



## OHCHR submission to the UNFCCC Global Stocktake

(March 2022)

*“The interlinked crises of pollution, climate change and biodiversity act as threat multipliers – amplifying conflicts, tensions and structural inequalities, and forcing people into increasingly vulnerable situations. As these environmental threats intensify, they will constitute the single greatest challenge to human rights in our era.”*

- High Commissioner for Human Rights, [Statement to the 48th session of the Human Rights Council](#), September 2021

Response to the request of the Chairs of the Subsidiary Bodies for views from Parties and observers in response to the open call for inputs for the first Global Stocktake (SCP/MTP/GST) pursuant to decision 19/CMA.1, paragraphs 19, 36 and 37.

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## **1. Introduction: The importance of a human rights-based approach to climate change**

The Human Rights Council adopted resolution [48/13](#), entitled the human right to a clean, healthy and sustainable environment in October 2021. The resolution recognizes that a clean, healthy and sustainable environment is a human right and affirms that the promotion of the human right to a clean, healthy and sustainable environment requires the full implementation of multilateral environmental agreements under the principles of international environmental law.

Highlighting the importance of the human rights and climate change nexus, the Council adopted two separate resolutions on the subject in 2021. Resolution [47/24](#) focused on the impacts of climate change on the rights of persons in vulnerable situations. Resolution [48/14](#) established the mandate of a Special Rapporteur on the promotion and protection of human rights in the context of climate change. The resolution reflects the result of more than a decade of advocacy by an array of actors including States, the

Climate Vulnerable Forum, civil society, and indigenous organizations. The new mandate-holder, who will be appointed at the 49th Session of the Council, is expected to support global efforts to address the negative human rights impacts of climate change.

It is undisputable that climate change has negative impacts on the enjoyment of a wide range of human rights, including those to life, housing, water, sanitation, food, health, development, security of person, an adequate standard of living and a healthy environment. Furthermore, the impacts of climate change exacerbate inequalities disproportionately affecting persons, groups and peoples who may already be in vulnerable situations including children, indigenous peoples, women, and persons with disabilities.

Respecting, protecting and fulfilling human rights requires more ambitious action to prevent the adverse effects of climate change. In addition, and to prevent further human rights harms, climate action, including mitigation, adaptation and measures to address loss and damage, must be developed and implemented using a human rights-based approach. The Paris Agreement affirms that States should respect, promote and consider their respective human rights obligations when taking action to address climate change.

The [Secretary-General's Call to Action for Human Rights](#) and [Our Common Agenda](#) also both underline the importance of ambitious and rights-based action to address climate change and environmental degradation. The Call to Action contains a dedicated section on rights of future generations, especially climate justice, highlighting the need to “increase United Nations support to Member States at field level for laws and policies that regulate and promote the right to a safe, clean, healthy and sustainable environment, and for effective individual access to justice and effective remedies for environment-related concerns.” In June 2021, heads of UN entities affirmed their [joint commitment](#) to promoting the rights of children, and youth to a healthy environment and their meaningful participation in decision-making at all levels, in relation to climate action and climate justice.

Public participation, access to information and access to justice in environmental matters are human rights, the realization of which is critical for effective climate action, the fulfilment of other human rights and to achieve the sustainable development goals, including SDG 13 and SDG 16. The Intergovernmental Panel on Climate Change has recognized the benefits of rights-based approaches for the achievement of climate resilient development and Human Rights Council resolution [47/24](#), affirms “that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, thereby promoting policy coherence, legitimacy and sustainable outcomes”.

For these reasons, OHCHR welcomes the opportunity to contribute to the global stocktake and wishes to stress the importance of inclusiveness and transparency in this critical process. The outcome of the global stocktake could have substantial implications for climate action and the rights of current and future generations. To be effective and inform action that will better protect people and planet, the stocktake must take into consideration inputs from a wide range of sources and reflect them in its outcome. In this respect, OHCHR wishes to submit for consideration a cross-section of research and analysis on the negative human rights impacts of climate change and the

benefits of human rights-based approaches to climate action. This work has been conducted by OHCHR and key human rights mechanisms.

