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**50th Session of the Human Rights Council**

Plain English version of:

The impacts of climate change on the human rights of people in vulnerable situations (A/HRC/50/57)

Report of the Secretary-General

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| *What is the aim of this document?* |
| This report has been written in accordance with Human Rights Council resolution 47/24.  This report examines the negative impacts of climate change on the full and effective enjoyment of human rights of people in vulnerable situations.  *Who is this report for?*  This report is for people who:   * draft, design, or are interested in climate policy as it affects people in vulnerable situations, * advocate for the rights of vulnerable people in the area of climate change, or * are interested in the area of climate policy generally. |
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**Note:** This is not a United Nations official document.

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I. Introduction

1. In the Human Rights Council resolution 47/24, the Council requested the Secretary-General to submit a report that looks at climate change’s negative impact on the full and effective enjoyment of human rights of people in vulnerable situations. This report was written in consultation with States and other stakeholders, taking their views into account.
2. On 23 August 2021, the following stakeholders were contacted and asked for their inputs:

* Member States,
* international organizations,
* national human rights institutions, and
* civil society.

The 56 contributions receivedand the consultations with stakeholders informed the present report.[[1]](#endnote-2)

1. This report provides examples of good practices and recommends how to deal with the human rights impacts of climate change on people in vulnerable situations.

II. Conclusions and recommendations

A. Tackle the main issues behind the human rights impact on people in vulnerable situations

1. **Address the root causes.**

Poverty, historical and structural inequity and discrimination, as well as geography, affect people’s exposure to climate change’s negative effects. Economic and social conditions:

* contribute to putting people in vulnerable situations, and
* place people at greater risk of suffering the negative human rights impacts of climate change.

Discrimination adds to the unfair burden of climate harm. Rights-based climate action must deal with the root causes of social injustice and inequality.

1. **Those most responsible must lead on climate action.**

People in vulnerable situations are often most exposed to climate-change impacts despite contributing the least to their cause. As part of the solution, those most responsible for climate change should lead climate change mitigation and adaptation efforts. These efforts should include the people most affected by climate change.

1. **Include people in vulnerable situations in climate action.**

It is critical that people in vulnerable situations are seen as agents of change. Their rights and dignity must be protected and improved because they possess the resilience, knowledge and skills to support effective climate action. Therefore, the key elements for fair, effective climate action must include the rights to:

* participate in climate change,
* access information, and
* access justice.

Fulfilling relevant international, regional and national obligations to ensure fair, effective and meaningful participation in environmental decision-making must remain a priority.

1. **Increase levels of climate action and climate finance.**

Member States must urgently act on their Paris Agreement commitments to reduce the climate change-related impacts on the enjoyment of human rights. Limiting warming to no more than 1.5°C needs:

* global reduction of greenhouse gas emissions by 45% by 2030, and
* carbon neutrality by mid-century.

System-wide efforts are needed to deal with consumption and production patterns that are causing emissions, along with efforts to tackle the historical inequalities that make the impacts of those patterns worse. A significant increase in international climate finance, with 50% dedicated to adaptation, is needed to empower and build the resilience of people in vulnerable situations to reduce climate change’s negative impact on their rights. Without substantial involvement, fairer distribution or easier access for the countries and people climate change affects most, climate finance will continue to fall far short of the international commitments developed countries have made to lessen and share the additional burden climate change places on developing economies.

B. Recommendations to States and other stakeholders

1. The Secretary-General asks States and other stakeholders to consider the following recommendations to deal with climate-change impacts on the human rights of people in vulnerable situations.
2. **What should Member States do?**

Take immediate, ambitious and rights-based climate action. This includes adopting and using national climate action plans that are inclusive and right-based. The action should work alongside the Paris Agreement’s objectives and the United Nations Framework Convention on Climate Change to:

* limit global warming to no more than 1.5°C, and
* protect human health and welfare from climate change’s negative effects.

The countries that historically are responsible for most greenhouse gas emissions must lead the way by drastically reducing emissions. At the same time, these countries must channel climate finance and share technology solutions with the countries that are suffering most at a level that matches the scale of suffering. All main emitters – with the Group of 20 leading the way – must take an extra step to drastically reduce their emissions this decade.

1. **What should businesses do?**

Business enterprises should respect human rights in the context of climate change. Businesses should also tackle the negative human rights impacts that they have caused or contributed to, including those resulting from climate change.

1. **How do you help people in vulnerable situations?**

People in vulnerable situations must be able to:

* access information about climate change and climate action,
* effectively participate in climate-related decision-making and putting decisions into action, and
* access justice when climate-related harms occur.

For climate action to improve human rights and climate justice, States should include the lived experiences and expertise of frontline communities in climate action at all levels:

(a) **Give** **information to everyone**. Make information about climate change available and easier to get access to, including providing information on early warnings in languages and formats that are accessible and understandable to everyone everywhere. Also, make sure that every person worldwide is protected by early warning systems in the next five years,

(b) **People in vulnerable situations must participate**. Make sure that climate policy planning and action involve people in vulnerable situations, and that they meaningfully and effectively participate, and

(c) **Guarantee access to justice**. Promote access to justice in environmental matters, including access for people in vulnerable situations to court facilities, interpreters and culturally appropriate (legal and other) services as needed.

1. **How do you improve the lives of people affected by climate change?**

Strengthen the climate resilience of people in vulnerable situations:

(a) **Introduce climate adaptation measures**. Start using rights-based climate adaptation measures developed by the contributions of people that climate change most negatively impacts, and that respond to their requirements and needs, and

(b) **Tackle discrimination and exclusion**. Deal with the root causes of the discrimination against and exclusion of people in vulnerable situations – including causes related to historical patterns of discrimination – and how climate-change impacts affect them.

1. **How do you design climate policies?**

Design and put climate policies with a human rights approach into action that benefit people and communities that suffer climate-change impacts more than others:

(a) **Collect data**. Collect various sources of data on climate-change impacts in a human-rights compliant way,

(b) **Create policies and plans**. Develop inclusive rights-based climate action policies and disaster risk reduction plans. These plans must specifically include and deal with the needs of people and communities that are most at risk of being left behind in climate and emergency relief efforts,

(c) **Protect people’s rights**. Recognize and protect the rights of people in vulnerable situations to their traditional lands, resources, territories and knowledge, and

(d) **Get consent**. Make sure that all climate mitigation and adaptation measures that impact indigenous peoples’ rights are only put into action with their free, prior and informed consent.

