



HUMAN RIGHTS IMPLICATIONS OF COVID-19 RESPONSE MEASURES IN THE CONTEXT OF CLIMATE CHANGE

Policy Brief



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

INTRODUCTION

The response and recovery to the COVID-19 pandemic pose a unique set of challenges and has triggered an unprecedented global humanitarian and financial crisis response, which still persists in many countries. The mobilization of resources to address the crisis offered an opportunity to advance human rights-based approaches to response and recovery policies that would support a just transition to more sustainable and equitable societies.

Overall, however, COVID-19 response measures lacked an interlinked perspective of the human rights and environmental dimensions. A holistic, integrated, and coherent approach to the pursuit of human rights-based economic, social and environmental objectives was clearly missing. Considering the disproportionate effect of both climate change and the pandemic on people and communities in or at risk of vulnerable situations, which has increased inequality and reversed progress made in the last three decades to reduce poverty, both climate finance and COVID-19 strategies should be designed to benefit human rights-holders, and address structural causes of discrimination so that all people can enjoy their human rights. There is significant room for synergies in this space. For example, COVID-19 response and climate change adaptation measures both benefit from the strengthening of social protection networks in developing countries. Synergies are therefore not only normatively required but empirically beneficial and, most importantly, within reach. This policy brief seeks to inform actions and policies for integrated economic, social and environmental action with respect to the combined challenges posed by the climate crisis and the COVID-19 pandemic, and to share lessons learned which can promote a more coherent approach to future interlinked crises.

The brief presents key initial findings of the Office of the United Nations High Commissioner for Human Rights (OHCHR) research on human rights and COVID-19 response measures in the context of climate finance (based on a detailed study to be released shortly), and it makes concrete recommendations for States/policy-makers, development cooperation actors, climate funds, public international financial institutions and civil society. While existing studies have examined the impact of climate finance on human rights or looked at human rights implications of COVID-19 response measures, OHCHR's brief, based on a forthcoming study, examines the **interconnection of COVID-19 response measures, climate finance and human rights**, and it takes stock of what can be learned for enhancing coherence in the pursuit of economic, social and environmental objectives.

OHCHR recommends in its study the integration of the human rights dimension by means of a human rights-based approach to a challenging context characterized by the need to allocate limited financial resources across priority action areas, such as climate action and COVID-19 response measures. A consistent application of a human rights-based approach in such demanding contexts emphasises the specific relevance of several cross-cutting obligations, including the obligations to effectively mobilize financial and other resources, and to cooperate internationally for the fulfilment of human rights. While a universal definition of climate finance has yet to be agreed upon, for purposes of this policy brief, OHCHR defines climate finance as financial resources mobilized to help countries mitigate and adapt to the impacts of climate change, and address loss and damage associated with these impacts.



¹ UN Environment (UNEP), *Are we building back better? Evidence from 2020 and pathways to inclusive green recovery spending* (10 March 2021) [UNEP, *Are we building back better?*], at 4 and 6; WHO, *COP26 Special Report on climate change and health: the health argument for climate action*, at 21.

² See also, art. 2, Convention on Economic, Social and Cultural Rights (CESCR)

THE BIG PICTURE

As of August 2022, according to the Global Recovery Observatory (GRO) out of the USD 18.16 trillion that had been spent on COVID-19 fiscal stimulus in the 89 countries monitored by the GRO since the beginning of the pandemic,³ the large majority of the funds (USD 15.05 trillion) had gone into short-term 'rescue' policies, with only a fraction (USD 3.11 trillion) focusing on longer term 'recovery' measures.⁴ Only a third of the fraction spent on recovery (31.2% of the USD 3.11 trillion (USD 0.97 trillion)) qualified as 'green spending', understood by reference to the associated emissions of greenhouse gases (GHG), air pollution and impact on natural capital⁵.

Relying on the GRO data, a March 2021 UNEP report warned that 'global green spending is so far incommensurate with the scale of ongoing environmental crises and that associated economic and social gains are not being fully captured'⁶. According to the report, 'employment impacts and the health impacts of the pandemic are disproportionately burdening low-income communities, women and gender minorities, and other marginalised individuals'⁷ increasing inequality and reversing progress made in the last decades to reduce poverty⁸.

