

## 2. United Nations

### 2.1 Introduction

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NHRIs already interact extensively with UN human rights bodies and expert mechanisms in a variety of ways directly and through GANHRI. This includes by delivering oral and written statements to the Human Rights Council and its subsidiary bodies, in submissions to the Universal Periodic Review (UPR) and participation in the adoption of UPR outcomes, and by making submissions to the treaty bodies and special procedures. NHRIs also advise on, promote and monitor the implementation of recommendations and other outcomes of the human rights mechanisms. All these methods of engagement and others can be applied in connection with climate action. NHRIs should examine their existing practices and assess how they could be applied to work on climate change. NHRIs can also draw on the work of the UN human rights bodies and mechanisms for analysis and interpretations of international human rights law for their own work at the national level and in their international advocacy in connection with climate action, just as they do on other issues.

The UN Secretary-General's Call to Action for Human Rights<sup>1</sup> and Our Common Agenda<sup>2</sup> both underline the importance of ambitious and rights-based action to address climate change and environmental degradation. A guiding principle of the Call to Action is, "Climate change is the biggest threat to our survival as a species and is already threatening human rights around the world. Addressing it must remain among [the UN's] top priorities."<sup>3</sup> The Call to Action contains a dedicated section on rights of future generations, especially climate justice,<sup>4</sup> highlighting the need to "increase United Nations support to Member States at field level for laws and policies that regulate and promote the right to a safe, clean, healthy and sustainable environment, and for effective individual access to justice and effective remedies for environment-related concerns." NHRIs are identified as a partner in the Call to Action, which commits to enhanced support for them.<sup>5</sup>

The Secretary-General's report Our Common Agenda provides a vision of solidarity and international cooperation to put the world on a path towards a breakthrough for a greener, safer and better future, and walks it back from the cusp of breakdown. The vision builds on and responds to the [Declaration on the commemoration of the seventy-fifth anniversary of the United Nations](#),<sup>6</sup> in which Member States made 12 critical commitments, including to protect the planet.<sup>7</sup>

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<sup>1</sup> The Highest Aspiration: A Call to Action for Human Rights, 2020 at:

[https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/2020\\_sg\\_call\\_to\\_action\\_for\\_hr\\_the\\_highest\\_aspiration.pdf](https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/2020_sg_call_to_action_for_hr_the_highest_aspiration.pdf)

<sup>2</sup> Our Common Agenda: Report of the Secretary-General, 2021 at <https://www.un.org/en/un75/common-agenda>

<sup>3</sup> A Call to Action for Human Rights at p. 3.

<sup>4</sup> A Call to Action for Human Rights at p. 9.

<sup>5</sup> A Call to Action for Human Rights at p. 11.

<sup>6</sup> A/RES/75/1, 28 September 2020

<sup>7</sup> Our Common Agenda at page 82.

Since 2011 GANHRI has been in a strategic Tripartite Partnership (TPP) with UNDP and OHCHR aimed at enhancing their cooperation in strengthening support to NHRIs at global, regional and national levels.<sup>8</sup> More recently, GANHRI and UNEP have embarked on a strategic collaboration to ensure that civil society organizations, private sector institutions, media, and the general public have enhanced access to information on legal frameworks, particularly rights and obligations, pertinent to environmental protection, and have taken measures to strengthen legal frameworks and/or their implementation.<sup>9</sup>

## 2.2 UN Human Rights Programme

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The purpose of this section is to describe work that UN human rights mechanisms have carried out in connection with climate change that NHRIs can draw on in their own efforts to address the human rights aspects of climate change. It also identifies opportunities for NHRIs to engage with those mechanisms in the pursuit of their own efforts to promote and protect human rights.

### 2.2.1 Office of the High Commissioner for Human Rights

In its [2018-2021 Office Management Plan](#),<sup>10</sup> OHCHR commits to:

- collaborate with partners to integrate human rights in environmental laws and policies; and press for the inclusion of civil society in environmental decision-making processes, access to information, and effective remedies for victims; and
- assist human rights mechanisms to address environmental issues; advocate on behalf of environment defenders and support efforts by the UN system to protect them; and conduct research and advocacy to address human rights harms caused by environmental degradation, particularly to groups in vulnerable situations.

OHCHR aims, in line with the 2030 Agenda and the Paris Agreement on climate change, to promote a human rights-based approach to climate action through:

- Collaboration with partners to integrate human rights in environmental laws and policies;
- Support for the inclusion of civil society in environmental decision-making processes, access to information and effective remedies for victims;
- Assisting human rights mechanisms to address environmental issues, including climate change;
- Advocacy on behalf of environmental human rights defenders and supporting efforts by the UN system to protect them;<sup>11</sup>

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<sup>8</sup> <https://ganhri.org/tripartite-partnership/>

<sup>9</sup> <https://ganhri.org/ganhri-and-unep/>

<sup>10</sup> <https://www.ohchr.org/en/publications/management-plan/un-human-rights-management-plan-2018-2021-expanded-version>

<sup>11</sup> <https://www.ohchr.org/en/climate-change/integrating-human-rights-unfccc>

- Research and advocacy to address human rights harms caused by environmental degradation, particularly to groups in vulnerable situations.

On its website OHCHR offers a wide range of information about human rights and climate change and working with UN human rights mechanisms.<sup>12</sup> Its field presences are implementing a range of projects and activities on human rights and climate change.

Through the National Institutions and Regional Mechanisms Section (NIRMS), the Office of the High Commissioner for Human Rights (OHCHR) provides technical and legal assistance to NHRIs, in particular regarding constitutional and legislative frameworks relating to the establishment, nature, functions, powers and responsibilities of such institutions.<sup>13</sup> It also conducts and supports comparative analysis, technical cooperation projects, needs assessments and evaluation missions to establish NHRIs or strengthen their capacity to discharge their mandate effectively. The General Assembly and the Human Rights Council have mandated OHCHR to report on the implementation of their respective resolutions on national human rights institutions, which includes activities to support NHRIs around climate change and examples of best practices.<sup>14</sup> OHCHR also supports the engagement of national human rights institutions with the international human rights system, for instance through the provision of information about opportunities to engage. This facilitates the participation of 'A' status NHRIs in the interactive discussions and debates of the Human Rights Council and its subsidiary bodies and their engagement with the expert mechanisms, including in connection with links between human rights and climate change.<sup>15</sup>

## 2.2.2 UN High Commissioner for Human Rights

The High Commissioner for Human Rights is the principal human rights official of the United Nations. She is accountable to the Secretary-General and is responsible for all the activities of OHCHR, as well as for its administration.

The High Commissioner:

- Carries out the functions specifically assigned to her by the General Assembly in its resolution 48/141 of 20 December 1993 and subsequent resolutions of policy-making bodies;
- Advises the Secretary-General on the policies of the United Nations on human rights;

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<sup>12</sup> <https://www.ohchr.org/en/climate-change>

<sup>13</sup> The General Assembly and the Human Rights Council have mandated the OHCHR to support the establishment and strengthening of NHRIs. For more information, see Commission on Human Rights resolution 1994/54, General Assembly resolution 76/170 and Human Rights Council resolution 45/22.

<sup>14</sup> For more information, see the latest reports of the Secretary-General on national institutions for the promotion and protection of human rights to the General Assembly (A/76/246) and the Human Rights Council (A/HRC/45/42).