1. **How do you help environmental human rights defenders?**

Better promote and protect the rights of environmental human rights defenders to carry out their work in a supportive environment without fear of reprisals, threats, violence or killings. Make sure that accountability is in place, and access to justice and compensation is available when the rights of human rights defenders are violated.

1. **What kind of energy transition measures should you use?**

Put in place measures to make sure that the energy transition includes a fair transition for workers and communities that are affected. And that adaptation investments benefit all, including people and communities in vulnerable situations.

1. **How do you effectively use resources to promote climate action and respect human rights?**

Secure enough resources for climate action, including through international cooperation, in line with the principle of common but differentiated responsibilities and respective capabilities. The amount of resources must take into account national circumstances to match the scale of the climate crisis, including by:

(a) **Improving financial access and integrating human rights**. It must be easier to get access to climate finance for the countries and people climate change most affects. Also, steps must be taken to systematically integrate a human rights perspective in climate finance,

(b) **Increasing international climate financing**. This can be done through increased financial flows to developing countries, especially for adaptation as well as loss and damage, and

(c) **Making available grants, not loans**. Make sure that international climate financing, especially to vulnerable countries, increasingly are grants not loans so that the debt burden on developing economies is not increased.

1. **How do you tackle the effects of loss and damage on human rights?**

Member States should identify and try to tackle the impacts of both economic and non-economic loss and damage on human rights.

III. Climate-change impacts on people in vulnerable situations

1. **Who are most likely to face risk from the negative impacts of climate change?**

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| Desertification: land degradation in arid, semi-arid, and dry sub-humid areas, collectively known as drylands, resulting from many factors, including human activities and climatic variations.[[2]](#endnote-3)  Land degradation: the result of human-induced actions which exploit land, causing its utility, biodiversity, soil fertility, and overall health to decline.[[3]](#endnote-4) |

* Indigenous peoples,
* local communities,
* peasants,
* migrants,
* children,
* women,
* people with disabilities,
* people living in small-island developing States and least-developed countries,
* those living in conditions of poor access to water, desertification, land degradation and drought, and
* others in vulnerable situations who are at risk of being left behind.

Climate-change impacts can vary based on a number of factors including:

* geography,
* poverty,
* age,
* gender,
* sex,
* disability,
* migration status,
* religion,
* race, and
* cultural or ethnic background.

Multiple forms of discrimination including racism, sexism and classism may combine, overlap, or [intersect](https://www.merriam-webster.com/dictionary/intersect) especially in the experiences of people in vulnerable situations.[[4]](#endnote-5)

1. While this report focuses on people in vulnerable situations, the climate crisis’ nature and scale means that all people everywhere face significant risk. The Intergovernmental Panel on Climate Change has found that climate change affects every world region, and at least 3.3 billion people are at high risk.[[5]](#endnote-6) The years that have passed since the Paris Agreement have been the hottest years on record and during the past decade. Climate-related disasters have impacted almost four billion people.[[6]](#endnote-7)

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| **Examples of climate-related disasters** | |
| Australian wildfires, 2019-2020 | The worst on record, i.a. impacting rights to life, health, and adequate housing. |
| Western Europe, July 2021[[7]](#endnote-8) | At least 220 people were killed in the flash floods that followed heavy rainfall. |
| West and Central Africa, 2021[[8]](#endnote-9) | Flooding affected over 1.2 million people. |
| El Salvador, Guatemala and Honduras in the Central American Dry Corridor, October 2021[[9]](#endnote-10) | The number of food insecure people reached an estimated 6.4 million people. |
| Asia and the Pacific, 2021[[10]](#endnote-11) | Climate-related disasters severely affected more than 57 million people. In India, floods and cyclones severely impacted more than 18 million people. |

1. Climate change is both an environmental and a social justice crisis that raises interconnected demands for climate action and social equality.[[11]](#endnote-12) Globally, patterns of consumption and production lead to historical inequities dating back to colonialism. Industrialized countries have historically contributed disproportionately to a worsening environment and climate change. While together, the member of the Group of 20 are responsible for 80% of the world’s greenhouse gas emissions,[[12]](#endnote-13) all the small-island developing States and least-developed countries combined create only about 2% of global emissions.[[13]](#endnote-14) The people at the margins, in both the global North and South, are left to suffer the largest effect of the impacts. The uneven distribution of wealth and power – both within and among countries – is a key driver of climate injustice.[[14]](#endnote-15) Protecting the human rights of people in vulnerable situations from the worst impacts of climate change needs urgent action to limit global warming to the greatest extent possible. Achieving the Paris Agreement goal of limiting warming to no more than 1.5° Celsius above pre-industrial levels would require:

* a 45% reduction in global emissions compared to 2010 levels by 2030, and
* reaching carbon neutrality by mid-century.

That goal is still far off as, between 2010 and 2019, global greenhouse gas emissions have grown by 12% and global carbon dioxide (CO2) emissions by 13%.[[15]](#endnote-16) Dramatically scaled-up adaptation investments will be needed to keep up with accelerating impacts. The Intergovernmental Panel on Climate Change has shown that current adaptation efforts are not enough.[[16]](#endnote-17) The climate crisis’ effects are made worse by the lack of resources needed to build resilience against it, including for: early warning systems, climate-resilient infrastructure, ecosystem restoration, community-based adaptation and much more.[[17]](#endnote-18) The commitment made at the United Nations Climate Change Conference in Glasgow in 2021 to double adaptation funding by 2025 is clearly not enough; 50% of all climate finance must go to adaptation. It is essential to remove obstacles that prevent small-island States, least-developed countries, and communities that climate change disproportionately impacts from getting the finance they desperately need. To more effectively deal with climate-change impacts on people in vulnerable situations, discriminatory practices and the unfair distribution of power must be better understood and dealt with.[[18]](#endnote-19)

