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

Initial planning and vision for the mandate

Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Ian Fry*

Summary

The report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change is submitted pursuant to Human Rights Council resolution 48/14. As the Special Rapporteur took up his mandate on 1 May 2022, the present report is preliminary in nature. In the report, the Special Rapporteur identifies six thematic priorities on which he will focus on during his mandate, as follows: (a) promotion and protection of human rights in the context of mitigation, adaptation and financial actions to address climate change, with particular emphasis on loss and damage; (b) ways to address the human rights implications of climate change displacement, including legal protection of people displaced across international borders; (c) exploration of approaches to developing and enhancing climate change legislation, support for climate change litigation and advancement of the principle of intergenerational justice; (d) corporate accountability with respect to human rights and climate change; (e) protection of human rights through just transition for workers in industries that contribute to climate change; and (f) exploration of the impacts of new technologies associated with climate change mitigation on human rights. Approaches to finding workable solutions to the complexities of climate change and human rights issues will be developed. The Special Rapporteur will work in collaboration with other special procedure mandate holders and seek inputs from States, civil society organizations, business enterprises and intergovernmental organizations in the advancement of the work.

* The present report was submitted after the deadline owing to circumstances beyond the submitter's control.



I. Introduction

1. In its resolution 48/14, the Human Rights Council decided to appoint a special rapporteur on the promotion and protection of human rights in the context of climate change, and established the mandate. At its forty-ninth session, the Council appointed Ian Fry as the Special Rapporteur on the promotion and protection of human rights in the context of climate change, and he took up his position on 1 May 2022. The present report is being submitted to the Council at its fiftieth session, approximately one month after the Special Rapporteur officially commenced his mandate. In the present report, the Special Rapporteur sets out his initial ideas and plans for the first three years of his mandate (2022–2025), with a view to engaging in a dialogue and discussion with States and other stakeholders.

II. Coordination with other special procedures

2. Since 2008, the Human Rights Council has been addressing the relationship between climate change and human rights¹ and expressing concerns relating to the impact of climate change on the enjoyment of human rights, in particular, in its resolutions 7/23 and 10/4, the impacts felt by populations that are already in a vulnerable situation. Since then, the Council has organized several panels during its sessions and the Office of the United Nations High Commissioner for Human Rights (OHCHR) has produced a number of thematic studies at the request of the Council.² Recently, the Advisory Committee of the Human Rights Council embarked upon a study of the impact of new technologies for climate protection on the enjoyment of human rights.³ In addition, international human rights treaty monitoring bodies have explored the obligations of States to protect human rights in the context of the impacts of climate change, in accordance with their respective international human rights treaties.⁴

3. At the same time, a number of special procedure mandate holders have addressed the impacts of climate change on human rights and have affirmed those impacts in their thematic reports and reports on country visits.⁵ The Human Rights Council requested the Special Rapporteur to work in close coordination, while avoiding duplication of efforts, with other special procedure mandate holders (paragraphs 2 (h) and 2 (m) of resolution 48/14). The Special Rapporteur has reviewed salient studies undertaken and references made by special procedure mandate holders on specific human rights and specific groups impacted by climate change (see annex for a non-exhaustive compilation of work of the special procedure mandate holders on climate change and human rights).

4. Considerable work has already been undertaken by other special procedure mandate holders with respect to climate change. The Special Rapporteur will aim to complement that work and avoid overlaps or repetition of existing efforts. The Special Rapporteur will reach out to other special procedure mandate holders and find synergies with their work, consistent with the thematic priorities he identifies below.

III. Thematic priorities

5. In its resolution 48/14, the Human Rights Council set out several tasks for the Special Rapporteur. On the basis of that request, the Special Rapporteur has provided his initial view of the priorities of the mandate and also seeks clarification and additional information from States and other stakeholders. In line with the thematic priorities, each of which is addressed in sequence below, the Special Rapporteur presents a list of several preliminary ideas for

¹ A/HRC/10/61 and A/HRC/AC/27/2.

² For more information, see <https://www.ohchr.org/en/issues/hrandclimatechange/pages/hrclimatechangeindex.aspx>.

³ See A/HRC/AC/26/2. For more information, see <https://www.ohchr.org/en/calls-for-input/calls-input/impact-new-technologies-climate-protection-enjoyment-human-rights>.

⁴ For more information, see <https://www.ohchr.org/en/climate-change/human-rights-mechanisms-addressing-climate-change>.

⁵ For more information, see https://www.ohchr.org/Documents/HRBodies/SP/List_SP_Reports_Climate_Change.pdf.

thematic reports to submit to the Human Rights Council and the General Assembly. While it is inevitable that there will be overlaps in undertaking those tasks, it is possible to identify the key thematic priorities and sequence of work, as follows:

(a) Seventy-seventh session of the General Assembly (2022). Promotion and protection of human rights in the context of mitigation, adaptation and financial actions to address climate change, with particular emphasis on loss and damage;

(b) Fifty-third session of the Human Rights Council (June 2023). Ways to address the human rights implications of climate change displacement, including legal protection of people displaced across international borders;

(c) Seventy-eighth session of the General Assembly (2023). Exploration of approaches to developing and enhancing climate change legislation, support for climate change litigation and advancement of the principle of intergenerational justice;

(d) Fifty-sixth session of the Human Rights Council (June 2024). Corporate accountability with respect to human rights and climate change;

(e) Seventy-ninth session of the General Assembly (2024). Protection of human rights through just transition for workers in industries that contribute to climate change;

(f) Ongoing, 2022–2025. Exploration of the impacts of new technologies associated with climate change mitigation on human rights.