<sup>15</sup> OHCHR also maintains a fellowship programme for the staff of "A" status national human rights institutions since 2008. The programme is designed to provide beneficiaries with a better understanding of the international human rights system and, in particular, the work of OHCHR. The programme therefore contributes to strengthen the capacity of "A" status national human rights institutions and their staff to discharge their mandate in line with international norms and standards.

- Ensures that support is given to the projects, activities, organs and bodies of the human rights programme;
- Represents the Secretary-General at meetings of human rights organs and at other human rights events; and carries out special assignments as decided by the Secretary-General.<sup>16</sup>

Michelle Bachelet, the current High Commissioner, regularly calls attention to the threat that climate change and other environmental crises pose to human rights.<sup>17</sup>

### 2.2.3 Human Rights Council<sup>18</sup>

At its June session, the Human Rights Council adopts a resolution on climate change, which usually calls for the Secretary-General to prepare a report for which inputs are invited.

Opportunities for NHRI engagement with the Human Rights Council include through the delivery of statements in general debates, interventions in inter-active dialogues, participation in panel discussions, submission of written statements, and organization of or participation in parallel events. NHRIs can also engage in advocacy, like that carried out in connection with the Human Rights Council's recent recognition of the right to a clean, healthy and sustainable environment at its 48<sup>th</sup> session in October 2021 ([A/HRC/RES/48/13](#)).<sup>19</sup>

In 2008, the Human Rights Council was one of the first intergovernmental bodies to have made the link between climate change and human rights by clearly highlighting its negative effects on the enjoyment of rights.<sup>20</sup> Subsequently the Council has regularly adopted resolution on Human rights and climate change.<sup>21</sup> The most recent resolution is [A/HRC/RES/47/24](#) adopted on 14 July 2021. The recent practice is for the [annual](#) resolution to be introduced at the June session and to call on the Secretary-General to prepare a report on a specific theme related to climate change to serve as the focus of a panel discussion at the June session of the following year. Resolution 47/24 requested the Secretary-General to prepare a report on the adverse impact of climate change on the full and effective enjoyment of human rights of people in vulnerable situations.<sup>22</sup> The Office of the High Commissioner for Human Rights, which

<sup>16</sup> <https://www.ohchr.org/en/about-us/high-commissioner>

<sup>17</sup> <https://www.ohchr.org/en/climate-change/statements>

<sup>18</sup> The Universal Periodic Review, the Advisory Committee and the Special Procedures are subsidiary bodies and mechanisms of the Human Rights Council. Due to their respective particularities, they are each dealt with separately, and this section looks at the Council as a political body.

<sup>19</sup> Information note for National Human Rights Institutions, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NHRIParticipation.aspx>

<sup>20</sup> Resolution A/HRC/7/23 (March 2008) [http://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_7\\_23.pdf](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_23.pdf).

<sup>21</sup> Since 2008, the Council has adopted a resolution every year except 2010, 2021 and 2013. Human Rights Council resolutions on human rights and climate change,

<https://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/Resolutions.aspx>

<sup>22</sup> See <https://www.ohchr.org/en/climate-change/impact-climate-change-rights-people-vulnerable-situations>. NHRIs from Argentina, Croatia, Denmark, Greece, Mexico, Portugal and Slovakia made contributions to the Secretary-General's most recent report, *The impacts of climate change on the human rights of people in vulnerable situations – Report of the Secretary-General*, A/HRC/50/57,

prepares the report, [invites](#) inputs to the report from stakeholders, including national human rights institutions.

The Council has also addressed the issue of the impact of climate change in the context of its work on human rights and the environment. A resolution on human rights and the environment is presented at every second March session of the Council. The resolution on human rights and the environment should next be proposed at the fifty-second session of the Human Rights Council in March 2023.<sup>23</sup> The Special Rapporteur on human rights and the environment reports annually to the Council at the March session. The mandate of the Special Rapporteurs comes up for renewal at the Council's fifty-fifth session in March 2024.

Good examples of NHRI engagement with Council processes include the roles played by NHRIs at the national level and GANHRI in Geneva in the creation of the [Special Rapporteur](#) on the promotion and protection of human rights in the context of climate change and the recognition of the [right to a clean, healthy and sustainable environment](#) at the Council's 48<sup>th</sup> session in October 2021.<sup>24</sup>

As described in greater detail in section 2.2.4 below, other Special Rapporteurs occasionally address climate change in their reports, but their reporting on the topic is irregular.

#### 2.2.4 Universal Periodic Review

In the Universal Periodic Review (UPR), many recommendations related to climate change have been made. They are searchable through the Universal Human Rights Index.

The UPR creates many opportunities to engage at the national level.

The Universal Periodic Review (UPR) of the Human Rights Council involves a periodic review of the human rights records of all 193 United Nations Member States.<sup>25</sup> The UPR is increasingly addressing the links between climate change and human rights. Between 2008 and October 2021, States had made approximately 250 recommendations explicitly mentioning climate change. Additional recommendations were made on matters related to climate change, such as disaster risk reduction and displacement. Nauru, Kiribati, the United States of America, Samoa and Tuvalu received the largest number of climate change-related recommendations during the first two UPR cycles. The Maldives, the Philippines, Haiti, Sierra Leone and

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which will be considered at the 50<sup>th</sup> session of the Human Rights Council. A panel discussion based on the report is also scheduled to take place at the 50<sup>th</sup> session on 28 June 2022.

<sup>23</sup> With the recognition of the right to a clean, healthy and sustainable environment in HRC resolution A/HRC/RES/48/13, it is foreseeable that the periodicity of the resolution on human rights and the environment will change.

<sup>24</sup> Resolutions A/HRC/48/13 and A/HRC/48/14 adopted on 8 October 2021.

<sup>25</sup> Detailed information about the UPR is available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

Bangladesh were the States that made most climate-related recommendations during the first two cycles. The third UPR cycle concluded in February 2022, and the fourth cycle will begin in October 2022. The order in which states will be reviewed will be the same as in preceding cycles.<sup>26</sup>

OHCHR's Universal Human Rights Index (UHRI)<sup>27</sup> is a searchable database that facilitates access to human rights recommendations made in the UPR.<sup>28</sup> Users can produce overviews of recommendations by region, country, human rights themes, concerned groups and by Sustainable Development Goals (SDGs) and targets. They can also perform text searches and advanced searches by using filters. As of October 2021, there were 287 recommendations related to climate change available in 90 documents accessible through the UHRI database.

The NGO [UPR Info](#) also offers a fully searchable online database for UPR recommendations and States' voluntary pledges made throughout all three cycles of the Universal Periodic Review.<sup>29</sup> Information in the database is accessible through UPR Info's analytical categories—Regional Group, International Organization, [Response to Recommendations](#), Thematic Issues, and [Type of Action](#). The information is available in English and French (starting from session 29<sup>th</sup> session of the UPR Working Group). The UPR Info database yields 248 recommendations including the phrase “climate change” for the period to October 2021.<sup>30</sup>

OHCHR, in collaboration with GANHRI, has prepared online guides to facilitate use of the UPR. These include:

- Universal Periodic Review: Tips for Engagement at Country Level for National Human Rights Institutions and Civil Society<sup>31</sup>
- UPR NHRI Mid-term reports<sup>32</sup>
- Maximizing the Use of the Universal Periodic Review at Country Level: Practical Guidance<sup>33</sup>

In addition, the Northern Ireland Human Rights Commission and the Commonwealth Forum of National Human Rights Institutions have prepared a guide to the UPR specifically for NHRIs.