1. Climate change impacts the rights to life, health, food, water and sanitation, self-determination, cultural rights and many others, with different effects based on gender.[[19]](#endnote-20) Certain categories may be excluded from research, leading to a lack of data – including on climate-change impacts and the ability to cope with the impacts.[[20]](#endnote-21) The General Assembly has recognized that stigma may negatively affect data collection which can make people in vulnerable situations invisible.[[21]](#endnote-22)

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| Food security: all people, at all times, have physical, social, and economic access to sufficient, safe, and nutritious food that meets their food preferences and dietary needs for an active and healthy life.[[22]](#endnote-23) |

1. Indigenous peoples often face social and economic disadvantages related to historic and ongoing marginalization and discrimination. Extreme weather events, drought, melting ice, sea-level rise, ocean warming and acidification as well as land and ecosystems degradation seriously affect indigenous territories by putting in danger food security, traditional livelihoods, cultural practices and the self-determination of indigenous peoples.[[23]](#endnote-24) These risks are increased by the close relationship that many indigenous peoples have with the environment, and their traditional lands, resources and territories.
2. Critically, indigenous territories overlap with areas that hold an estimated 80% of the planet’s biodiversity[[24]](#endnote-25) as well as forests, peatlands and other ecosystems that store very large amounts of carbon. Indigenous peoples play an essential role in conserving and sustainably managing biodiversity, ecosystems and natural resources that are key to keeping the 1.5° Celsius goal within reach and improve resilience against climate impacts.[[25]](#endnote-26) Indigenous communities with weak land and resource rights are at greater risk from climate-change impacts and efforts to mitigate it. Climate-change-related human-rights impacts may be made worse by extractive industries, logging, land grabbing and conservation plans on indigenous territories.[[26]](#endnote-27) Climate-change mitigation projects implemented without indigenous peoples’ free, prior and informed consent have also negatively affected their rights.[[27]](#endnote-28)

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| Land tenure: determines who can use what resources for how long, and under what conditions.[[28]](#endnote-29) |

1. Climate change also severely affects local communities and peasants. This negatively impacts access to food in many rural communities – a problem often made worse by insecure land tenure.[[29]](#endnote-30) Like indigenous peoples, local communities play a vital role in managing and storing tropical forest carbon.[[30]](#endnote-31) Where community forest lands are legally recognized and protected, more carbon tends to be stored and deforestation rates are lower.[[31]](#endnote-32) Their direct dependence on ecosystems to meet their basic needs[[32]](#endnote-33) make local communities and peasants particularly vulnerable to climate-change impacts. In the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, the General Assembly expresses concern at the negative effects of environmental degradation and climate change on peasants and other people working in rural areas. In developing countries, the majority of people living in poverty live in rural areas and rely on agricultural activities both to provide food for their families and to generate income.[[33]](#endnote-34) Women in rural areas are particularly affected by climate change and its impacts with poverty and malnutrition.[[34]](#endnote-35) The threat of climate change on the livelihoods and food security of peasants and other people working in rural areas is a direct threat to their enjoyment of other human rights, including the rights to health and life.

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| **How climate-change impacts are a direct threat to the enjoyment of human rights, focusing on examples of people of African descent.** | |
| **Latin America** | Indigenous peoples and people of African descent represent 46% of the rural population.[[35]](#endnote-36) For people of African descent, political, economic and social marginalization worsen the disproportionate impacts that climate change and climate policies have on their rights.[[36]](#endnote-37) Many people of African descent live in areas of concentrated poverty where they are more vulnerable to or more exposed to environmental degradation and climate risk, and do not have the resources to adapt to climate-change effects.[[37]](#endnote-38) |
| **South America** | Climate-change impacts including extreme weather threaten people of African descent’s rights to food, health and life.[[38]](#endnote-39) |

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| **The Americas** and in **Europe** | Substandard housing in disadvantaged areas make people of African descent more vulnerable to climate events, e.g. hurricanes and floods, and less able to deal with extreme heat.[[39]](#endnote-40) |

1. Whether it is a sudden-onset natural disaster or a slow-onset event, climate change and its impacts are becoming an increasingly important reason for migration.[[40]](#endnote-41) The Internal Displacement Monitoring Centre estimates that extreme weather events including floods, storms and drought explain more than 89% of the disaster displacements between 2008 and 2020.[[41]](#endnote-42) Disasters contributed to internally displacing 30.7 million people in 2020 alone.[[42]](#endnote-43) The relationship between climate change and migration is complex;[[43]](#endnote-44) however, climate change is projected to increase people’s future movements. Those who lack resources for planned migration experience higher exposure to extreme weather events, particularly in low-income developing countries.[[44]](#endnote-45) The risks faced by people that move because of climate change include difficulties in exercising their human rights throughout the migration process.[[45]](#endnote-46) Migrants in irregular situations are at particular risk of being subjected to exploitation, marginalization and human rights violations.[[46]](#endnote-47)
2. Children are also among those that climate change affects most, which may impact the enjoyment of their human rights to, i.a. health, education, food, housing, water and sanitation.[[47]](#endnote-48) Changes to the social and physical environment, including because of climate-related migration, can have far-reaching implications for children’s health and quality of life.[[48]](#endnote-49) Children, because their physiology and immune systems are less developed, experience the effects of climate-related stresses more intensely.[[49]](#endnote-50) Approximately one billion children live in the 33 countries that are classified as extremely high-risk in the Children’s Climate Risk Index - countries that collectively emit only 9% of global CO2 emissions. [[50]](#endnote-51) Children in vulnerable situations, including poor children and those in low- and middle-income countries, will be disproportionately affected by worsening climate-change impacts as temperatures rise during their lifetime.[[51]](#endnote-52)
3. The Preamble to the Convention on the Rights of People with Disabilities highlights that the majority of people with disabilities live in conditions of poverty. According to the Intergovernmental Panel on Climate Change, the poorest people are those who will continue to experience climate change’s worst effects.[[52]](#endnote-53) This includes human-rights impacts, e.g. lost income and livelihood opportunities, displacement, hunger and negative health impacts.[[53]](#endnote-54)Multiple and related factors of discrimination concerning age, gender, displacement, indigenous origin or minority status can further expose people with disabilities to the negative impacts of climate change.[[54]](#endnote-55) People with disabilities suffer from disproportionately higher rates of morbidity and mortality in emergencies, and face challenges in accessing emergency support.[[55]](#endnote-56) Both sudden-onset natural disasters and slow-onset events can affect the access of people with disabilities to safe drinking water and sanitation, food and nutrition, as well as health-care services and medicines.[[56]](#endnote-57) These events can also negatively impact the enjoyment of their rights to education, adequate housing and access to decent work.[[57]](#endnote-58)

