

# CLIMATE CHANGE AND HUMAN RIGHTS

The United Nations Framework Convention on Climate Change defines climate change as [...] **a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.**<sup>1</sup>

Indeed, according to the World Bank a 2° C increase in average global temperature would put between 100 million and 400 million more persons at risk of hunger and could result in over 3 million additional deaths from malnutrition each year.<sup>2</sup>

In 2014, the WHO estimated approximately 95,000 additional deaths per year on account of under nutrition of children aged five years or less by 2030.<sup>3</sup>

Disasters linked to climate and weather extremes have always been part of our Earth's system. But they are becoming more frequent and intense as the world warms. 90 per cent of disasters are now classed as weather- and climate-related, costing the world economy 520 billion USD each year, while 26 million people are pushed into poverty as a result.<sup>4</sup>

**In its 2009 report on the relationship between climate change and human rights, Office of the United Nations High Commissioner for Human Rights (OHCHR) stated that climate change endangered the habitability and, in the longer term, the territorial existence of a number of low-lying island States.**<sup>5</sup>

**The UN High Commissioner for Human Rights has also warned that the triple planetary crisis of climate change, pollution and nature loss now represents one of the greatest human rights challenges of our era, and that the response to the climate emergency must be an all-of-society endeavor.**<sup>6</sup>

Climate change impacts, directly and indirectly, an array of internationally guaranteed human rights.<sup>7</sup> Global Alliance of National Human Rights Institutions (GANHRI) states that the world has never seen a challenge to human rights like climate change. And for many communities – especially those living in island nations and less developed countries – the climate crisis has already begun. **Fundamental rights – including the rights to life, self-determination, development, food, health, housing, water and sanitation – are under grave threat.**<sup>8</sup>

1. [https://unfccc.int/files/essential\\_background/background\\_publications\\_htmlpdf/application/pdf/conveng.pdf](https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf)

2. <https://www.ohchr.org/en/statements/2018/10/committee-releases-statement-climate-change-and-covenant?LangID=E&NewsID=23691>

3. <https://www.ohchr.org/en/statements/2018/10/committee-releases-statement-climate-change-and-covenant?LangID=E&NewsID=23691>

4. <https://www.un.org/en/un75/climate-crisis-race-we-can-win>

5. (A/HRC/10/61, Para.40)

6. <https://reliefweb.int/report/world/environmental-crisis-high-commissioner-calls-leadership-human-rights-council-member>

7. <https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/COP21.pdf>

8. <https://ganhri.org/climate-change-and-hr/>

## International human rights treaties including the environmental regulations can be counted as:

- ▶ Universal Declaration of Human Rights<sup>9</sup>
- ▶ Vienna Declaration and Programme of Action<sup>10</sup>,
- ▶ The Declaration of the United Nations Conference on the Human Environment (*The Stockholm Declaration*)<sup>11</sup>
- ▶ Rio Declaration on Environment and Development<sup>12</sup>

## In addition to that, the framework of international cooperation against global climate change has been shaped by three international texts. These are:

- ▶ United Nations Framework Convention on Climate Change<sup>13</sup>
- ▶ Kyoto Protocol<sup>14</sup>
- ▶ Paris Agreement<sup>15</sup>

**The United Nations Framework Convention on Climate Change (UNFCCC)** entered into force on 21 March 1994. Today, it has near-universal membership. 197 Countries that have ratified the Convention are called Parties to the Convention. Preventing “dangerous” human interference with the climate system is the ultimate aim of the UNFCCC. The Convention recognized that there was a problem and bound member states to act in the interests of human safety even in the face of scientific uncertainty. It also set a lofty but specific goal, the ultimate objective of the Convention is to stabilize greenhouse gas concentrations at a level that would prevent dangerous anthropogenic (human induced) interference with the climate system.<sup>16</sup>

**The Kyoto Protocol** was adopted on 11 December 1997. Owing to a complex ratification process, it entered into force on 16 February 2005. Currently, there are 192 Parties to the Kyoto Protocol. In short, the Kyoto Protocol operationalizes the United Nations Framework Convention on Climate Change by committing industrialized countries and economies in transition to limit and reduce greenhouse gases (GHG) emissions in accordance with agreed individual targets. The Convention itself only asks those countries to adopt policies and measures on mitigation and to report periodically. The Kyoto Protocol is based on the principles and provisions of the Convention and follows its annex-based structure. It only binds developed countries, and places a heavier burden on them under the principle of common but differentiated responsibility and respective capabilities, because it recognizes that they are largely responsible for the current high levels of GHG emissions in the atmosphere.<sup>17</sup>