Although the focus of some spending in COVID-19 rescue policies on social protection was important, there were major disparities between advanced economies and low- and middle-income countries, with the former having spent on average 17 times more per capita than the latter⁹. In 2021, advanced economies could borrow at interest rates close to 0%, due to their solid credit ratings and monetary policies pushing interest rates down. By contrast, low- and middle-income countries often have riskier credit profiles and face much higher interest rates. This places a substantial burden on their ability to borrow and repay and, more generally, to have sufficient budgetary space to pursue COVID related social protection and climate action¹⁰.

A study published in October 2021 estimated COVID-19 rescue and recovery spending per capita was USD 15,139 for advanced economies, USD 726 for developing countries and only USD 64 for

This evidence strongly suggests that COVID-19 rescue and recovery spending is failing to take advantage of possible synergies to tackle climate change. It is also unclear to what extent such spending is aligned with human rights.

Least-Developed Countries (LDCs)¹¹. According to this study, out of the total funds spent on COVID-19 rescue and recovery policies by advanced economies only 3% was green spending.

NATIONAL FINDINGS: FIJI AND SENEGAL

In its forthcoming study, OHCHR further explored the nexus between human rights, climate finance and COVID-19 response and recovery in two climate vulnerable pilot countries: Fiji and Senegal. These two countries were selected in consultation with the Climate Vulnerable Forum, their Governments and OHCHR field presences. This research demonstrated substantial knowledge gaps and other differences that varied across the two countries as well as the need for a more coherent and consistent application of the human rights-based approach to climate finance and COVID-19 recovery.

Fiji

The Fiji Climate Vulnerability Assessment (CVA) that was developed with the support of the World Bank presents a comprehensive report on green recovery in Fiji, which can help the government plan investments for a green recovery through its proposed sustainability checklist¹². Fiji's first National Adaptation Plan (NAP)¹³ builds on the CVA calling explicitly for both a human rights-based and ecosystem-based approaches to adaptation in prioritized actions¹⁴. Green recovery in the context of these plans would require COVID-19 stimulus measures to create jobs, and enhance human, social, natural, cultural, and physical capital as well as access to technologies.

The CVA sustainability checklist¹⁵ could be used to screen, score, prioritize and identify tools that create

³ B. O'Callaghan, *Global Recovery Observatory. Draft Methodology Document* (1st February 2021) [GRO – Methodology], at 5.

⁴ See the website of the [Global Recovery Observatory](#), figures are stated as of 26 November 2021.

⁵ GRO – Methodology, at 10.

⁶ UNEP, *Are we building back better?*, at 3.

⁷ *Ibid.*, at 4.

⁸ *Ibid.*, at 6.

⁹ *Ibid.*, at 7.

¹⁰ In October 2022, the IMF highlighted the global economic slowdown, with global growth forecast to slow from 6.0 percent in 2021 to 3.2 percent in 2022 and 2.7 percent in 2023. "This is the weakest growth profile since 2001 except for the global financial crisis and the acute phase of the COVID-19 pandemic." IMF, *Countering the Cost-Of-Living Crisis*, October 2022.

¹¹ Global Recovery Observatory, *Global COVID-19 recovery investment is not aligned with COP rhetoric* (28 October 2021) [GRO, October 2021 update], at 3.

¹² S. Fargher, S. Hallegatte, *Best investments for an economic recovery from Coronavirus: An illustration based on the Fiji Climate Vulnerability Assessment to pinpoint stimulus options* (World Bank Group) [Fiji CVA].

¹³ Republic of Fiji National Adaptation Plan. *A Pathway towards Climate Resilience* (Government of the Republic of Fiji, 2018) [Fiji NAP].

¹⁴ Fiji NAP, at 36ff.

¹⁵ The Fiji CVA relied on a [Proposed Sustainability Checklist for Assessing Economic Recovery Interventions](#), of April 2020, distinguishing short-term considerations (6-18 months, including the following three dimensions: impact on employment, impact on economic activity, timeliness and risk) and long-term considerations (including the following seven dimensions: impact on human and social capital, impact on technologies, impact on natural and cultural capital, impact on physical capital, impact on fundamental market failures, increased resilience and adaptive capacity, decarbonization and sustainable growth and long-term risk).

synergies between short-term and long-term objectives.¹⁶ For green recovery, the CVA recommends a classic multi-criteria approach to identify the most promising interventions, including short-term stimulus, long-term growth, resilience and decarbonisation.¹⁷ The report highlights specific interventions in several sectors that can be considered as entry points for recovery generally and especially in Fiji. These include housing and land use, hazard management, social protection, transport, fisheries, water, energy, environment and health/education.