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| Saline intrusion: sea water entering into an area that is not normally exposed to high salinity levels.[[58]](#endnote-59) |

1. Some people are at greater risk from climate change simply because of where they are born and live. People in small-island developing States are among those most exposed and vulnerable to climate-change impacts despite having contributed the least to their occurrence. Small-island developing States are home to 65 million people who face unique social, economic, and environmental vulnerabilities.[[59]](#endnote-60) According to the Intergovernmental Panel on Climate Change, people living in small-island developing States and low-lying least-developed countries are among those most impacted by increasing extreme weather and climate events including sea level rise, floods, typhoons, cyclones, hurricanes and saline intrusion.[[60]](#endnote-61) Climate change threatens their very existence.[[61]](#endnote-62) It particularly impacts their rights to life, health, food, water, self-determination and cultural rights as people face increasing challenges to their ability to continue to live on their traditional territory.[[62]](#endnote-63) This contributes to small-island developing States being disproportionately impacted by climate-driven displacement.[[63]](#endnote-64) Sea level rise also threatens the right to adequate housing as well as peoples’ livelihoods – many of which are climate-sensitive – by severely affecting fisheries and other infrastructure.[[64]](#endnote-65)
2. Among those living in LDCs, there are 1.1 billion who make up 40% of the world’s poor.[[65]](#endnote-66) These people are disproportionately affected by and acutely vulnerable to climate change’s negative effects, while doing very little to cause it.[[66]](#endnote-67) They often lack the capacity to adapt to climate-change impacts. Climate financing for least-developed countries is crucial to adequately protect them from climate change harms.[[67]](#endnote-68)

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| Water stress: occurs when the demand for water exceeds the available amount during a certain period or when poor quality restricts its use.[[68]](#endnote-69) |

28. More than two billion people live in areas that experience water stress and 3.4 billion people lack access to safely managed sanitation facilities - a situation that climate change will worsen.[[69]](#endnote-70) Climate change already affects the availability, quality and quantity of water for basic human needs, including for people living in conditions of water scarcity.[[70]](#endnote-71) Climate change is expected to further increase drought frequency, intensity and severity.[[71]](#endnote-72) Over the period 2009–2019, droughts affected over 100 million people, severely impacting the right to life, livelihoods and food security of those affected.[[72]](#endnote-73) Droughts, flooding, rising sea levels and infrastructure damage from climate-related disasters are a continuous and increasing risk to human rights, including to water and sanitation, food, health, housing and education.

29. Other people at risk because of their geographic location include those that face the effects of retreating glaciers, changes in mountain and Arctic ecosystems and flooding or drying rivers.[[73]](#endnote-74) Climate-change-related human-rights impacts and future risks are particularly high in drylands which cover around 46.2% of land globally and are home to 3 billion people.[[74]](#endnote-75) Climate change is expected to further make worse several desertification processes with increased risks for people living in conditions of desertification, including increased pressure on land leading to increased poverty and food insecurity.[[75]](#endnote-76) According to the Intergovernmental Panel on Climate Change, land degradation is both affected by climate change and contributing to it, and it affects people all over the world.[[76]](#endnote-77) Most people living in conditions of land degradation – which negatively impacts peoples’ livelihoods – are living in poverty in developing countries.[[77]](#endnote-78)

IV. Promoting and protecting the rights of people in vulnerable situations in the context of climate change

A. Legal and policy framework

1. Nine core international human rights instruments set forth binding legal obligations on the States that are party to them, including some that are relevant to climate change. These instruments are:

* the International Convention on the Elimination of All Forms of Racial Discrimination,
* the International Covenant on Economic, Social and Cultural Rights,
* the International Covenant on Civil and Political Rights,
* the Convention on the Elimination of All Forms of Discrimination against Women,
* the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
* the Convention on the Rights of the Child,
* the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
* the Convention on the Rights of People with Disabilities, and
* the International Convention for the Protection of All People from Enforced Disappearance.

1. In the context of climate change, meeting these obligations may require States to, among other things, take action to protect people against climate-change-related harms that impact on the enjoyment of human rights, and to implement inclusive climate policies. Climate action should empower people in vulnerable situations ensuring their full and effective participation as rights-holders.
2. These obligations and others related to climate change are also reflected within numerous other relevant international instruments, including those highlighted below.

