribution science data on carbon emissions.

***State and business obligations under international law [Q2, 5]***

**(2.1) States**

The[**United Nations Framework Convention on Climate Change**](https://unfccc.int/resource/docs/convkp/conveng.pdf) **(UNFCCC)** details climate change information obligations (e.g., Arts 4 and 6). However, these obligations are predominantly tied to duties of international cooperation and information-sharing at the Conferences of the Parties (e.g., mitigation progress under Art 4(2) & implementation information under Arts 4(1)(j)); 7(2) and 12)) and education and public participation under Art 4(1).

The [**Paris Agreement**](https://unfccc.int/sites/default/files/english_paris_agreement.pdf)details commitments for ensuring information is communicated effectively, again with many of the obligations predominantly limited to state-state information flows, as opposed to state-rights holders, e.g. communicating:

* **Information on NDCs** (Art 4) and **adaptation** (Art 7)
* **Information on Climate Finance and Technology to Developing Country Parties** (Arts 9, 10 and 14, including as relevant to the Global Stocktake)

**National Climate Adaptation Plans** should incorporate access to information, including about the impact on, and availability of natural resources for the public good (e.g., [water](https://www.klibel.com/wp-content/uploads/2015/08/KLIBEL7_Law__46-formatted.pdf) information in [CESCR General Comment no.15)](https://www2.ohchr.org/english/issues/water/docs/CESCR_GC_15.pdf).

**Education:** [States have procedural obligations](https://documents.un.org/doc/undoc/gen/n19/216/42/pdf/n1921642.pdf?token=NH9DOjwPrwpdE0yu6B&fe=true) under the right to a healthy environment to educate the public on the causes and impacts of climate change.

**International legal instruments** strengthen the public’s capacity to access information and democratically participate in climate change decision-making, contributing to the effective implementation of climate instruments. The [UN Human Rights Committee](https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf) (General Comment No. 34) stated that States should ensure access to Government information and facilitate requests for such information, broadly construed. International human rights obligations (e.g., relating to [collective cultural life](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights), [persons with disabilities in the context of climate action](https://www.internationaldisabilityalliance.org/sites/default/files/cop_28_-_final_version_-_nov_16th_-_02.pdf), the [rights of Indigenous Peoples,](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf) [children’s rights](https://www.ohchr.org/sites/default/files/documents/hrbodies/crc/gcomments/gc26/2023/GC26-Child-Friendly-Version_English.pdf), and the provision of [gender responsive climate information](https://unfccc.int/process-and-meetings/bodies/constituted-bodies/publications-bulletin/progress-good-practices-and-lessons-learned-in-prioritizing-and-incorporating-gender-responsive)) require climate information to be [timely, accessible](https://www.internationaldisabilityalliance.org/sites/default/files/drcc_status_report_english_0.pdf) and understandable. The [Aarhus Convention](https://unece.org/DAM/env/pp/documents/cep43e.pdf) (Arts 4-5 cover access to environmental information) and [Almaty Guidelines](https://unece.org/environment-policy/publications/almaty-guidelines-promoting-application-principles-aarhus) may also be used within the [international climate regime](https://onlinelibrary.wiley.com/doi/epdf/10.1111/reel.12125) and by the public to [tackle climate change](https://unfccc.int/files/cooperation_and_support/education_and_outreach/application/pdf/aarhus_convention.pdf). The nexus between human rights and climate information can nevertheless improve to tackle outstanding barriers and gaps.