- NIHRC and CFNHRI, The Universal Periodic Reporting Process: A Guide for National Human Rights Institutions, September 2016<sup>34</sup>

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<sup>26</sup> <https://www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx>

<sup>27</sup> <https://uhri.ohchr.org/en/>

<sup>28</sup> UHRI also includes concluding observation of the UN human rights treaty bodies and recommendations of the Special Procedures.

<sup>29</sup> <https://upr-info-database.uwazi.io/>. A video demonstration of how to use the database is available at <https://www.youtube.com/watch?v=fDQp6GJSptE>.

<sup>30</sup> The difference between the results yielded by the UHRI and the UPRInfo database suggests that it might be advisable to search both databases to obtain the most complete search results possible.

<sup>31</sup> <https://ganhri.org/universal-periodic-review-tips/>

<sup>32</sup> <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPR-NHRIs-Mid-term-reports.aspx>

<sup>33</sup> [https://www.ohchr.org/Documents/HRBodies/UPR/UPR\\_Practical\\_Guidance.pdf](https://www.ohchr.org/Documents/HRBodies/UPR/UPR_Practical_Guidance.pdf)

<sup>34</sup> <http://training.nihrc.org/upr> The Guide is also available at: [https://www.upr-info.org/sites/default/files/general-document/pdf/nihrc\\_an\\_nhri\\_approach\\_to\\_the\\_upr\\_process.pdf](https://www.upr-info.org/sites/default/files/general-document/pdf/nihrc_an_nhri_approach_to_the_upr_process.pdf)

NHRIs have made many stakeholder submissions to the UPR and delivered oral statements on the occasion of the adoption of UPR outcomes.

### 2.2.5 Advisory Committee

The Human Rights Council Advisory Committee was established to function as a think-tank for the Council and work at its direction.<sup>35</sup> It is composed of eighteen independent experts who are elected by the Council. The Advisory Committee meets twice a year, for one week in February immediately before the March session of the Council and for one week in August.

The Advisory Committee has not yet reported on climate change, because it can only report at the request of the Council, and until the adoption of resolution [A/HRC/RES/48/14](#), the Council had not asked the Advisory Committee to report on climate change. In resolution 48/14, the Council asked the Committee to conduct a study and prepare a report on the impact of new technologies for climate protection on the enjoyment of human rights, and to submit the report to the Council at its fifty-fourth session in September 2023. The Committee started consideration of the issue at its 27<sup>th</sup> session,<sup>36</sup> by establishing a drafting group and a related programme of work. It decided to request stakeholders to submit information for the report by 29 April 2022 and allowed for the possibility of the drafting group convening an intersessional seminar on the impact of new technologies for climate protection on the enjoyment of human rights before the Advisory Committee's twenty-eighth session.<sup>37</sup> NHRIs are specifically mentioned among the stakeholders.

### 2.2.6 Special Procedures

At its 48<sup>th</sup> session the Human Rights Council created a Special Rapporteur on human rights and climate change, who will report to the Council's 50<sup>th</sup> session in June 2022 and to the UN General Assembly in September 2022.

Numerous thematic Special Procedures have reported on a wide range of issues related to climate change.

The Framework Principles on Human Rights and the Environment are an essential reference document for work on climate change and other environmental issues.

The Special Procedures are composed of independent experts with mandates to report and advise on human rights from a thematic or country-specific perspective.<sup>38</sup> They are either an individual expert (called "Special Rapporteur" or "Independent Expert") or a working group composed of five members, one from each of the five United Nations regional groupings for Africa, Asia, Latin America and the Caribbean, Eastern Europe, and the Western European and Other

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<sup>35</sup> <https://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/HRCACIndex.aspx> OHCHR has published an information booklet about the Advisory Committee, which is available at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/AdvisoryCommitteebooklet\\_E.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/AdvisoryCommitteebooklet_E.pdf)

<sup>36</sup> <https://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Session27/Pages/Index.aspx>

<sup>37</sup> Human Rights Council Advisory Committee concludes its 27th session, 25 February 2022 at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28161&LangID=E>

<sup>38</sup> <https://www.ohchr.org/EN/HRBodies/SP/Pages/Introduction.aspx>

States.<sup>39</sup> The Special Rapporteurs, Independent Experts and members of the Working Groups are appointed by the Human Rights Council and serve in their personal capacities. The thematic mandates are normally renewed every three years; country mandates usually come up for renewal annually. A mandate-holder's tenure is limited to a maximum of six years.

The Special Procedures:

- prepare thematic studies,
- undertake country visits,
- act on individual cases of alleged violations and concerns of a broader, structural nature by sending communications to States and occasionally to non-State actors,
- convene expert consultations to contribute to the development of international human rights standards and guidelines,
- participate in expert consultations, seminars and conferences,
- participate in panel discussions during the sessions of the Human Rights Council,
- organize and participate in parallel events during the sessions of the Human Rights Council,
- engage in advocacy and raise public awareness about specific human rights situations and phenomena through public statements and other forms of engagement, and
- provide advice for technical cooperation.

They report annually to the Human Rights Council according to a calendar that allocates the reports of specific mandates to specific sessions.<sup>40</sup> The majority of Special Procedures also report annually to the General Assembly.

Special Procedures are supported by the OHCHR. Many also receive support from academic institutions with which they are associated.

#### *2.2.6.1 Special Procedures' Work on Climate Change*

Many thematic Special Procedures have addressed climate change.<sup>41</sup> The extent to which country-specific Special Procedures have done so is not clear as the Universal

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<sup>39</sup> Detailed information about the Special Procedures and their activities can be found in the annual report about the Special Procedures presented by the Secretariat to the Human Rights Council at its March session. See: Report on the activities of special rapporteurs, independent experts and working groups of the special procedures of the Human Rights Council in 2020, including updated information on special procedures, Report of the Secretariat, A/HRC/46/61, 15 March 2021 at: <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session46/Pages/ListReports.aspx> and Facts and figures with regard to the special procedures in 2020, A/HRC/46/61/Add.1 15 March 2021 at: <https://undocs.org/A/HRC/46/61/Add.1>

<sup>40</sup> An easily accessible list of which mandates report at each of the three Council sessions each year can be found in the introduction to the Voluntary Yearly Calendar for Thematic Resolutions of the Human Rights Council at: <https://hrmeetings.ohchr.org/Pages/Voluntaryyearlycalendarforthematicresolutions.aspx>

<sup>41</sup> A non-exhaustive list of special procedures reports relevant to climate change can be found at: [https://www.ohchr.org/Documents/HRBodies/SP/List\\_SP\\_Reports\\_Climate\\_Change.pdf](https://www.ohchr.org/Documents/HRBodies/SP/List_SP_Reports_Climate_Change.pdf), and



Human Rights Index searchable database does not cover the country-specific mandates.<sup>42</sup>

An important recent development in the Special Procedures was the Human Rights Council's decision to create a **Special Rapporteur on the promotion and protection of human rights in the context of climate change** in resolution A/HRC/RES/48/14 adopted on 8 October 2021.<sup>43</sup> The mandate-holder was appointed at the forty-ninth session of the Human Rights Council in March 2022. He is to report annually to the Council, starting at its fiftieth session in June 2022, and to the General Assembly, starting at its seventy-seventh session in September 2022. Based on past practice, it can be expected that the Special Rapporteur on climate change will report annually at the June session of the Council.