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| **The United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in 2007** | * In its preamble, the Declaration recognizes that “*respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment*”. * Article 32 requires States to provide effective mechanisms for just and fair redress for activities affecting indigenous peoples’ lands or territories and other resources, and “*to mitigate negative environmental, economic, social, cultural or spiritual impact*”. * Article 29 discusses the rights of indigenous peoples to conserve and protect the environment and their lands, territories and resources. * Articles 19 and 32 also call for free, prior and informed consent regarding all measures and projects that affect indigenous peoples’ rights. This includes actions related to climate change mitigation and adaptation measures. |
| **The Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO)**[[78]](#endnote-79) | * This instrument states the specific rights of indigenous peoples – including the rights to consultation and participation.[[79]](#endnote-80) |
| **The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas** | * Article 18 (3): the right “*to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge*”, * Article 25 (1): the right to adequate training, including on climate change, and * Article 12 (5): the need for States to provide effective mechanisms of redress, i.a. violating their human rights. |
| **The Durban Declaration and Programme of Action** | * Improve access to public information on health and environment issues, * Make sure that relevant concerns are taken into account in the public process of decision-making on the environment, * Share technology and successful practices to improve human health and environment in all areas, and * Take appropriate remedial measures with respect to those affected.[[80]](#endnote-81) |
| **The Guiding Principles on Business and Human Rights**, endorsed by **the** **Human Rights Council resolution 17/4** | * States have an obligation to protect against human rights abuse within their territory or jurisdiction by third parties, including by business enterprises. * The Guiding Principles state that States must take adequate measures through effective policies, legislation, regulations and adjudication to protect all people from human rights harms involving business enterprises, including through the contributions of such enterprises to environmental harm. * The obligation of all business enterprises to respect human rights includes the obligation to do no harm and to deal with the negative human rights impacts that they have caused or contributed to. * When negative impacts or harms occur, those impacted must have access to an effective remedy.[[81]](#endnote-82) |
| **The Human Rights Council** adopted **resolution 48/13** in October 2021 | * Recognizes the human right to a clean, healthy and sustainable environment - an important step[[82]](#endnote-83) to secure the enjoyment for all people of a safe and stable climate, healthy ecosystems, and a non-toxic environment as well as their rights to participation, access to information and justice in environmental matters. |
| **Article 6 of the United Nations Framework Convention on Climate Change** | * Parties must promote and facilitate public access to information on climate change and its effects and public participation in tackling and developing adequate responses to climate change. * Article 3 states that the specific needs and special circumstances of developing country parties, especially those: that are particularly vulnerable to climate change’s negative effects, and * that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration in actions to achieve the Convention’s objectives and to implement its provisions. |
| **The Paris Agreement** | * The preamble states that parties, when tackling climate change, should respect, promote and consider their respective human rights obligations, including: * the right to health, * the rights of indigenous peoples, local communities, children, migrants, people with disabilities, and people in vulnerable situations as well as * the right to development, gender equality, empowering women and intergenerational equity. * Articles 7, 9 and 11 include commitments related to international cooperation, climate finance and capacity-building related to mitigation and adaptation, in particular for those groups, peoples and countries that are most vulnerable to climate impacts. * Article 12 establishes the parties’ obligation to cooperate to improve climate change education, training, public awareness, public participation and public access to information.[[83]](#endnote-84) * Article 7 (5) specifically mentions the use of traditional knowledge, knowledge of indigenous peoples and local knowledge systems in adaptation strategies as well as the need for adaptation action to be country-driven, gender-responsive, participatory and transparent.[[84]](#endnote-85) |
| Principle 10 of **The 1992 Rio Declaration on Environment and Development**,  **The 1998 Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters** (Aarhus Convention), and  **The 2018 Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean** (Escazú Agreement). | * All guarantee the right to access information, the right to participation and the right to access justice in environmental matters. * The Escazú Agreement aims to guarantee the full and effective implementation in Latin America and the Caribbean of the rights to access environmental information, to participate in environmental decision-making, and to access justice in environmental matters. * The Escazú Agreement specifically outlines its parties’ responsibilities to include people or groups in vulnerable situations in carrying out these efforts. * In implementing the Escazú Agreement, parties “*are required to guarantee that their domestic legislation and international obligations in relation to the rights of indigenous peoples and local communities are observed.*” |
| **The United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification Particularly in Africa** | * This Convention specifically talks about the drylands hosting some of the world’s most vulnerable ecosystems and peoples. * Articles 3 (a) and 5 (d): promote the participatory development of national programmes, and * Article 6 stipulates the need for developed country parties to support “*the efforts of affected developing country Parties, particularly those in Africa, and the least-developed countries, to combat desertification and mitigate the effects of drought*”. |
| **The SIDS Accelerated Modalities of Action (SAMOA) Pathway of 2014** | * Highlights the importance of working with a broad range of stakeholders for effective climate action as part of the efforts to support small-island developing States in achieving sustainable development. |
| **The 2030 Agenda for Sustainable Development** | * Places particular emphasis on reaching the most vulnerable and leaving no one behind. * Effectively implementing effective climate action under Goal 13 is key to achieving all the Sustainable Development Goals. |

B. People in vulnerable situations as agents of change

1. The rights to access to information, meaningful participation and access to justice in environmental matters, including in the context of climate change, are key to empower people to engage in climate action and for climate action to be responsive to their needs. People in vulnerable situations have played an important role in advancing climate justice. They have taken a wide range of steps to tackle climate change and its disproportionate impacts, including by:

* organizing and participating at climate marches,
* setting up civil society organizations and grass-roots initiatives engaged in climate action, and
* engaging in climate litigation.

Climate action cannot be fully effective without reflecting the perspectives and lived experiences of people in vulnerable situations. Their skills and knowledge should inform climate policymaking, which needs to be tailored to their needs and requirements. This can only be achieved through a rights-based approach grounded in values and principles like inclusive participation, transparency, accountability, equality and non-discrimination, equity, solidarity, compassion and justice.

1. People of African descent have played an instrumental role in documenting, protesting against and acting on the negative impacts of climate change and environmental degradation. For example:

* The environmental justice movement in the United States of America benefits from diverse leadership including by African-Americans, Latinos, Asians and Pacific Islanders and Native Americans.[[85]](#endnote-86)
* The Seed indigenous youth climate network - a movement including aboriginal and Torres Strait Islander youth - works to protect their land, culture and communities from fossil fuel extraction and global warming.[[86]](#endnote-87)
* The Asia Pacific Forum on Women, Law and Development led a feminist participatory action research programme to help indigenous women and lesbian, gay, bisexual, transgender and intersex people to document their experiences, responses and needs to support those most affected by climate change in shaping climate policies.[[87]](#endnote-88)

1. During the 25th Conference of the Parties to the United Nations Framework Convention on Climate Change, the United Nations Children’s Fund, YOUNGO – the children and youth constituency to the Framework Convention, and a group of governments developed the Intergovernmental Declaration on Children, Youth and Climate Action. The Declaration discussed children’s and young people’s rights regarding environmental harm and climate change.[[88]](#endnote-89) Environmental and climate justice movements play a key role in promoting rights-based climate action. They can contribute to making climate action more effective and sustainable by giving a voice to those that climate change affects most and promoting inclusivity including within their own movements.
2. The Intergovernmental Panel on Climate Change is aware of the importance of indigenous peoples’ traditional knowledge and practices, including their holistic view of community and environment, to effective adaptation.[[89]](#endnote-90) Traditional practices are often extremely effective at conserving biodiversity and ecosystems and developing resilience against climate change. The Local Communities and Indigenous Peoples Platform was established under the United Nations Framework Convention on Climate Change to:

* promote the exchange of experiences and best practices related to traditional, local and indigenous knowledge systems,
* increase the possibility of indigenous peoples and local communities to take part in the processes under the Convention, and
* assist with the integration of different knowledge systems, practices and innovation in climate action, programmes and policies.[[90]](#endnote-91)

In consultations for this report, stakeholders shared good practices indigenous peoples use to mitigate and adapt to climate change. Examples include:

* Honduras: indigenous peoples and Afro Hondurans apply ancestral knowledge to mitigate climate-change effects.[[91]](#endnote-92)
* Ecuador: Shuar and Achuar communities use seed exchanges and networks, education on traditional agriculture, and relocating of gardens to improve resilience to climate-related disasters.[[92]](#endnote-93)
* The Peruvian Amazon: the Wampis Nation is developing its own climate adaptation plan to limit climate harms and reduce forest degradation by 2030.[[93]](#endnote-94)

Respecting the rights of indigenous peoples to their traditional knowledge, lands, resources and territories is fundamental to efforts to protect peoples and the planet.

1. Many people in vulnerable situations that are working for climate justice are environmental human rights defenders, whose work is critical to protecting biological diversity, to tacking environmental degradation and pollution as well as to mitigating and adapting to climate change. States must make sure that environmental human rights defenders can operate safely and protect them from intimidation, attacks and reprisals. Human rights due diligence policies, environmental and social impact assessments, safeguards, inclusive and participatory processes, and independent redress mechanisms can help both empower people in vulnerable situations and limit the risks of negative effects on human rights and the environment linked to State laws, policies and actions as well as business activities.
2. Climate litigation has become an increasingly effective tool to hold States and businesses accountable and to protect the human rights of people in vulnerable situations from climate change’s negative impacts. While carrying out potentially costly and time-consuming legal action are challenges for those climate change affects most,[[94]](#endnote-95) successful rights-based climate litigation by or for people in vulnerable situations contributes to advancing countries’ and businesses’ climate ambitions.[[95]](#endnote-96) For example:

* In May 2021, in *Milieudefensie et al. v. Royal Dutch Shell PLC*., the first major climate change litigation ruling against a corporation, The Hague District Court ordered Shell to reduce its emissions by 45% by 2030. Shell appealed the case, which is currently pending.
* The Supreme Court of Colombia, in May 2018, ruled in favour of a group of 25 children and youths in the case *Future Generations v. Ministry of the Environment and Others*, holding that their constitutional right to a healthy environment was being violated by climate change and the deforestation in the Amazon.
* The Committee on the Rights of the Child, responding to a petition by 16 children alleging that inadequate climate action by five countries violated their rights, held that States can be liable for extraterritorial human rights impacts related to climate change.[[96]](#endnote-97)

C. Supporting people in vulnerable situations

1. In consultations for this report, Member States shared several good practices related to supporting and strengthening action by and for people in vulnerable situations. For example,

* Chile[[97]](#endnote-98) and the Philippines[[98]](#endnote-99) included loss and damage caused by climate change in their nationally determined contributions,
* Mexico is including people in vulnerable situations in their early warning systems,[[99]](#endnote-100)
* Mauritius is working to protect vulnerable coastal ecosystems and communities,[[100]](#endnote-101)
* Iraq took measures to prevent drought and to safeguard the food security of vulnerable groups, including the internally displaced and rural communities,[[101]](#endnote-102)
* Guatemala[[102]](#endnote-103) and Slovakia[[103]](#endnote-104) have taken measures to improve public participation in environmental decision-making,
* the national adaptation strategy of Greece was adopted in line with the Aarhus Convention provisions for participatory governance,[[104]](#endnote-105)
* the national adaptation plan of Argentina, which is now being written, is expected to include local communities and indigenous peoples,[[105]](#endnote-106) and
* the Latvian national plan for adaptation to climate change, until 2030, includes provisions related to the least protected groups in society.[[106]](#endnote-107)

1. Climate vulnerable countries increasingly appeal to developed countries to deliver on their international climate finance commitments – including under the United Nations Framework Convention on Climate Change – as part of their call for climate justice.[[107]](#endnote-108) In its resolution 47/24, the Human Rights Council called upon “*States to enhance international cooperation and assistance, in particular in financing, the transfer of technology and capacity-building*” to help the most vulnerable to adapt to and mitigate climate change’s negative effects on their human rights.[[108]](#endnote-109) States’ parties to the Paris Agreement have obligations to use climate finance, technology transfer and capacity-building through international cooperation – including to deal with loss and damage climate change causes – in line with the principle of common but differentiated responsibilities and respective capabilities in light of national circumstances, and the needs of developing country parties. Fulfilling these commitments would contribute to tackling climate change’s negative effects on the rights of people in vulnerable situations now and in the future.[[109]](#endnote-110)
2. Under international human rights law, States must respect, protect and fulfil human rights. This includes preventing and tackling the negative human rights impacts of climate change, particularly on people in vulnerable situations. In the International Covenant on Economic, Social and Cultural Rights, States are specifically called upon to work together and to use the maximum available resources to progressively make sure human rights are protected. [[110]](#endnote-111) These obligations require finance to be effectively used to support rights-based climate action that benefits people in vulnerable situations. A human rights-based approach to climate finance includes the obligations to cooperate internationally, as stated in:

* the Charter of the United Nations,[[111]](#endnote-112)
* the International Covenant on Economic, Social and Cultural Rights,[[112]](#endnote-113) and
* the Declaration on the Right to Development.[[113]](#endnote-114)

