



General Assembly

Distr.: General
7 September 2016

Original: English

Human Rights Council

Advisory Committee

Seventeenth session

8-12 August 2016

Agenda item 4

Report of the Advisory Committee on its seventeenth session

Report of the Advisory Committee on its seventeenth session*

Rapporteur: Carla Hananía de Varela

* Annexes II to IV to the present report are reproduced in the language of submission only.

GE.16-15526(E)



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I. Action taken by the Advisory Committee at its seventeenth session

17/1. Unaccompanied migrant children and adolescents and human rights

The Human Rights Council Advisory Committee,

Recalling Human Rights Council resolution 29/12 of 2 July 2015, in which the Council requested the Advisory Committee to develop a research-based study on the global issue of unaccompanied migrant children and adolescents and human rights, in which it identified areas, reasons and cases where this issue arises in the world, and the ways in which human rights are threatened and violated, and made recommendations for the protection of the human rights of members of this population, and to submit it to the Council at its thirty-third session for its consideration,

Recalling also that, at its fifteenth session, the Advisory Committee established a drafting group, currently composed of Ibrahim Abdul Aziz Alsheddi, Mario Luis Coriolano, Laura-Maria Crăciunean-Tatu, Hoda Elsadda, Carla Hananía de Varela (Rapporteur), Obiora Chinedu Okafor, Katharina Pabel, Anantonia Reyes Prado (Chair) and Changrok Soh,

Recalling further that, at its sixteenth session, the Advisory Committee, in its action 16/2, recommended that the Human Rights Council extend the time schedule envisaged to allow for better informed work by, inter alia, taking into account the work of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of the Child, and consequently request the Advisory Committee to present a progress report to the Council at its thirty-third session and a final report at its thirty-sixth session,

Recalling the need for enhanced communication, coordination and collaboration in the drafting of the report with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Special Representative of the Secretary-General on Violence against Children in order to ensure coherence and to enhance synergies,

1. *Takes note* of the progress report submitted by the Advisory Committee to the Human Rights Council for consideration at its thirty-third session;¹

2. *Decides* to address a formal letter to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Special Representative of the Secretary-General on Violence against Children to request further coordination;

3. *Requests* the drafting group to submit its draft final report to the Advisory Committee at its eighteenth session, taking into account the discussion held by the Committee at its current session, with a view to submitting the final report to the Human Rights Council at its thirty-sixth session.

*9th meeting
12 August 2016*

[Adopted without a vote.]

¹ A/HRC//33/53.

17/2. Elimination of discrimination against persons affected by leprosy and their family members

The Human Rights Council Advisory Committee,

Recalling Human Rights Council resolution 29/5 of 2 July 2015, in which the Council requested the Advisory Committee, from within existing resources, to undertake a study which reviews the implementation of the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members, together with the obstacles thereto, and to submit a report containing practical suggestions for the wider dissemination and more effective implementation of the principles and guidelines in order to eliminate discrimination and the stigma associated with leprosy and to promote, protect and respect the human rights of those affected by leprosy and their family members to the Council at its thirty-fifth session,

Recalling also that, at its fifteenth session, the Advisory Committee established a drafting group, currently composed of Laurence Boisson de Chazournes, Mario Luis Coriolano, Laura-Maria Crăciunean-Tatu, Kaoru Obata (Chair), Obiora Chinedu Okafor, Changrok Soh, Ahmer Bilal Soofi, Imeru Tamrat Yigezu (Rapporteur) and Yishan Zhang,

Recalling further that, at its sixteenth session, the Advisory Committee took note of the preliminary report on the implementation of the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members submitted by the drafting group to the Advisory Committee,

1. *Takes note* of the progress report on the implementation of the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members submitted by the drafting group to the Advisory Committee at its seventeenth session;²

2. *Requests* the drafting group to submit its draft final report to the Advisory Committee at its eighteenth session, taking into account the discussion held by the Committee at its seventeenth session, with a view to submitting the final report to the Human Rights Council at its thirty-fifth session.

*9th meeting
12 August 2016*

[Adopted without a vote.]

17/3. Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights

The Human Rights Council Advisory Committee,

Recalling Human Rights Council resolution 31/22 of 24 March 2016, in which the Council requested the Advisory Committee to conduct a comprehensive research-based study on the impact of flow of funds of illicit origin and the non-repatriation thereof to the countries of origin on the enjoyment of human rights, including economic, social and cultural rights, with a special emphasis on the right to development, with a view to compiling relevant best practices and main challenges, and to make recommendations on tackling those challenges based on the best practices in question, and to present a progress report on the requested study to the Council at its thirty-sixth session for its consideration,

² A/HRC/AC/17/CRP.1.

Recalling also that the Human Rights Council also requested the Advisory Committee to seek, if necessary, further views and the input of Member States, relevant international and regional organizations, the United Nations High Commissioner for Human Rights and relevant special procedures, national human rights institutions and non-governmental organizations, in order to finalize the study, taking into account, inter alia, the final study on illicit financial flows, human rights and the 2030 Agenda for Sustainable Development, of the Independent Expert on the effect of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights,

1. *Designates* the Advisory Committee members Mario Luis Coriolano, Mikhail Lebedev, Obiora Chinedu Okafor, Ahmer Bilal Soofi and Jean Ziegler as members of the drafting group;

2. *Notes* that the drafting group elected Mr. Soofi as Chair and Mr. Okafor and Mr. Ziegler as co-Rapporteurs;

3. *Also notes* that the drafting group and the full Advisory Committee held meetings to discuss the topic;

4. *Welcomes* the active participation of external experts in the discussion and the very rich exchange of views, and notes that the discussion provided valuable input that will assist the drafting group in its task;

5. *Requests* the drafting group to submit a draft progress report to the Advisory Committee at its eighteenth session, taking into account the replies to the questionnaire distributed after the discussion held at its current session, and with a view to submitting the progress report to the Human Rights Council at its thirty-sixth session;

6. *Encourages* stakeholders to contribute to the work under way.

*9th meeting
12 August 2016*

[Adopted without a vote.]