6. The Special Rapporteur plans to conduct his own mid-term review of the mandate and take stock of the first three years of the mandate by producing a dedicated report in 2024.

IV. Strategies for achievement of thematic priorities

7. The following subsections contain a preliminary set of strategies for the achievement of the Special Rapporteur's mandate. As time progresses, the strategies will evolve to reflect the rapidly changing circumstances that confront the international community with respect to climate change.

A. Promotion and protection of human rights in the context of mitigation, adaptation and financial actions to address climate change, with particular emphasis on loss and damage

8. The Special Rapporteur highlights the reference to human rights included in the preamble to the Paris Agreement on Climate Change, in which the parties to the Agreement acknowledged that climate change was a common concern of humankind, and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.

9. The Special Rapporteur will explore the functional arrangements of the Paris Agreement, including mitigation, adaptation, loss and damage, finance, reporting, technology transfer, capacity-building and education, stocktaking and compliance, and will find entry points for the inclusion of human rights perspectives within those arrangements. The Special Rapporteur will focus on four main elements, consistent with the mandate set out in paragraph 2 (a) and (b) of resolution 48/14, namely mitigation, adaptation, loss and damage, and finance, which are further considered below. Particular attention will be given to loss and damage, as the impacts of climate change are creating enormous human rights deprivations and, as such, those impacts will be the subject of the Special Rapporteur's thematic report to the seventy-seventh session of the General Assembly in 2022.

1. Mitigation

10. In its contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change,⁶ Working Group III stated that effective and equitable climate policies were largely compatible with the broader goal of sustainable development and efforts to eradicate poverty as enshrined in the 17 Sustainable Development Goals set out in the 2030 Agenda for Sustainable Development, notwithstanding trade-offs in some cases. According to the Working Group, projected global emissions from aggregated nationally determined contributions place the goal of limiting global warming to 1.5° C beyond reach and will make it harder after 2030 to limit global warming to 2° C. Consequently, unless mitigation actions are drastically enhanced, the impacts of climate change will have significant human rights implications.

11. Working Group III suggested that shifting development pathways towards sustainability implied making transformative changes that would disrupt existing developmental trends. Such choices would not be marginal, but would include technological, systemic and socio-behavioural changes.

12. The extraction of fossil fuels is already creating significant impacts for communities. Air pollution from the burning of fossil fuels is creating serious human health problems throughout the world. The extraction of oil in sensitive areas is having further impacts on communities and the enjoyment of their human rights.

13. While action to reduce greenhouse gas emissions is urgently needed, the Panel noted that some transformative changes could have significant human rights impacts. Carbon removal technologies, carbon trading, increased use of carbon sequestration and the use of biofuels are likely to have impacts on the rights of people, particularly indigenous peoples. The mining of metals for electric vehicle batteries and other electricity storage processes is another activity that is already having an effect on human rights.

Engagements relating to the thematic priority

14. In carrying out his mandate, the Special Rapporteur will:

(a) Engage in dialogue on ways to enhance mitigation actions that support the Sustainable Development Goals, while limiting the human rights impacts arising from a warming atmosphere;

(b) Engage in processes to review and enhance nationally determined contributions to ensure that the human rights implications are understood and inscribed in the relevant assessment mechanisms.

2. Adaptation

15. The twenty-seventh Conference of the Parties to the United Nations Framework Convention on Climate Change and the Fourth Conference of the Parties serving as the meeting of the Parties to the Paris Agreement will be held in Sharm el-Sheikh, Egypt, from 6 to 8 November 2022, offering a key opportunity to achieve progress in work on adaptation. At its twenty-sixth session, held in Glasgow, Scotland, from 31 October to 13 November 2021, the Conference of the Parties to the Convention established the Glasgow-Sharm el-Sheikh work programme on the global goal on adaptation to assess progress towards that goal and enable its implementation. It will be important to ensure that promotion and protection of human rights in the context of climate change is included in the global goal on adaptation. In addition, parties to the Paris Agreement will need to be encouraged to ensure that obligations to promote and protect human rights in the context of climate change are included in their national adaptation plans and adaptation communications.

⁶ Intergovernmental Panel on Climate Change, *Climate Change 2022: Mitigation of Climate Change*, Technical Summary (2022), available at <https://www.ipcc.ch/report/sixth-assessment-report-working-group-3/>.

Engagements relating to the thematic priority

16. In carrying out his mandate, the Special Rapporteur will work on developing guiding principles to assist States in implementing their human rights obligations and, in doing so, incorporate a human rights-based approach into their adaptation plans. Such plans should include a gender-responsive, age-sensitive, disability-inclusive and social-inclusion perspective, consistent with paragraph 2 (k) of resolution 48/14.