The Special Rapporteur on climate change has a very broad mandate:

- (a) To study and identify how the adverse effects of climate change, including sudden and slow onset disasters, affect the full and effective enjoyment of human rights and make recommendations on how to address and prevent these adverse effects, in particular ways to strengthen the integration of human rights concerns into policymaking, legislation and plans addressing climate change;
- (b) To identify existing challenges, including financial challenges, in States' efforts to promote and protect human rights while addressing the adverse effects of climate change, and make recommendations regarding respect for, and promotion of, human rights, including in the context of the design and implementation of mitigation and adaptation policies, practices, investments and other projects;
- (c) 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 these efforts contribute to the promotion and protection of all human rights and poverty alleviation;
- (d) To promote and exchange views on lessons learned and best practices related to the adoption of human rights-based, gender-responsive, age-sensitive, disability-inclusive and risk-informed approaches to climate change adaptation and mitigation policies, with a view to contributing to the achievement of the Paris Agreement and the United Nations Framework Convention on Climate Change, which could help in the realization of the Sustainable Development Goals, in particular Goals 13 and 14, to address the economic, cultural, environmental and social challenges that climate change

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<https://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HumanRightsMechanisms.aspx>. Also see below. In addition, a list of Special Procedures reports addressing SDG 13 on Climate Action can be found at: <https://www.ohchr.org/Documents/HRBodies/SP/SDG13.pdf>.

<sup>42</sup> Similarly, there is no easy way to assess the extent to which the Human Rights Council's International Commissions of Inquiry, Commissions on Human Rights, Fact-Finding missions and other Investigations have addressed climate change.

<sup>43</sup> <https://undocs.org/A/HRC/RES/48/14>

poses for the full enjoyment of human rights for all and in particular to support the resilience and adaptive capacities of people in vulnerable situations to respond to the adverse impact of climate change;

(e) To raise awareness on the human rights affected by climate change, especially of persons living in developing countries particularly vulnerable to climate change, such as least developed countries, small island developing States and landlocked developing States, and encourage increased global cooperation in this regard;

(f) To seek views and contributions from States and other relevant stakeholders, including international organizations, United Nations institutions, agencies, funds and programmes, regional economic commissions, international and regional financial institutions, regional human rights mechanisms, **national human rights institutions**,<sup>44</sup> civil society, children and young people, older persons, indigenous peoples, local communities, women's rights organizations, organizations of persons with disabilities, peasants and other people working in rural areas, academia, scientific institutions and non-governmental organizations, in the discharge of the mandate and develop a regular dialogue and consultation on measures at the domestic and international levels on effective and sustainable climate action that respects, promotes and protects human rights;

(g) To facilitate and contribute to the exchange of technical assistance, capacity-building and international cooperation in support of national efforts, actions and measures to address the adverse impact of climate change on the enjoyment of human rights, in collaboration with Governments, international organizations, civil society, the technical and academic communities, the private sector and all relevant stakeholders, including by using new and emerging digital technologies;

(h) To work in close coordination, while avoiding duplication of efforts, with the Office of the United Nations High Commissioner for Human Rights, other special procedures and other human rights mechanisms of the Human Rights Council, the treaty bodies and other relevant United Nations agencies, funds and programmes, including those related to climate change and the environment;

(i) To conduct country visits and to respond promptly to invitations from States;

(j) To participate in, and contribute to, a human rights perspective to relevant international conferences and events with the aim of promoting a systematic and coherent approach to issues pertaining to the mandate;

(k) To integrate a gender-responsive, age-sensitive, disability inclusive and social-inclusion perspective throughout the work of the mandate;

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<sup>44</sup> Emphasis added.

(l) To 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 on Business and Human Rights to mitigate potential adverse effects of their activities, including investment projects, on human rights in the context of climate change;

(m) To closely coordinate with the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation and to consider every possibility to coordinate his or her work with these mandate holders in the most effective way, including through joint undertakings.

On 1 May, Ian Fry, the first Special Rapporteur on climate change assumed his functions.<sup>45</sup> On 23 June 2022, he presented his first report to the Human Rights Council setting out his initial planning and vision for the mandate with six thematic priorities<sup>46</sup>.

In addition, other thematic Special Procedures have written many reports focussed on climate change, and many more of their reports touch on issues related to climate change.

### **Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment<sup>47</sup>**

1. Climate change, A/HRC/31/52 <sup>48</sup>
2. Safe climate, A/74/161 <sup>49</sup>
3. Framework principles on human rights and the environment, A/HRC/37/59 <sup>50</sup>

The [Framework Principles on Human Rights and the Environment](#) are an essential reference document for human rights work on climate change and other environmental issues.

### **Special Rapporteur on the right to food**

4. Impact of climate change on the right to food, A/70/287 <sup>51</sup>

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<sup>45</sup> <https://www.ohchr.org/en/specialprocedures/sr-climate-change>

<sup>46</sup> <https://www.ohchr.org/en/documents/thematic-reports/a5039-report-initial-planning-and-vision-mandate> and <https://undocs.org/A/HRC/50/39> ([https://www.ohchr.org/sites/default/files/2022-06/A\\_HRC\\_50\\_39\\_AdvanceUneditedVersion\\_1.docx](https://www.ohchr.org/sites/default/files/2022-06/A_HRC_50_39_AdvanceUneditedVersion_1.docx))

<sup>47</sup> <http://srenvironment.org/> and <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/SREnvironmentIndex.aspx>

<sup>48</sup> <https://undocs.org/A/HRC/31/52>

<sup>49</sup> <https://undocs.org/A/74/161>

<sup>50</sup> <https://undocs.org/en/A/HRC/37/59>

<sup>51</sup> <https://undocs.org/A/70/287>

## **Special Rapporteur on the rights to freedom of peaceful assembly and of association**

5. Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice, A/76/222<sup>52</sup>

## **Special Rapporteur on the right to adequate housing**

6. Climate change and the right to adequate housing, A/64/255<sup>53</sup>

## **Special Rapporteur on the situation of human rights defenders**

7. Environmental human rights defenders, A/71/281<sup>54</sup>

## **Special Rapporteur on the rights of indigenous peoples**

8. Impacts of climate change and climate finance on indigenous peoples' rights, A/HRC/36/46<sup>55</sup>

## **Special Rapporteur on the Human Rights of Internally Displaced Persons**

9. Internal displacement in the context of the slow-onset adverse effects of climate change, A/75/207<sup>56</sup>

10. Climate change and internal displacement, A/66/285<sup>57</sup>

11. Climate change and displacement, A/64/214<sup>58</sup>

## **Independent Expert on human rights and international solidarity**

12. Report on international solidarity and climate change, A/HRC/44/44<sup>59</sup>

## **Special Rapporteur on the human rights of migrants**

13. Climate change and migration, A/67/299<sup>60</sup>

## **Working Group of Experts on People of African Descent**

14. Environmental justice, the climate crisis and people of African descent, A/HRC/48/78<sup>61</sup>

## **Special Rapporteur on extreme poverty and human rights**

15. Climate change and poverty, A/HRC/41/39<sup>62</sup>

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<sup>52</sup> <https://undocs.org/A/76/222>

<sup>53</sup> <https://undocs.org/A/64/255>

<sup>54</sup> <https://undocs.org/A/71/281>

<sup>55</sup> <https://undocs.org/A/HRC/36/46>

<sup>56</sup> <https://www.undocs.org/A/75/207>

<sup>57</sup> <https://www.undocs.org/A/66/285>

<sup>58</sup> <https://www.undocs.org/A/64/214>

<sup>59</sup> <https://undocs.org/A/HRC/44/44>

<sup>60</sup> <https://www.undocs.org/A/67/299>

<sup>61</sup> <https://undocs.org/A/HRC/48/78>

<sup>62</sup> <https://undocs.org/A/HRC/41/39>

## **Special Rapporteur on the human rights to safe drinking water and sanitation**

16. Climate Change and the Human Rights to Water and Sanitation: Position paper (2010) <sup>63</sup>

## **Special Rapporteur on the right to development**

17. Climate action at the national level, A/HRC/48/56<sup>64</sup>

## **Working Group on the issue of human rights and transnational corporations and other business enterprises**

The Working Group has announced its intention to develop an Information note on what all three pillars of the UNGPs entail for States and business enterprises in relation to climate change.<sup>65</sup>

### *2.2.6.2 NHRI Engagement with the Special Procedures*

NHRIs can draw on the work of the Special Procedures for information and analysis relevant to their own work on climate change.