Interventions identified by the CVA, such as housing micro-finance, upgrading of schools and health facilities, water conservation and extension of sewer systems, can directly promote the economic, social and cultural rights of Fijians, including their rights to housing, health, education, water and sanitation. As the focus of the Fijian economy shifts from crisis response aimed at protecting persons in vulnerable situations in the wake of the pandemic to one that is focussed on growth and climate resilient recovery, government and other relevant stakeholders should keep human development and the rights of all Fijians at the core of recovery decisions, projects and programming efforts, as emphasized in Fiji's NAP.

Senegal

In Senegal, a detailed Climate Change Vulnerability Assessment (CVA) was conducted by USAID and published in October 2014, with a focus on the impacts and adaptations strategies of farmers and herders of four departments (Matam, Kanel, Goudiry, and Bakel departments) of Eastern Senegal.¹⁸ In addition, a project to strengthen the science-policy

interface in the context of national adaptation planning (PAS-PNA) is also ongoing, with support from Germany, which has generated several vulnerability studies, mainly in the Fatick region. However, the development of a national adaptation plan, launched in 2015, was still ongoing as of August 2022, with financial support of the Global Environment Facility (GEF) and relying on the United Nations Development Programme (UNDP) as implementing agency. Its focus is mainly on the impact of climate change on the agricultural, livestock, fisheries and forestry sectors, where the majority of the Senegalese rural population works, and on food security, given that Senegal imports most of its food. Some key challenges include (i) the limited integration of climate change mitigation and adaptation priorities in the formulation of policies in the above-mentioned sectors, (ii) the lack of capacity and coordination in intersectoral planning and implementation of climate action, and (iii) the need for information gathering and dissemination.¹⁹

Yet, the need to respond to the COVID-19 pandemic required a redefinition of priorities in all sectors²⁰. Senegal adopted a National Response Plan for COVID-19 including a comprehensive economic stimulus plan (PRES)²¹ to protect lives and livelihoods. However, limited fiscal buffers and safety nets, a vulnerable healthcare system, and a large informal sector pose challenges. COVID-19, inequality, environmental degradation and climate destabilization, as well as new surges in economic uncertainty, and mounting public health threats, forced budgetary reprogramming to supply the National Response Fund, which has led to delays in certain economic development programs.



¹⁶ Fiji CVA, at 5-7.

¹⁷ Ibid, at 3.

¹⁸ D. Miller et al, *Senegal Climate Change Vulnerability Assessment and Options Analysis* (USAID, October 2014) [Senegal CVA].

¹⁹ Strengthening transformative approaches in Senegal's climate action plans, [UNDP website](#), 8 November 2021.

²⁰ Ibid; V. Ridde, A. Faye (2022) 'Policy response to COVID-19 in Senegal: power, politics, and the choice of policy instruments' (2022) 5:3 *Policy Design and Practice* 326 [Ridde/Faye].

²¹ See the website of the [Programme de Résilience économique et sociale](#) (PRES).

The household support measures implemented by the Government in response to the pandemic (food distribution and payment of water and electricity bills) increased household resilience by limiting the negative effect of income losses. In order to limit the economic impact of the health crisis, a response and solidarity fund, Force-Covid-19, has been created by the government that announced it was endowing it with FCFA 1000 billion (about USD 164 million). An envelope of FCFA 50 billion (about USD 82 million) has been devoted to making purchases for emergency food aid. An evaluation of March 2021 showed that FCFA 773 billion had been effectively mobilised, 84% of which came from international donors, 13% from the State and 6% from individuals or national companies²². These actions contributed to resilience and to the promotion of economic, social and cultural rights of the population. However, it is unclear to what, if any, extent they contributed to addressing climate change or if they have led to institutional or structural changes effective when financing ends.

Recommendations

The COVID-19 pandemic may turn out to be a once-in-a-century health crisis, but it is deeply intertwined with environmental and economic crises. The pandemic made evident massive gaps in the provision of basic public services and enjoyment of human rights, including the right to health and social protection. Thus, beyond repairing the economy and recovering from the pandemic, the goal of response and recovery action should be to make countries more resilient and better prepared for present and future crises including by addressing climate change and ensuring that human rights obligations are respected, protected and fulfilled. On this basis, OHCHR has developed the following recommendations for action for the respective governments.

