

Climate Change and Human Rights

Prepared by
International-Lawyers.Org
Office@International-Lawyers.Org
for COP19 in Warsaw, Poland

November 2013

In Brief ...

***The UN Human Rights Council acknowledges that climate change adversely affects human rights.**

***The African Commission on Human and Peoples' Rights has acknowledged that climate change adversely affects human rights.**

***The obligations under different areas of international law apply concurrently.**

***States violate their legal obligations under international human rights law when they do not act in accordance with their legal obligations in the UNFCCC.**

***At the 2010 UN Human Rights Council Civil Society Forum NGOs unanimously called for a Special Rapporteur on Human Rights and Climate Change.**

Action that is needed:

1. States should act to ensure their actions to combat climate change are fully consistent with the objective, principles and commitments they have undertaken in the UNFCCC.

2. The UN Human Rights Council should immediately create a Special Rapporteur on human rights and climate change.

The relationship between human rights and climate change has been established at least since the 1972 Stockholm Declaration proclaimed a human right to an environment that permits a life of dignity and well-being. Climate science and international climate law have developed progressively, and today provide us with what needs to be done to prevent dangerous climate change. International human rights law also requires States to take adequate action to create conditions on earth that are necessary for the improvement of the quality of life for present and future generations.

The recent Fifth Assessment Report of the International Panel on Climate Change (The Physical Science Basis) which has just appeared in draft form in 2013 states with more certainty than ever that climate change is taking place and that it is being caused by humans. These facts are important for applying the law.

The UNFCCC, a treaty that has been ratified by virtually every State and forms the heart of international climate change law, provides the legal principles and the legal commitments or legal obligations upon which international climate action must be based. Among these principles are the common but differentiated responsibilities of States that are based on their respective capabilities. This means States have responsibilities to act based on their current capacities and their historical contributions to climate change. Developed States therefore have a greater responsibility for taking the action required by the treaty, namely, cutting their emissions and providing capacity building to developing countries, access to and transfer of technology, and the new and additional financial resources that are needed to combat climate change.

At the same time, international human rights law provides a reason why States must undertake the actions that they have agreed to in international climate change law instruments such as the UNFCCC: to protect the most fundamental rights of human beings. These rights include the rights to development, to self-determination, to life, to humane treatment, to health, to food, to water, to housing, and to a healthy environment. Climate change threatens to undermine the realization of these rights everywhere in the world, including in Africa where human rights might be violated at a massive scale due to impacts, vulnerability and low adaptive capacity, as a result of States' failure to comply with their international obligations. The foreseeable impacts of climate change on the enjoyment of human rights coupled with the fact that we know what action we must take and we have stipulated some of these actions in treaties means that States that fail to meet their international legal obligations under the UNFCCC are likely to be internationally responsible for human rights violations.

International action can and therefore must be taken to emphasize the urgency of international action to ensure the protection of fundamental human rights against the adverse effects of climate change. A call for action by the UN Human Rights Council to stimulate such action by mandating a Special Rapporteur on human rights and climate change was made unanimously by NGOs attending the Human Rights Council's (HRC) 2010 Social Forum on the theme of climate change and human rights. This call has been echoed again at the 2012 seminar on human rights and climate change organized by the HRC where it was supported by former Irish President and UN High Commissioner for Human Rights Ms Mary Robinson. And during the High Level Segment of the HRC in March 2013 several ministers, including those from the Maldives and Senegal, and numerous NGOs, including the Pan-African Climate Justice Network's Secretary-General Mithika Mwenda, speaking as one of four NGOs representatives addressing the General Debate. All of these speakers reiterated the call for stronger Council action on climate change or for the creation of the mandate of Special Rapporteur on human rights and climate change. Until now, however, both civil society and many States are waiting for the HRC to answer their call.

The work on a new climate agreement to build on and supplement the UNFCCC provides an opportunity for a Special Rapporteur who can encourage ambitious climate action for the sake of human beings most fundamental rights.

PUBLISHED BY



ISMUN

International Youth and Student Movement
for the United Nations

URGENT CALL FOR SPECIAL RAPPORTEUR ON HUMAN RIGHTS AND CLIMATE CHANGE

It is imperative that the international community and all sectors of civil society mobilize to tackle the hurdles that obstruct adequate and equitable international action on climate change and human rights, we urge NGOs, Civil Society movements and government officials to move ahead in the establishment of a **SPECIAL RAPPORTEUR ON HUMAN RIGHTS AND CLIMATE CHANGE**.

Building on the calls being made by civil society organizations in 2010 and 2011, the undersigned organizations urge the Human Rights Council to adopt a resolution for the appointment of a **Special Rapporteur on Human Rights and Climate Change**. The mandate should, among others, take stocks of impacts of climate change, mitigation, adaptation on human rights, provide inputs to the UN Framework Convention on Climate Change (UNFCCC) process and be a focal point for monitoring the impacts of climate change on the realization of rights.

We encourage Human Rights Council members to table such a resolution to be adopted as soon as possible ideally by consensus.

Background

Early this year, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a Seminar on Human Rights and Climate Change following the September 2011 United Nations Human Rights Council resolution (Res 18/22) which affirmed that “human rights obligations, standards, and principles 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”. This was the third resolution adopted by the Human Rights Council, following, the March 2008 (7/23) and March 2009 (10/4) resolutions. As Resolution 7/23 expressed already “climate change poses an immediate and far reaching threat to people and communities around the world and has implications for the full enjoyment of human rights” while “the effect of climate change will be felt most acutely by those segments of the population who are already in a vulnerable situation”.

Furthermore, an analytical study on the relationship between human rights and climate change was conducted (contained in A/HRC/10/6) and the 2010 edition of the HRC Social Forum focused on climate change and human rights.

During the 19th Session in March 2012, the Human Rights Council adopted a resolution on Human Rights and Environment (A/HRC/19/L.8) which appointed an independent expert on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment.

Requested actions and rationale

Taking note of the recent developments at the Human Rights Council the undersigned organizations strongly believe that more needs to be done. The effects of Climate Change on the full enjoyment of Human Rights must be addressed without delay.

The June 2012 session of the Human Rights Council and the United Nations Conference on Sustainable Development (UNCSD Rio+20) are taking place almost at the same time. While we are calling for a **Special Rapporteur on Human Rights and Climate Change** in the context of the Human Rights Council we also urge that the relationship between Climate Change and Human Rights is reflected and becomes evident in the official outcome document of the UNCSD Rio + 20.

Such actions would be the most effective to address this urgent matter.

Over the last years it has become evident the dramatic effects that Climate Change has on Human Rights. Some of the consequences that populations are facing in various regions of the world are forced displacement, migration, loss of livelihoods and cultures. These threats affect in particular vulnerable peoples that have a strong and direct link to nature such as people living on small islands or indigenous peoples. Our planet and the lives of millions of peoples are at stake.

Please sign this petition preferably with your name and the name of your organization by going to:

http://www.petitions24.com/sr_human_rights_and_climate_change

**Please contact your government's officials and ask them to support a
Special Rapporteur on human rights and climate change in the Human Rights Council.**