The Universal Human Rights Index<sup>66</sup> searchable database facilitates access to recommendations issued by the Special Procedures. Users of the database can produce overviews of recommendations by region, country, human rights themes, concerned groups and by Sustainable Development Goals (SDGs) and targets, as well as perform text searches and advanced searches by using filters.<sup>67</sup>

Just as NHRIs have engaged with the Special Procedures on other issues, they can engage with them on climate change across the full range of Special Procedures' activities.

The mandate of the Special Rapporteur on climate change specifically calls on the mandate-holder to seek views and contributions from national human rights institutions in the discharge of the mandate and to develop regular dialogue and consultation on

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<sup>63</sup> [https://www.ohchr.org/Documents/Issues/Water/Climate\\_Change\\_Right\\_Water\\_Sanitation.pdf](https://www.ohchr.org/Documents/Issues/Water/Climate_Change_Right_Water_Sanitation.pdf)

<sup>64</sup> <https://undocs.org/A/HRC/48/56>. See also the 2021 report of the Special Rapporteur on the right to development to UNGA at <https://undocs.org/A/76/154> and the Special Rapporteur's October 2021 policy brief "Climate Action and the Right to Development: a Participatory Approach" at [https://www.ohchr.org/sites/default/files/2021-12/Policy\\_Brief\\_RTD\\_Climate\\_Action.pdf](https://www.ohchr.org/sites/default/files/2021-12/Policy_Brief_RTD_Climate_Action.pdf)

<sup>65</sup> See <https://www.ohchr.org/en/special-procedures/wg-business/climate-change-and-ungps>. The Working Group has commented about climate change in passing in some of its reports, notably in its report to the 74<sup>th</sup> session of the UN General Assembly, A/74/198 of, 19 July 2019, where it notes that the Guiding Principles on Business and Human Rights apply to and should be integrated into efforts to address climate change, and implementation of climate change policy should align with efforts to implement the Guiding Principles (paragraph 81) at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/224/00/pdf/N1922400.pdf?OpenElement>.

<sup>66</sup> OHCHR's Universal Human Rights Index (UHRI) <https://uhri.ohchr.org/en/>

<sup>67</sup> As of mid-October 2021, there were 166 recommendations related to climate change in 35 documents from 14 Special Procedures accessible through the UHRI database. However, bear in mind that the UHRI does not cover the country-specific Special Procedures, and the work of all Special Procedures who have addressed climate change is not fully reflected search results obtained through the database.

measures at the domestic and international levels on effective and sustainable climate action that respects, promotes and protects human rights.

Information about working with the Special Procedures can be found in chapter 7 of *Working with the United Nations Human Rights Programme A Handbook for Civil Society*.<sup>68</sup> Information about submitting communications to the Special Procedures is available online on the OHCHR website,<sup>69</sup> and communications can be submitted online as well.<sup>70</sup> Information about communications submitted to the Special Procedures related to climate change can be obtained through an online searchable database.<sup>71</sup>

Special Procedure mandate-holders usually solicit input in connection with thematic studies, country visits and the development of standards and guidelines. Information about many calls for input and comments are posted online on the OHCHR website.<sup>72</sup> Information about the themes to be addressed by thematic Special Procedures in their upcoming reports is also available online,<sup>73</sup> as is information about pending Special Procedure country visits.<sup>74</sup>

### 2.2.7 Treaty Bodies

Treaty Bodies have delivered numerous concluding observations related to climate change, adopted General Comments addressing climate change and started to consider communications related to climate change.

The [human rights treaty bodies](#) are committees of independent experts that monitor implementation of the core international human rights treaties.<sup>75</sup> NHRIs have a long history of engaging with the treaty bodies; and there are many opportunities for them to use the treaty bodies to raise concerns about climate change and human rights.

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<sup>68</sup> Working with the United Nations Human Rights Programme A Handbook for Civil Society, New York and Geneva, 2008 at

[https://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook\\_en.pdf](https://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf)

<sup>69</sup> [https://www.ohchr.org/Documents/HRBodies/SP/SPP\\_PresentationFlyer.pdf](https://www.ohchr.org/Documents/HRBodies/SP/SPP_PresentationFlyer.pdf)

[https://www.ohchr.org/Documents/HRBodies/SP/SPP\\_PresentationFlyer\\_FR.pdf](https://www.ohchr.org/Documents/HRBodies/SP/SPP_PresentationFlyer_FR.pdf)

[https://www.ohchr.org/Documents/HRBodies/SP/SPP\\_PresentationFlyer\\_SP.pdf](https://www.ohchr.org/Documents/HRBodies/SP/SPP_PresentationFlyer_SP.pdf)

[https://www.ohchr.org/Documents/HRBodies/SP/SPP\\_PresentationFlyer\\_AR.pdf](https://www.ohchr.org/Documents/HRBodies/SP/SPP_PresentationFlyer_AR.pdf)

<https://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>

<sup>70</sup> Online submission tool for communications to special procedures at <https://spsubmission.ohchr.org/en>

<sup>71</sup> <https://spcommreports.ohchr.org/>. A search for “climate change” brings up six communications. For an example, see:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25381>

<sup>72</sup> <https://www.ohchr.org/EN/Pages/calls-for-input.aspx>

<sup>73</sup> <https://www.ohchr.org/EN/HRBodies/SP/Pages/Consultations-calls-for-input-reports.aspx>

<sup>74</sup> <https://spinternet.ohchr.org/Home.aspx?lang=en>

<sup>75</sup> <https://www.ohchr.org/en/treaty-bodies> and <https://www.ohchr.org/en/treaty-bodies/what-treaty-bodies-do> The UN human rights treaty system and the functions of the treaty bodies are described in detail in OHCHR Factsheet 30, Rev 1, The United Nations Human Rights Treaty System, 2012 at <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-30-rev-1-united-nations-human-rights-treaty-system>.