This also includes safeguarding against human rights harms, supporting projects that advance human rights, and make sure people and communities in vulnerable situations meaningfully and effectively participate, without discrimination, in decision-making. This approach is particularly critical to make sure increasingly large volumes of climate finance are being effectively used to tackle urgent needs, including adaptation. UNEP has estimated that the annual costs of adaptation in developing countries by 2030 will be between $155 and $330 billion and will continue to increase as the temperature rises.[[114]](#endnote-115)

1. According to the Organization for Economic Cooperation and Development, two thirds of climate-finance flows that developed countries made available in 2019 went to mitigation.[[115]](#endnote-116) Climate finance for adaptation – a priority for the world’s poorest countries – remains far below what is needed to respond both to climate change’s current and future impacts, in particular for developing economies.[[116]](#endnote-117) Existing climate finance is insufficient to put the world on track to limit heating to 1.5°C and to support the needed adaptation. Therefore, this situation is inconsistent with the obligation to protect human rights from climate change’s negative effects. Compounding the problem, climate finance sometimes supports large projects that have limited potential to reach local actors and, at their worst, even harm people in vulnerable situations.[[117]](#endnote-118) Too often, the people who need it most do not have access to international climate finance.[[118]](#endnote-119)

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| Concessional finance: below market rate finance provided by major financial institutions to developing countries to accelerate development objectives.[[119]](#endnote-120) |

1. Current international climate finance is mainly in the form of loans, with grant assistance being very limited.[[120]](#endnote-121) The need to rely on loans to fight climate change’s worst effects threatens to increase already high levels of debt, especially for countries with limited resources. Small-island developing States face high levels of debt including in many cases because of borrowing to tackle climate-related impacts on their economies.[[121]](#endnote-122) Least-developed countries receive an estimated 20.5% of climate finance, with small-island developing States receiving 3% of climate finance. This is not representative of the increasing climate risk that they face.[[122]](#endnote-123) Nearly half of these funds have been in the form of loans and other non-grant instruments.[[123]](#endnote-124) The General Assembly, in its resolutions 75/215 and 76/203, called to develop a multidimensional vulnerability index[[124]](#endnote-125) for small-island developing States to facilitate their access to concessional finance. Providing climate finance as a grant rather than a loan can help prevent the people and countries least responsible for the cost of the climate crisis paying for it.[[125]](#endnote-126)
2. Although developed countries have committed to lead on using climate finance in line with their common but differentiated responsibilities under the Paris Agreement, more than three quarters of climate finance is channelled domestically.[[126]](#endnote-127) Mechanisms to make sure there is access, inclusiveness, safeguards and redress are often missing or are not used effectively, e.g. for indigenous peoples.[[127]](#endnote-128) Developed countries must provide better and additional support for activities that deal with:
3. the loss and damage connected with climate change’s negative effects, and
4. the impacts of both economic and non-economic losses on resources and human rights, including culture, life, livelihoods and territory,

benefitting the most vulnerable first.[[128]](#endnote-129)

