**Mandate of the Special Rapporteur on the right to development**

**Call for input for the 2024 reports**

The United Nations Special Rapporteur on the right to development, Mr Surya Deva, will present his 2024 reports to the Human Rights Council and the General Assembly on the following themes: (a) Climate justice: Loss and damage; and (b) The right to development of children and future generations.

To inform these two thematic reports, the Special Rapporteur seeks to collect input on certain specific issues from States and all other stakeholders. *Please feel free to answer the questions most relevant for your work*.

1. **Climate justice: Loss and damage**

The Special Rapporteur in his vision report to the Human Rights Council ([A/HRC/54/27](https://www.ohchr.org/en/documents/thematic-reports/ahrc5427-reinvigorating-right-development-vision-future)) highlighted climate change as one of the major disruptors to realising the right to development. In 2022, the State parties to the UN Framework Convention on Climate Change agreed to establish a Loss and Damage Fund (Fund). The Fund, to be hosted by the World Bank for an initial period of four years, came to life at COP28 with about USD800 million being committed by various States. Against this context, this report will focus on the interface between the right to development and loss and damage from climate change. It will explore the impacts of loss and damage on realising the right to development, the basis of responsibility for loss and damage, the contours (both financial and non-financial components) and bearers (States and other actors) of this responsibility from a climate justice perspective, and the human rights-based approach to administer the Fund.

Specific questions / issues

1. How is the realisation of the right to development impacted by both economic and non-economic loss and damage from climate change? How is the impact experienced differently and/or disproportionately by different individuals (e.g., children and women), groups (e.g., Indigenous Peoples) and States (e.g., Small Island Developing States)?

The realization of the right to development in Zambia is significantly impacted by loss and damage resulting from climate change. Over the past years Zambia has faced a series of extreme weather events, amplified by climate change, for several years. Starting from February 7, 2023, the country witnessed its most severe flooding in over five decades, as reported by the Zambia Disaster Management and Mitigation Unit (DMMU, 2023).[[1]](#footnote-1) By February 9, 2023, the situation worsened with heavy rains affecting a larger area, prompting the Government to seek assistance from humanitarian organizations, including the Red Cross, on February 10. Climate change has further led to significant damage to infrastructure, agriculture, and natural resources. These disruptions have impede economic growth, exacerbate poverty, and hinder progress towards sustainable development goals. For instance, Zambia maize production in the 2021/2022 crop season dropped by 25% from 3.6 million tonnes recorded during the 2020/2021 crop season.[[2]](#footnote-2) The Ministry of Agriculture attributed this drop to a reduction in the area planted and lower yields as a result of late onset of rains and drought. This resulted in lost income for farmers, increased food insecurity, and reduced access to essential resources for communities dependent on agriculture.

Non-economically, climate change-related events have had also profound social and environmental consequences in Zambia, affecting human rights and overall well-being. For instance, approximately 300 families have faced displacement due to flooding in Eastern Province, Zambia. The flooding began in late December 2019, according to reports from the (DMMU, 2019).[[3]](#footnote-3) By January 1, 2020, more than 200 families had been displaced in the Mambwe district, with an additional 60 families affected in the Lumezi district. This disrupted livelihoods, and exacerbated social inequalities, particularly among vulnerable groups such as women, children, and indigenous communities.

**Children and Women**: Studies show that children and women often bear a disproportionate burden of climate change impacts due to their vulnerability and marginalized status in many societies. For example:

* + Children suffer from increased health risks due to climate-related disasters, such as malnutrition, waterborne diseases, and mental health issues.
	+ Women, in developing countries like Zambia, women typically bear the responsibility of collecting water for their households. UNICEF[[4]](#footnote-4) reports that in 80% of households requiring water collection, it is women and girls who undertake this task. However, with climate change exacerbating water scarcity, women often have to travel longer distances to find water sources, leading to increased workloads and less time for education or income-generating activities.

The lack of access to clean water can have severe implications for hygiene and sanitation, making women and girls more susceptible to communicable diseases. The Zambian government declared a new cholera outbreak in October 2023, which began in Lusaka province. As of 18 January 2024, 10 887 cases and 432 deaths were reported across nine of the country's 10 provinces. Lusaka, Central and Eastern provinces are the worst affected (WHO,2024).[[5]](#footnote-5) Impact of Drainage Networks on Cholera Outbreaks in Lusaka, Zambia study from 2003–2004 and 2005–2006 Rainy Seasons revealed that 50.8% patients were female and 48.3% were male.

1. What are the obligations of States and other actors such as development finance institutions and businesses to prevent, mitigate and remediate the impacts of climate change-related loss and damage on human rights, including the right to development?

