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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Australia,* Austria, Bahamas, Belgium,* Bulgaria, Croatia,* Cyprus,* Czechia, Denmark, Ecuador,* Estonia,* Fiji, Finland,* France, Germany, Greece,* Hungary,* Ireland,* Italy, Latvia,* Lithuania,* Luxembourg,* Malta,* Marshall Islands, Montenegro,* Namibia, Netherlands, North Macedonia,* Panama,* Paraguay,* Poland, Portugal,* Qatar,* Romania,* Slovakia,* Slovenia,* Spain,* Sudan, Sweden* and Uruguay: draft resolution

48/... Mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming that States have the obligation and the primary responsibility to respect, protect and fulfil human rights and fundamental freedoms, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and all relevant international human rights instruments,

Bearing in mind the United Nations Framework Convention on Climate Change, the Paris Agreement adopted under the United Nations Framework Convention on Climate Change, the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda, the Sendai Framework for Disaster Risk Reduction 2015–2030, the Malé Declaration on the Human Dimension of Global Climate Change, the SIDS Accelerated Modalities of Action (SAMOA) Pathway, the Vienna Declaration and Programme of Action, the Declaration on the Right to Development, the Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014–2024, and all relevant international and regional instruments addressing the adverse impact of climate change on human rights,

Recalling all previous resolutions adopted by the Human Rights Council on human rights and climate change, the most recent being Council resolution 47/24 of 14 July 2021, in which the Council encouraged the continued discussions among States and relevant stakeholders on the possible creation of a new special procedure addressing the adverse impact of climate change on the full and effective enjoyment of human rights,

* Reissued for technical reasons on 7 October 2021.

** State not a member of the Human Rights Council.



Recognizing with appreciation the work of the Climate Vulnerable Forum in advancing discussions on human rights and climate change and initiatives such as the Geneva Pledge for Human Rights in Climate Action,

Conscious that change in the Earth's climate, and the ensuing adverse effects, have led to economic, social, cultural and environmental consequences and have negative implications, both direct and indirect, for the effective promotion and protection of human rights and the achievement of the Sustainable Development Goals,

Recognizing that measures to anticipate, prevent or minimize the causes of climate change, including reducing greenhouse gas emissions, and to mitigate and adapt to its adverse impact, and the protection of the environment, contribute to human well-being and to the better enjoyment of human rights, as well as to sustainable development,

Recognizing also that, while the human rights implications of the adverse impact of climate change affect individuals and communities around the world, especially in developing countries, in particular small island developing States, least developed countries and landlocked developing States, the consequences most acutely affect women, children, persons with disabilities, indigenous peoples, local communities, peasants and other people working in rural areas, people living in conditions of water scarcity, drought and desertification, persons belonging to minority groups, homeless persons, persons living in poverty, older persons, migrants, refugees and internally displaced persons, those living in conflict areas and those already in vulnerable situations, and the importance of recognizing their agency in contributing to climate action,

Recalling its resolutions 5/1 of 18 June 2007, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedure Mandate Holders of the Human Rights Council, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also that article 2, paragraph 2, of the Paris Agreement states that the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances, while stressing that the principle does not apply to States' human rights obligations,

Noting that implementation of the commitments made under the United Nations Framework Convention on Climate Change and the Paris Agreement, including with respect to climate finance, would contribute to curtailing the adverse impact of climate change on human rights and sustainable development,

Reaffirming Human Rights Council resolution 40/11, in which the Council recognized the contribution of human rights defenders, including women and indigenous human rights defenders, working in environmental matters, referred to as environmental human rights defenders, to the enjoyment of human rights, environmental protection and sustainable development, urging all States to take all measures necessary to ensure the protection of the rights and safety of all persons, including environmental human rights defenders, and underscoring the responsibility of all business enterprises, both transnational and others, consistent with the Guiding Principles on Business and Human Rights, to respect human rights, including the rights to life, liberty and security of human rights defenders, including environmental human rights defenders,

Considering that the impact of climate change, the unsustainable management and use of natural resources, the pollution of air, land and water, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of human rights, and that, henceforth, these issues require a comprehensive, cross-sectoral, global and intersectional approach and should be addressed by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe

drinking water and sanitation, in coordination with one another, in addition to any other new mandate holder,

1. *Expresses* its resolve to contribute towards ongoing efforts at all levels to address the adverse impact of climate change on the enjoyment of human rights, in the light of scientific data and assessments, and in a well-integrated manner that advances progress towards the implementation of the 2030 Agenda for Sustainable Development, the Paris Agreement and the United Nations Framework Convention on Climate Change, as well as towards the promotion, protection, realization and enjoyment of human rights by everyone everywhere;

2. *Decides* to appoint, for a period of three years, a special rapporteur on the promotion and protection of human rights in the context of climate change, with the following mandate:

(a) To study and identify how the adverse effects of climate change, including sudden and slow onset disasters, affect the full and effective enjoyment of human rights and make recommendations on how to address and prevent these adverse effects, in particular ways to strengthen the integration of human rights concerns into policymaking, legislation and plans addressing climate change;

(b) To identify existing challenges, including financial challenges, in States' efforts to promote and protect human rights while addressing the adverse effects of climate change, and make recommendations regarding respect for, and promotion of, human rights, including in the context of the design and implementation of mitigation and adaptation policies, practices, investments and other projects;

(c) To synthesize knowledge, including indigenous and local traditional knowledge, and identify good practices, strategies and policies that address how human rights are integrated into climate change policies and how these efforts contribute to the promotion and protection of all human rights and poverty alleviation;

(d) To promote and exchange views on lessons learned and best practices related to the adoption of human rights-based, gender-responsive, age-sensitive, disability-inclusive and risk-informed approaches to climate change adaptation and mitigation policies, with a view to contributing to the achievement of the Paris Agreement and the United Nations Framework Convention on Climate Change, which could help in the realization of the Sustainable Development Goals, in particular Goals 13 and 14, to address the economic, cultural, environmental and social challenges that climate change poses for the full enjoyment of human rights for all and in particular to support the resilience and adaptive capacities of people in vulnerable situations to respond to the adverse impact of climate change;

(e) To raise awareness on the human rights affected by climate change, especially of persons living in developing countries particularly vulnerable to climate change, such as least developed countries, small island developing States and landlocked developing States, and encourage increased global cooperation in this regard;

(f) To seek views and contributions from States and other relevant stakeholders, including international organizations, United Nations institutions, agencies, funds and programmes, regional economic commissions, international and regional financial institutions, regional human rights mechanisms, national human rights institutions, civil society, children and young people, older persons, indigenous peoples, local communities, women's rights organizations, organizations of persons with disabilities, organizations for peasants and other people working in rural areas, academia, scientific institutions and non-governmental organizations, in the discharge of the mandate and develop a regular dialogue and consultation on measures at the domestic and international levels on effective and sustainable climate action that respects, promotes and protects human rights;

(g) To facilitate and contribute to the exchange of technical assistance, capacity-building and international cooperation in support of national efforts, actions and measures to address the adverse impact of climate change on the enjoyment of human rights, in collaboration with Governments, international organizations, civil society, the technical and academic communities, the private sector and all relevant stakeholders, including by using new and emerging digital technologies;

(h) To work in close coordination, while avoiding duplication of efforts, with the Office of the United Nations High Commissioner for Human Rights, other special procedures and other human rights mechanisms of the Human Rights Council, the treaty bodies and other relevant United Nations agencies, funds and programmes, including those related to climate change and the environment;

(i) To conduct country visits and to respond promptly to invitations from States;

(j) To participate in, and contribute to, a human rights perspective to relevant international conferences and events with the aim of promoting a systematic and coherent approach to issues pertaining to the mandate;

(k) To integrate a gender-responsive, age-sensitive, disability inclusive and social-inclusion perspective throughout the work of the mandate;

(l) To work closely with States and relevant stakeholders, including business enterprises, both transnational and others, to adopt a human rights perspective in accordance with the Guiding Principles on Business and Human Rights to mitigate potential adverse effects of their activities, including investment projects, on human rights in the context of climate change;

(m) To closely coordinate with the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation and to consider every possibility to coordinate his or her work with these mandate holders in the most effective way, including through joint undertakings;

(n) To report annually to the Human Rights Council, starting from its fiftieth session, and to the General Assembly at its seventy-seventh session;

3. *Calls upon* all States and all stakeholders to cooperate fully with the Special Rapporteur on the promotion and protection of human rights in the context of climate change in the performance of the mandate, including by providing all necessary information requested in the Special Rapporteur's communications, to react promptly to the Special Rapporteur's urgent appeals, to give serious consideration to responding favourably to the Special Rapporteur's requests for country visits and to consider implementing the recommendations in reports submitted under the mandate;

4. *Encourages* all relevant stakeholders, including United Nations agencies, funds and programmes, human rights mechanisms, national human rights institutions, national independent monitoring frameworks, civil society, the private sector, donors and development agencies to cooperate fully with the Special Rapporteur to enable the mandate holder to fulfil the mandate;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial resources necessary for the effective fulfilment of the mandate;

6. *Requests* the Advisory Committee of the Human Rights Council to conduct a study and to prepare a report, in close cooperation with the Special Rapporteur, on the impact of new technologies for climate protection on the enjoyment of human rights, and to submit the report to the Council at its fifty-fourth session;

7. *Emphasizes* that, while taking steps to respond to climate change, States must ensure that they meet their human rights obligations;

8. *Decides* to remain seized of the matter.