1. All contributions are available at <https://www.ohchr.org/en/climate-change/impact-climate-change-rights-people-vulnerable-situations>. [↑](#endnote-ref-2)
2. [www.ipcc.ch](http://www.ipcc.ch) [↑](#endnote-ref-3)
3. [www.unccd.int](http://www.unccd.int) [↑](#endnote-ref-4)
4. See, for example, [A/HRC/35/10](http://undocs.org/en/A/HRC/35/10). [↑](#endnote-ref-5)
5. Intergovernmental Panel on Climate Change (IPCC), “Summary for Policymakers” in *Climate Change 2022: Impacts, Adaptation and Vulnerability* *– Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, H.-O. Pörtner and others, eds. (forthcoming), p. 11. All references to chapter and page numbers in the Sixth Assessment Report are from the final, online version available on the website for the Intergovernmental Panel on Climate Change. [↑](#endnote-ref-6)
6. See United Nations, “Secretary-General’s remarks to the World Leaders Summit – COP 26”, 1 November 2021 [↑](#endnote-ref-7)
7. Angela Dewan, “Germany’s deadly floods were up to 9 times more likely because of climate change, study estimates”, *CNN*, 24 August 2021. [↑](#endnote-ref-8)
8. Office for the Coordination of Humanitarian Affairs, “West and Central Africa: Situation Report”, 31 December 2021. [↑](#endnote-ref-9)
9. World Food Programme, “Central America: Meet people’s needs and tackle root causes of migration, says report”, 23 November 2021. [↑](#endnote-ref-10)
10. International Federation of Red Cross and Red Crescent Societies, “Over 57 million affected by climate disasters across Asia Pacific in 2021”, 15 December 2021. [↑](#endnote-ref-11)
11. Submission by the United Nations Research Institute for Social Development, p. 1. See also Joanna Bourke Martignoni, “Intersectionalities, human rights and climate change: Emerging linkages in the practice of the UN human rights monitoring system”, in the *Routledge Handbook of Human Rights and Climate Governance*, Sébastien Duyck, Sébastien Jodoin and Alyssa Johl, eds. (London, Routledge, 2018). [↑](#endnote-ref-12)
12. See Organization for Economic Cooperation and Development (OECD), *Carbon Pricing in Times of COVID-19: What Has Changed in G20 Economies?* (Paris, 2021). [↑](#endnote-ref-13)
13. Food and Agriculture Organization of the United Nations (FAO), *FAO’S Work with Small Island Developing States: Transforming Food Systems, Sustaining Small Islands* (Rome, 2019), p. 5, and United Nations Conference on Trade and Development (UNCTAD), “Smallest footprints, largest impacts: Least developed countries need a just sustainable transition”. [↑](#endnote-ref-14)
14. Intergovernmental Panel on Climate Change, *Climate Change 2022:* *Impacts, Adaptation and Vulnerability*, chap. 1, p. 50. [↑](#endnote-ref-15)
15. Intergovernmental Panel on Climate Change*,* “Summary for Policymakers” in *Climate Change 2022: Mitigation of Climate Change* – *Contribution of Working Group III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, P. R. Shukla and others, eds. (forthcoming), p. 21, footnote 41. [↑](#endnote-ref-16)
16. Intergovernmental Panel on Climate Change, *Climate Change 2022:* *Impacts, Adaptation and Vulnerability*, chap. 11, p. 97. [↑](#endnote-ref-17)
17. See, for example, [A/HRC/48/78](http://undocs.org/en/A/HRC/48/78). [↑](#endnote-ref-18)
18. Submission by the Global Initiative for Economic, Social and Cultural Rights and others, p. 1; submission by Notre Affaire à Tous, p. 3; and Office of the United Nations High Commissioner for Human Rights (OHCHR), “Understanding Human Rights and Climate Change”. [↑](#endnote-ref-19)
19. See OHCHR, the United Nations Environment Programme and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), “Human Rights, the Environment and Gender Equality: Key Messages”. [↑](#endnote-ref-20)
20. See OHCHR, the United Nations Environment Programme and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), “Human Rights, the Environment and Gender Equality: Key Messages”. [↑](#endnote-ref-21)
21. See resolution 75/284. See also Sara L. M. Davis, *The Uncounted: Politics of Data in Global Health* (Cambridge, United Kingdom, Cambridge University Press, 2020), p. 46. [↑](#endnote-ref-22)
22. [www.ifpri.org](http://www.ifpri.org) [↑](#endnote-ref-23)
23. OHCHR, *Frequently Asked Questions on Human Rights and Climate Change*, Fact Sheet No. 38(2021). See also [A/HRC/38/21](http://undocs.org/en/A/HRC/38/21), para. 19; and [A/75/298](http://undocs.org/en/A/75/298). [↑](#endnote-ref-24)
24. Claudia Sobrevila, *The Role of Indigenous Peoples in Biodiversity Conservation: The Natural but Often Forgotten Partners* (Washington, D.C., World Bank, 2008), p. xii. [↑](#endnote-ref-25)
25. [A/HRC/36/46](http://undocs.org/en/A/HRC/36/46), para. 7. [↑](#endnote-ref-26)
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27. [A/HRC/36/46](http://undocs.org/en/A/HRC/36/46), para. 14. [↑](#endnote-ref-28)
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31. Rights and Resources Institute Inc., “Securing Community Land Rights: Priorities and Opportunities to Advance Climate and Sustainable Development Goals”, October 2017, p. 4. [↑](#endnote-ref-32)
32. Intergovernmental Panel on Climate Change, “Summary for Policymakers” in *Climate Change 2022: Impacts, Adaptation and Vulnerability,* p. 12. [↑](#endnote-ref-33)
33. [A/70/287](http://undocs.org/en/A/70/287), para. 30. [↑](#endnote-ref-34)
34. [A/70/287](http://undocs.org/en/A/70/287), para. 35. [↑](#endnote-ref-35)
35. FAO, *Indigenous Peoples, Afro-Descendants and Climate Change in Latin America*, p. 1. [↑](#endnote-ref-36)
36. See [A/HRC/48/78](http://undocs.org/en/A/HRC/48/78). [↑](#endnote-ref-37)
37. See [A/HRC/48/78](http://undocs.org/en/A/HRC/48/78). [↑](#endnote-ref-38)
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39. Economic Commission for Latin America and the Caribbean, *Situación de las personas afrodescendientes en América Latina y desafíos de políticas para la garantía de sus derechos* (Santiago, 2017), p. 78; and Aakash Naik and Aiyan Maharasingam, “Is Climate Change Racist?”, Greenpeace, 1 October 2021. [↑](#endnote-ref-40)
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41. *Global Report on Internal Displacement 2021:* *Internal Displacement in A Changing Climate*, p. 48. [↑](#endnote-ref-42)
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53. *Global Warming of 1.5ºC: An IPCC Special Report on the Impacts of Global Warming of 1.5°C above Pre-industrial levels and Related Global Greenhouse Gas Emission Pathways, in the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development, and Efforts to Eradicate Poverty* (2018) chap. 5, p. 479. [↑](#endnote-ref-54)
54. [A/HRC/46/27](http://undocs.org/en/A/HRC/46/27), para. 58. [↑](#endnote-ref-55)
55. [A/HRC/44/30](http://undocs.org/en/A/HRC/44/30), para. 5. [↑](#endnote-ref-56)
56. [A/HRC/44/30](http://undocs.org/en/A/HRC/44/30), para. 5. [↑](#endnote-ref-57)
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59. Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, “About Small Island Developing States”, available at [*https://www.un.org/ohrlls/content/about-small-island-developing-states#:~:text=Small%20Island%20Developing%20States%20(SIDS,social%2C%20economic%20and%20environmental%20vulnerabilities*](https://www.un.org/ohrlls/content/about-small-island-developing-states#:~:text=Small%20Island%20Developing%20States%20(SIDS,social%2C%20economic%20and%20environmental%20vulnerabilities). [↑](#endnote-ref-60)
60. Intergovernmental Panel on Climate Change, *Climate Change 2022: Impacts, Adaptation and Vulnerability*, “Summary for Policy Makers”, pp. 10–13; and main report, chap. 8, p. 86. [↑](#endnote-ref-61)
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76. See Intergovernmental Panel on Climate Change, “Chapter 3: Desertification” in *Climate Change and Land: An IPCC Special Report on Climate Change, Desertification, Land Degradation, Sustainable Land Management, Food Security, and Greenhouse Gas Fluxes in Terrestrial Ecosystems* (2020). [↑](#endnote-ref-77)
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92. Submission by Cultural Survival, p. 4. [↑](#endnote-ref-93)
93. Submission by EarthRights International, p. 2. [↑](#endnote-ref-94)
94. Submission by the Castan Centre for Human Rights Law, p. 4. [↑](#endnote-ref-95)
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98. Submission by the Philippines, p. 5. [↑](#endnote-ref-99)
99. Submission by Mexico, p. 12. [↑](#endnote-ref-100)
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101. See submissions by Iraq. [↑](#endnote-ref-102)
102. Submission by Guatemala, p. 20. [↑](#endnote-ref-103)
103. Submission by the Slovak National Centre for Human Rights, p. 8. [↑](#endnote-ref-104)
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112. Arts. 1–2, 11 and 15. [↑](#endnote-ref-113)
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