9. <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>

10. <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action>

11. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL7/300/05/IMG/NL730005.pdf?OpenElement>

12. [https://www.iau-hesd.net/sites/default/files/documents/rio\\_e.pdf](https://www.iau-hesd.net/sites/default/files/documents/rio_e.pdf)

13. <https://unfccc.int/process-and-meetings/the-convention/what-is-the-united-nations-framework-convention-on-climate-change>

14. [https://unfccc.int/kyoto\\_protocol](https://unfccc.int/kyoto_protocol)

15. <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

16. <https://unfccc.int/process-and-meetings/the-convention/what-is-the-united-nations-framework-convention-on-climate-change>

17. [https://unfccc.int/kyoto\\_protocol](https://unfccc.int/kyoto_protocol)

**The Paris Agreement is a legally binding international treaty on climate change.** It was adopted by 196 Parties at COP 21 in Paris, on 12 December 2015 and entered into force on 4 November 2016. Its goal is to limit global warming to well below 2, preferably to 1.5 degrees Celsius, compared to pre-industrial levels. To achieve this long-term temperature goal, countries aim to reach global peaking of greenhouse gas emissions as soon as possible to achieve a climate neutral world by mid-century. The Paris Agreement is a landmark in the multilateral climate change process because, for the first time, a binding agreement brings all nations into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects.<sup>18</sup>

**Climate change is also closely related with implementation of the 2030 Agenda for Sustainable Development in a way that leaves no one behind. As a result of rising awareness of the implications of rising inequalities, Member States have instilled the commitment to leave no one behind and to combat inequalities and discrimination at the heart of the agenda for more sustainable development.**<sup>19</sup>Goal 13 calls for urgent action to combat climate change and its impacts. It is intrinsically linked to all 16 of the other Goals of the 2030 Agenda for Sustainable Development.<sup>20</sup>

In 2021, the UN Human Rights Council, with its resolution 48/13, recognized the damage caused by climate change and environmental degradation to millions of people, especially vulnerable individuals and groups, and recognized the right to a clean, healthy and sustainable environment as a human right.<sup>21</sup>

In its 48th Session in October 2021, the UN Human Rights Council took a resolution and decided to establish the mandate of **Special Rapporteur to work on "Promoting and Protecting Human Rights in the Context of Climate Change"** (RES/48/14). Mr. Ian Fry is the first Special Rapporteur on the promotion and protection of human rights in the context of climate change.<sup>22</sup>

The Human Rights Council has also contributed to **raising awareness of the links between human rights and climate change** by successive and targeted clarifications of the way in which climate change affects human rights, including through the adoption of a series of resolutions related to climate change and human rights.<sup>23</sup>

**The Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health** has stated that the effects of climate change on the right to health are already alarming, threatening human health and well-being by increasing the causes of mobility and mortality.<sup>24</sup>

**The Special Rapporteur on the Right to Food** has indicated that climate change poses a serious threat to the enjoyment of the right to food and threatens all aspects of food security, with 600 million additional people potentially vulnerable to malnutrition by 2080.<sup>25</sup>

18. <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

19. [https://unscebe.org/sites/default/files/imported\\_files/CEB%20equality%20framework-A4-web-rev3.pdf](https://unscebe.org/sites/default/files/imported_files/CEB%20equality%20framework-A4-web-rev3.pdf)

20. <https://www.un.org/sustainabledevelopment/climate-action/#:~:text=Goal%2013%20calls%20for%20urgent,well%20below%202%20degrees%20Celsius.>

21. UNHCR & OHCHR - Climate Change, Displacement and Human Rights Factsheet - March 2022

22. <https://www.ohchr.org/en/specialprocedures/sr-climate-change>

23. <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-38-frequently-asked-questions-human-rights-and-climate>

24. <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-38-frequently-asked-questions-human-rights-and-climate>

25. <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-38-frequently-asked-questions-human-rights-and-climate>

15 United Nations entities, including the United Nations Environment Programme, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the International Labour Organization, the United Nations Entity for Gender Equality and the Empowerment of Women (UN WOMEN), the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund and the World Health Organization signed urgently calling for global recognition, implementation and protection of the human right to a safe, clean, healthy and sustainable environment.<sup>26</sup>

**The United Nations Environment Programme published The Sustainable Development Goals Report 2022 which provides a global overview of progress on the implementation of the 2030 Agenda for Sustainable Development, using the latest available data and estimates. The Report highlights the confluence of crises, dominated by COVID-19, climate change, and conflicts, are creating spin-off impacts on food and nutrition, health, education, the environment, and peace and security, and affecting all the Sustainable Development Goals.<sup>27</sup>**

