

Human Rights Council
**Intersessional panel discussion on human rights, climate change,
migrants and persons displaced across international borders**
(Concept note as of 28 September 2017)

- Date and venue:** **Friday, 6 October 2017, 10 a.m. - 1 p.m.**, Palais des Nations, Room XX, Geneva
Will be broadcast live and archived at <http://webtv.un.org>
- Objectives:** This panel discussion will address the relationship between human rights, climate change and cross-border migration in the context of the adverse impacts of climate change. The objectives are:
- **To enhance understanding** of the relationship between the adverse impacts of climate change, human rights and international migration;
 - **To identify challenges** in the promotion, protection and fulfilment of the human rights of migrants in the context of the adverse impacts of climate change;
 - **To identify opportunities** for States, civil society and other relevant stakeholders to facilitate the protection and fulfilment of the human rights of migrants in the context of the adverse impacts of climate change;
 - **To highlight the need** for international cooperation and assistance in responding to the challenges posed by climate change and migration, particularly for those most vulnerable to the adverse impacts of climate change;
 - **To contribute to** relevant processes that address migration in the context of climate change, including the stocktaking efforts for the global compact on safe, orderly and regular migration and the work of the Task Force on Displacement under the United Nations Framework Convention on Climate Change (UNFCCC).
- Chair:** **H. E. Mr. Joaquín Alexander Maza Martelli**, President of the Human Rights Council
- Opening statement:** **Ms. Kate Gilmore**, United Nations Deputy High Commissioner for Human Rights
- Keynote speaker:** **Ms. Louise Arbour**, Special Representative of the Secretary-General for International Migration (by video message)
- Panellists:**
- **Mr. Walter Kaelin**, Envoy of the Chair of the Platform on Disaster Displacement
 - **Ms. Njeri Kabeberi**, Executive Director, Greenpeace Africa
 - **Mr. Itinterunga Rae Bainteiti**, National Coordinator, Kiribati National Youth Association of NGOs
 - **Ms. Erika Ramos**, Founder, South American Network for Environmental Migrations (RESAMA)
- Outcome:** The panel discussion will provide an opportunity for States, international organizations and other relevant stakeholders to discuss the connection between the adverse impacts of climate change, cross-border migration and displacement, and the promotion, protection and fulfilment of human rights. The anticipated outcomes of this discussion include:
- A **deeper understanding** of the relationship between climate change human rights and international migration, including opportunities and challenges in law, policy and practice;

- **Identification of strategies and good practices** to address human rights protection gaps for cross-border movement of persons related to the adverse effects of climate change including with regard to international cooperation and assistance;
- **Recommendations** for continued integration of human rights considerations and approaches to migration in context of the adverse impacts of climate change in the work of the Conference of the Parties to the UNFCCC, the global compact on safe, orderly and regular migration, and other relevant international agreements and processes; and
- A **summary report** of the panel discussion to inform relevant processes as well as requested research and report on addressing human rights protection gaps in the context of migration and displacement of persons across international borders resulting from the sudden onset and slow onset adverse effects of climate change and the necessary means of implementation of adaptation and mitigation plans of developing countries to bridge the protection gaps.

Mandate: In its resolution [35/20](#) on human rights and climate change, the Human Rights Council decided to incorporate into its programme of work an intersessional panel discussion on human rights, climate change, migrants and persons displaced across international borders. The Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to organize the intersessional panel discussion prior to the commencement of phase II (stocktaking) of the intergovernmental process leading to the global compact on safe, orderly and regular migration, and to submit a summary report of the panel discussion to the consultative phase of this process, the UNFCCC Warsaw International Mechanism for Loss and Damage and to the Council at its 37th session.

Format: The opening statement and initial presentations by the panellists will be followed by an interactive discussion divided into two slots and chaired by the President of the Human Rights Council. The list of speakers for the discussion will be established at the beginning of the panel and, as per practice, statements by high-level dignitaries and groups will be moved to the beginning of the list. States and observers, including representatives of civil society, take the floor for a 2-minute intervention each (total 45 minutes), followed by responses from the panellists (15 minutes). A second round of interventions from the floor (45 minutes) will be followed by responses and concluding remarks from the panellists (15 minutes). To make the panel interactive, speakers are encouraged to focus interventions on the themes of the panel, either by asking the panellists questions or sharing relevant national experience. Interpretation will be provided in the six United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish).