17/4. Regional arrangements for the promotion and protection of human rights

The Human Rights Council Advisory Committee,

Recalling Human Rights Council decision 32/115 of 30 June 2016, in which the Council requested the Advisory Committee to prepare a report on regional arrangements for the promotion and protection of human rights, in particular on the progress made in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and their achievements in all regions of the world, and on the role played by the Office of the United Nations High Commissioner for Human Rights, as well as on the role that it can play in the future in advancing cooperation between international and regional human rights mechanisms, and to identify ways to increase the role that regional arrangements play in promoting and protecting human rights and to reinforce universal human rights standards, including as contained in international human rights instruments, and to submit the report to the Council before its thirty-ninth session,

Recalling also that the Human Rights Council encouraged the Advisory Committee, when preparing the above-mentioned report, to take into account the views of Member States, as appropriate, relevant international and regional organizations, the Office of the High Commissioner, national human rights institutions and non-governmental organizations and other relevant stakeholders,

1. *Designates* the Advisory Committee members Mohamed Bennani, Laurence Boisson de Chazournes, Mario Luis Coriolano, Carla Hananía de Varela, Mikhail Lebedev, Kaoru Obata, Katharina Pabel, Anantonia Reyes Prado, Changrok Soh and Imeru Tamrat Yigezu as members of the drafting group;
2. *Notes* that the drafting group elected Ms. Pabel as Chair and Mr. Soh as Rapporteur;
3. *Also notes* that the drafting group and the full Advisory Committee held meetings to discuss the topic;
4. *Welcomes* the active participation of external experts in the discussion and the very rich exchange of views, and notes that the discussion provided valuable input that will assist the drafting group in its task;
5. *Requests* the drafting group to submit a preliminary report to the Advisory Committee at its eighteenth session, taking into account the replies to the questionnaire distributed after the discussion held by the Committee at its seventeenth session, and with a view to submitting a final report to the Human Rights Council at its thirty-ninth session;
6. *Encourages* stakeholders to contribute to the work under way.

*9th meeting
12 August 2016*

[Adopted without a vote.]

II. Adoption of the agenda and organization of work

A. Opening and duration of the session

1. The Human Rights Council Advisory Committee, established pursuant to Human Rights Council resolution 5/1 of 18 June 2007, held its seventeenth session at the United Nations Office at Geneva from 8 to 12 August 2016. The session was opened by the Chair, Ahmer Bilal Soofi.
2. The Vice-President of the Human Rights Council, Janis Karklins, addressed the Advisory Committee at its first meeting, on 8 August 2016.
3. At the same meeting, the Chief of the Human Rights Council Branch of the Office of the United Nations High Commissioner for Human Rights (OHCHR) made a statement on behalf of the High Commissioner.
4. Also at the same meeting, participants observed a minute of silence for the victims of human rights violations around the world.

B. Composition of the Advisory Committee

5. The membership of the Advisory Committee is as follows:³ Ibrahim Abdul Aziz Alsheddi (Saudi Arabia, 2018); Mohamed Bennani (Morocco, 2017); Laurence Boisson de Chazournes (France, 2017); Mario Luis Coriolano (Argentina, 2018); Laura-Maria Crăciunean-Tatu (Romania, 2017); Hoda Elsadda (Egypt, 2016); Carla Hananía de Varela

³ Years in parentheses indicate the expiry of the terms of office (terms of office end on 30 September).

(El Salvador 2016); Mikhail Lebedev (Russian Federation, 2016); Alfred Ntunduguru Karokora (Uganda, 2016); Kaoru Obata (Japan, 2016); Obiora Chinedu Okafor (Nigeria, 2017); Katharina Pabel (Austria, 2018); Anantonia Reyes Prado (Guatemala, 2017); Changrok Soh (Republic of Korea, 2017); Ahmer Bilal Soofi (Pakistan, 2017); Imeru Tamrat Yigezu (Ethiopia, 2018); Yishan Zhang (China, 2016); and Jean Ziegler (Switzerland, 2016).

C. Attendance

6. The session was attended by the members of the Advisory Committee and observers for States Members of the United Nations, international organizations and non-governmental organizations, as well as academic friends of the Committee.

D. Meetings and documentation

7. At its seventeenth session, the Advisory Committee held nine plenary meetings and eight closed meetings. Private meetings were held by the drafting groups on unaccompanied migrant children and adolescents, the elimination of discrimination against persons with leprosy, the negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights, and regional arrangements for the promotion and protection of human rights. The Advisory Committee also held private meetings with representatives of non-governmental organizations, the Bureau of the Human Rights Council and regional and political group coordinators, and academic friends of the Committee attending the session.

E. Adoption of the agenda

8. At its 1st meeting, on 8 August 2016, the Advisory Committee adopted its agenda as revised (see annex I).

F. Organization of work

9. At the same meeting, the Advisory Committee adopted the draft programme of work prepared by the secretariat.

III. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions

Requests currently under consideration by the Committee

1. Unaccompanied migrant children and adolescents and human rights

10. At its 1st and 2nd meetings, on 8 August 2016, the Advisory Committee, pursuant to Human Rights Council resolution 29/12, held a discussion on unaccompanied migrant children and adolescents. The Chair of the drafting group, Anantonia Reyes Prado, and the Rapporteur, Carla Hananía de Varela, presented the progress report submitted by the Committee to the Human Rights Council for consideration at its thirty-third session

(A/HRC/33/53). During the ensuing discussion, statements were made by members of the Committee and observers for States (see annex II). Thereafter, the Rapporteur of the drafting group made concluding remarks.

11. At the 9th meeting, on 12 August 2016, the Chair of the drafting group on unaccompanied migrant children and adolescent and human rights introduced a draft text (A/HRC/AC/17/L.1), sponsored by all members of the Advisory Committee. The Committee adopted the draft text, as orally revised, without a vote (for the text as adopted, see sect. I, action 17/1 above).

2. Elimination of discrimination against persons affected by leprosy and their family members

12. At its 3rd meeting, on 9 August 2016, the Advisory Committee, pursuant to Human Rights Council resolution 29/5, held a discussion on the elimination of discrimination against persons affected by leprosy and their family members. The Rapporteur of the drafting group, Imeru Tamrat Yigezu, and the Chair, Kaoru Obata, presented the progress report on the implementation of the principles and guidelines for the elimination of discrimination of persons affected by leprosy and their family members, to be submitted to the Human Rights Council at its thirty-fifth session. During the ensuing discussion, statements were made by members of the Committee, observers for States and an observer for a non-governmental organization (see annex II). Thereafter, the Rapporteur of the drafting group made concluding remarks.

13. At the 9th meeting, the Chair of the drafting group introduced a draft text (A/HRC/AC/17/L.2), sponsored by all members of the Advisory Committee. The Committee adopted the draft text without a vote (for the text as adopted, see sect. I, action 17/2 above).

3. Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights

14. At its 4th meeting, on 9 August 2016, the Advisory Committee, pursuant to Human Rights Council resolution 31/22, held a discussion on the negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights. Three external experts – Policy and Advocacy Manager for Tax Justice at the European Network on Debt and Development, Tove Maria Ryding; Chief of the Conference Support Section of the Corruption and Economic Crime Branch of the United Nations Office on Drugs and Crime, Oliver Stolpe; and Director of Human Rights in Economic Policy Program at the Center for Economic and Social Rights, Nicholas Lusiani – gave presentations on the topic. The representatives of Tunisia and Egypt, on behalf of the Group of African States, took the floor as the main sponsors of resolution 31/22. During the ensuing discussion, statements were made by members of the Advisory Committee, an observer for States and observers for non-governmental organizations (see annex II). Thereafter, the three experts made concluding remarks.

15. At the 9th meeting, on 12 August 2016, the Chair of the Committee and Chair of the drafting group on negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights introduced a draft text (A/HRC/AC/17/L.3), sponsored by all members of the Advisory Committee. The Committee adopted the draft text without a vote (for the texts as adopted, see sect. I, action 17/3, above).

4. Regional arrangements for the promotion and protection of human rights

16. At its 5th meeting, on 10 August 2016, the Advisory Committee, pursuant to Human Rights Council decision 32/115, held a discussion on the regional arrangements for the promotion and protection of human rights. Presentations on the topic were given by the Vice-Chair of the Committee against Torture, Felice Gaer; Solomon T. Ebobrah, Professor of Law at Niger Delta University in Nigeria; the Coordinator of the Equality, Non-Discrimination and Participation Unit at OHCHR; and the secretary of the meeting of treaty body Chairs at OHCHR. The representative of Belgium took the floor on behalf of the main sponsors of Council decision 32/115. During the ensuing discussion, statements were made by members of the Advisory Committee (see annex II). Thereafter, the experts made concluding remarks.

17. At its 9th meeting, on 12 August 2016, the Chair of the drafting group on regional arrangements for the promotion and protection of human rights, Katharina Pabel, introduced a draft text (A/HRC/AC/17/L.4), sponsored by all members of the Advisory Committee. The draft text was adopted without a vote (for the text as adopted, see sect. I, action 17/4 above).

5. Activities of vulture funds and the impact on human rights

18. At its 6th meeting, on 10 August 2016, the Advisory Committee, pursuant to Human Rights Council resolution 27/30, held a discussion on the activities of vulture funds and the impact on human rights. The Rapporteur of the drafting group, Jean Ziegler, presented the progress report submitted to the Council for consideration at its thirty-third session (A/HRC/33/54). During the ensuing discussion, statements were made by members of the Committee and observers for States (see annex II).

IV. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007, and of section III of the annex to Human Rights Council resolution 16/21 of 25 March 2011

A. Review of methods of work

19. On 8 August 2016, the Advisory Committee held a private meeting with three of its academic friends from Argentina, France and Switzerland; it discussed, inter alia, its engagement and collaboration with its academic friends.

20. On 8 and 10 August 2016, the Advisory Committee also held discussions on its methods of work in closed meetings.

B. Agenda and annual programme of work, including new priorities

21. At its 7th and 8th meetings, on 11 August 2016, the Advisory Committee held a discussion on reflection papers and research proposals. Members of the Committee presented the following draft reflection papers for consideration by the Committee:

- Destruction of cultural heritage and its effects on the enjoyment of economic, social and cultural rights (introduced by Jean Ziegler)

- Assessment of the impact of the work of the Advisory Committee and its implementation (introduced by Kaoru Obata)
- Climate-induced displacement and human rights (introduced by Imeru Tamrat Yigezu)
- Access to justice: principles and guidelines (introduced by Mario Luis Coriolano)
- Budget and human rights (introduced by Mario Luis Coriolano)
- Promotion of the rights to culture and social common heritage (introduced by Mohamed Bennani)

22. Also at the 7th meeting, Anantonia Reyes Prado presented her research proposal on youth, human rights and social cohesion, submitted to the Human Rights Council by means of a letter addressed to the President of the Council (see A/HRC/AC/16/2, annex III).

23. At its 8th meeting, the Advisory Committee decided to resubmit the research proposal on youth, human rights and social cohesion, and to also submit a new research proposal on climate-induced displacement (see annex IV) to the Human Rights Council for its consideration.

24. Also at the 8th meeting, the Advisory Committee decided to continue consideration of the remaining reflection papers at its 18th session, in February 2017.

25. During the ensuing discussion, statements were made by members of the Committee, an observer for States, observers for non-governmental organizations and an academic friend (see annex II).

C. Appointment of members of the Working Group on Communications

26. According to paragraphs 91 and 93 of annex IV to Human Rights Council resolution 5/1, the Advisory Committee is to appoint five of its members to constitute the Working Group on Communications, with a mandate of three years, renewable once only. As the term of membership of one member of the Working Group, Yishan Zhang, expires on 30 September 2016, the Committee decided, at its 9th meeting, on 12 August 2016, to appoint Changrok Soh as a member of the Working Group.

V. Report of the Advisory Committee on its seventeenth session

27. At the 9th meeting, on 12 August 2016, the Rapporteur of the Advisory Committee presented the draft report on the seventeenth session of the Committee. The Committee adopted the draft report and decided to entrust the Rapporteur with its finalization.

28. At the same meeting, Katharina Pabel, Changrok Soh, Anantonia Reyes Prado, Laura-Maria Crăciunean-Tatu, Imeru Tamrat Yigezu and Hoda Elsadda made closing statements. Following the usual exchange of courtesies, the Chair made closing remarks and declared the seventeenth session of the Advisory Committee closed.