## 2. Human Rights Council mandated reports on climate change

Since 2008, the Human Rights Council has adopted [a series of resolutions on human rights and climate change](#). These resolutions have requested for a number of thematic panel discussions on climate change to be held at the Council and have also requested OHCHR to prepare studies to the Council. Themes addressed so far have included rights of the child, migration, gender-responsive climate action, right to health, rights of persons with disabilities, rights of older persons, and people in vulnerable situations. The reports shared below clearly describe the human rights impacts of climate change in specific contexts and articulate human rights-based responses to address them and empower the people most affected.

- Analytical study on the rights of older persons in the context of climate change (2021), [A/HRC/47/46](#)
- Analytical study on the promotion and protection of the rights of persons with disabilities in the context of climate change (2020), [A/HRC/44/30](#)
- Realizing the rights of the child through a healthy environment (2020), [A/HRC/43/30](#)
- Analytical study on gender-responsive climate action for the full and effective enjoyment of the rights of women (2019) [A/HRC/41/26](#)
- Analytical study on addressing human rights protection gaps in the context of migration and displacement of persons across international borders resulting from the adverse effects of climate change and supporting the adaptation and mitigation plans of developing countries to bridge the protection gaps (2018), [A/HRC/38/21](#)
- Analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child (2017), [A/HRC/35/13](#)
- Analytical study on the relationship between climate change and the human right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2016), [A/HRC/32/23](#)

Human rights mechanisms and processes which OHCHR supports, such as the special procedures of the Human Rights Council, the human rights treaty bodies and the Universal Periodic Review are also increasingly addressing the human rights impacts of climate change.

## 3. The work of the Human Rights Council's special procedures on climate change

The Special procedures mechanisms of the Human Rights Council have played an important role in the UNFCCC process. In 2015, a joint report by the Special Rapporteurs on the rights of persons with disabilities, Ms. Catalina Devandas Aguilar; the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment, Mr. John H. Knox; extreme poverty and human rights, Mr. Philip Alston; the human right to safe drinking water and sanitation, Mr. Léo

Heller; and the Independent Expert on human rights and international solidarity, Ms. Virginia Dandan on [The Effects of Climate Change on the Full Enjoyment of Human Rights](#) (2015) was requested by the Climate Vulnerable Forum. The report's human rights-based analysis of the likely impacts of climate change at different levels of warming provided a powerful impetus for the push for a 1.5° Celsius target in the Paris Agreement.

The Special procedures mechanisms have continued to play a critical role in this area through new research, analysis and advocacy. In September 2019, 11 Special Rapporteurs and Members of Working Groups of the Human Rights Council working on different facets of human rights stated: "A safe climate is a vital element of the right to a healthy environment and is absolutely essential to human life and well-being. In today's global climate emergency, meeting the obligations to respect, protect and fulfil human rights could help to spur the transformative changes that are so urgently required." In June 2021, 50+ mandate holders issued a joint statement calling for [recognition of the right to a healthy environment as key to address the environmental crisis and protect human rights](#).

Given the serious impacts of climate change on human rights, many Special Procedures mechanisms have prepared thematic reports on the subject. These include:

[Working Group of Experts on People of African Descent:](#)

- Environmental justice, the climate crisis and people of African descent (2021), [A/HRC/48/78](#)

[Special Rapporteur in the field of cultural rights:](#)

- Climate change, culture and cultural rights (2020), [A/75/298](#)

[Special Rapporteur on the right to development:](#)

- Climate action at the national level (2021), [A/HRC/48/56](#)

[Special Rapporteur on human rights and the environment:](#)

- Safe climate (2019), [A/74/161](#)
- Clean air and the right to a healthy and sustainable environment (2019), [A/HRC/40/55](#)
- Climate change (2016), [A/HRC/31/52](#)

[Special Rapporteur on the right to food:](#)

- Impact of climate change on the right to food (2015), [A/70/287](#)

[Special Rapporteur on the rights to freedom of peaceful assembly and of association:](#)

- Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice (2021), [A/76/222](#)

[Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health:](#)

- [Compilation of climate change-related statements and observations by the Special Rapporteur](#)

[Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context:](#)

- Climate change and the right to adequate housing (2009), [A/64/255](#)

[Special Rapporteur on the situation of human rights defenders:](#)

- Environmental human rights defenders (2016), [A/71/281](#).