3. Loss and damage

17. Working Group III reported that widespread and severe loss and damage to human and natural systems were being driven by human-induced climate changes, increasing the frequency and/or intensity and/or duration of extreme weather events, including droughts, wildfires, terrestrial and marine heat waves, cyclones and floods. Extremes were surpassing the resilience of some ecological and human systems, and challenging the adaptation capacities of others, including impacts with irreversible consequences. Vulnerable people, human systems, and climate-sensitive species and ecosystems were most at risk.⁷

18. Working Group III pointed out that the impacts of climate change and such extreme weather events as wildfires, extreme heat, cyclones, storms and floods had adversely affected or caused loss and damage to human health, shelter, incomes and livelihoods and security, and had led to displacement and inequality. Over 20 million people have been internally displaced annually by weather-related extreme events since 2008, with storms and floods the most common drivers. Climate-related extreme events are followed by negative impacts on mental health, well-being, life satisfaction, happiness, cognitive performance and the incidence of aggression in exposed populations.

19. The Glasgow Climate Pact,⁸ adopted at the twenty-sixth Conference of the Parties to the United Nations Framework Convention on Climate Change and the third Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, acknowledges that climate change has already caused and will increasingly cause loss and damage. As temperatures rise, impacts from climate and weather extremes, including storm events, will pose an ever-greater social, economic and environmental threat. Climate change will lead to significant human rights impacts for millions of people around the globe, with increasing loss of life, land, homes and income.

20. The Glasgow Climate Pact emphasizes the urgency of scaling up action and support, including finance, capacity-building and technology transfer, to enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change in line with the best available science, taking into account the priorities and needs of developing country parties.

21. At the twenty-sixth Conference of the Parties to the Convention, a proposal for a new loss and damage financing facility was rejected by a number of States. The parties established the Glasgow Dialogue to discuss possible arrangements for loss and damage funding, with the first meeting to be held in June 2022. At the twenty-seventh Conference of the Parties, countries will have another chance to finally establish a financial mechanism to address a critical need and ensure a process to secure adequate, accessible, additional and fit-for-purpose financing.

Engagements relating to the thematic priority

22. In carrying out his mandate, the Special Rapporteur will:

(a) Explore financing options to dramatically scale up financial support to find redress and compensation for those adversely affected by the impacts of climate change. The Special Rapporteur will consult with States, civil society organizations, business enterprises and intergovernmental organizations to find the best options to enhance funding for loss and damage;

⁷ Ibid.

⁸ Decision 1/CP.26 (FCCC/CP/2021/12/Add.1) and decision 1/CMA.3 (FCCC/PA/CMA/2021/10/Add.1).

(b) Consistent with paragraph 2 (e) of resolution 48/14, raise awareness of the human rights affected by climate change, especially those of persons living in countries particularly vulnerable to climate change, such as the least developed countries, small island developing States and landlocked developing States, and encourage increased global cooperation in that regard;

(c) Follow up on his efforts to reach out to some highly vulnerable least developed countries to request a country visit to develop an understanding of and report on loss and damage those countries have suffered from the adverse impacts of climate change, and to explore good practices by which some loss and damage can be averted;

(d) Explore actions to address the human rights aspects of loss and damage that are experienced by individuals and communities in vulnerable situations, namely 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 also address the importance of recognizing their agency in contributing to climate action;

(e) Focus on loss and damage for his report to the seventy-seventh session of the General Assembly, and inform his report by seeking input from States, business enterprises, civil society organizations and intergovernmental organizations to identify what actions are necessary with respect to financial support, remedies and redress for individuals and communities in vulnerable situations suffering loss and damage as a consequence of climate change. The Special Rapporteur will prepare a compilation report of the inputs received;⁹

(f) Identify practical guidelines for implementing human rights in mitigation and adaptation policies, practices, investments and other projects relating to climate change.

4. Climate change finance

23. It is well recognized that climate change action is drastically underfunded. At the twenty-sixth Conference of the Parties to the Convention, it was noted by parties that the current provision of climate finance for adaptation remains insufficient to respond to worsening climate change impacts in developing country parties.

24. The parties urged developed country parties to urgently and significantly scale up their provision of climate finance, technology transfer and capacity-building for adaptation so as to respond to the needs of developing country parties as part of a global effort, including for the formulation and implementation of national adaptation plans and adaptation communications.¹⁰ The parties also initiated deliberations on a new collective quantified goal on climate finance.

Engagements relating to the thematic priority

25. In carrying out his mandate, the Special Rapporteur will engage in consultations on a new collective quantified goal on climate finance initiated by the Conference of the Parties to ensure that a human rights perspective is incorporated within the financial considerations.

B. Ways to address the human rights implications of climate change displacement, including legal protection of people displaced across international borders

26. The Office of the United Nations High Commissioner for Refugees (UNHCR) has estimated that, as at mid-2021, global forced displacement had surpassed 84 million people.¹¹

⁹ See call for inputs, available at <https://www.ohchr.org/en/calls-for-input/calls-input/call-input-promotion-and-protection-human-rights-context-mitigation>.

¹⁰ FCCC/PA/CMA/2021/10/Add.1.

¹¹ UNHCR, Refugee Data Finder, available at <https://www.unhcr.org/refugee-statistics/> (2022).

As at end 2020, 49 million were internally displaced people and an estimated 35 million (42 per cent) of the 82.4 million forcibly displaced people were children below 18 years of age.

27. According to data provided by the Internal Displacement Monitoring Centre,¹² nearly 1,900 disasters triggered 24.9 million new displacements across 140 countries and territories in 2019. That is the highest figure recorded since 2012 and three times the number of displacements caused by conflict and violence.

28. Displaced people are often portrayed as victims of slow-onset events who are in need of assistance and protection, but the literature provides examples of ways in which displaced people can also be drivers of community-based solutions. For many communities, return is a desirable durable solution, but it is less likely in situations where slow-onset climate processes are at play since they tend to be all but irreversible.

