



17 October 2014

## **A NEW CLIMATE CHANGE AGREEMENT MUST INCLUDE HUMAN RIGHTS PROTECTIONS FOR ALL**

### ***An Open Letter from Special Procedures mandate-holders of the Human Rights Council to the State Parties to the UN Framework Convention on Climate Change on the occasion of the meeting of the Ad Hoc Working Group on the Durban Platform for Enhanced Action in Bonn (20-25 October 2014)***

As independent experts of the Human Rights Council, we call on the State Parties to the United Nations Framework Convention on Climate Change (UNFCCC) to ensure full coherence between their solemn human rights obligations and their efforts to address climate change, one of the greatest human rights challenges of our time.

We do this on the occasion of the sixth part of the second session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) to be held in Bonn on 20-25 October 2014. The need for urgency in addressing this topic is underscored by the approaching deadlines for the climate negotiations to reach a concrete solution. Following the ADP meeting in Bonn, the Conference of the Parties to the UNFCCC meets this December in Lima (COP 20), with the goal of adopting a new legal instrument at its next meeting, in Paris in December 2015 (COP 21).

**We urge the State Parties to the UNFCCC to recognise the adverse effects of climate change on the enjoyment of human rights, and to adopt urgent and ambitious mitigation and adaptation measures to prevent further harm. We call on the State Parties to include language in the 2015 climate agreement that provides that the Parties shall, in all climate change related actions, respect, protect, promote, and fulfil human rights for all. And we urge the State Parties at COP 20 in Lima to launch a work program to ensure that human rights are integrated into all aspects of climate actions.**

A safe, clean, healthy and sustainable environment is indispensable to the full enjoyment of human rights, including rights to life, health, food, water and housing, among many others. Indeed, the Human Rights Council has emphasised that “environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights.”<sup>1</sup> The most recent report of the Intergovernmental Panel on Climate Change (IPCC) brings into sharp focus the grave harm that climate change is already causing, and will continue to cause, to the environment on which we all depend. There can no longer be any doubt that climate

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<sup>1</sup> Human Rights Council resolution 25/21 (28 March 2014).

change interferes with the enjoyment of human rights recognised and protected by international law.

At the request of the Human Rights Council, the Office of the High Commissioner for Human Rights (OHCHR) presented a report in 2009 that detailed the adverse impacts of climate change on the full enjoyment of a spectrum of human rights, including the rights to life, adequate food, safe drinking water and sanitation, the highest attainable standard of health, adequate housing, and self-determination of peoples living in small island States.<sup>2</sup> Since then, the Council has regularly called attention to the negative implications of climate change for human rights, noting that the effects “will be felt most acutely by those segments of the population that are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status and disability.”<sup>3</sup>

Many of our own reports bear testimony to the impacts of climate change on the full enjoyment of human rights, including rights to an adequate standard of living, food, housing, health, and water and sanitation. The reports have also identified disproportionate effects of climate change on the vulnerable, on those living in extreme poverty, on migrants and the displaced, on women, on children, on indigenous peoples and specific ways of life.<sup>4</sup>

We want to draw special attention to the unequal impacts of climate change on the enjoyment of human rights worldwide. The 2009 OHCHR report pointed out that of the 262 million people affected by climate disasters annually from 2000 to 2004, over 98 per cent lived in developing countries.<sup>5</sup> In those developing countries, but even in the developed world, it will be those living in poverty who will suffer the gravest harm from climate change.<sup>6</sup> As Dr. Rajenda Pachauri, the chairperson of the IPCC, has said, “It is the poorest of the poor in the world, and this includes poor people even in prosperous societies, who are going to be the worst hit.”<sup>7</sup> In the words of Jim Yong Kim, the president of the World Bank, “the poor will be hit first and hardest. This means that the people who are least responsible for raising the Earth’s temperature may suffer the gravest consequences from global warming. That is fundamentally unfair.”<sup>8</sup>

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<sup>2</sup> A/HRC/10/61.

<sup>3</sup> Human Rights Council resolutions 10/4 (25 March 2009), 18/22 (17 October 2011) and 26/27 (27 June 2014).

<sup>4</sup> For a summary description of these reports, see *Mapping Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment: Focus report on human rights and climate change*, prepared for the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment (June 2014), <http://ieenvironment.org/2014/08/08/report-on-climate-change-and-human-rights/>.

<sup>5</sup> A/HRC/10/61, para. 23, citing Human Development Report 2007/2008: Fighting climate change: Human solidarity in a divided world, p. 8.

<sup>6</sup> See Working Group II Contribution to the Fifth Assessment Report of the IPCC, *Climate Change 2014: Impacts, Adaptation, and Vulnerability, Summary for Policy Makers* (2014), p. 6 (stating with “high confidence” that “climate-change related hazards exacerbate other stressors, often with negative outcomes for livelihoods, especially for people living in poverty”).