**(2.2) Businesses**

Under the [***United Nations Guiding Principles on Business and Human Rights***](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf) ***(UNGPs)***, companies must respect human rights, including all “internationally recognized human rights” (Principle 12). Despite a lack of explicit reference to climate change in the UNGPs text (and the problems with disclosure discussed in section 5 below), businesses are expected to facilitate access to information regarding companies’ impacts on climate change and human rights:

* In their [***Information Note on Climate Change and the Guiding Principles on Business and Human Rights***](https://www.ohchr.org/sites/default/files/documents/issues/business/workinggroupbusiness/Information-Note-Climate-Change-and-UNGPs.pdf), the UN Working Group on human rights and transnational corporations and other business enterprises notes “[b]usiness should facilitate access to information that is sufficient to evaluate the adequacy of their response to climate change-related human rights harms”.
* The [***Joint Declaration on the Climate Crisis and Freedom of Expression***](https://www.ohchr.org/en/statements/2024/05/freedom-expression-and-media-crucial-tackling-climate-crisis-international)***,*** issued by the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and their counterparts from various regional organizations, spells out the expectation of corporations to disclose information on the human rights and environmental impact of their operations and remedial measures they have taken.

***3. Barriers to the full enjoyment of access to information [Q3]***

* *Gender:* Gender disparities remain a challenge in countries where women are not allowed to participate in meetings, thereby curtailing their voices. [Addressing gender inequalities](https://www.undp.org/publications/gender-equality-national-climate-action-planning-gender-responsive-nationally-determined-contributions) in climate change policies can ensure successful and sustainable implementation of mitigation and adaptation measures (see: Sustainable Development Goal (SDG) 5).
* *Language and accessibility,* particularly where groups may not speak the official language of the State or corporate actor and information is not effectively [communicated](https://www.ohchr.org/sites/default/files/ExpertTestimonyCourt_EN.pdf) (e.g., via oral tradition, TV, radio), translated, or interpreted in a way that *respects* [*cultural institutions and traditional knowledge*](https://www.emerald.com/insight/content/doi/10.1108/GKMC-03-2019-0044/full/html), further restricting the rights of Indigenous Peoples and local communities. Equally, climate information may be communicated in technical language that is not easily understood by the average individual (e.g., in contravention of [UNGP 18](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)). These issues risk exacerbating intersectional and socio-economic barriers and hindering adaptation decision-making (e.g, [smallholder farmers](https://www.sciencedirect.com/science/article/pii/S2405880721000145), particularly [women](https://www.tandfonline.com/doi/pdf/10.1080/17565529.2020.1806777), making agricultural management decisions).
* *Educational:* Climate information can be complex. Without appropriate education (climate [science or media](https://www.sciencedirect.com/science/article/pii/S0959378007000209) education), people may not understand its implications for the enjoyment of human rights, or how to use it (e.g., [planning for effective adaptation action](https://www.sciencedirect.com/science/article/abs/pii/S0301479713007561) or [adapting consumer behavior).](https://www.sciencedirect.com/science/article/abs/pii/S0749379708006831) Climate dis/misinformation may further compound these difficulties.
* *Technological, institutional and infrastructural:* Short and long-term seasonal weather and climate data may not be collected or monitored without appropriate [infrastructure,](https://www.oecd.org/environment/cc/policy-perspectives-climate-resilient-infrastructure.pdf) [resources](https://journals.sagepub.com/doi/abs/10.1177/0340035219857751) or [technology](https://sustainabledevelopment.un.org/content/documents/1465back_paper.pdf). Equally, there may be a lack of institutional capacity for [implementing mitigation projects](https://www.sciencedirect.com/science/article/abs/pii/S0305750X17302620) or tracking the experiences and [needs](https://www.tandfonline.com/doi/abs/10.1080/17565529.2019.1596061) of those impacted by climate change. These issues may cause data gaps, such as insufficient reporting on SDG indicators (e.g., [Colombia only produced indicators for 25% of the SDGs](https://simehbucket.s3.amazonaws.com/miscfiles/9789585001978-cambio-climatico_eeg95f6l.pdf), but eventually developed its “monitoring, reporting and accountability scheme” and further plans for creating and disseminating official statistics).
* *Unreasonably restrictive grounds for non-disclosure*: In [Claude Reyes v. Chile](https://globalfreedomofexpression.columbia.edu/cases/claude-reyes-v-chile/), the Inter-American Court of Human Rights (IACtHR) decided that State information should not be withheld without reasonable legal justification and a written explanation of the refusal, and domestic laws should provide for access to information.
* *Livelihood/Financial:* Low wages, expensive living conditions and transport costs, and lack of internet or affordable electricity can all limit access to climate information.