29. In a case concerning the deportation of a Kiribati citizen from New Zealand who claimed to be a climate change refugee, the Human Rights Committee held that the facts before it did not permit it to conclude that the author's removal to Kiribati violated his rights under article 6 (1) of the International Covenant on Civil and Political Rights.¹³

30. It would appear from that finding and the findings of the court that initially heard the case that persons displaced across international borders are not defined as refugees under the 1951 Convention relating to the Status of Refugees. There appears to be no legal definition for a climate change refugee.

31. Consequently, for people displaced across international borders as a result of being forcibly displaced by climate change, legal protections are limited. They may be deprived of their basic human rights, leaving them susceptible to exploitation and suffering. Women and children and persons with disabilities may be particularly vulnerable to such circumstances. On 16 May 2022, the Special Rapporteur joined in issuing a statement by special procedure mandate holders, in which they noted that among the 84 million people who are currently forcibly displaced worldwide, lesbian, gay, bisexual, trans and gender diverse persons are among the most vulnerable and marginalized.¹⁴ Fleeing persecution and socioeconomic exclusion, they often reside in countries that do not provide strong human rights protections or that actively discriminate on the basis of sexual orientation and gender identity.

Engagements relating to the thematic priority

32. In carrying out his mandate in relation to the human rights implications of climate change displacement, the Special Rapporteur will focus on seeking views from interested parties and identifying new approaches under international law to give protection to people displaced across international borders as a consequence of the adverse impacts of climate change.

C. Exploration of approaches to developing and enhancing climate change legislation, support for climate change litigation and advancement of the principle of intergenerational justice

1. Climate change legislation

33. Countries around the world have enacted laws and adopted policies that describe national and international responses to climate change. The Grantham Research Institute on Climate Change and the Environment has produced a database on climate change legislation.¹⁵ In the database, they consider legal documents that establish rules and procedures related to the following: reduction of energy demand; promotion of low carbon

¹² Internal Displacement Monitoring Centre, *Global Report on Internal Displacement, 2020*, available at <https://www.internal-displacement.org/global-report/grid2020/>.

¹³ *Teitiota v. New Zealand* (CCPR/C/127/D/2728/2016), para. 10.

¹⁴ See <https://www.ohchr.org/en/statements/2022/05/forcibly-displaced-lgbt-persons-face-major-challenges-search-safe-haven>.

¹⁵ Climate Change Laws of the World, available at <http://climate-laws.org> (2022).

energy supply; restriction of the development of fossil fuel-based infrastructure; promotion of low-carbon buildings; carbon pricing; lower industry emissions; the tackling of deforestation and the promotion of sustainable land use; other mitigation efforts; climate-related research and development; low-carbon transportation; the enhancement of adaptation capabilities; and natural disaster risk management.

Engagements relating to the thematic priority

34. In carrying out his mandate, the Special Rapporteur will:

(a) Produce a series of communication letters focused on climate change legislation and seek submissions on best practices in the development of climate change legislation and its implications for human rights. The Special Rapporteur will seek views on how to enhance the development of human rights protections within climate change law. A report compiling communication letters on good practices in climate change legislation that incorporate human rights and recommendations for enhancement will be developed;

(b) Participate in educational programmes to improve the judiciary's understanding of human rights law and climate change law. That effort has already commenced. On 18 May 2022, the Special Rapporteur gave a keynote address at the Inaugural Training for Pacific Judges on Environment and Climate Law, organized by the Regional Office of the United Nations Environment Programme (UNEP) for Asia and the Pacific, the International Union for Conservation of Nature and Natural Resources and the OHCHR Regional Office for the Pacific.

2. Climate change litigation

35. According to a UNEP report on climate change litigation,¹⁶ the current levels of both climate ambition and climate action are inadequate to meet the challenge. As a consequence, individuals, communities, non-governmental organizations, business entities, subnational governments and others have brought cases seeking to compel enforcement of those laws, replace them with stronger ones (and sometimes weaker ones), extend existing laws to address climate change, or define the relationship between fundamental rights and the impacts of climate change. UNEP suggests that climate cases to date often fall into one or more of six categories: (a) climate rights; (b) domestic enforcement; (c) keeping fossil fuels in the ground; (d) corporate liability and responsibility; (e) failure to adapt and impacts of adaptation; and (f) climate disclosures and greenwashing.

Engagements relating to the thematic priority

36. In carrying out his mandate, the Special Rapporteur will monitor the development of climate change litigation, particularly in the context of implementing human rights obligations. Where appropriate, the Special Rapporteur, in collaboration with other special procedure mandate holders, may produce amicus curiae briefs in certain litigation cases that have particular relevance for implementing and monitoring the compliance of States and business enterprises with their human rights obligations and responsibilities in respect of climate change.

3. Intergenerational justice

37. According to the concept of intergenerational justice, in taking actions to address climate change, people must not only consider the duties of current generations. They must also protect future generations from the adverse impacts of climate change. The strengthened constitutional anchoring of intergenerational justice, human rights and climate protection is a key functional element of the Special Rapporteur's work.

¹⁶ UNEP, *Global Climate Litigation Report: 2020 Status Review* (Nairobi, 2020), available at <https://www.unep.org/resources/report/global-climate-litigation-report-2020-status-review>.