[Special Rapporteur on the rights of indigenous peoples:](#)

- Impacts of climate change and climate finance on indigenous peoples' rights (2017), [A/HRC/36/46](#)

[Special Rapporteur on the human rights of internally displaced persons:](#)

- Internal displacement in the context of slow-onset adverse effects of climate change (2020), [A/75/2017](#)
- Climate change and internal displacement (2011), [A/66/285](#)
- Climate change and displacement (2009), [A/64/214](#)

[Independent Expert on human rights and international solidarity:](#)

- International solidarity and climate change (2020), [A/HRC/44/44](#)

[Special Rapporteur on the human rights of migrants:](#)

- Climate change and migration (2012), [A/67/299](#)

[Special Rapporteur on extreme poverty and human rights:](#)

- Climate change and poverty (2019), [A/HRC/41/39](#)

[Special Rapporteur on the rights to freedom of peaceful assembly and of association:](#)

- Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice (2021), [A/76/222](#)

[Special Rapporteur on the human rights to safe drinking water and sanitation:](#)

- [Special Thematic Report 1: Outlining the impacts of climate change on water and sanitation around the world](#) [Special Rapporteur on the human rights to safe drinking water and sanitation](#), 2022
- [Climate Change and the Human Rights to Water and Sanitation: Position paper](#) (2010)

#### 4. Human rights treaty bodies and climate change

Human rights treaty bodies have increasingly engaged on the environment and climate change. In September 2019, five UN human rights treaty bodies, working on economic, social and cultural rights, the rights of women, migrant workers, children and persons with disabilities, issued a [joint statement on human rights and climate change](#). The

treaty bodies welcomed the 2019 United Nations Climate Action Summit and urged all States to take into consideration their human rights obligations as they review their climate commitments.

In its [General Comment 36 on the right to life](#), the Human Rights Committee states that “environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life” (2018, UN Doc. CCPR/C/GC/36, para. 62)

The [General Recommendation No. 37 on gender dimensions of disaster risk reduction in the context of climate change](#) of the Committee on the Elimination of Discrimination Against Women highlights State human rights obligations to support gender-responsive, rights-based climate action (2018).

The [Committee on Economic, Social and Cultural Rights](#) has addressed climate change in its [General Comment No. 15](#) (2002) on the right to water (arts. 11 and 12 of the Covenant), noting that “States parties should adopt comprehensive and integrated strategies and programmes to ensure that there is sufficient and safe water for present and future generations. Such strategies and programmes may include: (...) assessing the impacts of actions that may impinge upon water availability and natural-ecosystems watersheds, such as climate changes, desertification and increased soil salinity, deforestation and loss of biodiversity” (para. 28).

The [Committee on the Rights of the Child](#) has issued [General comment No. 15](#) (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24) in which the Committee notes that “States should take measures to address the dangers and risks that local environmental pollution poses to children’s health in all settings” (para. 49). In addition, the Committee on the Rights of the Child is focusing its upcoming [General Comment 26](#) on children’s rights and the environment with a special focus on climate change.

A number of the concluding observations of the human rights treaty bodies have also addressed climate change. Examples from the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities, Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families are outlined in the OHCHR [Frequently Asked Questions on Human Rights and Climate Change](#) (2021, see pp. 50-54). A more comprehensive analysis can be found in Global Initiative for Economic, Social and Cultural Rights - Center for International Environmental Law, [States’ Human Rights Obligations in the Context of Climate Change: Guidance Provided by the UN Human Rights Treaty Bodies](#) (March 2022).

## 5. The Universal Periodic Review of the Human Rights Council

The Universal Periodic Review (UPR) is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare, during a peer-led review process of the human rights situation in their country, what actions they have taken to fulfil their human rights obligations. As one of the main features of the Council, the UPR is designed to ensure equal treatment for every country when their human rights situations are assessed. The ultimate aim of this mechanism is

to improve the human rights situation in all countries. Currently, no other universal mechanism of this kind exists.

The UPR, which ultimately results in concrete recommendations to the State under review, is increasingly addressing the links between climate change and human rights. Between 2008 and 2018, States made 114 recommendations explicitly addressing climate change. Nauru, Kiribati, the United States of America, Samoa and Tuvalu received the largest number of climate change-related recommendations during the first and second UPR cycles. The Maldives, the Philippines, Haiti, Sierra Leone and Bangladesh were the States that made the most climate-related recommendations during these two cycles.