**Examples of efforts to close data gaps and minimize information barriers:**

* The [African Youth Initiative on Climate Change in Zimbabwe](https://ayicczim.org.zw/) (AYICC) increases public understanding of environmental management and climate change and expands the AYICC membership. Their projects increase public understanding through media platforms, capacity-building training, and sustainable community projects.
* The Environmental Law Alliance Clinic developed a [report](https://alianzadeclinicasambientales.com/wp-content/uploads/2023/12/Informe-O.C.-Emergencia-Climatica-Corte-IDH-Alianza-Clinicas-Juridicas-Ambientales-LAC-IDEHPUCP-y-SPDA-1.pdf) on the Advisory Opinion to the IACtHR, requested by Chile and Colombia, on the Climate Emergency. Almost 60 people (of which, 60% women, and 80% students) across Colombia, Chile, Brazil, and Peru contributed to the report. The report is an intercultural, progressive, intergenerational, and articulated work, where students trained each other on climate change regulation in their constituencies. Leading specialists also developed a transdisciplinary perspective on law and climate science.

**Barriers for EHRDs:**

EHRDs face barriers when seeking access to information. For example, an EHRD requested information in a meeting with the Uganda National Oil Company. The [information was withheld](https://defenddefenders.org/wp-content/uploads/2023/11/The-State-of-Environmental-Human-Rights-Defenders-in-Tz-Ug-and-DRC-Final-Report-.pdf), and the refusal was justified by stating that clearance from "above" was first required. Information access is also a barrier for EHRDs in the [DRC.](https://defenddefenders.org/wp-content/uploads/2023/11/The-State-of-Environmental-Human-Rights-Defenders-in-Tz-Ug-and-DRC-Final-Report-.pdf)

EHRDs may also experience [violence](https://www.globalwitness.org/en/campaigns/environmental-activists/standing-firm/), including when requesting the disclosure of information on environmental harms and corporate activities impacting climate change (see: [rights to information activists in India](https://www.business-humanrights.org/en/latest-news/s-venkatesh/)). In 2023, the Business and Human Rights Resource Centre [identified](https://www.business-humanrights.org/en/from-us/briefings/hrds-2023/people-power-under-pressure-human-rights-defenders-business-in-2023/?utm_source=direct_email&utm_medium=direct_email&utm_campaign=2405HRDs&utm_content=email) 630 attacks, many by State actors, directly affecting approximately 20,000 people. Yet, States continue to adopt laws restricting freedom of assembly, whilst using existing laws to [repress](https://unece.org/sites/default/files/2024-02/UNSR_EnvDefenders_Aarhus_Position_Paper_Civil_Disobedience_EN.pdf) climate activism (e.g., in the [United Kingdom](https://www.wcl.org.uk/protest-free-speech-and-environmental-defenders.asp)).

***4. International cooperation and implementation [Q4]***

**Loss and damage:** The [UNFCCC](https://unfccc.int/resource/docs/convkp/conveng.pdf) does not explicitly outline duties to cooperate to provide information about climate impacts on specific groups. A human rights-based approach under the UNFCCC and the Transparency Framework requires the incorporation of l[oss and damage](https://www.tandfonline.com/doi/full/10.1080/14693062.2019.1630354?needAccess=true) information.

**The Paris Agreement (Art 6) establishes state/private actor cooperation mechanisms** (the Sustainable Development Mechanism and Internationally Transferred Mitigation Outcomes). Relevant projects should adhere to [environmental and social safeguards](https://www.ssoar.info/ssoar/bitstream/handle/document/59517/ssoar-2018-duyck_et_al-National_Human_Rights_Institutions_and.pdf?sequence=1&isAllowed=y&lnkname=ssoar-2018-duyck_et_al-National_Human_Rights_Institutions_and.pdf), if not [targeted rules](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3180159), to avoid [conflicts](https://brill.com/view/journals/clla/11/3-4/article-p265_265.xml) between states (which impact access to information/participation top down) and negative impacts on access to information, public participation and FPIC.