There are also opportunities for NHRIs to contribute to the treaty bodies' development of soft law on human rights and climate change.<sup>76</sup>

An overview of NHRIs' general engagement with treaty bodies is provided in:

Engagement of NHRIs with the UN Human Rights Treaty Bodies: An Overview of Procedures and Practices, Informal background paper by the Secretariat, May 2016  
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Cooperation between NHRIs and the treaty bodies was further addressed in an information note prepared by the OHCHR Secretariat for a discussion by the Chairs of the human rights treaty bodies at their twenty-ninth meeting about a common treaty body approach to engagement with national human rights institutions.<sup>78</sup>

The treaty bodies are also a source of information about the application of human rights law to climate change, which can be used in policy analysis and advocacy. Many treaty bodies have addressed climate change and human rights in statements, decisions, concluding observations, general comments and general recommendations, and views on communications. This body of work provides guidelines for the interpretation and application of State party obligations deriving from the UN human rights treaties in relation to climate action and constitutes part of the evolving international human rights legal framework that is increasingly addressing climate change.<sup>79</sup>

### 2.2.7.1 Concluding Observations

Many treaty bodies have addressed aspects of climate change in their concluding observations following examination of state party reports. OHCHR's Universal Human

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<sup>76</sup> Monitoring States' Compliance with their Human Rights Obligations, in the Context of Climate Change, [https://www.ciel.org/wp-content/uploads/2020/02/BriefingNote\\_LeveragingHRTBs\\_2.pdf](https://www.ciel.org/wp-content/uploads/2020/02/BriefingNote_LeveragingHRTBs_2.pdf)  
Monitoring States' Compliance with their Human Rights Obligations, in the Context of Climate Change  
Guidance on the Preparation of a Parallel Report to a UN Human Rights Treaty Body on the topic of climate change and human rights, [https://www.ciel.org/wp-content/uploads/2020/02/Template\\_LeveragingHRTBs\\_Climate\\_2.pdf](https://www.ciel.org/wp-content/uploads/2020/02/Template_LeveragingHRTBs_Climate_2.pdf) See also the sources at footnote 76 below.

<sup>77</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAI.RPERSONS%2fINF%2f28%2f24738&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAI.RPERSONS%2fINF%2f28%2f24738&Lang=en)

<sup>78</sup> Common approach to engagement with national human rights institutions, Note by the Secretariat, HRI/MC/2017/3, 9 June 2017 at: <https://undocs.org/HRI/MC/2017/3>

<sup>79</sup> *States' Human Rights Obligations in the Context of Climate Change: Guidance Provided by the UN Human Rights Treaty Bodies – 2022 Update*, <https://www.ciel.org/reports/states-human-rights-obligations-in-the-context-of-climate-change-guidance-provided-by-the-un-human-rights-treaty-bodies/>

*States' Human Rights Obligations in the Context of Climate Change – 2020*

*Update*, <https://www.ciel.org/reports/states-human-rights-obligations-in-the-context-of-climate-change-2020-update-march-2020/>

*States' Human Rights Obligations in the Context of Climate Change — 2019 Update*,

<https://www.ciel.org/wp-content/uploads/2019/03/HRTB-Feb.-2019-update-2019-03-25.pdf>

*States' Human Rights Obligations in the Context of Climate Change:*

<https://www.ciel.org/reports/states-human-rights-obligations-context-climate-change/>

This Synthesis Note provides an overview of States' obligations under the different human rights instruments in the context of climate change, focusing on the authoritative guidance provided by the human rights treaty bodies in 2018.

Rights Index (UHRI) searchable online database<sup>80</sup> facilitates access to the concluding observations of the Treaty Bodies. Searches can be done to produce overviews of recommendations by region, country, human rights themes, concerned groups and by Sustainable Development Goals (SDGs) and targets, as well as perform text searches and advanced searches by using filters. As of 31 October 2021, there were 208 recommendations in 106 documents from six treaty bodies<sup>81</sup> accessible through the UHRI database. The database is not searchable for communications jurisprudence or general comments. NHRIs can get a sense of how treaty bodies are approaching issues related to climate change by examining their concluding observations.<sup>82</sup>

### 2.2.7.2 General Comments

A general comment<sup>83</sup> is a treaty body's interpretation of provisions of the treaty it monitors or thematic issues. NHRIs can use general comments to understand better how they can apply standards in the core UN human rights treaties in their work on climate change. Issues related to climate change have been addressed by the following treaty bodies in general comments.

The Human Rights Committee (HRC)

[General comment No. 36](#) (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, CCPR/C/GC/36, 3 September 2019, para. 62.

The Committee on Economic, Social and Cultural Rights (CESCR)

[General Comment No. 15](#) (2002) on the right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/2002/11, 20 January 2003, para. 28.

The Committee on Economic, Social and Cultural Rights is developing a general comment on land and economic, social and cultural rights. The purpose of the general comment is to clarify the specific obligations of States parties relating to land and the governance of tenure of land under the International Covenant on Economic, Social and Cultural Rights.<sup>84</sup> The draft general comment includes a passage on and numerous references to climate change. The Committee is also at an earlier stage in developing a general comment on Sustainable Development and the International

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<sup>80</sup> <https://uhri.ohchr.org/en/>

<sup>81</sup> Committee on Economic, Social and Cultural Rights (CESCR), Committee on the Rights of the Child (CRC), Committee on the Elimination of Discrimination against Women (CEDAW), Human Rights Committee (HRC), Committee on the Elimination of Racial Discrimination (CERD), and Committee on the Rights of Person with Disabilities (CPRD).

<sup>82</sup> The CIEL reports listed in footnote 100 above are a useful starting point to obtain an overview of the treaty bodies' concluding observations related to climate change.

<sup>83</sup> The Committees on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women use the term "general recommendation" in place of general comment.

<sup>84</sup> <https://www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCR-draft-GC-land.aspx>



Covenant on Economic, Social and Cultural Rights, which will also address climate change.<sup>85</sup>

The Committee on the Elimination of Discrimination against Women (CEDAW)

[General Recommendation No. 37](#) (2018) on gender-related dimensions of disaster risk reduction in the context of climate change. CEDAW/C/GC/37, 7 February 2018.

General recommendation No. 34 (2016) on the rights of rural women, CEDAW/C/GC/34, 7 March 2016, paras. 10 and 12.<sup>86</sup>

General recommendation No. 27 (2010) on older women and protection of their human rights, CEDAW/C/GC/27, 16 December 2010, paras. 25 and 35.<sup>87</sup>

The Committee on the Rights of the Child (CRC)

[General comment No. 15](#) (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), CRC/C/GC/15, 17 April 2013, paras. 5 and 50.

General comment No. 20 (2016) on the implementation of the rights of the child during adolescence, CRC/C/GC/20, 6 December 2016, paras 2 and 12.<sup>88</sup>

In June 2021, the Committee on the Rights of the Child decided to prepare a new general comment (No. 26) on children's rights and the environment with a special focus on climate change.<sup>89</sup> The Committee plans for the General Comment are explained in a concept note,<sup>90</sup> and the Committee has announced that it will seek input from interested parties.<sup>91</sup> NHRIs have an opportunity to provide input to the drafting of the general comment.<sup>92</sup>

### *2.2.7.3 Individual Complaints (or Communications)*

Any individual who claims that his or her rights under the treaty have been violated by a State party to that treaty may bring a communication before the relevant committee,

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<sup>85</sup> <https://www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCR-GC-Sustainable-Development.aspx>

<sup>86</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/34&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/34&Lang=en)

<sup>87</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/472/53/PDF/G1047253.pdf?OpenElement>

<sup>88</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11)

<sup>89</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27139&LangID=E>

<sup>90</sup> [https://www.ohchr.org/EN/HRBodies/CRC/Pages/CRC\\_GC26\\_concept\\_note.aspx](https://www.ohchr.org/EN/HRBodies/CRC/Pages/CRC_GC26_concept_note.aspx)

<sup>91</sup> <https://childrightsenvironment.org/get-involved/>

<sup>92</sup> The Norwegian National Human Rights Institution (NIM) has made a Submission to the UN Committee on the Rights of the Child regarding the General Comment no. 26 on Children's Rights and the Environment with a Special Focus on Climate Change, 4 March 2022 at: <https://www.nhri.no/2022/nims-innspill-til-fns-barnekomite-om-barns-rettigheter-miljo-og-klima-etter-barnekonvensjonen/nim-summision-to-crc-general-comment-no-26/>.

provided that the State has recognized the competence of the committee to receive such complaints and that domestic remedies have been exhausted. Currently, eight of the human rights treaty bodies<sup>93</sup> may receive and consider individual complaints or communications from individuals.<sup>94</sup>

A small number of complaints have been brought to some of the treaty bodies asserting human rights violations related to climate change, as follows.