States, development finance institutions, and businesses have obligations to prevent, mitigate, and remediate the impacts of climate change-related loss and damage on human rights, including the right to development. These obligations stem from various international agreements, frameworks, and principles, including but not limited to:

* **International Human Rights Law (IHRL)**: Zambia is party and signatory to the International Covenant on Economic Social and Cultural Rights, (ICESCR), Convention on the Rights of a Child (CRC), Convention on the Elimination of all forms of Discrimination against Women (CEDAW). Zambia has a duty to to respect, protect, and fulfill human rights, including the right to development, in the context of climate change. This includes, firstly taking measures to prevent human rights violations caused by climate change.
* **United Nations Framework Convention on Climate Change (UNFCCC),** Zambia as state party to the UNFCCC has obligations in corporation with the other countries to come up with strategies on how to mitigate impact of climate change on Development.
* **Paris Agreement**: Zambia is a signatory to the Paris Agreement, including States and non-state actors, have commitments to enhance climate action and support efforts to address loss and damage associated with climate change. This includes implementing nationally determined contributions (NDCs) to reduce greenhouse gas emissions and enhance climate resilience. The Zambian government first NDC was submitted on 9th December 2016, and consisted of both mitigation and adaptation components based on the country’s national circumstances. Zambia submitted its updated NDC in 2021 and in 2023 NDC implementation framework from 2023 to 2030 was developed. [[6]](#footnote-6)
* **Corporate Responsibility**: Businesses, particularly those involved in activities that contribute to climate change, have a responsibility to respect human rights and mitigate adverse impacts of climate change on people and communities. Businesses are obligated to conducted human rights due diligence to identify, prevent, and address potential adverse human rights impacts associated with business operations, including those related to climate change.
1. What is the legal and/or moral basis for States and other actors including businesses to contribute to the Fund for climate change-related loss and damage?

The legal and moral basis for States and other actors, including businesses, to contribute to the Fund for climate change-related loss and damage are grounded in several principles and obligations.

* **Common But Differentiated Responsibilities (CBDR)**: The principle of CBDR, enshrined in international environmental agreements such as the UNFCCC, recognizes that while all countries have a shared responsibility to address climate change, developed countries bear a greater historical responsibility for causing climate change and have greater capacity to mitigate and adapt to its impacts.
* **Polluter Pays Principle (PPP)**: The PPP, a fundamental principle of environmental law, holds that those who pollute or cause environmental harm should bear the costs of mitigation, remediation, and compensation.
* **Human Rights Obligations**: States and businesses have legal and moral obligations to respect, protect, and fulfill human rights, including the rights of vulnerable communities impacted by climate change-related loss and damage. Contributing to the loss and damage fund can be seen as a means to fulfill these obligations by providing financial assistance for adaptation, mitigation, and compensation measures that protect and promote human rights, including the right to life, health, food, water, shelter, and livelihoods.
* **Corporate Social Responsibility (CSR)**: Many businesses recognize the importance of CSR and sustainability principles, which include commitments to address climate change impacts and support affected communities.
* **Solidarity and Global Cooperation**: In the face of a global challenge like climate change, solidarity and cooperation among States, businesses, and other actors are essential. Contributing to the loss and damage fund reflects a commitment to global cooperation and solidarity in addressing the shared threat of climate change and supporting those most vulnerable to its impacts.

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1. In addition to making a financial contribution to the Fund, what non-financial components may be relevant from a climate justice perspective (e.g., transfer of green technologies, building of capacity and relocation pathways for climate-induced migrants)?

From a climate justice perspective, in addition to making financial contributions to the Fund, several non-financial components are relevant to address the impacts of climate change and promote equity and justice. These components include:

* States to facilitate the transfer of environmentally sound and sustainable technologies from developed to developing countries is crucial for enhancing the capacity of vulnerable communities to adapt to and mitigate climate change. This transfer can include renewable energy technologies, sustainable agriculture practices like agroecology, and climate resilient infrastructure solutions.
* States to establish and provide relocation pathways for Climate-Induced Migrants. Climate-induced migration is increasingly becoming a reality for many communities facing the impacts of climate change, such as drought and floods extreme and environmental degradation in most parts of Zambia[[7]](#footnote-7). From a climate justice perspective, providing safe and dignified relocation pathways for climate-induced migrants is crucial to protecting their rights and ensuring their well-being.
1. How should a human rights-based approach to operationalise and administer the Fund look like (e.g., integration of considerations such as accessibility, non-discrimination, fair representation in decision making, gender responsiveness, and accommodation for marginalised communities and countries especially vulnerable to the adverse effects of climate change)?