**Missing elements preventing the implementation of a systems-level approach to climate change/human rights:** An example is climate information about the ocean and its impacts on human rights. The ocean has absorbed huge amounts of carbon dioxide and heat, with warming, acidification, sea level rise and oxygen dead zones becoming more widespread, alongside visible impacts to ocean biodiversity like fish populations and coral reefs. Despite the inherent connection between the ocean and the climate, this nexus remains largely absent from climate change information at the international level. The [Ocean and Climate Dialogue](https://unfccc.int/topics/ocean/ocean-and-climate-change-dialogue)s have raised awareness of the climate-ocean connection at recent COPs, but the ocean is largely left off the atmospherically-orientated, international climate change agenda. The May 2024 [advisory opinion](https://www.itlos.org/en/main/cases/list-of-cases/request-for-an-advisory-opinion-submitted-by-the-commission-of-small-island-states-on-climate-change-and-international-law-request-for-advisory-opinion-submitted-to-the-tribunal/) of the International Tribunal for the Law of the Sea further affirmed the linkage between atmospheric emissions (pollution) and the ocean, confirming climate/ocean obligations separate from the Paris Agreement.

The exclusion of domains, like the ocean, from information-sharing processes has serious implications for access to information on climate change and human rights. Oceanic impacts (and other climate change concerns) are not fully considered in NDCs, in the work of the UNFCCC compliance committee, or the Global Stocktake, raising issues of the availability and access to information, accountability, and transparency in terms of understanding and effectively reducing the impacts of climate change on land and ocean life. The IPCC [emphasizes](https://www.ipcc.ch/report/sixth-assessment-report-cycle/) that a healthy ocean underpins all SDGs and life on Earth. The human rights of small island developing nations, and coastal states and communities are affected by oceanic impacts (e.g., mass mortality events causing loss of coastal livelihoods), raising questions of global inequality and underscoring the importance of access to information for local and international justice.

Emerging issues such as geoengineering that currently lack governance mechanisms and pose immense [risks to human rights](https://www.ohchr.org/en/hr-bodies/hrc/advisory-committee/impact-of-new-technologies) that require transparent information sharing including through international cooperation and the implementation of the precautionary principle . Preventing and mitigating these risks requires the [disclosure of information](https://wedocs.unep.org/bitstream/handle/20.500.11822/9530/-Climate_Change_and_Human_Rightshuman-rights-climate-change.pdf.pdf?sequence=2&amp%3BisAllowed=) to enable full public consultation, participation, and FPIC in decision-making about these projects.

Access to information itself may function as an [international cooperation framework](https://ecsdev.org/ojs/index.php/ejsd/article/view/856). Cooperation and implementation are the foundation of the [Escazú Agreement](https://repositorio.cepal.org/server/api/core/bitstreams/7e888972-80c1-48ba-9d92-7712d6e6f1ab/content) pillars (Arts 5-6 establish passive and active measures on access to information), extending to access to information on climate change and human rights, particularly where information would [avoid or mitigate](https://gnhre.org/?page_id=14469) environmental degradation, disaster or health risks, and threats to environmental defenders from climate change.

***5. Information and disclosure by businesses [Q6]***

Businesses communicate climate change and human rights information through disclosure mechanisms (mandatory regulatory filings, voluntary sustainability reports, and compliance with international standards). Disclosures aim to [provide transparency](https://www.mdpi.com/2071-1050/12/9/3910) about corporate activities' environmental and social impacts.