For Fiji

- **Financially empower entities with expertise in taking integrated action on COVID-19, climate change and a human-rights enhancing economy**, for example by bringing them in as executing entities/implementing partners with existing Green Climate Fund (GCF) accredited entities, like the Fiji Development Bank, the Asian Development Bank and the Secretariat of the Pacific Community, that are active in the country/region, or by designating them as direct access entities of the GCF or by encouraging them to use private capital instruments like green or social bonds or, possibly, bonds designed to have a triple impact.

- **Ascertain financing gaps and define multi-benefit funding priorities**, for instance by undertaking an assessment of the costs and impacts of Fiji's NAP and related efforts like community relocation, and address them in Fiji's national financing strategy.

- **Take measures to ensure the meaningful and informed participation** of all people in climate action, particularly of persons, groups and peoples in vulnerable situations.

- **Strengthen human rights integration in climate change interventions and climate finance decisions**. Climate change interventions present a huge potential for the realisation of human rights and vice versa. On-going capacity supplementation and technical assistance in projects and programs can bolster positive human rights aspects of a project/program and reduce negative implications. OHCHR and other UN entities and climate finance contributors committed to a rights-based approach can provide guidance and assistance in developing project metrics that include human rights dimensions with key performance indicators, where possible.

- **Design projects that are centred in human rights and prioritize direct benefits for the most marginalized as called for by Fiji's NAP and climate policies**. Such projects should make fulfilment of human rights an explicit objective, ensure meaningful community participation, including, when applicable, free, prior and informed Consent (FPIC) of indigenous peoples in project design and implementation, prioritize direct benefits to the most vulnerable and marginalized people and communities, and provide independent and effective redress mechanisms. Specifically, action relating to COVID-19 and/or climate change must integrate human rights-based approaches and actively promote gender equality. For example, Fiji's planned relocation and displacement guidelines need to be supplemented by standard operating procedures consistent with human rights. When the private sector is involved, their actions should comply with the UN Guiding Principles on Business and Human Rights.

For Senegal

- **Improve institutional coordination** mainly by supporting greater integration of climate change mitigation and adaptation priorities in the formulation of agricultural, livestock, fisheries and forestry policies, improving and enhancing capacity in intersectoral planning and implementation of climate action.

²² Rapport public des activités du comité de suivi de la mise en œuvre des opérations du fonds de riposte et de solidarité contre les effets de la COVID-19 (FORCE COVID-19) (2021), at 301. Some media reports suggest larger figures (some USD 880) mostly from international donors. See R. Chakamba, 'How Senegal has set the standard on COVID-19', Devex, 8 October 2020.

- **Address the lack of data and information** on climate finance, COVID-19 recovery and human rights. This would involve ascertaining information gathering gaps across government agencies, the development of a baseline with sufficiently disaggregated information/data by gender and other intersecting socio-economic factors on the linkages between climate finance, COVID-19 responses and human rights and making the information available to ensure fiscal transparency and accountability.

- **Take measures to ensure the meaningful and informed participation of all people** in climate action, particularly of persons, groups and peoples in vulnerable situations in a way that is gender-responsive and protects and enhances the rights of indigenous peoples and ensures their FPIC. For example, take advantage of the ongoing development of Senegal's NAP to involve such groups, gather information about their needs, and disseminate information about impacts to support their ability to adapt while ensuring respect of human rights obligations.

- **Promote human rights policy coherence in building on existing commitments and opportunities.** In its communications to the UNFCCC, Senegal has highlighted the need for capacity building to support in the implementation of human rights-based actions (2016), and the need for carbon trading to respect human rights (2017). The Nationally Determined Contribution (NDC) of Senegal also addresses the socio-economic impacts of climate change. As a Least Developed Country, Senegal can profit from GCF's ringfenced allocation of adaptation funding, as well as its readiness support and simplified access procedures. Senegal also has three Designated Accredited Entities to GCF and access to other funds, such as the Adaptation Fund, through which it can seek to mobilize funds for rights-based climate action. Such finance should prioritise the three action areas identified in the previous recommendations.