A human rights-based approach to operationalizing and administering the Fund should prioritize the following considerations to ensure that it is accessible, non-discriminatory, fair, gender-responsive, and accommodating of marginalized communities and countries vulnerable to the adverse effects of climate change:

* **Accessibility**: The Fund should be accessible to all countries, particularly those most vulnerable to the impacts of climate change, including least developed countries (LDCs), and countries with high levels of poverty and inequality.
* **Non-Discrimination**: The Fund should operate on the principle of non-discrimination, ensuring that all individuals and communities, regardless of race, ethnicity, religion, gender, age, disability, or other status, have equal access to resources and opportunities.
* **Fair Representation in Decision Making**: Decision-making structures and processes within the Fund should be inclusive and representative, incorporating the perspectives and voices of all stakeholders, including Civil Society Organizations (CSOs), women, youth, and marginalized communities.
* **Gender Responsiveness**: The Fund should mainstream gender considerations across all its activities, recognizing the differential impacts of climate change on women, men, and gender-diverse individuals. This includes ensuring that gender analysis is integrated into project design, implementation, and monitoring, and that women have equal participation and leadership opportunities in decision-making processes related to climate finance.
1. **Accommodation for Marginalized Communities and Countries**: The Fund should prioritize support for marginalized communities and countries that are disproportionately affected by climate change, such as rural communities, and those living in poverty or in fragile and conflict-affected settings.
2. How to ensure that the Fund and/or climate finance (including for mitigation and adaptation) does not result in a debt trap for developing countries?

Some strategies to mitigate the risk of indebting countries while financing climate action include.

* The fund should prioritize providing grants rather than loans for climate finance projects, especially for adaptation initiatives in the most vulnerable countries. Grants do not need to be repaid and can alleviate the burden of debt on developing countries, allowing them to invest in climate resilience without adding to their debt obligations.
* The fund should offer concessional financing terms, including low-interest loans, extended repayment periods, and flexible terms, to minimize the financial burden on recipient countries.
* FIAN Zambia recommends for debt relief and restructuring measures for countries facing unsustainable debt burdens, particularly those heavily impacted by climate change. Debt relief initiatives, such as debt-for-climate swaps or debt cancellation programs, can free up fiscal space for countries to allocate resources to climate adaptation and mitigation efforts.
* The Fund should ensure that climate finance projects are transparently managed and aligned with national development priorities to maximize their impact and sustainability. By promoting good governance, accountability, and effective project management practices, countries can maximize the benefits of climate finance while minimizing the risk of misuse or mismanagement.
1. **The right to development of children and future generations**

The Special Rapporteur in his vision report to the Human Rights Council ([A/HRC/54/27](https://www.ohchr.org/en/documents/thematic-reports/ahrc5427-reinvigorating-right-development-vision-future)) underlined his priority to focus on the development aspirations of certain marginalised or vulnerable beneficiaries, including children, youth and future generations. This report will focus on what the right to development (economic, social, political and cultural development) means for children and future generations, how their human rights are impacted by decisions taken by the present adult generation, and how to ensure a meaningful participation of children and future generations in decision-making processes at all levels. This report will draw, among others, on the principle of intergenerational equity, the General Comment No. 26 of the Committee on the Rights of the Child, and the Maastricht Principles on the Human Rights of Future Generations.

Specific questions / issues

1. What does the right to development mean for children in line with the relevant policy frameworks and normative instruments? What about the right to development of future generations?

The Convention on the Rights of the Child (CRC), adopted by the United Nations General Assembly in 1989, is the most comprehensive international treaty on the rights of children. It recognizes the right of every child to develop physically, mentally, socially, morally, and spiritually to their fullest potential. The Sustainable Development Goals (SDGs), adopted by world leaders in 2015, include specific targets related to children's development, education, health, protection, and well-being. Goal 4 aims to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all children, while Goal 3 focuses on ensuring healthy lives and promoting well-being for all at all ages, including children. The United Nations Convention on the Rights of Persons with Disabilities (CRPD), recognizes the rights of children with disabilities to full and effective participation in society on an equal basis with others, including access to education, healthcare, and social services tailored to their specific needs. Furthermore, the International Labour Organization (ILO) Conventions, address child labor and child rights in the context of employment, emphasizing the importance of protecting children from exploitation and ensuring their right to education, health, and a safe and healthy environment. Bottom of Form

1. How are the human rights of children and future generations impacted by development-related decisions (e.g., related to economic development or new technologies) made by the present adult generation? Please provide examples from your country or area of work.

The human rights of children and future generations have be impacted by development-related decisions made by the present adult generation in various ways. Some examples from different contexts include:

* Development projects such as industrialization, deforestation, and urbanization can lead to environmental degradation, pollution, and loss of biodiversity, which adversely affect children's health, well-being, and future prospects. For example, in Copperbelt, Central and Lupula province of Zambia, rapid urbanization and industrial growth have resulted in air and water pollution, leading to respiratory diseases, malnutrition, and other health issues among children living in affected areas.
* Development projects such as large-scale infrastructure projects, mining operations, farm blocks, carbon emission trading and land acquisitions have lead to forced displacement, loss of traditional livelihoods, and violation of the marginalised rural community peoples' rights, including children's rights to identity, culture, and participation. In some cases, children are separated from their families, schools, and communities, disrupting th
1. How to ensure a meaningful participation of children and future generations in development-related decisions at all levels (e.g., in policy formulation or impact assessment)? Are there any existing good practices or models?