Annex I

Agenda

1. Adoption of the agenda and organization of work.
2. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions:
 - (a) Requests currently under consideration by the Committee:
 - (i) Integration of a gender perspective;
 - (ii) Promotion of a democratic and equitable international order;
 - (iii) Integration of the perspective of persons with disabilities;
 - (iv) Activities of vulture funds and impact on human rights;
 - (v) Unaccompanied migrant children and adolescents and human rights;
 - (vi) Elimination of discrimination against persons affected by leprosy and their family members;
 - (vii) Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights;
 - (viii) Regional arrangements for the promotion and protection of human rights
 - (b) Follow-up to reports of the Committee submitted to the Human Rights Council:
 - (i) Promotion of the right of peoples to peace;
 - (ii) Human rights and unilateral coercive measures;
 - (iii) Technical cooperation for the prevention of attacks against persons with albinism.
3. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007, and of section III of the annex to Council resolution 16/21 of 25 March 2011:
 - (a) Review of methods of work;
 - (b) Agenda and annual programme of work, including new research initiatives and priorities.
 - (c) Appointment of members of the working group on communications
4. Report of the Advisory Committee on its seventeenth session.

Annex II

[English only]

List of speakers

| <i>Agenda item</i> | | <i>Meeting and date</i> | <i>Speakers</i> |
|--|---|--------------------------------------|---|
| 2. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions | | | |
| (a) Requests currently under consideration by the Committee | (v) Unaccompanied migrant children and adolescents and human rights | 1st and 2nd meeting 8 August 2016 | Members: Laurence Boisson de Chazournes, Mario Luis Coriolano, Carla Hananía de Varela (Rapporteur), Anantonia Reyes Prado (Chair) State observers: Brazil, Cuba, Ecuador, Pakistan, Venezuela (Bolivarian Republic of) |
| | (vi) Elimination of discrimination against persons affected by leprosy and their family members | 3rd meeting 9 August 2016 | Members: Laurence Boisson de Chazournes, Kaoru Obata (Chair), Imeru Tamrat Yigezu (Rapporteur) Observer State: Ethiopia Observer non-governmental organization: the International Federation of Anti-Leprosy Associations (ILEP) |
| | (vii) Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights | 4th meeting 9 August 2016 | Members: Mario Luis Coriolano, Obiora Chinedu Okafor (Co-rapporteur), Ahmer Bilal Soofi (Chair) Jean Zigler (Co-rapporteur) Observer States: Brazil, Ecuador, Egypt (on behalf of the African group), Tunisia Observer non-governmental organizations: Arab Commission for Human Rights, Iuventum |

| <i>Agenda item</i> | <i>Meeting and date</i> | <i>Speakers</i> |
|--|--|---|
| (viii) Regional arrangements for the promotion and protection of human rights | 5th meeting 10 August 2016 | Members: Laurence Boisson de Chazournes, Mario Luis Coriolano, Mikhail Lebedev, Kaoru Obata, Obiora Chinedu Okafor, Changrok Soh (Rapporteur) Observer State: Belgium |
| (iv) Activities of vulture funds and the impact on human rights | 6th meeting 10 August 2016 | Members: Ibrahim Abdul Aziz Alsheddi, Mohamed Bennani, Mikhail Lebedev, Obiora Chinedu Okafor, Ahmer Bilal Soofi (Chair), Jean Ziegler (Rapporteur) Observer States: Argentina, Russian Federation |
| 3. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007 and section III of the annex to Council resolution 16/21 of 25 March 2011 | | |
| (b) Agenda and annual programme of work, including new research initiatives and priorities | 7th and 8th meetings 11 August 2016 | Members: Ibrahim Abdul Aziz Alsheddi, Mohamed Bennani, Laurence Boisson de Chazournes, Mario Luis Coriolano, Hoda Elsadda, Carla Hananía de Varela, Mikhail Lebedev, Kaoru Obata, Obiora Chinedu Okafor, Katharina Pabel, Anantonia Reyes Prado, Ahmer Bilal Soofi, Imeru Tamrat Yigezu, Jean Ziegler Observer State: Pakistan (also on behalf of the Organization of Islamic Cooperation) Observer non-governmental organizations: Earthjustice, Iuventum, Spanish Society for International Human Rights Law Academic Friend: Leonardo Rodriguez-Perez |

Annex III

[English only]

Documents issued for the seventeenth session of the Advisory Committee

Documents issued in the general series

| <i>Symbol</i> | <i>Agenda item</i> | |
|---------------------|--------------------|---|
| A/HRC/AC/17/1 | 1 | Provisional agenda |
| A/HRC/AC/17/1/Add.1 | 1 | Annotations to the provisional agenda |
| A/HRC/AC/17/CRP.1 | 2 | Progress report on the implementation of the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members |

Documents issued in the limited series

| <i>Symbol</i> | <i>Agenda item</i> | |
|-----------------|--------------------|---|
| A/HRC/AC/17/L.1 | 2 | Unaccompanied migrant children and adolescents and human rights |
| A/HRC/AC/17/L.2 | 2 | Elimination of discrimination against persons affected by leprosy and their family members |
| A/HRC/AC/17/L.3 | 2 | Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights |
| A/HRC/AC/17/L.4 | 2 | Regional arrangements for the promotion and protection of human rights |

Annex IV

[English only]

Research proposals

A. Youth, human rights and social cohesion

1. In 2015, at the commemoration of the twentieth anniversary of the World Programme of Action for Youth, it was indicated that young people between the ages of 15 and 24 represent 18 per cent of the whole population. It is therefore important to multiply efforts to create development policies and programmes that are specifically aimed at young people in order to guarantee their protection (as they are exposed to situations that slow their development and hamper their schooling) and to promote their right to education. Such policies and programmes should also aim to guarantee to young people access to decent work, thereby lifting them out of poverty and enabling them to have an adequate standard of living, professional integration into the labour market, the right to health (by ensuring access to health services and to information, including on sexual education, AIDS prevention and sexual and reproductive health).

2. In several regions, the policies and programmes mentioned above refer to problems deeply rooted in human rights, especially the rights to education, employment and health.

3. Various international youth meetings have also highlighted situations that deserve special attention, for instance the fact that precarious living conditions and the lack of opportunities generate multiple risks for young people, especially young women, such as those linked with social and institutional violence, with young people in Latin America, Africa and Asia being particularly affected.

4. Young women are especially vulnerable because they are victims of sexual exploitation, trafficking and labour migration. In addition, even though homicide rates are higher among young males, the murders of young women have certain egregious features that do not appear in the statistics, such as sexual violence, physical violence and maltreatment before death.

5. The International Youth Parliament highlighted, as issues of concern, violence and insecurity. According to that organization, the situation of violence in the world prevents young people from developing their skills in a safe environment, which limits their access to education, their ability to complete their studies and their enjoyment of other rights, such as health and recreation. More than 130,000 minors worldwide are affected by armed conflict and other types of violence, for example that emanating from drug trafficking and organized crime. This indicates that young people are constantly exposed to the risk of becoming involved in gangs, which are often linked to criminal networks.

