



人权理事会
咨询委员会
第十七届会议
2016年8月8日至12日
议程项目4
咨询委员会第十七届会议报告

咨询委员会第十七届会议报告*

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* 本报告附件二至附件四不译，原文照发。

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一. 咨询委员会第十七届会议采取的行动

17/1. 无人陪伴的移徙儿童和少年及人权问题

人权理事会咨询委员会，

回顾人权理事会 2015 年 7 月 2 日第 29/12 号决议，其中理事会请咨询委员会就无人陪伴的移徙儿童和少年与人权这一全球问题开展一项研究，查明世界上出现这一问题的地区、原因和案例，以及人权在哪些方面受到威胁和侵犯，并为保护人口当中这类成员的人权提出建议，提交理事会第三十三届会议审议，

还回顾咨询委员会第十五届会议成立了一个起草小组，起草小组目前的成员为：易卜拉欣·阿卜杜阿齐兹·阿尔谢迪、马里奥·柳斯·科廖拉诺、劳拉-玛丽亚·克勒丘内安-塔图、胡达·艾尔萨达、卡拉·阿纳尼亚·德巴雷拉(报告员)、奥比奥拉·希内杜·奥卡福尔、凯瑟琳娜·帕贝尔、阿南托尼亚·雷耶斯·普拉多(主席)和徐昌禄，

又回顾咨询委员会第十六届会议在委员会第 16/2 号行动中建议人权理事会延长原定时间安排，以便掌握工作所需的更多资料，除其他外，应考虑保护所有移徙工人及其家庭成员权利委员会和儿童权利委员会的工作，并请咨询委员会向理事会第三十三届会议提交进展报告，向理事会第三十六届会议提交最后报告，

回顾在起草报告时需要与保护所有移徙工人及其家庭成员权利委员会、儿童权利委员会及负责暴力侵害儿童问题的秘书长特别代表加强沟通、协调与合作，以便确保协调一致和加强协同作用，

1. 注意到咨询委员会提交人权理事会第三十三届会议审议的进展报告；¹
2. 决定向保护所有移徙工人及其家庭成员权利委员会、儿童权利委员会及负责暴力侵害儿童问题的秘书长特别代表正式致函，要求进一步协调工作；
3. 请起草小组参照咨询委员会本届会议的讨论情况，将最后报告草稿提交咨询委员会第十八届会议，以期向人权理事会第三十六届会议提交最后报告。

第 9 次会议
2016 年 8 月 12 日

[未经表决获得通过。]

¹ A/HRC/33/53。

17/2. 消除对麻风病患者及其家人的歧视

人权理事会咨询委员会，

回顾人权理事会 2015 年 7 月 2 日第 29/5 号决议，其中理事会请咨询委员会在现有资源范围内开展一项研究，审查消除对麻风病患者及其家人的歧视的原则和准则的执行情况，以及这方面的障碍，向理事会第三十五届会议提交一份报告，其中载有实际可行的建议，以促进更广泛地宣传和更有效地执行原则和准则，消除与麻风病有关的歧视和耻辱，促进、保护和尊重麻风病患者及其家人的人权，

又回顾咨询委员会第十五届会议设立了一个起草小组，目前小组成员有：劳伦斯·布瓦松·德沙祖尔内、马里奥·柳斯·科廖拉诺、劳拉-玛丽亚·克勒丘内安-塔图、小畑郁(主席)、奥比奥拉·希内杜·奥卡福尔、徐昌禄、阿赫马尔·比拉勒·苏菲、伊梅鲁·塔姆拉特·伊盖祖(报告员)和张义山。

还回顾咨询委员会第十六届会议注意到起草小组提交咨询委员会的初步报告，其中载有消除对麻风病患者及其家人的歧视的原则和准则的执行情况，

1. 注意到起草小组提交咨询委员会第十七届会议的进展报告，其中载有消除对麻风病患者及其家人的歧视的原则和准则的执行情况；²

2. 请起草小组参照咨询委员会第十七届会议的讨论情况，将最后报告草稿提交咨询委员会第十八届会议，以期向人权理事会第三十五届会议提交最后报告。

第 9 次会议
2016 年 8 月 12 日

[未经表决获得通过。]

