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Human rights and a safe climate

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The global climate emergency

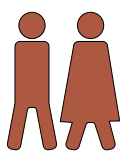
We are in the midst of an unprecedented environmental crisis. One degree of warming has occurred at the global level, with some regions, such as the Arctic and high mountain areas, experiencing two or three times as much warming. In 2018, the Intergovernmental Panel on Climate Change reported that humanity is already enduring increased frequency, intensity and duration of extreme weather events, melting of glaciers and ice sheets, rising sea levels, storm surges, saltwater intrusion, ocean acidification, changes in precipitation, flooding, heatwaves, droughts, wildfires, increased air pollution, desertification, water shortages, the destruction of ecosystems, biodiversity loss and the spread of water - borne and vector-borne disease.

Climate change interacts with poverty, conflict, resource depletion and other factors to cause or exacerbate food insecurity, loss of livelihoods, infrastructure breakdown and loss of access to essential services including electricity, water, sanitation and health care. Poor people are disproportionately affected by climate impacts, which [could](#) push an additional 100 million people into extreme poverty by 2030. It is [estimated](#) that by 2050, 150 million people or more could be displaced by the impacts of climate change as a result of extreme weather, slow-onset events such as rising sea levels and desertification, relocation from high-risk areas (such as floodplains), and conflicts over scarce resources.

Despite 29 years of commitments dating back to the United Nations Framework Convention on Climate Change, the world is neither headed in the right direction, nor addressing the crisis at an adequate pace. In response to the climate crisis, the Paris Agreement aims to hold the increase in global average temperatures to well below 2°C, while striving to limit the increase to 1.5°C. Parties filed nationally determined contributions indicating the climate actions they plan to implement by 2030. Unfortunately, even if fully implemented by all States, the current nationally determined contributions would lead to a disastrous global temperature rise of 3°C above pre-industrial levels, violating the Paris Agreement.

The Intergovernmental Panel on Climate Change has [identified](#) “rapid and far-reaching transitions” in energy, land use, urban areas, infrastructure and industrial systems, stating that these changes would be unprecedented in terms of scale and would require deep emission reductions across all sectors. For example, to meet the objectives of the Paris Agreement, the electricity sector must be almost completely decarbonized by 2050.

Impacts of the climate emergency on human rights



Climate-related deaths are caused by extreme weather events, heat waves, floods, droughts, wildfires, water-borne and vector-borne diseases, malnutrition and air pollution. Globally, at least 150,000 premature deaths annually have been linked to climate change.



The adverse health impacts of climate change include not only premature deaths but also increased incidences of respiratory disease, cardiovascular disease, malnutrition, stunting, wasting, allergies, heat stroke, injuries, water-borne and vector-borne diseases and mental illness.



Food production, food security and the enjoyment of the right to food are affected by shifting precipitation patterns, higher temperatures, extreme weather events, changing sea ice conditions, droughts, floods, algal blooms and salinization. The negative impacts of climate change on food production and availability are unequally distributed both among and within States.



The Intergovernmental Panel on Climate Change warned of particularly high vulnerability to water stress in small island developing States and parts of Africa, Asia and Latin America. The right to sanitation may be threatened when water is increasingly scarce, and when floods, intense precipitation or other extreme weather events damage infrastructure or impair access.



The Committee on the Rights of the Child has implored States to address climate change, “as this is one of the biggest threats to children’s health and exacerbates health disparities”.



The right to a safe, clean, healthy and sustainable environment is recognized in law by at least 155 Member States. The substantive elements of this right include a safe climate, clean air, clean water and adequate sanitation, healthy and sustainably produced food, non-toxic environments in which to live, work, study and play, and healthy biodiversity and ecosystems. These elements are informed by commitments made under international environmental treaties, such as the United Nations Framework Convention on Climate Change, wherein States pledged to “prevent dangerous anthropogenic interference with the climate system”, or in other words to maintain a safe climate.



The worst impacts afflict those who have contributed least to the problem and who have the fewest resources to adapt to, or cope with, the impacts. This includes people or communities whose vulnerabilities are caused by poverty, gender, age, disability, geography and cultural or ethnic background. Although at risk, these people often have the potential to contribute to climate solutions when empowered to do so.

Human rights obligations relating to climate change

In the **Paris Agreement**, the parties acknowledged that they “should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights”.