Engagements relating to the thematic priority

38. In carrying out his mandate, the Special Rapporteur will:

(a) Explore options for enshrining the principle of intergenerational justice in international law and encourage States to incorporate the concept in their national constitutions and legislation. The Special Rapporteur will seek out good practices in that respect and promote those practices;

(b) Consistent with the principle of intergenerational justice, the Special Rapporteur will explore best practices that allow youth to be represented in courts and to have their views and concerns properly expressed in the judicial process.

D. Corporate accountability in the context of human rights and climate change

39. There is a growing call for companies to disclose the risks they are facing with respect to their human rights responsibilities and their actions to address climate change by transitioning to low-carbon economies. The idea is that disclosure will help investors understand such risks so that they can make more informed investment decisions. There is much speculation as to how companies should assess and report those risks, including whether the disclosures should be mandatory.

40. In recognition of particular challenges involved in assessing and reporting climate change risk, the Financial Stability Board, an international body that oversees global financial stability, created the Task Force on Climate-related Financial Disclosures. The Task Force is an industry-led initiative made up of representatives from various sectors, including banks, insurance companies and non-financial corporations. In June 2017, the Task Force published its final report,¹⁷ which recommended that companies include climate-related financial disclosures in their annual financial filings.

41. The recommendations of the Task Force are entirely voluntary, and converting the recommendations into requirements will require some work on practical details.

42. Another organization, the Carbon Disclosure Project, on behalf of over 680 institutional investor signatories, has requested information on climate risks and low carbon opportunities from the world's largest companies, which have a combined \$130 trillion in assets and more than 200 major purchasers with over \$5.5 trillion in procurement expenditures.¹⁸

43. In 2011, in its resolution 17/4, the Human Rights Council endorsed the Guiding Principles on Business and Human Rights. Consistent with paragraph 2 (l) of resolution 48/14, the Special Rapporteur will 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 to mitigate potential adverse effects of their activities, including investment projects, on human rights in the context of climate change.

44. In 2014, the Human Rights Council decided, by its resolution 26/9, to establish an open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, whose mandate would be to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.

Engagements relating to the thematic priority

45. In carrying out his mandate, the Special Rapporteur will explore the above-mentioned voluntary disclosure projects and determine whether there is adequate reporting on the responsibility of corporations and other business enterprises to respect human rights and on

¹⁷ Financial Stability Board, *Recommendations of the Task Force on Climate-related Financial Disclosures* (Basel, Switzerland, 2017), available at <https://assets.bbhub.io/company/sites/60/2020/10/FINAL-2017-TCFD-Report-11052018.pdf>.

¹⁸ Carbon Disclosure Project, *Climate Change* (2022), available at <https://www.cdp.net/en/climate>.

their actions to address climate change. The Special Rapporteur will consider whether such voluntary reporting approaches should become mandatory.

E. Protection of human rights through just transition for workers in industries that contribute to climate change

46. As action is taken to reduce the world's reliance on fossil fuel, there is a need to provide opportunities for a just transition of workers in industries that contribute to climate change.

47. The process of just transition encompasses a set of principles, processes and practices aimed at ensuring that no people, workers, places, sectors, countries or regions are left behind in the move from a high-carbon to a low-carbon economy. It includes respect and dignity for groups in vulnerable situations. It should also provide for decent jobs, social protection, employment rights, fairness in energy access and use, and social dialogue and democratic consultation with relevant stakeholders.

48. Implicit in a just transition are the notions of well-being, equity and justice – the realization that transitions are inherently disruptive and that deliberate effort may be required to ensure that communities dependent on fossil-fuel based economies and industries do not suffer disproportionately.

49. Proactive measures incorporated within the concept of a just transition include the eradication of poverty, the development of resilient communities and the creation of jobs in “green” sectors. In addition, Governments, polluting industries, corporations, and those more able to pay higher associated taxes could pay for transition costs by providing a welfare safety net and adequate compensation to people, communities and regions that have been impacted by pollution, or are marginalized, or are negatively impacted by a transition from a high- to low- carbon economy and society. There is, nonetheless, increased recognition that resources that could enable the transition, including international development institutions and other transitional drivers such as tools, strategies and finance, are scarce.

50. Initiatives have been undertaken to address the just transition of workers in industries that contribute to climate change. In 2015, the International Labour Organization (ILO) released the guidelines for a just transition towards environmentally sustainable economies and societies for all,¹⁹ which were decided between Governments, employers and their organizations, and workers and their trade unions. The guidelines were both a policy framework and a practical tool to help countries at all levels of development to manage the transition to low-carbon economies. They were also useful in helping countries to achieve what were then called “intended nationally determined contributions” and meet relevant targets of the Sustainable Development Goals. Following the twenty-sixth Conference of the Parties in Glasgow, the International Trade Union Confederation called for an immediate start to talks with workers and communities, aimed at producing just transition plans.

Engagements relating to the thematic priority

51. In carrying out his mandate, the Special Rapporteur will:

(a) Work with ILO, the International Trade Union Confederation and other interested groups and organizations to ensure that just transition policies are incorporated in government and business enterprises;

(b) At the fifty-first session of the Human Rights Council, as a first step under the present theme, participate in a panel discussion, requested pursuant to resolution 49/11, on the future of the right to work in connection with climate change actions, responses and impacts in the context of sustainable and inclusive economies.