#### Human Rights Committee (ICCPR Optional Protocol)

Merits decision adopted by the Human Rights Committee in the case [Teitiota v. New Zealand](#) involving a climate refugee from Kiribati seeking asylum in New Zealand

Ioane Teitiota, a national of Kiribati, claimed that by removing him to Kiribati, New Zealand violated his right to life under the International Covenant on Civil and Political Rights. He claimed that the effects of climate change and sea level rise forced him to migrate from Kiribati to New Zealand. The Committee found that Teitiota did not establish that he faced an imminent, or likely, risk of arbitrary deprivation of life upon return to Kiribati. Nonetheless, the Committee recalled that environmental degradation, climate change, and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life. While the facts did not establish a violation of Teitiota's right to life, the Committee did not exclude the possibility that environmental degradation could result in a violation of the right to life.

The Human Rights Committee also has a case pending in which the petitioners, who are Indigenous persons, allege that Australia is violating their human rights under the International Covenant on Civil and Political Rights (ICCPR) due to the government's failure to address climate change.<sup>95</sup>

#### Pending Torres Strait Islanders case registered in 2019 as case 3624/2019

Another merits decision worthy of note is *Norma Portillo Cáceres v. Paraguay*,<sup>96</sup> in which the Human Rights Committee found violations of the right to life, the right to protection from unlawful interference with home, and the right to remedy in connection with poisoning caused by agricultural chemicals. Although the decision does not directly concern climate change, it addresses human rights violations attributable to Paraguay's failure provide protection from environmental pollution of which it was aware.

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<sup>93</sup> CCPR, CERD, CAT, CEDAW, CRPD, CED, CESC and CRC

<sup>94</sup> The International Service for Human Rights has published a *Guide for Third-Party Interventions before UN Human Rights Treaty Bodies*, which is available at: <https://ishr.ch/defenders-toolbox/resources/guide-for-tpis-before-untbs/>

<sup>95</sup> <http://climatecasechart.com/climate-change-litigation/non-us-case/petition-of-torres-strait-islanders-to-the-united-nations-human-rights-committee-alleging-violations-stemming-from-australias-inaction-on-climate-change/>

<sup>96</sup>

[https://ccprcentre.org/files/decisions/Norma Portillo C%C3%A1ceres and others v Paraguay.pdf](https://ccprcentre.org/files/decisions/Norma_Portillo_C%C3%A1ceres_and_others_v_Paraguay.pdf) or <https://juris.ohchr.org/Search/Details/2784>

## Committee on the Rights of the Child (Optional Protocol)

Admissibility decisions adopted by the Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in respect of Communication No. 104/2019,<sup>97</sup> 105/2019,<sup>98</sup> 106/2019,<sup>99</sup> 107/2019<sup>100</sup> and 108/2019.<sup>101</sup>

In connection with the decisions in these five communications, involving Argentina, Brazil, France, Germany and Turkey, the Committee of the Rights of the Child issued a public letter to the authors of the complaint to explain the decisions. Although the Committee decided that in each case the human rights violations complaints were within the jurisdiction of the State party, it determined that it could not consider the complaints because in each State party, the complainants had not exhausted local remedies as required by the Optional Protocol to the Convention on the Rights of the Child, and the complaints did not fall within the narrow exceptions to that rule.<sup>102</sup>

The jurisprudence of the treaty bodies can be searched in OHCHR's Jurisprudence database at <https://juris.ohchr.org/en/Home/Index/>. As of 31 October 2021, the only result yielded by a search for climate change was the decision of the Human Rights Committee in [Teitiota v. New Zealand](#).

The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities may accept information and documentation submitted by third parties which may be relevant for the proper determination of a particular complaint. The Committee on the Rights of the Child has established guidelines on third-party interventions under the Optional Protocol to the CRC.<sup>103</sup> This provides opportunities for NHRIs to make third party interventions in communications to these committees.

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<sup>97</sup> Argentina

[https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ARG/CRC\\_C\\_88\\_D\\_104\\_2019\\_330\\_20\\_S.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ARG/CRC_C_88_D_104_2019_330_20_S.pdf)

<sup>98</sup> Brazil

[https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/BRA/CRC\\_C\\_88\\_D\\_105\\_2019\\_330\\_21\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/BRA/CRC_C_88_D_105_2019_330_21_E.pdf)

<sup>99</sup> France

[https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/FRA/CRC\\_C\\_88\\_D\\_106\\_2019\\_330\\_22\\_F.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/FRA/CRC_C_88_D_106_2019_330_22_F.pdf)

<sup>100</sup> Germany

[https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/DEU/CRC\\_C\\_88\\_D\\_107\\_2019\\_330\\_23\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/DEU/CRC_C_88_D_107_2019_330_23_E.pdf)

<sup>101</sup> Turkey

[https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/TUR/CRC\\_C\\_88\\_D\\_108\\_2019\\_330\\_24\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/TUR/CRC_C_88_D_108_2019_330_24_E.pdf)

<sup>102</sup> [https://www.ohchr.org/Documents/HRBodies/CRC/Open\\_letter\\_on\\_climate\\_change.pdf](https://www.ohchr.org/Documents/HRBodies/CRC/Open_letter_on_climate_change.pdf). On the issue of jurisdiction, the Committee followed the reasoning adopted by the Inter-American Court of Human Rights in its Advisory Opinion Oc-23/17 of November 15, 2017, which is described below at footnote 363 and 364.

<sup>103</sup> <https://www.ohchr.org/Documents/HRBodies/CRC/GuidelinesTPI.pdf>

#### 2.2.7.4 Public Statements

On 8 October 2018, the Committee on Economic, Social and Cultural Rights issued a public statement on “Climate Change and the International Covenant on Economic, Social and Cultural Rights”. It covered the human rights implications of climate change, the related human rights duties of States, the contribution of human rights mechanisms and the role of the Committee on Economic, Social and Cultural Rights.<sup>104</sup>

On 16 September 2019, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities issued a detailed [Joint Statement on "Human Rights and Climate Change"](#) prior to the United Nations Climate Action Summit on 23 September 2019.<sup>105</sup>

#### 2.2.8 General Assembly

NHRIs do not yet have participatory rights in the UN General Assembly (UNGA) comparable to those that they have in the Human Rights Council, and therefore UNGA offers little direct opportunity for NHRI advocacy or contribution to its development of soft law through its decisions and resolutions. To date, the debates and outcomes of UNGA offer limited guidance for NHRI work on climate change and human rights, although the reports of Special Procedures to UNGA’s Third Committee occasionally address climate change.<sup>106</sup> While there is no Third Committee resolution on climate change, a group of states have discussed introducing a draft UNGA resolution in 2022 to recognize the right to a clean healthy and sustainable environment.