6. Given how widespread violence is, it is crucial that States strengthen the human rights-based approach in their policies, plans and security programmes in order to have a process that is in line with the definition provided by the United Nations Development Programme and that establishes, strengthens and protects democratic civil order. This will eliminate threats of violence among the population and make it possible to safeguard the human rights inherent to the person, especially the rights to life, personal integrity, inviolability of the home and freedom of movement, and in turn prevent crime, ensure access to an effective justice system and to an education system that is based on values, respect for the law and tolerance.

7. In addition, the right of youth to participate, not only in decisions that affect them directly but also in social, political, economic and cultural life, is a right that is increasingly being exercised and claimed in various national and international forums.
8. There are international and regional standards and repeated recommendations of treaty bodies and special procedure mandate holders that remain unimplemented because public policies and the institutions involved (the police, the judiciary and the penitentiary system) have neglected or despised human rights.
9. Ensuring respect, protection and fulfilment of the human rights of youth, defined by the Security Council in its recently adopted resolution 2250 (2015) as people whose age is between 18 and 29 years, and of children, defined in other treaties, such as the Convention on the Rights of the Child, as persons under the age of 18 years, is essential for the development not only of children and youth as human beings but also of humankind. Doing so will also contribute to the achievement of the Sustainable Development Goals.
10. Similarly, ensuring the rights of young men and women will contribute to building the social cohesion that is so desperately needed in order to deal constructively with the lack of opportunities that underlies the social and institutional violence, which, in some regions, claims the precious lives of young people.
11. The proposed study will therefore examine this issue in its multiple aspects but, above all, in consultation and coordination with other agencies and departments of the United Nations system, seeking complementarity with regional human rights mechanisms such as the inter-American system of human rights. The study will thus aim to contribute to the search for concrete actions to promote the human rights of youth, while also ensuring the contribution of youth to human development.
12. The draft timetable for the project is as follows: At its seventeenth session, in August 2016, the Advisory Committee would form the drafting group; at its eighteenth session, in February 2017, it would submit the preliminary report; at its nineteenth session, in August 2017, it would submit the progress report; and at its twentieth session, in February 2018, it would adopt the final report.

B. Climate-induced displacement and human rights

1. Introduction

13. It is to be recalled that the Advisory Committee, at its fourteenth session in February 2015, requested that a reflection paper be prepared on the theme “*Climate-induced displacement and human rights*”, for presentation at its fifteenth session in August 2015 and to be considered as a possible research proposal that could be subsequently submitted to the Human Rights Council. The theme for this reflection paper was initiated by two non-governmental organizations, namely, Displacement Solutions and ARA-JPD, which brought to the attention of the Advisory Committee the important issue of climate-induced displacement and its impact on the enjoyment of human rights by those displaced particularly the vulnerable segments of society that are or may be displaced as a result of climate change.¹

14. The main focus of this reflection paper is on internal displacement (within State borders) that takes place as a result of climate-change induced disasters, and not on cross-

¹ I would like to thank Mr. Scott Leckie, Director and founder of Displacement Solutions, for his very valuable input during the preparation of this reflection paper.

border displacement which is being addressed by another forum.² Although cross-border displacement as a result of climate change is predicted to increase in the future, it is generally agreed that most of those displaced will stay within their own borders as internally displaced and that it will predominantly affect poorer countries and those that are most vulnerable to climate change.³

15. The Intergovernmental Panel on Climate Change defines climate change as "the alteration in the composition of the global atmosphere that is in addition to natural variability over comparable time periods. It has been established that climate change will displace large numbers of people and communities, and that these processes have already begun. Indeed, as early as 1990, the first Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) stated that the greatest single impact of climate change would likely be on human migration as millions are uprooted by shoreline erosion, coastal flooding and agricultural disruption.⁴ In its fourth assessment report of 2007, the IPCC confirms that human-induced climate change is accelerating and that it is already having a severe impact including an increase in certain natural hazards. It further notes that the "warming of the climate system is unequivocal" and foresees an increased frequency and severity of sudden-onset climate events such as floods, storms, cyclones and hurricanes, as well as slow-onset events such as sea level rise and desertification.⁵ This was also pointed out by the Internal Displacement Monitoring Center (IDMC) which stated that together with armed conflict, human rights violations and generalized violence, natural hazard-induced disasters are among the principal causes of forced displacement with disastrous impacts on the lives of the poorest and most vulnerable populations.⁶

16. Although the nexus between climate change and human population movements is not subject to controversy, the future scale of displacement due to the effects of climate change and the causal links between climate change and displacement remain challenging, but not insurmountably so. The First Assessment Report of IPCC estimated that by 2050, 150 million people could be displaced by climate change-induced phenomena, such as desertification, water scarcity, floods and storms⁷ whereas a more recent and frequently cited estimate is that 200 million will be forcibly displaced by the year 2050, losing their homes, land and property.⁸ There are also others who argue that there will be only a few

² The Nansen Initiative, launched by Norway and Switzerland In October 2012, is a state-led, bottom-up consultative process aiming to build consensus among States on key principles and elements to protect people displaced across borders in the context of disasters caused by natural hazards, including climate change. For more information on this initiative see, <https://www.nanseninitiative.org/>; Walter Kalin, "From the Nansen Principles to the Nansen Initiative, (2012), 41 Forced Migration Review, pp.48-49.

³ See, OHCHR, Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship between Climate Change and Human Rights, U.N. Doc.A/HRC/10/61, Jan.15, 2009, para. 55.

⁴ Intergovernmental Panel on Climate Change, Climate Change 1990, The IPCC Impact Assessments, Report prepared for the IPCC by Working Group II (available at: https://www.ipcc.ch/ipccreports/far/wg_II/ipcc_far_wg_II_full_report.pdf

⁵ Intergovernmental Panel on Climate Change (IPCC), Climate Change 2007: The Synthesis Report, pp.30-31, available at: https://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_synthesis_report.htm

⁶ Internal Displacement Monitoring Center, Internal Displacement: Global Overview of Trends and Developments in 2010 (2011), p.96.

⁷ See note 4 above.