¹⁹ See https://www.ilo.org/wcmsp5/groups/public/@ed_emp/@emp_ent/documents/publication/wcms_432859.pdf.

F. Exploration of the impacts of new technologies associated with climate change mitigation on human rights

52. In an effort to reduce greenhouse gas emissions and ameliorate the impacts of climate change, various new technologies have been proposed and are being explored. Some are close to commercial viability. They come in a variety of forms and include carbon dioxide (CO₂) removal, stratospheric aerosol injection, marine cloud brightening and the use of various metals for the storage of electricity. Each of the technologies has potential negative impacts on the enjoyment of human rights.

53. In the Sixth Assessment Report,²⁰ Working Group III gave considerable weight to the use of carbon dioxide removal. Carbon dioxide removal refers to anthropogenic activities removing CO₂ from the atmosphere and durably storing it in geological, terrestrial or ocean reservoirs, or in products. It includes existing and potential anthropogenic enhancement of biological, geochemical or chemical CO₂ sinks, but excludes natural CO₂ uptake not directly caused by human activities. Stratospheric aerosol injection and marine cloud brightening processes aim to reflect sunlight away from the Earth as a means of reducing rising temperatures. The mining of lithium and the extraction of manganese nodules from the ocean floor are additional technological processes within the category of new technologies for climate change mitigation. Each of those technologies, however, either currently contributes to human rights infringement or has the potential to infringe on the rights of individuals and communities.

Engagements relating to the thematic priority

54. In carrying out his mandate, the Special Rapporteur will:

(a) In accordance with paragraph 6 of resolution 48/14, work with the Advisory Committee of the Human Rights Council to conduct a study and prepare a report on the impact of new technologies for climate protection on the enjoyment of human rights, and submit the report to the Council at its fifty-fourth session;

(b) On the basis of the conclusions of the report by the Advisory Committee, develop materials that will advance work on regulatory approaches for ensuring that new technologies do not have adverse human rights impacts.

V. Participation and inclusion

55. For each of the thematic issues considered above, it will be critical to ensure that there is a voice for rights-holders, including people whose human rights are affected by those processes. Pursuant to paragraph 2 (k) of resolution 48/14, the Special Rapporteur will integrate a gender-responsive, age-sensitive, disability inclusive and social-inclusion perspective throughout the work of the mandate.

56. Underpinning all the thematic work, the Special Rapporteur will work 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 those efforts contribute to the promotion and protection of all human rights and poverty alleviation, in accordance with paragraph 2 (c) of resolution 48/14. Emphasis will be given to reaching out to indigenous peoples through country visits, online dialogues and interaction at a variety of forums. In line with that priority, the Special Rapporteur attended the seventh meeting of the Facilitative Working Group of the Local Communities and Indigenous Peoples Platform of the United Nations Framework Convention on Climate Change, held in Bonn, Germany, from 1 to 3 June 2022.

²⁰ See <https://www.ipcc.ch/report/sixth-assessment-report-working-group-3/>, Technical Summary.

Engagements relating to the thematic priority

57. In carrying out his mandate, the Special Rapporteur:

(a) Has established a gender and climate justice research hub at the Fenner School of Environment and Society at Australian National University, in fulfilment of the first element of the present approach to participation and inclusion. The research hub will provide an opportunity for students to review gender-responsive approaches to research for the thematic issues defined in the present report;

(b) Will advocate for the protection of environmental human rights defenders.

VI. Way forward

58. The present report has outlined some of the thematic priorities for the Special Rapporteur in the first three years of the mandate. The Special Rapporteur welcomes comments on and reactions to the report and looks forward to working with all stakeholders to advance the discussion on the promotion and protection of human rights in the context of climate change.

Annex

Non-exhaustive compilation of work of the special procedure mandate holders on climate change and human rights

A. Specific human rights impacted by climate change

1. The consequences of climate change for human rights will be both direct, such as posing a threat to the right to life, and indirect and gradual, such as increasing stress on access to basic services and vulnerabilities related to livelihoods. The special procedure mandate holders, through the work highlighted below, address the impact of climate change on the enjoyment of human rights in accordance with specific human rights.

2. **Right to a healthy environment.** The Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment has clarified that a safe climate is one of the six substantive elements of the right to a clean, healthy and sustainable environment and that it is absolutely essential to human life and well-being.¹ In the reports on his country visits to Fiji, Norway and Saint Vincent and the Grenadines, he outlined the human rights challenges related to climate change.²

3. **Rights to safe drinking water and sanitation.** The consequences of climate change generate situations of water scarcity or destruction of facilities and water contamination, affecting access to water and sanitation services and putting at risk the human rights to safe drinking water and sanitation of those who live in situations of vulnerability. Such risks with regard to access to water and sanitation, found in a variety of regions and felt by specific groups, were highlighted by the Special Rapporteur on the human rights to safe drinking water and sanitation in a three-part special thematic report.³

4. **Right to adequate housing.** Climate change carries implications for extreme weather events and impacts the exercise of the right to adequate housing, including settlements that are unplanned and unserved as well as those on small islands and in low-lying coastal zones. It also impacts human mobility.⁴ In addition, climate change has become one of the primary drivers of forced evictions and displacement.⁵ The housing and construction sectors are also major contributors to climate change. In his report to the fifty-second session of the Human Rights Council, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context will take stock of the challenges that climate change poses to guaranteeing the right to adequate housing and of the ways in which housing contributes to climate change.⁶

5. **Right to adequate food.** Unsustainable production, industrialized agriculture and consumption patterns have detrimental impacts on environmental and human health and are a main driver of climate change.⁷ At the same time, climate change has adverse impacts on the right to adequate food, including a long-term and deeper impact on food insecurity resulting from climate change that could eventually bring conflicts to countries that have limited capacity to cope. In addition, mitigation policies can have an adverse impact on the right to food and on adaptation policies and measures.⁸

¹ A/74/161 and A/HRC/49/53.