**The International Labour Organization (ILO)** published a study titled Greening with Jobs<sup>28</sup> which shows that implementing the Paris Agreement on Climate Change could create a net gain of 18 million jobs by 2030.<sup>29</sup> The ILO support member States in their commitment to ambitious sustainable development goals (SDGs) that reflect a broad consensus on a wide range of urgent and interconnected priorities.<sup>30</sup> The ILO is well positioned to work alongside states and regional groups to consider the role of labour migration within climate adaptation strategies, and in contributing to a just transition towards environmentally sustainable economies. The ILO Multilateral Framework for labour migration also offer guidance and advice to constituents on the many facets of labour migration and could serve as a tool for the promotion, ratification and implementation of policies.<sup>31</sup>

**The latest data on progress towards gender equality across the SDGs hold compiled in UN Women's upcoming 2022 edition of annual Gender Snapshot Report. The achievement of gender equality is the fifth of 17 Sustainable Development Goals (SDGs) laid out in the Sustainable Development Agenda. Ten additional goals include gender-specific benchmarks, acknowledging the interconnection between women's empowerment and a better future for all.<sup>32</sup>**

On the other hand, **the climate crisis is a child rights crisis** that poses an unprecedented threat to the future potential of all children. Every child now, and in the future, has the right to be protected from, and prepared for, the negative impacts of climate change, especially the impacts on water security.<sup>33</sup> The UNICEF estimates that, by 2040, one in four children –around 600 million- will be living in areas of extremely high water stress.<sup>34</sup>

26.(A/HRC/RES/48/13)

27.<https://www.unep.org/resources/report/sustainable-development-goals-report-2022>

28.<https://www.ilo.org/weso-greening/#Intro-3>

29.<https://www.ilo.org/global/topics/green-jobs/lang--en/index.htm>

30.<https://www.ilo.org/global/topics/sdg-2030/lang--en/index.htm>

31.<https://www.ilo.org/global/topics/labour-migration/climate-change/green-jobs/lang--en/index.htm>

32.<https://www.unwomen.org/en/news-stories/in-focus/2022/08/in-focus-sustainable-development-goal-5>

33.<https://www.unicef.org/climate-action>

34.<https://www.unicef.org/reports/thirsting-future>

**On the other hand, OHCHR'S Key Messages on Human Rights and Climate Change highlight the essential obligations and responsibilities of States and other duty-bearers (including businesses) can be summarized as follows<sup>35</sup> :**

- ▶ To mitigate climate change and to prevent its negative human rights impacts
- ▶ To ensure that all persons have the necessary capacity to adapt to climate change
- ▶ To ensure accountability and effective remedy for human rights harms caused by climate change
- ▶ International cooperation
- ▶ To ensure equity in climate action
- ▶ To guarantee that everyone enjoys the benefits of science and its applications
- ▶ To protect human rights from business harms
- ▶ To guarantee equality and non-discrimination
- ▶ To ensure meaningful and informed participation



35. <https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/COP21.pdf>



*“Climate change is a priority topic for the members of Global Alliance of National Human Rights Institutions (GANHRI) and an urgent threat to the full enjoyment of human rights”* stated GANHRI’s Secretary Amina Bouayach.<sup>36</sup> GANHRI has called on State Parties attending COP26 to raise emission reduction targets and bolster adaptation efforts to address the escalating human rights impacts of climate change on November 2021.<sup>37</sup>

**National human rights institutions (NHRIs) have jointly committed to human rights-based action on climate change to support communities and preserve the environment at the 2020 GANHRI Annual Conference. The conference statement sets out the practical ways that NHRIs will work for climate justice. Climate Justice<sup>38</sup> means:**

- ▶ Addressing the climate crisis with a human rights-based approach while making progress towards a just transition to a zero-carbon economy
- ▶ Ensuring that decisions on climate change are participatory, non-discriminatory and accountable, with the benefits and burden of climate action shared equitably
- ▶ Those most affected by climate change have access to effective remedies, including financial support.

All in all, climate change is a global crisis which requires global coordinated action.<sup>39</sup> In order to uphold the right to development, **States must limit greenhouse gas emissions to prevent the current and future negative human rights impacts of climate change to the greatest extent possible, including through international cooperation.**<sup>40</sup>

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36.<https://ganhri.org/meeting-with-sr-on-climate-change/>

37.<https://ganhri.org/ganhri-urges-action-by-states-to-address-human-rights-impacts-of-climate-change/>

38.<https://ganhri.org/climate-change-and-hr/>

39.<https://ganhri.org/outcome-statement-nhris-and-climate-change/>

40.<https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-38-frequently-asked-questions-human-rights-and-climate>

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