⁸ N, Myers, Environmental Refugees: An Emergent Security Issue, 13th Economic Forum, Prague, May 2005; N.Stern (ed), The Economics of Climate Change: The Stern Review, 2006, p.3; see also, K. Warner, Climate Change Induced Displacement: Adaptation Policy in the Context of the UNFCCC

cases of displacement that can be directly linked to the effects of climate change in light of the complex and multiple forms of human migration.⁹ While the estimates vary, it is now well-established that the effects of climate change lead to large-scale displacement, most of it within state borders, and more so in developing countries and vulnerable groups within such countries which may not have the capacity or resources to respond to such displacements in a timely manner.

17. In its Fifth Assessment Report, published in 2014, the IPPC underlined that displacement and migration are subject to various complex social, political, cultural, economic and environmental factors and that due to the presence of the multitude nature of interacting climatic and non-climatic drivers, it is difficult to demonstrate and assess the exact causal chains and links between migration and climate change with a specific degree of confidence. The report, however, points out that migration is an emergent risk with a potential to become a key risk.¹⁰ It is also pointed out that climate change potentially affects migration flows through intensification of natural disasters, increased warming and drought, sea-level rise, which makes coastal areas and some island states increasingly uninhabitable and competition over natural resources leading to conflict and displacement.¹¹ The report further notes that it is projected with medium evidence but with high agreement that climate change over the 21st century increases displacement of people and that the risk of displacement increases “when populations that lack the resources for planned migration experience higher exposure to extreme weather events, in both rural and urban areas, particularly in developing countries with low income.”¹² Thus, one concludes that there is sufficient evidence that climate change exacerbates both sudden and slow onset natural disasters leading to internal and external displacement of persons who do not have the capacity or are vulnerable to such situations and events.

18. Climate change-induced displacement may take place as a result of, or triggered by a number of different changes in the physical climate or environment. In 2008, the former Representative of the Secretary General on internally displaced persons (IDPs) identified four main climate change disaster types as well as the associated potential displacement scenarios which was subsequently adopted by the UN Inter-Agency Standing Committee Working Group on Migration/Displacement and Climate Change. The scenarios include:

Climate Negotiations, May 2011, p.2, available at: <http://www.iom.int/cms/climateandmigration#>; see also, O. Brown, The Numbers Game, in: Forced Migration Review, Issue 31, October 2008, pp. 8-9.

⁹ J. Morrissey, Environmental Change and Forced Migration: A State of the Art Review, Background Paper for the Workshop Environmental Change and Migration: Assessing the Evidence and Developing Norms for Response: Refugee Studies Centre, Oxford, (January 2009), pp. 8-9, available at: <https://www.rsc.ox.ac.uk/files/publications/other/dp-environmental-change-forced-migration-2009.pdf>

¹⁰ See Oppenheimer, M.M. Campos and R.Warren et.al 2014. Emergent Risks and Key Vulnerabilities, in IPPC, 2014, Climate Change 2014: Impacts, Adaptation and Vulnerability, Contribution by Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. World Meteorological Organization, Switzerland, para. 19.4.2.1, available at: http://ipcc-wg2.gov/AR5/images/uploads/WGIIAR5-Chap19_FINAL.pdf

¹¹ See Hewitson, B. and Janetos, A.C et.al, 2014: Regional context, in Climate Change 2014: Impacts, Adaptation and Vulnerability. Part B: Regional Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, World Meteorological Organization, Switzerland, para. 21.4.2, available at: http://ipcc-wg2.gov/AR5/images/uploads/WGIIAR5-Chap21_FINAL.pdf

¹² See, Field, C.B. and V.R. Barros et al 2014. Summary for Policy Makers, in IPPC, 2014, Climate Change 2014: Impacts, Adaptation and Vulnerability, Contribution by Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. World Meteorological Organization, Switzerland, para.20, available at: <http://ipcc-wg2.gov/AR5/report/full-report/>

- Hydro-meteorological disasters, are projected to further increase in future and to lead to new and larger situations of displacement. They often go hand in hand with destruction of property;
- General environmental degradation and slow onset disasters. The deterioration of living conditions and economic opportunities in affected areas, may initially incite voluntary population movements which could later transform into forced displacement and become permanent, as areas become less hospitable due to desertification or rising sea levels;
- Sinking Small Island States, will prompt internal relocation and migration abroad, including forced and permanent displacement; and
- Climate change-induced armed conflict and violence triggered by a decrease in vital resources, attributable to climate change.¹³

19. Notwithstanding the eventual numbers of those displaced and that it is difficult to establish the direct causal relationship between climate change, environmental events and displacement due to multiple factors that may be involved, it is clear that without appropriate, well-targeted and adequately funded action, millions upon millions of people – all of whom are rights-holders - run the risk of becoming both homeless and landless, and in the process suffering losses of rights, livelihoods and the ordinary attributes of a full and dignified life.¹⁴ It is also to be underlined that the majority of the resulting climate-induced displacement will be internal rather than cross-border and can be of a temporary or permanent nature.

2. Climate change and human rights

20. A human-rights based approach to climate change began to be a subject of discourse within the international human rights mechanism quite recently. In 2008, the Human Rights Council requested the Office of the High Commissioner for Human Rights (OHCHR) to undertake a detailed analytical study on the relationship between climate change and human rights.¹⁵ In its report published in January 2009, the OHCHR examined the direct and indirect effects of climate change on the enjoyment of human rights detailing at some length how climate change negatively impacts (or is already negatively impacting) a broad array of specific human rights.¹⁶ These include the right to life, the right to adequate food, the right to water, the right to the enjoyment of highest attainable standard of physical and mental health, the right to adequate housing and the right to self-determination.¹⁷ It further highlights the impact of climate change on the rights of certain vulnerable groups due to

¹³ See, The Representative of the Secretary-General (RSG) on the Human Rights of Internally Displaced Persons, W. Kälin, United Nations Inter-Agency Standing Committee Group on Climate Change, Background Paper, Displacement Caused by the Effects of Climate Change: Who will be affected and what are the gaps in the normative frameworks for their protection?, 10 October 2008, p. 2. Inter-Agency Standing Committee (IASC), 'Climate Change, Migration and Displacement: Who will be affected?' Working Paper submitted by the informal group on Migration/Displacement and Climate Change of the IASC, 31 October, 2008, pp2-3, available at: <http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-news-newsdetails&newsid=126>.

¹⁴ See, for instance, Displacement Solutions, The Rights of Climate Displaced Persons: A Quick Guide (2015) which outlines the human rights aspects of the question of climate displacement.