² A/HRC/43/53/Add.1, A/HRC/43/53/Add.2 and A/HRC/49/53/Add.1.

³ See “Special thematic report on climate change and the human rights to water and sanitation” (2022), available at <https://www.ohchr.org/en/special-procedures/sr-water-and-sanitation/annual-reports>.

⁴ A/64/255.

⁵ A/HRC/47/43.

⁶ See call for inputs, available at <https://www.ohchr.org/en/calls-for-input/calls-input/call-input-right-adequate-housing-and-climate-change>.

⁷ A/74/164.

⁸ A/70/287.

6. **Right to culture.** The conditions allowing all people, without discrimination, to access, participate in and contribute to cultural life are greatly jeopardized by climate change. Many world heritage sites are already threatened by, among other things, rising sea levels, and climate change is a “threat multiplier”, magnifying existing threats to heritage.⁹ The Special Rapporteur in the field of cultural rights has introduced the positive potential of cultures and the exercise of cultural rights to serve as critical tools in responding to the climate emergency.¹⁰ In her reports on country visits to Maldives and Tuvalu,¹¹ the Special Rapporteur highlighted the impact that climate change has and may have on culture and cultural rights.

7. **Right to the highest attainable standard of health.** The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health recommended that States and other actors recognize the particular health impact that climate change and environmental pollution have on certain populations, due in part to socioeconomic inequality, cultural norms and intrinsic psychological factors. The Special Rapporteur also noted an urgent need for medical education to address and prioritize today’s emerging global and public health issues, including climate change.¹²

8. **Right to development.** The Special Rapporteur on the right to development examined climate action at the national level, identifying climate change as one of the adverse global trends that posed a challenge to the implementation of the right to development.¹³

9. **Rights to freedom of association and assembly.** The ability of individuals to mobilize, organize and connect and to contribute to shaping public opinion and decision-making without fear is essential to the production of effective climate action and just transitions. The Special Rapporteur on the rights to freedom of peaceful assembly and of association stated that ensuring that such contributions could be made required full enjoyment of the rights to freedom of peaceful assembly and of association.¹⁴

10. **Right to participation.** Several special procedure mandate holders have stressed the importance of participation and inclusion in climate actions. The Special Rapporteur on the right to development recommended that Governments widen the civic space to allow the democratic and meaningful participation of all stakeholders in multilateral processes, including those related to climate change, and that the Green Climate Fund should be directly accessible to States and community-based stakeholders. Similarly, the Special Rapporteur on the rights to freedom of peaceful assembly and of association stressed that the participation of community and civil society actors was essential to the effective adoption and implementation of integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change and disasters.¹⁵

B. Specific groups impacted by climate change

11. In addition to the direct and indirect consequences of climate change, its effects on human rights are further determined and exacerbated by non-climatic factors, such as discrimination, inequality, unequal power relationships and situations of vulnerability. Climate change has a disproportionate impact on and is felt most acutely by those who are already in vulnerable situations or are most sensitive to the impacts of climate change. Some studies undertaken by international human rights bodies have focused on specific groups and populations who are disproportionately impacted by climate change.

12. **Women and girls.** Women and girls are often disproportionately affected by the negative impacts of climate change, owing to pre-existing, deep-rooted and persisting gender inequalities and discrimination. Gender-responsive climate action for the full and effective

⁹ [A/HRC/40/53](#).

¹⁰ [A/75/298](#).

¹¹ [A/HRC/43/50/Add.2](#) and [A/HRC/46/34/Add.1](#).

¹² [A/71/304](#) and [A/74/174](#).

¹³ [A/HRC/48/56](#).

¹⁴ [A/76/222](#).

¹⁵ [A/HRC/42/38](#) and [A/74/349](#).

enjoyment of the rights of women has been highlighted. In her report to the seventy-seventh session of the General Assembly, the Special Rapporteur on violence against women, its causes and consequences will consider climate change as an aggravator of gender-based violence against women and girls.¹⁶

13. **Victims of contemporary forms of slavery and/or trafficking.** The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, noted that the geography of contemporary forms of slavery would be heavily impacted by climate and environmental change and that exposure to natural disasters was emerging as a possible risk factor for and reorganizing force in contemporary forms of slavery.¹⁷ The Special Rapporteur on trafficking in persons, especially women and children, is presently preparing a report on how legal and policy responses to climate change are addressing risks of trafficking in persons, for presentation at the seventy-seventh session of the General Assembly.¹⁸

14. **Internally displaced persons and migrants.** As one of the drivers of forced displacement and migration, climate change-related conflicts impact the enjoyment of the rights of internally displaced persons and migrants. In a number of studies, the Special Rapporteur on the human rights of internally displaced persons has addressed the issue of internal displacement in the context of the slow-onset adverse effects of climate change.¹⁹ The former Special Rapporteur on the human rights of migrants addressed the impacts of climate change and its consequences for migration in a previous report,²⁰ and the current mandate holder, building on that report, will re-examine the topic in his report to the seventy-seventh session of the General Assembly.²¹