By March 2022, following a significant uptick in climate change related recommendations, more than 300 such recommendations had been made. These recommendations and the issues they relate to are directly relevant to and should be considered in the context of the global stocktake. Examples include:

- Fiji's recommendation to Sierra Leone (2021): [A/HRC/48/17 \(UPR 2021\)](#) "143.55 Ensure that women, children, persons with disabilities, minority groups and local communities are meaningfully engaged in the development and implementation of climate change and disaster risk reduction frameworks".
- Bangladesh's recommendation to Singapore (2021): [A/HRC/48/16\(UPR 2021\)](#) 59.114 Strengthen its efforts to combat climate change and adopt effective policies to transition to a low-carbon economy".
- Sudan's recommendation to Palau (2021): [A/HRC/48/12 \(UPR 2021\)](#) "89.7 Continue efforts to mitigate the negative impacts of climate change on livelihoods and human rights".
- Chile's recommendation to Sao Tome and Principe (2021): [A/HRC/47/16\(UPR 2021\)](#) "106.30 Continue implementing measures aimed at mitigating the impact of climate change on the human rights of the population".
- France's recommendation to Australia (2021): [A/HRC/47/8 \(UPR 2021\)](#) "146.116 Implement concrete and immediate measures to fight against the effects of climate change on human rights and fundamental freedoms".

## 6. National human rights institutions and climate change

The Global Alliance of National Human Rights Institutions (GANHRI) Annual Conference in December 2020 issued an [outcome statement on climate change and human rights](#), highlighting that "climate change and its impacts are one of the greatest challenges of the day, directly and indirectly impacting on the full enjoyment of human rights, including social, economic and cultural rights as well as civil and political rights, the right to development and the right to a healthy environment". The statement also notes that a "human rights-based approach leads to more sustainable and effective climate action and climate policies" and calls on States to "ratify and implement international and regional human rights treaties, taking into account the recommendations and guidance from the UN Human Rights Council, UN Special Procedures and UN Treaty Bodies."

Under the [Secretary-General's Call to Action for Human Rights](#), OHCHR serves as one of the co-leading agencies on the action area of [rights of future generations, especially climate justice](#). OHCHR together with UNEP, UNDP and GANHRI is developing capacity building support for National Human Rights Institutions (NHRIs) with respect to climate change. As the GANHRI Annual Conference outcome statement on climate change emphasized, NHRIs can play a key role in supporting more effective rights-based climate action, and monitoring and reporting on the human rights impacts of climate change including in support of the global stocktake and other UNFCCC processes.

## 7. Conclusions

As demonstrated above, human rights and climate change are inextricably interlinked. The work of the Human Rights Council, the Office of the High Commissioner for Human Rights and other human rights mechanisms has a key role to play in informing any assessment of the impacts of climate change and also any response to these impacts. For this reason, OHCHR has actively engaged with UNFCCC processes in the past (some examples below).

- 2022: OHCHR submitted views on the Santiago Network for averting, minimizing and addressing loss and damage associated with the adverse effects of climate change
- 2021-2022: OHCHR [submitted views](#) on matters to be addressed at the in-session technical workshop for Parties on how priority areas can guide implementation of the six elements of Action for Climate Empowerment in February 2022.
- 2021: OHCHR supported the Paris Committee on Capacity-building together with the UNFCCC Secretariat to develop an [online module on climate change and human rights](#) which was launched at the Durban Forum on Capacity-building in June 2021.
- 2021: [OHCHR submission on capacity-building for integrating rights in NDCs](#).
- 2020: [Joint submission by OHCHR, ILO, UN Women, UNESCO, UNEP, ECLAC, UNICEF and UNECE on the Action for Climate Empowerment at the UNFCCC](#)
- 2020: [OHCHR Inputs to the 12th meeting of the Executive Committee of the Warsaw International Mechanism for Loss and Damage](#)
- 2017: [OHCHR Comments on the Review of the Terms of Reference of the Independent Redress Mechanism of the Green Climate Fund](#)
- 2018: [Joint submission by OHCHR, UN Women and ILO to the Durban Forum on Capacity-Building](#) on human rights capacity-building for climate action.
- 2017: [OHCHR's submission](#) to the 46th meeting of the UNFCCC subsidiary bodies in 2017 outlined key priorities for the integration of human rights in the guidelines for implementation of the Paris Agreement.