¹⁵ A/HRC/7/23

¹⁶ Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship between Climate Change and Human Rights, A/HRC/10/61, 15 January 2009.

¹⁷ Ibid, paras 20-41

such factors as geography, poverty, gender, age, indigenous or minority status as well as disability.¹⁸

21. More importantly, the report specifically mentions that persons internally displaced by climate change are entitled to the full range of human rights guarantees which includes their protection against arbitrary or forced displacement and their rights to restitution of housing and property (para.57) because of the manifold material, social, and psychological conditions they face as a result of displacement.¹⁹ It also underlines that States are obliged under international human rights law including those related to the progressive realization of economic, social and cultural rights to take appropriate steps/measures at the national and international level to protect and assist persons displaced by climate related disasters. The report notes the importance of international cooperation to address the human rights implications of climate change by stating ‘climate change can be effectively addressed through cooperation of all members of the international community’ and ‘international cooperation is important because the effects and risks of climate change are significantly higher in low-income countries’.²⁰

22. Other studies as well as reports by the different special procedures of the Human Rights Council have also further elaborated on the various aspects of human rights affected by climate change and its impacts on specific vulnerable groups.²¹ It is important to note that the OHCHR report and other studies have focussed more on the implications of climate change on the full enjoyment of human rights of those displaced by climate-related events rather than the protection of their human rights, which is essential to effectively address the related multifaceted challenges (consider including this here or later in the recommendations part).

23. The discussions above show that currently the prime responsibility to protect and assist climate-induced internally displaced persons rests with States which are obliged to ensure the enjoyment of human rights of their citizens which are subject to their jurisdiction. As Kälén aptly notes ‘states hosting displaced people, as primary duty bearers, are bound by human rights law to respect (...) as well as to actively protect such rights and to take positive measures (...) to enable displaced people to fully enjoy their rights’.²²

3. Overview of existing protection regimes for climate-induced displacement

24. Although there is no binding treaty²³ aimed at protecting and assisting those that are internally or externally displaced by climate change, there are a number of existing normative instruments that are also applicable to those displaced as a result of climate change. This part will provide an overview of some of the main normative frameworks that have been developed for the protection and assistance of internally displaced persons.

¹⁸ Ibid, paras 42-54

¹⁹ Ibid, para 57.

²⁰ Ibid, para 84.

²¹ See, International Council on Human Rights Policy, *Climate Change and Human Rights: A Rough Guide*, 2008, available at: http://www.ohchr.org/Documents/Issues/ClimateChange/Submissions/136_report.pdf; The World Bank, *Human Rights and Climate Change, A Review of International Legal Dimensions*, Washington D.C. 2011; see also, A/HRC/SF/2010/2, paras, 11, 14, 18-20;

²² W. Kälén, *Conceptualizing Climate-Induced Displacement*, in J. McAdam (ed): *Climate Change and Displacement, Multidisciplinary Perspectives*, p.83.

²³ Elizabeth Ferris, ‘Internally Displaced Persons: A Neglected Issue on the International Agenda’ (2008) 4 *New Routes*, p.13. Note, however, that the Peninsula Principles on Climate Displacement Within States, which will be discussed subsequently, specifically focus on establishing a set of principles for the protection and assistance of persons internally displaced by climate change.

(i) Guiding Principles on Internal Displacement

25. In 1992, the UN Secretary-General appointed Mr. Francis Deng as his first Representative on the Human Rights of Internally Displaced Persons upon the request of the Commission on Human Rights. The Commission requested the RSG to elaborate a framework for the assistance and protection of internally displaced persons. Accordingly, after a series of consultative processes within the UN and other relevant intergovernmental and non-governmental actors, the Guiding Principles on Internal Displacement²⁴ were presented to the Commission in 1998 establishing a new set of international standards for the protection of internally displaced persons forcibly displaced within their own countries.

26. The Guiding Principles is a non-binding instrument but the provisions incorporated in the instrument are mainly consistent with and a restatement of existing international human rights and humanitarian law and have garnered wide support by UN bodies, States, international organization as well as NGOs and non-state actors. The Guiding Principles have also gained unanimous recognition by governments at the World Summit in 2005 which stated that it is “an important international framework for the protection of internally displaced persons”.²⁵

27. The Guiding Principles defines internally displaced persons as “persons or groups of persons who have been forced or obliged to flee their homes or places of habitual residence, in particular as a result or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters and who have not crossed an internationally recognised State border”.²⁶

28. As can be seen from the above definition, the Guiding Principles explicitly include “natural or human-made disasters as drivers of forced displacement. It is generally agreed that the inclusion of such phrase is also applicable to climate-induced displacement. Kälén notes that “the notion of IDP is broad and sufficiently flexible to cover people evacuated or fleeing from their homes to escape dangers of a sudden-onset disaster, or who are forced to leave in the disaster’s aftermath because of the degree of destruction” and further states that “...its application does not require a preliminary determination as to whether a specific disaster is linked to climate change”.²⁷ In other words, the Guiding Principles recognizes that those displaced by climate change are part of the category of IDP and thus provides a protection mechanism for them.

29. One should note that the provisions incorporated in the Guiding Principles, were principally geared to address the protection and assistance needs of those displaced by conflict which was a significant problem and on the rise in the early 1990s. As such, the application of the Guiding Principles to situation of natural disaster and climate-induced displacement has been a subject of discourse quite recently.

30. There are several regional agreements that have been adopted in line with the protection framework incorporated in the Guiding Principles including the Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa and the 2006 Great Lakes Protocol on the Protection and Assistance to Internally Displaced

²⁴ UN Commission on Human Rights, ‘Report of the Representative of the Secretary-General, Mr. Francis M Deng, submitted pursuant to Commission resolution 1997/39-Addendum: Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2, 11 February 1998.

²⁵ UNGA Res. A/60/L.1, para.132.

²⁶ See Note 23 above, Introduction: Scope and Purpose, para.2.

²⁷ W. Kälén, note 21 above, p. 87.

Persons.²⁸ In particular, Article 5, paragraph 4 of the Kampala Convention provides that “States Parties shall take measures to protect and assist persons who have been internally displaced due to natural or man-made disasters, including climate change”.