15. **Working Group of Experts on People of African Descent.** Peoples and communities historically subject to exploitation continue to bear the brunt of pollution, environmental degradation and climate change. The Working Group provides guidance on how to effectively address environmental injustice, racial disparities, unequal protection and the unique impact of the climate crisis and environmental racism on people of African descent.²²

16. **Racially marginalized groups.** In her report to the seventy-seventh session of the General Assembly, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance will present an analysis of the challenges and limits of the current United Nations framework in its ability to remedy climate and environmental harm, with particular regard to the continuing legacies of extractivism, imperialism, colonialism and other historical racial injustices.²³

17. **Minority communities.** Climate change can aggravate the frequency, complexity and severity of crises and their impact on populations, and in particular on minority communities.²⁴

18. **Indigenous peoples.** The Special Rapporteur on the rights of indigenous peoples conducted a study on the impacts of climate change and climate finance on indigenous peoples' rights.²⁵ The Special Rapporteur found that indigenous peoples' own strategies for

¹⁶ See call for inputs, available at <https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/climatecrisis.aspx>.

¹⁷ [A/HRC/42/44](#).

¹⁸ See call for inputs, available at <https://www.ohchr.org/en/calls-for-input/calls-input/call-inputs-trafficking-persons-context-climate-change>.

¹⁹ [A/64/214](#), [A/66/285](#) and [A/75/207](#).

²⁰ [A/67/299](#).

²¹ See call for inputs, available at <https://www.ohchr.org/en/calls-for-input/calls-input/report-impact-climate-change-and-protection-human-rights-migrants>.

²² [A/HRC/48/78](#).

²³ See call for inputs, available at <https://www.ohchr.org/en/calls-for-input/calls-input/call-submissions-2022-report-climate-and-racial-justice-general>.

²⁴ [A/71/254](#).

²⁵ [A/HRC/36/46](#).

sustainable development could play an indispensable role in overall global efforts to adapt to climate change, and that indigenous governance systems contributed to climate adaptation.²⁶

19. **Children.** The Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment highlighted that climate change and the loss of biodiversity threatened to cause long-term effects that would blight children's lives for years to come, and provided several recommendations to protect and promote children's rights in the context of environmental protection.²⁷

20. **Persons with disabilities.** The Special Rapporteur on the rights of persons with disabilities noted that it was important to include persons with disabilities in more specialized or technical areas of Government, such as climate change, because persons with disabilities experienced the effects of climate change differently and more severely.²⁸

21. **Older persons.** The Independent Expert on the enjoyment of all human rights by older persons noted that the generalization of older persons as a vulnerable group in need of protection from the impact of disasters failed to recognize the important contribution they were already making to, among other things, climate change mitigation and adaptation strategies.²⁹

22. **Persons living in poverty.** The Special Rapporteur on extreme poverty and human rights examined the impact of climate change on human rights, poverty and inequality, the response of the human rights community and potential paths to transformation, including in respect of the economy, society and international human rights. The Special Rapporteur concluded that climate change was an "unconscionable assault" on persons living in poverty.³⁰

23. **Human rights defenders.** The Special Rapporteur on the situation of human rights defenders raised the alarm about the increasing and intensifying violence against environmental human rights defenders. The Special Rapporteur provided recommendations to various stakeholders to reverse that worrying trend and to empower and protect those defenders for the sake of humankind's common environment and sustainable development.³¹ Several other special procedure mandate holders have raised the issue of the protection of environmental human rights defenders.

24. **People living in small island developing States.** The Independent Expert on the effects 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, expressed support for proposals to address the unsustainable debt burden of small island developing States through, among other things, climate adaptation swaps that would facilitate investment in climate adaptation initiatives and green industries and strengthen the resilience of those countries in the face of natural disasters.³²

C. Work of special procedure mandate holders on human rights obligations, and responsibilities of State and business enterprises in the context of human rights

25. Many of the studies introduced above have reaffirmed the notion that human rights obligations provide important protection to the individuals whose rights are affected by climate change or by measures taken to respond to climate change. The application of those human rights obligations – both procedural and substantive – to climate-related actions has

²⁶ [A/73/176](#).

²⁷ [A/HRC/37/58](#).

²⁸ [A/71/314](#).

²⁹ [A/HRC/42/43](#).

³⁰ [A/HRC/41/39](#).

³¹ [A/71/281](#).

³² [A/71/305](#).

been described in the report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.³³

26. In addition, efforts are underway to provide initial guidance to States, businesses, investors and other actors on how to integrate climate change considerations into their policies and decisions. The Working Group on the issue of human rights and transnational corporations and other business enterprises is developing, for States and business enterprises, an information note that explains what the three pillars of the Guiding Principles on Business and Human Rights entail in relation to climate change.

27. The role of human rights-based international solidarity in responding to climate change, as a common concern of humanity, has been addressed by the Independent Expert on human rights and international solidarity.³⁴ The Independent Expert noted that it was necessary to extend extraterritorial obligations to cover, among other things, human rights in climate and environmental issues.³⁵

³³ [A/HRC/31/52](#).

³⁴ [A/HRC/44/44](#).

³⁵ [A/71/280](#).