Policies and actions addressing climate change and the effects of the pandemic must be based on human rights as a fundamental standard

GENERAL GUIDANCE

Policies and actions addressing climate change and the effects of the pandemic must be based on human rights as a fundamental standard. Although specific policies may compete with each other in terms of budget allocation and prioritization, **integration of the social, environmental and economic dimensions of sustainable development should be proactively pursued and shaped by human rights obligations in prioritized actions that provide multiple benefits, rather than narrowly targeted outcomes**, in order to use scarce available funding most effectively and equitably. Global economic policies and measures designed for COVID-19 recovery and climate action that respect, protect, and fulfil human rights of every human being, leaving no one behind are more sustainable and a legal obligation. The principles and standards derived from international human rights law, especially the Universal Declaration of Human Rights and the core universal human rights treaties, should guide all relevant COVID-19 recovery and climate policies and programming.

Under international human rights law, States have both internal and external obligations in relation to the respect, protection and fulfilment of human rights.²³ In addition, they have collective obligations to cooperate to realize and promote human rights.²⁴ In the context of climate finance and COVID-19 rescue and recovery policies the emphasis of these obligations is **on effectively providing sufficient funding for the social, environmental and economic dimensions of sustainable development in a manner consistent with human rights law, norms and standards.**

A human rights-based approach to climate finance and COVID-19 rescue and recovery policies strengthens the equitability, acceptability and effectiveness of the policy response in two ways.²⁵ One is the shift in the focus from aggregate figures to the specific situation of individuals and communities, putting people at centre of climate action. This perspective still lacks specific articulation in the bulk of reports and studies on COVID-19 response and recovery, which largely focus on aggregate outcomes. This makes it all the more important that such reports recognize the disproportionate impact that the pandemic and

²³ OHCHR, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation (2006); OHCHR, *Applying a Human Rights-based Approach to Climate Change Negotiations, Policies and Measures* (2010); UNICEF, Human Rights-based approach to Programming at https://www.unicef.org/policyanalysis/rights/index_62012.html; Council of the European Union, Council Conclusions on a rights-based approach to development cooperation, encompassing all human rights (2014); OHCHR, Frequently Asked Questions on Human Rights and Multilateral Development Banks (2016).

²⁴ UNEP, Are we building back better?, at 6.

²⁵ UN Practitioners Portal on Human Rights Based Approaches to Programming, at <http://hrbaportal.org/> (visited 26.11.2021).

climate crisis is having on those who face discrimination and marginalization.²⁶ The other perspective concerns decision- and policy-making, where a human rights-based approach can greatly contribute to participatory, democratic, fair and accountable processes.²⁷

OHCHR's analysis indicates that COVID-19 recovery and climate finance generally lack a comprehensive approach to integrating human rights.

When human rights are addressed, it is mainly through a focus on the social implications (for inequality and livelihoods) of the relevant policies. In addition, projects may address human rights considerations in the context of examining environmental and social safeguards for climate finance. Yet, few explicit references to the need to respect, protect and fulfil human rights are made, and international cooperation tends to concentrate on addressing climate change without fleshing out the implications (positive or negative) for human rights or making the advancement of human rights an explicit outcome of intended climate actions. Where human rights safeguards exist, it is critical to ensure that these are effectively implemented, including through awareness-raising and capacity-building, while it is also important, in the

context of climate actions, to tackle persistent barriers and systematic exclusions for a lasting transformative impact.

A human rights-based approach should pro-actively shape the way climate finance is programmed so as to guard against the risk that climate finance is used to support projects that result in human rights violations and the exacerbation of social and economic inequalities. While the threat that climate change poses to the enjoyment of human rights is immense, responses to climate change also have the potential to undermine a range of procedural and substantive rights, for example in the context of relocation, land-use and natural resources-related policies. These risks include infringement of the rights of affected individuals and communities to access to information, participation, livelihoods, land, culture, self-determination, and effective remedy. Integrating human rights standards into the policies, processes and actions of climate funds and COVID-19 recovery ensures policy coherence and more effective and sustainable action.

A truly sustainable recovery strategy from COVID-19 makes economic sense, is a legal obligation and will yield climate resilient development, supporting global efforts to reach climate-neutrality by 2050, while respecting, protecting, and fulfilling human rights for all.²⁸



²⁶ UNEP, *Are we building back better?*, at 6.

²⁷ UN Practitioners Portal on Human Rights Based Approaches to Programming, at <http://hrbportal.org/> (visited 4.10.2022).

²⁸ *Climate Change and COVID-19: UN urges nations to 'recover better'* | United Nations.