Accessibility In an effort to render the Human Rights Council more accessible to persons with disabilities and to allow them to participate in the work of the Council on an equal basis with others, this panel discussion will be made accessible to persons with disabilities. During the debate, international sign interpretation and real-time captioning will be provided and webcasted. Physical accessibility will be promoted by making room facilities wheelchair friendly. As per established guidelines, braille printing will be available on demand. The *Accessibility guide to the Human Rights Council for persons with disabilities* is available for further information.¹

Background: Climate change has and will continue to cause or contribute to an increase in the frequency and intensity of both sudden and slow onset events. These events can

¹ See www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx

both directly and indirectly affect the movement of individuals and communities through the adverse effects they have on the full enjoyment of a wide range of human rights. State measures to address climate change may also expose people to human rights harms and serve as a driver of migration. The risks to human rights posed by climate change have been repeatedly recognized by the Human Rights Council, its special procedures mechanisms and OHCHR in resolutions, various reports and activities. The relationship between such risks and migration and displacement is also increasingly recognized. Most recently, the Council's resolution 35/20 acknowledges the urgency of the need to protect and promote human rights of migrants and persons displaced across international borders in the context of climate change. The resolution further highlights the importance of international cooperation and assistance, particularly for those most vulnerable, which can include migrants.

The call for cooperation and assistance to address the impacts of climate change, and to promote and protect the human rights of migrants is also found in other international processes and agreements. In 2010, the Cancun Adaptation Framework called on Parties to the UNFCCC to take measures to increase understanding of and cooperation on 'climate change induced displacement, migration and planned relocation'.² The Nansen Initiative built upon this, and after a series of state led consultations, produced guidance and best practices in the form of the 'Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change'.³ This guidance called for increased solidarity and cooperation and underscored the importance of human rights obligations and commitments for people moving across borders. The 2015 Paris Agreement also recognizes the role human rights will play in responses to climate change, stating that 'Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights' and the rights of migrants, children and other vulnerable persons. The Agreement and the UNFCCC contain instructions for parties to cooperate, assist and take into account the needs of developing country Parties, 'especially those that are particularly vulnerable to the adverse effects of climate change.'⁴

Action to address migration and displacement in the context of climate change is urgently needed. Since 2008, an average of 22.5 million persons per year have been displaced (internally or across borders) by weather and climate-related disasters.⁵ The number of people migrating across international borders has more than doubled over the last 30 years, reaching an estimated 231.5 million people living outside their country of birth or citizenship in 2013.⁶ Migration and displacement are expected to increase as the impacts of climate change become more frequent and severe. These impacts combine with individual vulnerabilities and socio-economic and political contexts to affect the ability and agency of potential

² UNFCCC COP, 'Outcome of the Work of the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention (Cancun Agreements)' (2010) FCCC/CP/2010/7/Add1 para 14(f).

³ The Nansen Initiative, 'Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change' (The Nansen Initiative 2015) Vol 1. In 2016, the Platform on Disaster Displacement (disasterdisplacement.org) has been launched to follow up on the Nansen Initiative and support States in implementing the Protection Agenda.

⁴ See Adoption of the Paris Agreement, 12 December 2015 (FCCC/CP/2015/L9/Rev1) (full text available: http://unfccc.int/paris_agreement/items/9485.php).

⁵ IDMC, 'Global Estimates 2015: People Displaced by Disasters' (2015) 8, <http://www.internal-displacement.org/assets/library/Media/201507-globalEstimates-2015/20150713-global-estimates-2015-en-v1.pdf>

⁶ Dina Ionesco, Daria Mokhnacheva and François Gemenne, *The Atlas of Environmental Migration* (Routledge 2016) 9.

migrants. The process of migration can also exacerbate or compound existing vulnerabilities. Precarious conditions while in transit, in places of temporary refuge or upon arrival can expose migrants to exploitation or human rights harms.⁷ Access to human rights is therefore needed before, during, and after the process of migration.

This panel discussion presents an opportunity to develop a deeper understanding of the relationship between climate change, human rights and migration, and to identify and generate recommendations to address the challenges and gaps in protection for cross-border migrants. Its timing allows for contributions to ongoing processes within the UNFCCC and its Task Force on Displacement and the stocktaking phase of work to create a global compact on safe, orderly and regular migration.

Background documents:

Human Rights Council resolutions on human rights and climate change:

- [Human Rights Council resolution 35/20](#) of 22 June 2017;
- [Human Rights Council resolution 32/33](#) of 1 July 2016;
- [Human Rights Council resolution 29/15](#) of 2 July 2015;
- [Human Rights Council resolution 26/27](#) of 27 June 2014;
- [Human Rights Council resolution 18/22](#) of 30 September 2011;
- [Human Rights Council resolution 10/4](#) of 25 March 2009;
- [Human Rights Council resolution 7/23](#) of 28 March 2008.

⁷ See OHCHR and Global Migration Group, 'Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations - Draft' (2017), <http://www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf>