



**Mary Robinson
Foundation**
Climate Justice

Incorporating Human Rights into Climate Action

**Version 1
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INTRODUCTION



The integration of human rights considerations into climate policies is central to achieving climate action that is good for people as well as the planet. Climate Justice links human rights and development to achieve a people centred approach to the climate crisis - safeguarding the rights of the most vulnerable and sharing the burdens and benefits of climate change and its resolution equitably and fairly. Integrating human rights into climate action enables governments to respect both their legal obligations under the United Nations Framework Convention on Climate Change (UNFCCC) and those provided under international human rights norms. Climate change undermines human rights. Without attention to human rights, climate change policies and actions risk further undermining human rights.

The research summarised in this booklet is the product of an extensive survey conducted by the Foundation to assess the extent to which countries are respecting human rights in climate action. The research examined all National Communications submitted to the UNFCCC since 2010 along with any National Adaptation Plans of Action (NAPAs) submitted by Least Developed Countries (LDCs) over the same period. To further understand the landscape of human rights and climate change, the research also considered reports to the Universal Periodic Review (UPR) of the Human Rights Council (HRC) since 2010.

The Mary Robinson Foundation – Climate Justice commissioned Sébastien Duyck to conduct research to inform this publication.

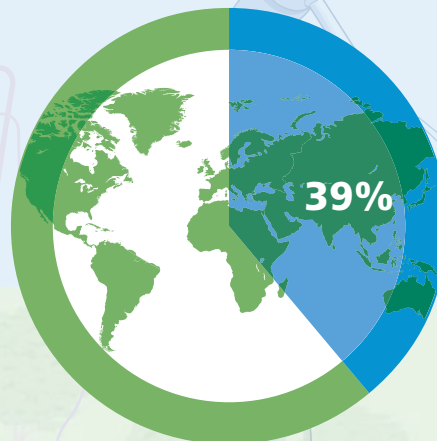
THE CANCUN AGREEMENTS

In Cancun, Mexico in 2010, Parties to the UNFCCC emphasised the importance of respecting human rights in all climate related actions (1/CP.16, paragraph 8). The decision also recognises the need to engage a broad range of stakeholders in climate policy making and ensure that gender equality and the effective participation of women and indigenous peoples are included in all aspects of climate action.

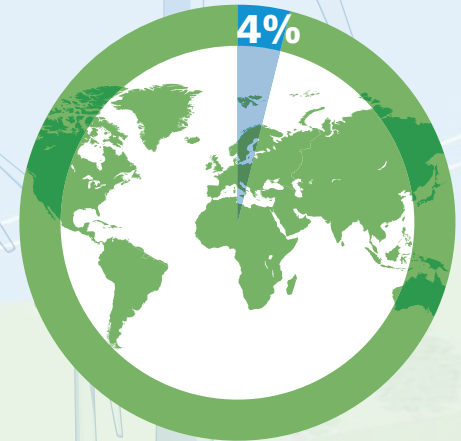
Presently, however, there is no guidance for Parties on how human rights can be systematically considered in the design of climate action. Neither is there any requirement on Parties to report on their integration of human rights into policy responses. As a result, the majority of Parties currently make no explicit reference to human rights in their reports to the UNFCCC.

Currently the majority of country reports to the UNFCCC and the HRC do not address the link between human rights and climate change

Percentage of country reports making the link between climate change and human rights in the UNFCCC



National Communications



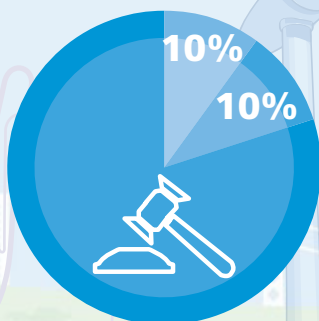
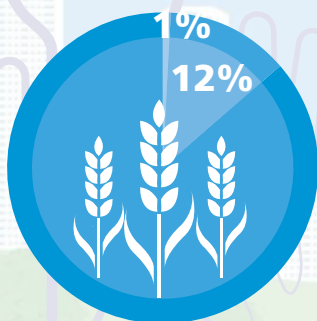
National Adaptation Plans of Action

HUMAN RIGHTS IN THE UNFCCC

In the UNFCCC, considering both National Communications and NAPAs, 49 countries have made explicit references to human rights.



In National Communications to the UNFCCC, procedural rights were explicitly referenced more frequently than substantive rights. Of the references to procedural rights, the majority were in developed countries' reports.

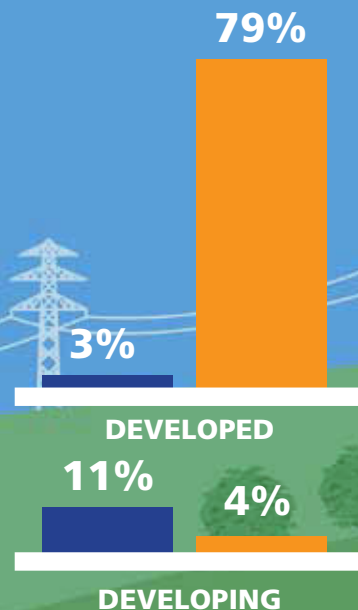


This can be partly explained by a further finding that parties to the Aarhus Convention on procedural rights in environmental decision making, predominantly developed countries, were 4 times more likely to refer to the right to access to information. This implies that the Aarhus Convention, a legally binding instrument, is successful at promoting the inclusion of human rights in policy making. However developing countries explicitly referenced substantive rights more frequently.

CONSISTENCY OF APPROACH

Developed countries referred more frequently to the need for the integration of human rights into climate action in developing countries than they did in relation to their own domestic policy in reports to the UNFCCC.

Percentage of all countries making reference to human rights in terms of domestic policy and international affairs



■ Reference to domestic policy
■ Reference to international affairs

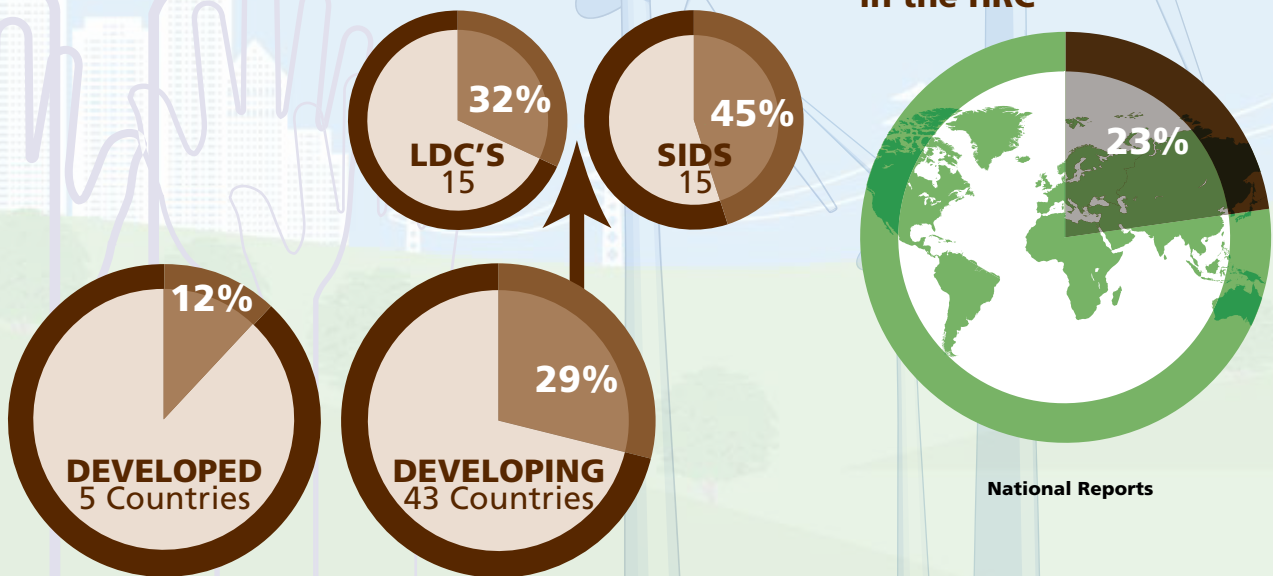
CLIMATE CHANGE IN THE HUMAN RIGHTS COUNCIL

In their national reports to the UPR of the HRC, 45 countries made explicit references to the human rights impact of climate change.



In their national reports to the UPR of the HRC, developing countries highlighted the impacts of climate change on human rights more frequently than developed countries. Developing countries with acute vulnerability to climate impacts, the Small Island Developing States (SIDS) and the Least Developed Countries (LDCs), highlighted these implications most often.

Percentage of country reports making the link between climate change and human rights in the HRC



COHERENCE IN REPORTS LINKING CLIMATE CHANGE AND HUMAN RIGHTS BETWEEN THE UNFCCC AND THE HRC

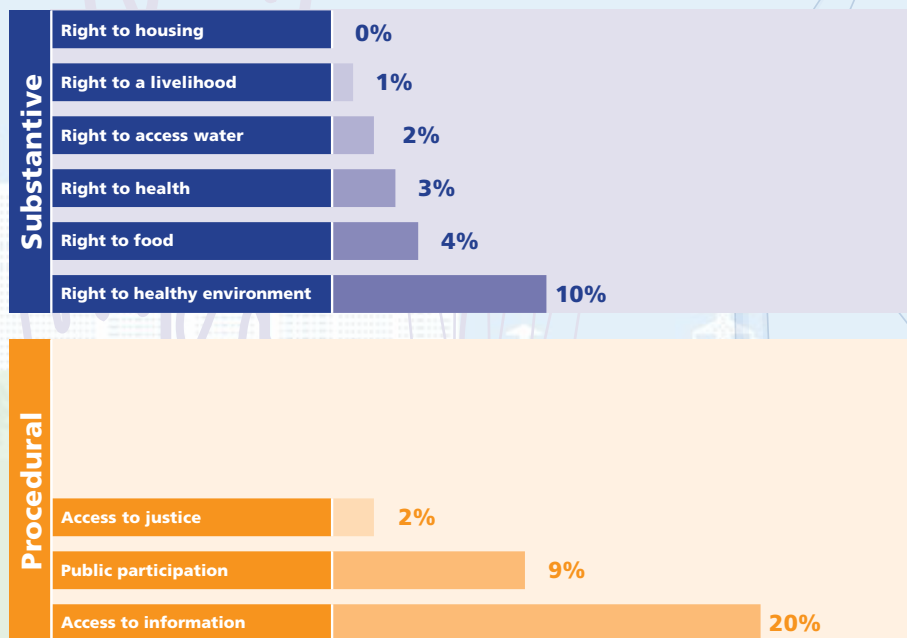
Only 12 countries made the link between human rights and climate change in reports to both the UNFCCC and the HRC.



The impacts of climate change on human rights is unequivocal. For example, Olivier De Schutter, former¹ UN Special Rapporteur on the Right to Food, wrote "climate change, exacerbated by increasingly scarce natural resources, biofuel policies and financial speculation trends, is having a domino effect for food and nutritional security for the world's poorest and most vulnerable people"². **And yet, only 4% of countries reporting to the UNFCCC have made the link between climate change and the right to food.**

For an ever increasing proportion of the world's most vulnerable people, climate change is inhibiting the realisation of basic human rights. This reality is part of their daily struggle to survive. But in our international processes, where leaders endeavour to find solutions to these issues, human rights and climate change are dealt with in isolation. A more joined up approach would better reflect realities on the ground, allow for knowledge and expertise to flow between the processes and ultimately strengthen the international response to climate change.

To ensure fair and effective climate action it is necessary to integrate human rights into climate policy so that climate responses deliver climate justice.



1. Olivier De Schutter acted as UN Special Rapporteur on the Right to Food between 2008 and May 2014
2. 'Rights' section co-authored by the Special Rapporteur from 'A New Dialogue: Putting People at the Heart of Global Development', prepared for the Dublin Conference on Hunger, Nutrition and Climate Justice (15-16 April 2013)

RECOMMENDATIONS EMERGING FROM THIS RESEARCH

This research finds that the majority of country reports to the UNFCCC and HRC do not address the links between climate change and human rights. It also finds that insufficient information exists in national reports to assess the extent to which countries have acted in accordance with the commitment made in Cancun to respect human rights in climate action (Decision 1/CP.16, para 8). It finds a lack of coherence in reporting to the UNFCCC and the HRC on human rights and climate change. Further steps are needed to require countries to integrate human rights into climate policies and to report on these actions to the relevant international processes. It is proposed that the following actions could contribute to this:

1. Parties to the UNFCCC ensure that the 2015 climate agreement under the UNFCCC requires the integration of human rights into climate action

- Building on and strengthening the Cancun language, integrate human rights into the 2015 climate agreement and in any associated decisions adopted by the COP. The new agreement would specify that integration applies to all climate actions in order to prevent conflicts between climate actions and the respect of human rights, and to maximise the human rights benefits of climate action.

2. Enable and support countries to adopt rights-based approaches into climate action

- Parties to the UNFCCC request cooperation between the UNFCCC secretariat and the Office of the High Commissioner for Human Rights (OHCHR) to develop guidance on how to integrate human rights into all aspects of climate action.
- International and regional human rights bodies raise awareness of the human rights implications of climate change and climate change responses, including by working with national human rights institutions.

- Parties to the UNFCCC exchange experiences in integrating human rights into climate action to inform and share good practices.
- Countries develop national institutional mechanisms to screen climate policies and actions to ensure that they incorporate and promote human rights.

3. Strengthen monitoring and reporting on human rights and climate change

- Leverage existing reporting mechanisms under the UNFCCC and at the HRC to promote the sharing of information and the exchange of good practices on the integration of human rights into climate action.
- Parties to the UNFCCC mandate a review of the guidelines for the preparation of national communications, requesting specific information on efforts made to integrate human rights into climate policies and actions.
- Governments promote internal coordination between human rights and climate change focal points and policy makers to achieve greater coherence in reporting to international processes.
- Building on the experience of UPR in the HRC, parties to the UNFCCC invite supplementary reports from non-state actors to complement national communications.
- In their submissions to the UPR, countries emphasise the linkages between climate change and the promotion of human rights. The OHCHR and relevant special procedures mandate holders identify and share examples of good practice with other relevant actors.



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