17/3. 不归还非法来源资金对享有人权的负面影响

人权理事会咨询委员会，

回顾人权理事会在 2016 年 3 月 24 日第 31/22 号决议中请咨询委员会开展一项全面研究，研究非法来源资金的流动和不把非法来源资金归还来源国对享有人权的影响，包括对享有经济、社会及文化权利尤其是发展权的影响，以便汇总相关的最佳做法和主要挑战，根据这些最佳做法提出应对这些挑战的建议，并向理事会第三十六届会议提交一份关于该研究的进展报告供其审议，

又回顾人权理事会还请咨询委员会为完成该研究报告，在必要时进一步征求会员国、有关国际组织和区域组织、联合国人权事务高级专员和有关特别程序、

² A/HRC/AC/17/CRP.1。

国家人权机构和非政府组织的意见和看法，同时特别考虑到国家外债和其他有关国际金融义务对充分享有所有人权尤其是经济、社会及文化权利的影响问题独立专家关于非法资金流动、人权和《2030 年可持续发展议程》的最后研究报告，

1. 指定咨询委员会成员马里奥·柳斯·科廖拉诺、米哈伊尔·列别杰夫、奥比奥拉·希内杜·奥卡福尔、阿赫马尔·比拉勒·苏菲和让·齐格勒为起草小组成员；

2. 注意到起草小组选举苏菲先生为主席，奥卡福尔先生和齐格勒先生为联合报告员；

3. 又注意到起草小组与咨询委员会全体成员举行会议讨论了这一议题；

4. 欢迎外部专家积极参与讨论以及非常丰富的意见交流，并注意到讨论提供了宝贵的意见，将有助于起草小组履行任务；

5. 请起草小组向咨询委员会第十八届会议提交一份进展报告草稿，其中要考虑到咨询委员会本届会议讨论之后分发的调查问卷收到的答复，以便向人权理事会第三十六届会议提交进展报告；

6. 鼓励各利益攸关方为正在开展的工作做出贡献。

第 9 次会议

2016 年 8 月 12 日

[未经表决获得通过。]

17/4. 促进和保护人权的区域安排

人权理事会咨询委员会，

回顾人权理事会 2016 年 6 月 30 日第 32/115 号决定，在这项决定中，理事会请咨询委员会编写一份报告，说明促进和保护人权的区域安排，特别是在制定促进和保护人权的区域和分区域安排方面取得的进展及其在世界所有区域取得的成就，并说明联合国人权事务高级专员办事处在促进国际和区域人权机制的合作方面发挥的作用及今后能够发挥的作用；确定如何加强区域安排在促进和保护人权及促进世界人权标准方面的作用，包括国际人权文书中所载的标准；并在理事会第三十九届会议之前向理事会提交该报告，

又回顾人权理事会鼓励咨询委员会在编写上述报告时酌情考虑会员国的意见，以及有关国际组织和区域组织、高级专员办事处、国家人权机构和非政府组织及其他相关利益攸关方的意见，

1. 指定咨询委员会成员穆罕默德·本纳尼、劳伦斯·布瓦松·德沙祖尔内、马里奥·柳斯·科廖拉诺、卡拉·阿纳尼亚·德巴雷拉、米哈伊尔·列别杰夫、小畑郁、凯瑟琳娜·帕贝尔、阿南托尼亚·雷耶斯·普拉多、徐昌禄和伊梅鲁·塔姆拉特·伊盖祖为起草小组成员；

2. 注意到起草小组选举帕贝尔女士为主席，徐先生为报告员；
3. 又注意到起草小组与咨询委员会全体成员举行会议讨论了这一议题；
4. 欢迎外部专家积极参与讨论以及非常丰富的意见交流，并注意到讨论提供了宝贵的意见，将有助于起草小组履行任务；
5. 请起草小组参照咨询委员会第十七届会议讨论后分发的调查问卷收到的答复，向咨询委员会第十八届会议提交一份初步报告，以便向人权理事会第三十九届会议提交最后报告；
6. 鼓励各利益攸关方为正在开展的工作做出贡献。

第 9 次会议
2016 年 8 月 12 日

[未经表决获得通过。]

二. 通过议程和安排工作

A. 届会开幕和会期

1. 根据人权理事会 2007 年 6 月 18 日第 5/1 号决议设立的人权理事会咨询委员会，于 2016 年 8 月 8 日至 12 日在联合国日内瓦办事处举行了第十七届会议。会议由主席阿赫马尔·比拉勒·苏菲主持开幕。
2. 人权理事会副主席亚尼斯·卡克林斯在 2016 年 8 月 8 日咨询委员会第 1 次会议上发表了讲话。
3. 在同次会议上，联合国人权事务高级专员办事处(人权高专办)人权理事会事务处处长代表高级专员发了言。
4. 也在同次会议上，与会者为全世界侵犯人权行为的受害者默哀一分钟。

B. 咨询委员会的组成

5. 咨询委员会成员名单如下：³ 易卜拉欣·阿卜杜勒阿齐兹·阿尔谢迪(沙特阿拉伯，2018)；穆罕默德·本纳尼(摩洛哥，2017)；劳伦斯·布瓦松·德沙祖尔内(法国，2017)；马里奥·柳斯·科廖拉诺(阿根廷，2018)；劳拉·玛丽亚·克勒丘内安-塔图(罗马尼亚，2017)；胡达·艾尔萨达(埃及，2016)；卡拉·阿纳尼亚·德瓦雷拉(萨尔瓦多，2016)；米哈伊尔·列别杰夫(俄罗斯联邦，2016)；艾尔弗雷德·恩通杜古鲁·卡罗科拉(乌干达，2016)；小畑郁(日本，2016)；奥比奥拉·希内杜·奥卡福尔(尼日利亚，2017)；凯瑟琳娜·帕贝尔(奥地利，

³ 括号内为任期届满的年份(任期于9月30日结束)。

2018); 阿南托尼亚·雷耶斯·普拉多(危地马拉, 2017); 徐昌禄(大韩民国, 2017); 阿赫马尔·比拉勒·苏菲(巴基斯坦, 2017); 伊梅鲁·塔姆拉特·伊盖祖(埃塞俄比亚, 2018); 张义山(中国, 2016); 让·齐格勒(瑞士, 2016)。

C. 出席情况

6. 出席本届会议的有: 咨询委员会成员, 联合国会员国、其他国际组织和非政府组织的观察员, 以及委员会的学术之友。

D. 会议和文件

7. 咨询委员会在第十七届会议期间举行了 9 次全体会议和 8 次非公开会议。起草小组举行了以下主题的非公开会议: 无人陪伴的移徙儿童和少年、消除对麻风病患者的歧视、不归还非法来源资金对享有人权的负面影响, 以及促进和保护人权的区域安排。咨询委员会还与出席本届会议的非政府组织代表、人权理事会主席团及区域和政治集团协调员和委员会的学术之友举行了非公开会议。

E. 通过议程

8. 2016 年 8 月 8 日, 咨询委员会第 1 次会议通过了经修订的议程(见附件一)。

F. 安排工作

9. 咨询委员同次会议通过了秘书处编写的工作方案草案。

三. 人权理事会决议对咨询委员会提出的要求

委员会正在审议的要求

1. 无人陪伴的移徙儿童和少年及人权问题

10. 在 2016 年 8 月 8 日第 1 和第 2 次会议上, 咨询委员会根据人权理事会第 29/12 号决议, 讨论了无人陪伴的移徙儿童和少年的问题。起草小组主席阿南托尼亚·雷耶斯·普拉多和报告员卡拉·阿纳尼亚·德巴雷拉对委员会提交人权理事会第三十三届会议审议的进展报告作了介绍(A/HRC/33/53)。在随后进行的讨论中, 委员会成员和国家观察员作了发言(见附件二)。之后, 起草小组报告员作了总结发言。

11. 在 2016 年 8 月 12 日的第 9 次会议上, 无人陪伴的移徙儿童和少年及人权问题起草小组主席介绍了一份案文草案(A/HRC/AC/17/L.1), 提案人为咨询委员会