<sup>7</sup> Annie Lowrey, *The inequality of climate change* (12 November 2013),

<http://economix.blogs.nytimes.com/2013/11/12/the-inequality-of-climate-change/>.

<sup>8</sup> Jim Yong Kim, *Ending Poverty Includes Tackling Climate Change* (10 July 2013),

<http://www.worldbank.org/en/news/opinion/2013/07/10/op-ed-ending-poverty-includes-tackling-climate-change>.

All of the State Parties to the UNFCCC have committed to respect and protect human rights. On this basis, they have obligations to adopt the mitigation measures necessary to reduce global emissions so as to hold the increase in global temperature below levels that would cause widespread harm to the enjoyment of human rights. It now seems clear that to avoid such harm, it is necessary to keep the increase in temperature well below two degrees Celsius. We must emphasise, however, that even such an increase will result – and is already resulting – in harm to the human rights of the most vulnerable, and that States also have obligations to adopt effective adaptation measures to protect against this harm and to provide remedies for it.

In addition, States must ensure that all of the actions they take to address climate change are fully in accordance with all of their human rights obligations. As the Human Rights Council affirmed in its Resolution 10/4, “human rights obligations and commitments have the potential to inform and strengthen international and national policy making in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes.”<sup>9</sup> Citing that Resolution, the State Parties to the UNFCCC have already agreed, in the 2010 outcome document adopted by COP16 in Cancun, Mexico, “that Parties should, in all climate change-related actions, fully respect human rights.”<sup>10</sup>

Respecting human rights in the formulation and implementation of climate policy requires, among other things, that the State Parties meet their duties to provide access to information and facilitate informed public participation in decision making, especially the participation of those most affected by climate change and by the actions taken to address it. The principle of free, prior and informed consent of indigenous peoples must be respected. Particular care must be taken to anticipate, prevent and remedy negative effects on vulnerable groups, which may include indigenous peoples, minorities, persons living in poverty, migrants and displaced persons, older persons, persons with disabilities, and children, as well as to empower and protect the rights of women. Furthermore, the State has the responsibility to ensure the protection of human rights defenders against any violence, threats, retaliation, discrimination, pressure or any other arbitrary action as a consequence of their legitimate activities, including in relation to climate change.

The responsibilities of the State Parties in all of the above respects should not be viewed as stopping at their borders. Climate change is a global threat to human rights that requires global cooperation to solve, in accordance with the principle of international cooperation firmly entrenched in the UN Charter, the Universal Declaration of Human Rights, and a host of human rights treaties and declarations. States must work together in good faith to protect the environment that supports and enables the full enjoyment of our human rights.

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<sup>9</sup> Human Rights Council resolution 10/4 (25 March 2009).

<sup>10</sup> [FCCC/CP/2010/7/Add.1, Report of the Conference of the Parties on its sixteenth session, held in Cancun from 29 November to 10 December 2010, Addendum, Part Two: Action taken by the Conference of the Parties at its sixteenth session.](#)



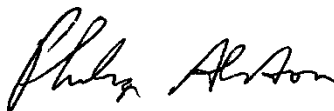
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Working Group on the issue of human rights and transnational corporations and other  
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Ms. Catarina de Albuquerque,

Special Rapporteur on the human right to safe drinking water and sanitation



Mr. Philip Alston, Special Rapporteur on extreme poverty and human rights



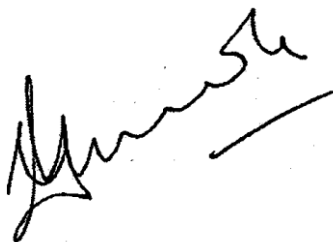
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Independent Expert on the effects of foreign debt and other related international  
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economic, social and cultural rights



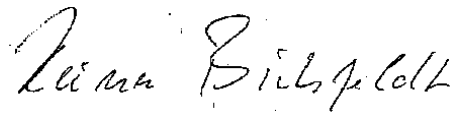
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and expression



Ms. Gabriela Knaul, Special Rapporteur on the independence of judges and lawyers



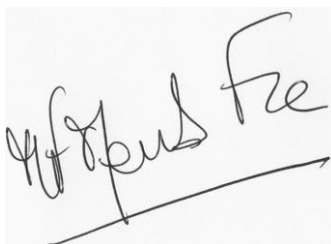
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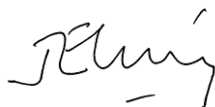
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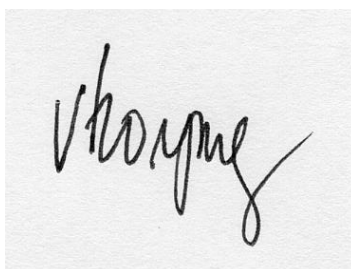
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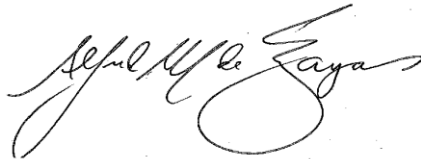
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