Proposed recommendations for Policy Makers, Development Cooperation Actors and Public International Financial Institutions

1. Promote a human rights-enhancing economy

Explicitly integrating a human rights-based approach in policies, plans and measures relating to COVID-19 recovery and climate finance protects people and the planet. The integration of a human rights-based approach entails obligations and responsibilities in relation to the effective mobilization of financial and other resources, international cooperation, the provision of social protection and the organization of participatory and inclusive decision-making processes. In this regard, good practices include public participation in decision- and policy-making processes,²⁹ the conduct of human-rights impact assessments (HRIAs) in decision- and policy-making, specifically assessing the situation of people at-risk,³⁰ and the adoption of gender-responsive approaches not only in climate finance but also in COVID-19 rescue and recovery packages.³¹ Other measures could include producing and publishing reliable, periodic, and disaggregated data, increasing fiscal space for economic, social and cultural rights (ESCR) and climate goals through progressive taxation on income and wealth and the private sector paying its fair share, increasing fiscal space for investments in the nexus between ESCRs and climate goals, and moving beyond GDP to include measurements of equality and human well-being, including health.

2. Develop a robust knowledge base on post-COVID economic recovery, climate change and human rights

There is a need to improve and expand the knowledge base by mapping empirically (i) the human rights implications of climate finance and COVID-19 rescue and recovery policies and (ii) the combined effects of integrated policies targeting the intersection between post-COVID economic recovery, climate change and human rights. Further study of the core cross-cutting legal obligations arising under international human rights law in the combined context of climate finance and COVID-19 response measures could better inform future policy choices. In addition, specific and measurable indicators of progress toward application of a human rights-based approach to climate finance and COVID-19 response measures

as well as assessments of their implementation in line with core international human rights and labour standards, could identify steps to proactively advance the enjoyment of human rights and prevent negative economic, environmental and social impacts.

3. Develop a robust knowledge base on post-COVID economic recovery, climate change and human rights

States and other duty-bearers should take measures grounded in solidarity, international cooperation and respect for human dignity that build on their obligations in legal frameworks and instruments such as the Universal Declaration on Human Rights, the Declaration on the Right to Development, and the Rio Declaration on Environment and Development. States should share resources, knowledge and technology in order to address climate change and recover from COVID-19. Common but differentiated responsibilities and respective capabilities should shape the obligations to provide finance for climate mitigation and adaptation in both quantity and quality conducive to support human-rights centred interventions (e.g., through delivery as grants to prevent growing indebtedness of recipient countries) as well as *inter alia* technical and financial support for the loss and damage that is associated with climate change impacts beyond the ability to adapt to in developing countries.

Initiatives to promote better institutional coordination, policy coherence and integration of human rights could for instance include:

- **Formal or informal dialogues with key existing financial institutions and multilateral climate funds** (e.g., GCF, Global Environmental Facility (GEF), Adaptation Fund (AF), Climate Investment Funds (CIF), Least Developed Countries Fund (LDCF), Special Climate Change Fund (SSCF), multilateral development banks, World Bank, IMF, and regional development banks) and developed countries' development agencies on the need to better integrate human rights and enhance mutual learning.
- **Formal or informal dialogues with key emerging processes and initiatives** (e.g., the G20's Common Framework, the intergovernmental process to

²⁹ ICCPR, article 25; Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 25 June 1998, 2161 UNTS 447; 'Rio Declaration on Environment and Development', 13 June 1992, UN Doc. A/CONF.151/26, Rev. 1, Principle 10; Decision SS.XI/5, Part A 'Guidelines on Developing National Legislation on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters', 26 February 2010, Doc. GCSS.XI/11; Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, Escazú, 4 March 2018.

³⁰ See e.g. OHCHR, *The Other Infrastructure Gap: Sustainability* (2018); Danish Institute for Human Rights, *Human Rights Impact Assessment guidance and toolbox*, available at: <https://www.humanrights.dk/tools/human-rights-impact-assessment-guidance-toolbox> (visited 4.10.2022); *Study – Rights-based climate finance*, at para. 42 ('at a minimum, assessments should use indicators based on core international human rights and labour standards, which require the collection of disaggregated data, and assessment processes should be iterative so that cumulative impacts are captured. Assessments should also identify steps to proactively advance the enjoyment of human rights. HRIAs should also be used to capture higher-level economic, environmental and social impacts, and not just those that manifest themselves at the project-level').