全体成员。委员会未经表决通过了经口头订正的案文草案(通过的案文见上文第一节, 第 17/1 号行动)。

2. 消除对麻风病患者及其家人的歧视

12. 在 2016 年 8 月 9 日第 3 次会议上, 咨询委员会根据人权理事会第 29/5 号决议, 讨论了消除对麻风病患者及其家人的歧视问题。起草小组报告员伊梅鲁·塔姆拉特·伊盖祖和主席小畑郁对消除对麻风病患者及其家人的歧视的原则和准则执行情况进展报告作了介绍, 将向人权理事会第三十五届会议提交该报告。在随后进行的讨论中, 委员会成员、一些国家观察员和一名非政府组织观察员作了发言(见附件二)。之后, 起草小组报告员作了总结发言。

13. 在第 9 次会议上, 起草小组主席介绍了一份案文草案(A/HRC/AC/17/L.2), 该草案的提案人为咨询委员会全体成员。委员会未经表决通过了案文草案(通过的案文见上文第一节, 第 17/2 号行动)。

3. 不归还非法来源资金对享有人权的负面影响

14. 在 2016 年 8 月 9 日第 4 次会议上, 咨询委员会根据人权理事会第 31/22 号决议, 讨论了不归还非法来源资金对享有人权的负面影响问题。三名外部专家就此专题作了发言, 他们是: 欧洲债务和发展网络税收正义政策和宣传经理 Tove Maria Ryding; 联合国毒品和犯罪问题办公室腐败和经济犯罪问题处会议支助科科长 Oliver Stolpe; 促进经济和社会权利中心经济政策方案当中的人权问题主任 Nicholas Lusiani。突尼斯和埃及代表作为第 31/22 号决议的主要提案国, 以非洲国家集团的名义作了发言。在随后进行的讨论中, 咨询委员会成员、一名国家观察员和一些非政府组织观察员作了发言(见附件二)。之后, 三名专家作了总结发言。

15. 在 2016 年 8 月 12 日第 9 次会议上, 委员会主席和不归还非法来源资金对享有人权的负面影响问题起草小组主席介绍了一份案文草案(A/HRC/AC/17/L.3), 提案人为咨询委员会全体成员。委员会未经表决通过了案文草案(通过的案文见上文第一节, 第 17/3 号行动)。

4. 促进和保护人权的区域安排

16. 在 2016 年 8 月 10 日第 5 次会议上, 咨询委员会根据人权理事会第 32/115 号决议, 讨论了促进和保护人权的区域安排问题。以下人士就此专题作了发言: 禁止酷刑委员会副主席 Felice Gaer; 尼日利亚尼日尔河三角洲大学法学教授 Solomon T. Ebobrah; 人权高专办平等、不歧视和参与股协调员; 以及人权高专办条约机构主席会议秘书。比利时代表以第 32/115 号决议主要提案国的名义作了发言。在随后进行的讨论中, 咨询委员会的成员作了发言(见附件二)。专家随后作了总结发言。

17. 在 2016 年 8 月 12 日的第 9 次会议上，促进和保护人权的区域安排问题起草小组主席凯瑟琳娜·帕贝尔介绍了一份案文草案(A/HRC/AC/17/L.4)，提案人为咨询委员会全体成员。案文草案未经表决获得通过(通过的案文见上文第一节，第 17/4 号行动)。

5. 秃鹫基金的活动与对人权的影响

18. 在 2016 年 8 月 10 日第 6 次会议上，咨询委员会根据人权理事会第 27/30 号决议，讨论了秃鹫基金的活动及对人权的影响问题。起草小组报告员让·齐格勒介绍了提交理事会第三十三届会议审议的进展报告(A/HRC/33/54)。在随后进行的讨论中，委员会成员和国家观察员作了发言(见附件二)。

四. 人权理事会 2007 年 6 月 18 日第 5/1 号决议附件第三和第四节及人权理事会 2011 年 3 月 25 日第 16/21 号决议附件第三节的执行情况