In 2010, the **Conference of the Parties to the United Nations Framework Convention on Climate Change** adopted **Decision 1/CP.16**, in which they noted that States parties should, in all climate change-related actions, fully respect human rights.

In 2018, the **Committee on Economic, Social and Cultural Rights** [warned](#) States that a failure to prevent foreseeable human rights harm caused by climate change, or a failure to mobilize the maximum available resources in an effort to do so, could constitute a breach of their obligation to respect, protect and fulfil all human rights for all people.

Pursuant to international human rights law, States have **procedural** obligations to:

- Provide the public with accessible, affordable and understandable information regarding the causes and consequences of the global climate crisis, including incorporating climate change into the educational curriculum at all levels;
- Ensure an inclusive, equitable and gender-based approach to public participation in all climate-related actions, with a particular emphasis on empowering the most affected populations and potentially at-risk communities;
- Enable affordable and timely access to justice and effective remedies for all, to hold States and businesses accountable;
- Assess the potential climate change and human rights impacts of all plans, policies and proposals;
- Integrate gender equality into all climate actions, enabling women to play leadership roles;
- Respect the rights of indigenous peoples in all climate actions, particularly their right to free, prior and informed consent;
- Provide strong protection for environmental and human rights defenders working on all climate-related issues.

With respect to **substantive** obligations, States must not violate the right to a safe climate through their own actions; must protect that right from being violated by third parties, especially businesses; and must establish, implement and enforce laws, policies and programmes to fulfil that right. States also must avoid discrimination and retrogressive measures.

Outlining a rights-based approach



Addressing society's addiction to fossil fuels

To address society's addiction to fossil fuels, all States should: terminate all fossil fuel subsidies, close coal-fired power plants or mainstream carbon capture and storage technology, enact laws that phase in zero-carbon transportation, and limit fossil-fuel businesses and their industry associations from influencing policy. Developed States should demonstrate leadership in this area with stronger and further-reaching measures.



Accelerating other mitigation actions

States should consider mitigation priorities such as investing in renewables and energy efficiency, accelerating actions to reduce short-lived climate pollutants, committing to ending deforestation, phases out single use plastics, reducing emissions from shipping and aviation, reconsidering policies and programmes that subsidize and support biofuels, promoting plant-based diets and taking action to substantially reduce food waste.



Adapting to protect vulnerable people

The implementation of adaptation measures needs to be accelerated dramatically. A rights-based approach should be applied in order to tackle the root causes of vulnerability, such as poverty, inequality, discrimination and marginalization. Developing States should pursue climate-resilient, low-carbon development, with financial and technical assistance. Priority should be given to the most vulnerable and marginalized communities.



Ramping up climate finance

Wealthy States must fulfil their commitment to mobilize at least \$100 billion annually by 2020 to finance the urgent mitigation and adaptation needs of developing States, with priority given to the least developed countries and small island developing States. Adaptation has been chronically underfunded compared to mitigation. Funding needs to be ramped up by 2025 to meet the full costs of adaptation, estimated to be \$140 to \$300 billion per year by 2030.

Financing loss and damage

States must establish one or more new financing mechanisms that generate revenue to fund payments for loss and damage suffered by vulnerable developing countries, such as small island developing States, because of climate change. International levies on air travel and shipping would provide tens of billions in annual funds.

Empowering United Nations institutions

The United Nations human rights mechanisms, including the treaty bodies, the Universal Periodic Review and the special procedures mandate holders, should be more proactive in promoting the right to a healthy environment and protecting human rights from climate impacts.

Some good practices relating to human rights and a safe climate



Costa Rica has reversed deforestation and doubled forest cover from 25% to over 50% since 1990.



A growing number of countries have enacted laws or pledged to phase out the sale of internal combustion vehicles.



In many countries, solar- and wind- are now cheaper than fossil fuel-generated electricity.



Dozens of States have eliminated the use of coal, are phasing out or are committed to never using coal for electricity generation.



A new building code enacted by the European Union requires new construction to achieve near-zero carbon emissions.



Costa Rica, Iceland, Namibia, Norway, Paraguay, Tajikistan, and Uruguay secure 98-100 percent of their electricity from renewables.



China leads the world in solar and wind electricity generation, installed kms of high-speed train networks and electric vehicles.



National Human Rights Institutions in the Philippines, Morocco, and Scotland have led in integrating human rights and climate change.



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