³¹ See L. Schalatek, S. Nakhooda, *Gender and Climate Finance* (November 2016); GGCA, UNDP, *Gender, Climate Change and Food Security* (2017); General recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, 13 March 2018, CEDAW/C/GC/37, paras. 8-46, 63-64; *Indigenous women and their role in the 25-year review of the implementation of the Beijing Declaration and Platform for Action*, 30 January 2020, E/C.19/2020/8, 12-16, 46-49; *Women's and girls' sexual and reproductive health rights in crisis, Report of the Working Group on discrimination against women and girls, A/HRC/47/38*, 28 April 2021, paras 8, 21-29, 38-52, 73-76.

negotiate a global pandemic treaty, the Glasgow Financial Alliance for Net Zero, the European Union's developing regime on sustainable finance, etc.) on the need to better integrate human rights.

- A general coordination platform for the integration of a human rights-based approach to climate and COVID-19-related finance, for instance building on the analysis by human rights mechanisms on climate finance and COVID-19 recovery measures.

4. Assessments and access to information/transparency

To promote the fulfilment of all human rights, the rights to information and participation are critical. It makes economic sense and is a legal obligation for COVID-19 response measures as well as climate funds to actively support meaningful participation as an iterative process throughout all stages of project development, approval, implementation, monitoring and evaluation, as early as possible. Transparency and disclosure of all relevant information, including for relevant private sector actions and investments supported with public funding, should be ensured during the project/programme cycle, as well as the provision of financial support and capacity-building by international mechanisms to enable recipient countries to strengthen their engagement with stakeholders, in particular affected individuals and communities. Comprehensive environmental and social safeguards assessments as well as policies and implementation approaches pro-actively promoting gender equality and the rights of indigenous peoples in implementation (akin to such specialized policies in effect in the GCF) could be developed focusing on a wider range of funds and/or human rights with a focus on persons, groups and people in vulnerable situations.

Transparency and accountability are critical when large funds are made available in response and emergency assistance,³² to mitigate corruption risks in COVID-19 responses³³ and also to allow for sufficient participation of affected communities as well as ensuring that they directly benefit from targeted measures.³⁴

Independent redress mechanisms that comply with human rights standards will advance human rights enhancing finance, address possible negative consequences of climate finance actions and ensure **access to remedy**, if put in place on the project and institutional level.

5. Pilot projects/actions integrating human rights in climate finance and COVID-19 recovery

Pilot projects and action by the international community could further promote a rights-based approach to climate finance and COVID-19 recovery, for instance taking action to integrate and/or enhancing the integration of human rights in the policies/practices of major sustainable finance initiatives at different levels of governance.³⁵ Other initiatives could be used to develop a dialogue with key organizations (e.g., the New Climate Institute, the Climate Policy Initiative, the G20's Common Framework, etc.) in order to promote debt relief and increased fiscal space for the developing countries worse affected by climate change as well as refine and advance a rights-based approach to debt-for-climate swaps in which debt may be forgiven in exchange for agreed upon climate actions. Here, the agreed purpose, on the basis of which debt is forgiven or restructured, could be defined more specifically to address not only climate change but also, concurrently, the respect, protection and fulfilment of human rights.

Human rights should not be a mere parameter to be respected in the design of projects but also part of the outcome to be achieved. Climate funds should take steps 'to strengthen and harmonize social, environmental and human rights safeguards when financing projects';³⁶ 'should require project-specific gender action plans, human rights impact assessments, participatory planning and consistency with the Sustainable Development Goals as prerequisites for project approval';³⁷ and 'need to simplify their procedures and reach out to least developed countries and small island developing States, so that these States are able to access the funds required for mitigation and adaptation'.³⁸ Simplified procedures should still adhere to adequate safeguards and criteria to assure the quality of a project and ensure the effective implementation of a human rights-based approach.

³² Right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Final report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Dainius Pūras, A/75/163, 16 July 2020, para. 39.

³³ Ibid. See also Aneta Wierzyńska and others, "COVID-19: promoting accountability and transparency during the pandemic", Health Systems Governance Collaborative, 22 May 2020.

³⁴ Ibid., para. 109.

³⁵ For example, national (e.g., US Securities and Exchange Commission), regional (e.g., EU sustainable finance regulations) and global (e.g., Glasgow Financial Alliance for Net Zero).

³⁶ Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, 15 July 2019, A/74/161, para 88.

³⁷ Ibid.

³⁸ Ibid., para 89.

This policy brief was developed with the financial support of the German Federal Ministry for Economic Cooperation and Development (BMZ) and the technical support of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH



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