A. 审查工作方法

19. 2016 年 8 月 8 日，咨询委员会与来自阿根廷、法国和瑞士的三名学术之友举行了一次非公开会议；除其他外，讨论了咨询委员会与学术之友合作的情况。

20. 2016 年 8 月 8 日和 10 日，咨询委员会还在非公开会议上就其工作方法进行了讨论。

B. 议程和年度工作方案，包括新的优先事项

21. 在 2016 年 8 月 11 日第 7 次和第 8 次会议上，咨询委员会讨论了思考文件和研究提案。委员会成员介绍了以下思考文件草案，供委员会审议：

- 损毁文化遗产及其对享有经济、社会及文化权利的影响(让·齐格勒介绍)
- 咨询委员会工作影响评估及其执行情况(小畑郁介绍)
- 气候所致流离失所与人权(伊梅鲁·塔姆拉特·伊盖祖介绍)
- 诉诸司法的机会：原则和准则(马里奥·柳斯·科廖拉诺介绍)
- 预算和人权(马里奥·柳斯·科廖拉诺介绍)
- 促进文化权和社会共同遗产(穆罕默德·本纳尼介绍)

22. 也是在第 7 次会议上，阿南托尼亚·雷耶斯·普拉多介绍了她通过致人权理事会主席的一封信提交理事会的关于青年、人权和社会融合的研究提案(见 A/HRC/AC/16/2, 附件三)。

23. 在第 8 次会议上，咨询委员会决定重新向人权理事会提交关于青年、人权和社会融合的研究提案，并提交一份有关气候所致流离失所问题的新的研究提案(见附件四)，供理事会审议。

24. 也是在第 8 次会议上，咨询委员会决定在 2017 年 2 月第十八届会议上继续审议其余的思考文件。

25. 在随后进行的讨论中，委员会成员、一名国家观察员、一些非政府组织观察员和一名学术之友作了发言(见附件二)。

C. 任命来文工作组成员

26. 根据人权理事会第 5/1 号决议附件四第 91 段和第 93 段，咨询委员会应任命五名成员，组成来文工作组，任期三年，最多可连任一次。由于工作组成员张义山的任期将于 2016 年 9 月 30 日结束，委员会在 2016 年 8 月 12 日第 9 次会议上决定任命徐昌禄为工作组成员。

五. 咨询委员会第十七届会议报告

27. 在 2016 年 8 月 12 日第 9 次会议上，咨询委员会报告员介绍了委员会第十七届会议报告草稿。委员会通过了报告草稿，并决定委托报告员完成报告。

28. 在同次会议上，凯瑟琳娜·帕贝尔、徐昌禄、阿南托尼亚·雷耶斯·普拉多、劳拉-玛丽亚·克勒丘内安-塔图、伊梅鲁·塔姆拉特·伊盖祖和胡达·艾尔萨达作了最后发言。按惯例相互致意后，主席最后发言，并宣布咨询委员会第十七届会议闭幕。

附件一

议程

1. 通过议程和安排工作。
2. 人权理事会决议对咨询委员会提出的要求：
 - (a) 委员会正在审议的要求：
 - (一) 纳入性别观点；
 - (二) 促进建立民主和公平的国际秩序；
 - (三) 纳入残疾人观点；
 - (四) 秃鹫基金的活动及对人权的影响；
 - (五) 无人陪伴的移徙儿童和少年与人权；
 - (六) 消除对麻风病患者及其家人的歧视；
 - (七) 不归还非法来源资金对享有人权的负面影响；
 - (八) 促进和保护人权的区域安排
 - (b) 委员会提交人权理事会的报告的后续行动：
 - (一) 促进人民享有和平的权利；
 - (二) 人权与单方面强制性措施；
 - (三) 为防止对白化病患者的袭击而开展的技术合作。
3. 人权理事会 2007 年 6 月 18 日第 5/1 号决议附件第三和第四节及理事会 2011 年 3 月 25 日第 16/21 号决议附件第三节的执行情况：
 - (a) 审查工作方法；
 - (b) 议程和年度工作方案，包括新的研究倡议和优先事项。
 - (c) 任命来文工作组成员
4. 咨询委员会第十七届会议报告。

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 Hanan á 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 Hanan á 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. K äin, 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 Kāin 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. Kāin, *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. Kāin 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. Kāin, 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.