- 2016: [OHCHR response to UNFCCC Secretariat request for submissions on the Paris Agreement \(APA\)](#) with views and guidance related to intended nationally determined contributions, adaptation communications, the transparency framework, and the global stocktake, and for information, views and proposals on any work of the APA.

These submissions and OHCHR's advocacy in the context of the UNFCCC clearly demonstrate the relevance of the work of human rights mechanisms and institutions to climate action under the UNFCCC. As recognized by the IPCC through the recent summary for policy-makers of its Working Group II, rights-based approaches, participation and inclusion can reduce structural vulnerabilities to climate change and advance climate resilient development. An inclusive, participatory global stocktake that cuts across the interlinked areas of climate change and human rights will better inform the change that is needed. OHCHR welcomes the opportunity to support rights-based climate action through this input, future engagement with relevant activities of the UNFCCC, including the global stocktake, and by inviting further consideration of relevant resources such as those shared below.

## **Annex: Climate Change and Human Rights: Additional materials and resources**

### **Frequently Asked Questions on Human Rights and Climate Change**

PDF: [中文](#) | [English](#) | [Français](#) | [Русский](#) | [Español](#) | [العربية](#):

#### *Key messages*

- OHCHR [Key messages on climate change and human rights](#)
- OHCHR [Key Messages on human rights, climate change and migration](#)
- OHCHR [Key Messages on human rights, climate change and business](#)
- UNEP-UN Women-OHCHR [Key Messages on human rights, the environment, and gender equality](#)

#### *Briefing notes*

- [Climate Change: Protecting the rights of people with disabilities](#)
- [Climate Change: Protecting the rights of children](#)
- [Climate Change: Protecting the rights of migrants](#)
- [Climate Change: Protecting the rights of women](#)
- [Climate Change: Protecting people's right to health](#)
- [Climate Change: Protecting the rights of older persons](#)

#### *Other materials*

- OHCHR-ECLAC, Climate Change and Human Rights: Contributions from and for Latin America and the Caribbean (December 2019) available in [English](#) and [Spanish](#)

### **Statements of the High Commissioner on climate change and human rights (non-exhaustive)**

- [UNFCCC COP 26 Side Event: Climate Impacts as Drivers of Migration: Science, Human Rights and Policy Response](#), 11 November 2021
- [Protecting the hardest hit: the critical role of gender equality and social protection](#), 8 November 2021
- [Advancing a human rights based approach to climate action for people and planet](#), 6 November 2021
- [Statement by UN High Commissioner for Human Rights Michelle Bachelet on the COP-26 meeting](#), 28 October 2021
- [Environmental crisis: High Commissioner calls for leadership by Human Rights Council member states](#), 13 September 2021
- [Panel discussion on the human rights of older persons in the context of climate change](#), 30 June 2021

- [Environmental Justice, the Climate Crisis and people of African descent](#), 24 March 2021
- [High Level Session: Expectations for human rights-based climate action in 2021](#), 24 March 2021
- [High Commissioner calls on Pacific nations to continue their work at the forefront of the global fight for climate justice](#), 17 August 2020
- [Human Rights Day](#), 10 December 2019
- [Generation Equality: Promoting women's leadership for environmental sustainability](#), 10 December 2019
- [ONE UN Side event: SDG 16 and realizing the right to participate: empowering people as agents of more effective climate action](#), 9 December 2019
- [Addressing access to remedy and the business and human rights dimension of climate change](#), 9 December 2019
- ["We Dare": Children and Youth vs Climate Change](#), 9 December 2019
- [Voices of youth: Claiming, Achieving and Advancing Climate Justice in the Pacific](#), 9 December 2019
- ["Climate Change and Human Rights: Contributions by and for Latin America and the Caribbean"](#), 9 December 2019
- Statement by UN High Commissioner for Human Rights at COP25 - [Unions 4 Ambition Strategy Day](#), 8 December 2019
- Statement by UN High Commissioner for Human Rights at COP25 - [Climate Vulnerable Forum's COP25 Leader's Event](#), 2 December 2019

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