31. In general, the Guiding Principles are considered to provide an important framework by way of providing the necessary protection mechanism for those displaced by climate-change. As national governments have the primary responsibility to implement the Guiding Principles what remains a challenge is their effective implementation at the national and local level. Apart from this, many authors have also noted that there is a gap in the Guiding Principles regarding the protection of people displaced by slow-onset disasters because of the blurred distinction between voluntary and forced displacement since the Guiding Principles only applies to the latter. Moreover, some point out that the Guiding Principles may not meet all the protection needs faced by climate displaced persons, that they are too general in nature to provide for sufficient durable solutions for climate displaced persons, and that therefore a more robust normative framework that comprehensively address such questions may need to be developed.

(ii) Peninsula Principles on Climate Displacement Within States

32. The Peninsula Principles on Climate Displacement Within States were approved by a group of legal scholars, judges, UN officials and climate change displacement experts on 18 August 2013 with a view to providing a much needed statement of principles aiming to protect the human rights of climate displaced persons, households and communities and to address the issue in a preventive and planned manner. The Peninsula Principles are based on existing human rights law and build on the UN Guiding Principles on Internal Displacement²⁹ and are tailored to meet the specific needs of internally displaced persons as a result of climate change.

33. As UN Climate envoy Mark Robinson has noted, 'States facing climate-related displacement within their borders require significant financial support and technical expertise to develop solutions that provide for the rights of those affected. The Peninsula Principles provide a normative framework, based on human rights, to address the rights of internally displaced people. For people forced to leave their homeland and flee across a border, there is no protection assured under existing international law. This requires urgent attention.'³⁰

34. The Principles define 'climate displaced persons' as those individuals, households or communities who are facing or experiencing climate displacement, while the latter is defined as 'the movement of people within a State due to the effects of climate change, including sudden and slow-onset environmental events and processes, occurring either alone or in combination with other factors'. It consists of seven main parts which includes the preamble, an introduction outlining the scope and key definitions; the general obligation for states and the international community, followed by sets of principles on preparation and planning; post-displacement and return and finally implementation of the principles.

²⁸ See, African Union, African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) 2009, available at: <http://www.au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa> International Refugee Rights Initiative, The Great Lakes Pact and the Rights of Displaced People: A Guide for Civil Society 2008, available at: <http://www.refugee-rights.org/Publications/2008/GLReport.Sep2008.pdf>

²⁹ For the full text of the Peninsula Principles, see: <http://displacementsolutions.org/ds-initiatives/the-peninsula-principles>

³⁰ <http://roadtoparis.info/2015/07/29/qa-with-mary-robinson-what-is-climate-justice/>

35. In regard to prevention and adaptation, the Principles underline that States should comply with their international obligations to avoid conditions that might lead to their displacement and to provide adaptation assistance so that communities can stay in their current homes as long as possible. It further provides that States should incorporate displacement prevention, assistance and protection into their national laws and policies with a particular focus on prevention. The principles are based on the consideration that communities should play a lead role in determining their future needs with regard to the threat of climate displacement. To this effect, it provides that no relocation should take place without the full and informed consent of the communities and that States should ensure that climate displaced persons actively participate in relevant decisions and implementation of adaptation, relocation and protection programs with due attention to the participation of women, children, the elderly, persons with disabilities, minorities and other marginalized groups. With respect to relocation programs, it stipulates that States should ensure that communities enjoy the full spectrum of rights in their new places. In regard to implementation, it provides that the primary obligation rests with national governments for the protection of its citizens displaced by climate related events within its own territory.³¹

4. Conclusions and recommendations for a potential follow-up study

36. The normative frameworks developed to date such as the Guiding Principles on Internal Displacement and the Peninsula Principles on Climate Displacement within States provide a solid foundation for the protection of the specific needs of those internally displaced by climate change in line with a human-rights based approach and are consistent with international human rights standards and humanitarian law.

37. The issue of climate change has been on the agenda of the Human Rights Council since 2008, and although climate displacement is one of the most pressing issues in terms of the impact it has on the full enjoyment of human rights, this emerging issue has not been adequately addressed. So far the Human Rights Council has focused on the implications of climate change on the full enjoyment of human rights rather than focussing more on the promotion and protection of human rights in climate displacement settings, which is essential to effectively address the related multifaceted challenges.

38. As has been discussed in this reflection paper, the human rights implications of climate displacement are manifold. Climate displacement touches, for instance, upon housing, land and property rights and the livelihood of people. The human rights concerns climate displacement raises cut across all sets of rights and fall within the ambit of a number of human rights mechanisms, such as the mandates of the Special Rapporteur on human rights and the environment, the Special Rapporteur on internally displaced persons and the Special Rapporteur on the right to adequate housing. None of these mandates has so far addressed the issue in a manner beyond their respective mandates.

39. In 2008, the United Nations Deputy High Commissioner for Human Rights stated in her address at the Conference on Climate Change and Migration that *regrettably-and [...] perilously, human rights have remained a peripheral concern in negotiations, discussions and research related to global warming. While the environmental, technical, economic, and more recently, developmental aspects of climate change have been explored, much less has been heard about its human rights dimension.*³¹ This sadly holds true even today and there is an urgent need to ensure, through applied research and expertise that the Advisory Committee is able to provide, in order to fill some of the potential protection gap with a

³¹ See, Scott Leckie and Chris Huggins (eds), *Repairing Domestic Climate Displacement: The Peninsula Principles*, Routledge, 2015.

view to ensure that a human rights-based approach is well developed and robust when addressing climate displacement.

40. Climate displaced persons face a number of practical, legal and normative gaps, notably when it comes to the definition of forced displacement, which may be invoked by such IDPs as opposed to voluntary migration, and the question of return, since their displacement may be permanent in nature. These difficult legal questions require an in-depth research-based analysis. Among the existing human rights mechanisms, the Advisory Committee as the Council's think tank is best placed to carry out such a research-based study and to examine best practices at the international, regional and, more particularly, at the national level.

41. Views seem to converge towards the need for land-based solutions in light of climate displacement.³² In this regard, there is a pressing need to develop the national and international normative, institutional and implementation frameworks.

42. In light of the above considerations, it is thus proposed:

- That the Advisory Committee undertake to prepare guidelines ('soft guidelines') on climate displacement and human rights, based on existing frameworks such as the Guiding Principles on IDPs and the Peninsula Principles on Climate Displacement within States, which are grounded in the existing international framework
- Alternatively, that the Advisory Committee could prepare a report on the question of a human rights-based planned relocation to cases of looming climate displacement.

³² See, for instance, Scott Leckie (ed) *Land Solutions for Climate Displacement*, Routledge, 2014.