Some of the strategies that states can undertake to facilitate their participation at all levels include.

* States to establish legal and policy frameworks that recognize children's rights to participation and ensure their inclusion in decision-making processes. This include provisions for child-friendly spaces, consultations, and mechanisms for children's representation in policy formulation, implementation, and monitoring. The Zambian government formulated National Child Policy 2015 - 2021 (NCD).[[8]](#footnote-8) On August 24, 2022, the Children's Code Act became law in Zambia.[[9]](#footnote-9)
* Sate to promote education and awareness-raising initiatives to empower children and young people to understand their rights, responsibilities, and the importance of civic engagement.
* States to establish formal and informal mechanisms for child participation, such as children's councils, youth parliaments, and advisory boards, where children and young people can voice their opinions, express their concerns, and contribute to decision-making processes.
1. How to integrate an intersectional approach to the participation of children to ensure that differentiated impacts on children due to various discriminations, exclusions or vulnerabilities are considered? Kindly share any good practices.

Some of the strategies to promote intersectional participation of children and share good practices include.

* State to ensure that child participation initiatives reflect the diversity of children's identities and experiences by actively involving children from different backgrounds, including those who are marginalized or vulnerable. This involves reaching out to specific groups of children, such as girls, children with disabilities, and children from minority ethnic groups, and creating inclusive spaces where their voices are heard and valued.
* States to advocate for policies, laws, and programs that recognize and address the intersecting forms of discrimination and vulnerabilities faced by children and promote their rights and well-being. This involves conducting research, raising awareness, and lobbying decision-makers to adopt intersectional approaches to child rights and to allocate resources and support accordingly.

Some of the good practices that states can integrate in an intersectional approach to child participation include.

* The Children's Rights and Business Principles (CRBPs), developed by UNICEF, UN Global Compact, and Save the Children, provide guidance for businesses to identify and address the specific impacts of their operations on children, taking into account intersecting factors such as gender, age, and socioeconomic status.
* The Inclusive Cities for Children initiative, led by Plan International and UNICEF, works with urban communities to ensure that urban planning and development processes are inclusive and responsive to the needs of marginalized and vulnerable children, including those from informal settlements and migrant communities.
* The Participation for All project, implemented by Save the Children and partners, aims to promote the meaningful participation of children with disabilities in decision-making processes related to education, health, and social services, using inclusive and accessible approaches.
1. What measures should be taken to protect and empower child human rights defenders?

Some of the measures that states can be taken to achieve this include.

* States enact and enforce laws and policies that explicitly recognize and protect the rights of child human rights defenders, including their right to freedom of expression, association, and peaceful assembly. States to provide legal mechanisms for children to report threats, harassment, and attacks, and ensure that perpetrators are held accountable for their actions.
* States to offer capacity-building programs and training opportunities to enhance the knowledge, skills, and confidence of child human rights defenders. States to provide training on human rights principles and mechanisms, advocacy strategies, media engagement, and digital activism, and facilitate opportunities for networking, collaboration, and learning from experienced activists and experts.
1. How to create child-friendly judicial and non-judicial remedial mechanisms to address violations of children’s rights in the context of development policies, projects or programmes?

Some of the key steps that States can take achieve this:

* States to develop judicial and non-judicial remedial mechanisms with a child-centered approach, ensuring that they are accessible, understandable, and sensitive to the needs and capabilities of children.
* States to promote meaningful participation and representation of children in judicial and non-judicial remedial mechanisms, ensuring that their voices are heard, respected, and considered in decision-making processes.

**You are kindly requested to send your submission (maximum 6 pages or 3,000 words) to** **hrc-sr-development@un.org** **by 29 February 2024 in English, French, Spanish or Russian.**

*All submissions will be made publicly available and posted on the Special Rapporteur’s homepage at the OHCHR website.*

1. DMMU 2023 [↑](#footnote-ref-1)
2. Zambia Agri Market Update 2022 - 2023 [↑](#footnote-ref-2)
3. DMMU 2019 [↑](#footnote-ref-3)
4. UNICEF 2020 [↑](#footnote-ref-4)
5. WHO Africa 2024 [↑](#footnote-ref-5)
6. Ministry of Green Economy and Environment 2023 [↑](#footnote-ref-6)
7. DMMU 2023. [↑](#footnote-ref-7)
8. National Child Policy 2015 - 2021 (NCD). [↑](#footnote-ref-8)
9. Children's Code Act. [↑](#footnote-ref-9)