Corporate disclosure laws, particularly climate information disclosures, are increasing worldwide. The [EU](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022L2464), [USA](https://www.sec.gov/news/press-release/2024-31), [UK](https://www.gov.uk/government/publications/climate-related-financial-disclosures-for-companies-and-limited-liability-partnerships-llps), [Australia](https://treasury.gov.au/consultation/c2024-466491), [Canada](https://www.osc.ca/sites/default/files/2021-10/csa_20211018_51-107_disclosure-update.pdf), [India](https://www.mca.gov.in/Ministry/pdf/BRR_11082020.pdf), [Switzerland](https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-91859.html), [Hong Kong](https://assets.kpmg.com/content/dam/kpmg/cn/pdf/en/2023/05/new-climate-disclosure-requirements-for-hong-kong-listed-companies.pdf), [Brazil](https://www.ifrs.org/news-and-events/news/2023/10/brazil-adopts-issb-global-baseline/), [Singapore](https://links.sgx.com/1.0.0/corporate-announcements/0G6GSV3K3NPXYNEE/30b27cf9f6d8a5f36e5172a4ea52a4951c0fc8a4dd992e363bb4a9896934c0a9), [Germany](https://www.bmuv.de/fileadmin/Daten_BMU/Download_PDF/Strategien_Bilanzen_Gesetze/umweltinformationsgesetz_en_bf.pdf) and [New Zealand](https://environment.govt.nz/what-government-is-doing/areas-of-work/climate-change/mandatory-climate-related-financial-disclosures/) have proposed and implemented climate disclosure requirements. Regulations are often guided by frameworks: e.g., [Task Force on Climate-related Financial Disclosures](https://www.fsb-tcfd.org/) (TCFD), [Global Reporting Initiative](https://www.globalreporting.org/) (GRI), [International Sustainability Standards Board](https://www.ifrs.org/sustainability/climate-disclosure-standards-board/) (ISSB).

*Notable Challenges:*

* **Absence of Comprehensive Disclosure Regulations Covering Both Climate Change and Human Rights Information:** Existing climate disclosure regulations primarily cover climate-related information (climate policies, risks, opportunities, energy consumption, and scope 1, 2, and 3 GHG emissions) but not human rights information. An exception is the [EU's CSRD](https://www.europarl.europa.eu/news/en/press-room/20231205IPR15689/corporate-due-diligence-rules-agreed-to-safeguard-human-rights-and-environment#:~:text=The%20new%20directive%20on%20corporate%20sustainability%20due%20diligence%2C,deforestation%2C%20excessive%20water%20consumption%20or%20damage%20to%20ecosystems.), which requires companies to disclose information on risks and opportunities arising from social and environmental issues and the impact of their activities. This fragmented approach to regulation can lead to inconsistencies in reporting requirements and hinder efforts to address the interconnected challenges of climate change and human rights abuses in corporate operations. Coherence between [EU economic instruments and human rights and environment instruments such as the Escazu Agreement](https://www.sciencedirect.com/science/article/pii/S2589811624000089) is also crucial.
* **Regulatory Diversity and Lack of Harmonization**: Businesses encounter challenges in communicating these risks due to varying regulatory environments across countries and regions, making reporting challenging. The lack of globally standardized frameworks for ESG reporting creates inconsistencies in how companies report or communicate climate and human rights information. The [ISSB](https://www.ifrs.org/issued-standards/ifrs-sustainability-standards-navigator/ifrs-s2-climate-related-disclosures/), [TCFD](https://www.fsb-tcfd.org/recommendations/), and [GRI](https://www.globalreporting.org/standards/standards-development/universal-standards/) provide guidelines, however, adoption is not uniform, and methodologies can vary.
* **Limited Applicability and Companies Covered:** Existing disclosure laws only apply to specific companies, with thresholds varying by jurisdiction:
  + [Australia](https://www.finance.gov.au/government/climate-action-government-operations/commonwealth-climate-disclosure-policy): only large listed and unlisted businesses and financial institutions are obliged to disclose
  + [India](https://www.mca.gov.in/Ministry/pdf/BRR_11082020.pdf): the top 1,000 companies by market capitalization are subject to disclosure obligations.
  + [USA](https://corpgov.law.harvard.edu/2024/04/01/key-implications-of-secs-climate-related-disclosure-rules/): the disclosure regulation applies to publicly traded companies across various sectors, including retail, technology, and oil and gas.

Many privately held companies, which may have environmental and social impacts, are not subject to these disclosure requirements, creating implementation gaps that undermine efforts to address climate change and human rights issues.