Since 1988, UNGA has regularly adopted a resolution on *Protection of global climate for present and future generations of humankind* initially discussed in the Second Committee. The 2020 iteration of the resolution, A/RES/75/217<sup>107</sup> includes no reference to human rights. Occasional high-level discussions of climate change take place at the General Assembly, but they have yet to address the interconnection between human rights and climate change.<sup>108</sup>

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<sup>104</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23691&LangID=E>

<sup>105</sup> <https://www.un.org/en/climatechange/2019-climate-action-summit>

<sup>106</sup> See those reports with a document number A/session number/document number in the list of Special Procedure reports at pages 24-25 above.

<sup>107</sup> <https://undocs.org/en/A/RES/75/217>,

<sup>108</sup> For example: Delivering Climate Action: for People, Planet, and Prosperity, 26 October 2021 at: [https://www.un.org/pga/76/event/deliver\\_climate\\_action/](https://www.un.org/pga/76/event/deliver_climate_action/)

Climate Ambition Summit 2020, 12 December 2020 at <https://www.climateambitions summit2020.org/>;

High-Level Climate Change RoundTable, 24 September 2020, <https://www.un.org/en/climatechange/high-level-climate-change-roundtable>; 2019 Climate Action <https://www.un.org/en/climatechange/2019-climate-action-summit>

### 2.2.9 Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

The Expert Mechanism provides the Human Rights Council with expertise and advice on the rights of Indigenous Peoples. It assists Member States in achieving the goals of the United Nations Declaration on the Rights of Indigenous Peoples.<sup>109</sup>

The Expert Mechanism conducts studies to advance the promotion and protection of Indigenous Peoples' rights by:

- clarifying the implications of key principles, such as self-determination and free, prior and informed consent;
- examining good practices and challenges in a broad array of areas pertaining to Indigenous Peoples' rights; and
- suggesting measures that States and others can adopt at the level of laws, policies and programmes.

In 2014, the Permanent Forum on Indigenous Issues considered climate change at its 7<sup>th</sup> session in 2008, and many of its members have prepared studies on climate change and indigenous rights since then. (HRC),

### 2.2.10 United Nations Permanent Forum on Indigenous Issues

The United Nations Permanent Forum on Indigenous Issues (UNPFII) is a high-level advisory body to the Economic and Social Council. The Forum was established on 28 July 2000 by resolution 2000/22, with the mandate to deal with indigenous issues related to economic and social development, culture, [the environment](#), education, health and [human rights](#).<sup>111</sup>

More specifically, the Permanent Forum:

- provides expert advice and recommendations on indigenous issues to the Council, as well as to programmes, funds and agencies of the United Nations, through ECOSOC;

<sup>109</sup> <https://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx>

<sup>110</sup> <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Pages/ListReports.aspx>

<sup>111</sup> <https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2.html> See also: DESA, United Nations Permanent Forum on Indigenous Issues, Backgrounder: Climate change and indigenous peoples, 2008 at: [https://www.un.org/esa/socdev/unpfii/documents/backgrounder%20climate%20change\\_FINAL.pdf](https://www.un.org/esa/socdev/unpfii/documents/backgrounder%20climate%20change_FINAL.pdf)

- raises awareness and promotes the integration and coordination of activities related to indigenous issues within the UN system;
- prepares and disseminates information on indigenous issues;
- promotes respect for and full application of the provisions of the UN Declaration on the Rights of Indigenous Peoples and follow up the effectiveness of this Declaration (Art. 42 UNDRIP).

The seventh session of the UNPFII in 2008 was devoted to *climate change, bio-cultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges*.<sup>112</sup>

Members of the UNPFII have prepared the following studies on climate change and indigenous rights:

Study on indigenous peoples and climate change by Hindou Oumarou Ibrahim, [E/C.19/2021/5](#)

Study on the relationship between indigenous peoples and the Pacific Ocean, taking into account issues of governance, the effects of climate change, deep sea mining, resources and sustainable development by Valmaine Toki, [E/C.19/2016/3](#)

Study on the Impacts of land use change and climate change on indigenous reindeer herders' livelihoods and land management, including culturally adjusted criteria for indigenous land uses by Anna Naykanchina, [E/C.19/2012/4](#)

Study on the impact of climate change adaptation and mitigation measures on reindeer herding by Lars-Anders Baer, [E/C.19/2010/15](#)

Study on the Extent to which Climate Change Policies and Projects Adhere to the Standards set forth in the UN Declaration on the Rights of Indigenous Peoples by Hassan Id Balkasm, Paimaneh Hasteh, [E/C.19/2010/7](#)

Impact of Climate Change Mitigation Measures on Indigenous Peoples and on Their Territories and Lands by Victoria Tauli-Corpuz and Aqqaluk Lyngø, [E/C.19/2008/10](#)

The Secretariat for the UNPFII is in the UN Department of Economic and Social Affairs in New York.

## 2.3 United Nations Commission on the Status of Women (CSW)

At its 66<sup>th</sup> session, the Commission on the Status of Women will consider achieving gender equality and the empowerment of women and girls in the context of climate change, environmental and disaster risk reduction and policies.

<sup>112</sup><https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/seventh-session-of-the-unpfii.html>

In accordance with its 2021- 2024 multi-year programme of work, the 66th session of the Commission on the Status of Women (CSW) in March 2022 considered “Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes” as its priority theme.<sup>113</sup> To take stock of current research and practice and assist the Commission in its deliberations, UN-Women convened a virtual Expert Group Meeting (EGM) on that theme from 11 – 14 October 2021.<sup>114</sup> The EGM took stock of current research, prepared an analysis of policies and practices and made recommendations on advancing gender equality through holistic and integrated climate change, environment and disaster risk reduction strategies and initiatives that uphold rights, build resilience, and foster lasting green recovery. The EGM assessed the interlinkages of the gender dimensions of the applicable climate, environment and disaster risk reduction normative frameworks, including the United Nations Framework Convention on Climate Change, and their synergies with the 2030 Agenda and Sustainable Development Goals (SDGs). The outcome of the EGM was a report, containing a summary of the discussion and recommendations directed at Member States and other stakeholders, that was made available at the 66th session of the Commission on the Status of Women and on the website of UN-Women.<sup>115</sup> The outcome of 66th session of the CSW is captured in agreed conclusions.<sup>116</sup>

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<sup>113</sup> <https://www.unwomen.org/en/csw/csw66-2022>

<sup>114</sup> <https://www.unwomen.org/en/csw/csw66-2022/preparations/expert-group-meeting>

<sup>115</sup> [https://www.unwomen.org/sites/default/files/2021-12/CSW66%20EGM%20report\\_final.pdf](https://www.unwomen.org/sites/default/files/2021-12/CSW66%20EGM%20report_final.pdf) The report noted,

[W]hile women are disproportionately affected by climate change, environmental degradation and disasters, their risks are not innate, but rather produced and mediated by existing gender inequalities and discriminatory gender norms across societies. Situations of vulnerability and risk are therefore not simply created from exposure to climate or environment stressors, hazards or disasters, but include a whole set of economically and socially created drivers that shape the resilience of women and girls, their prospects for recovery and perpetuate their marginalization or exclusion from policy processes and decision-making spaces.

It analysed those drivers and made numerous recommendations to remedy gender inequalities and discriminatory gender norms and the consequent disproportionate effect of climate change, environmental degradation and disasters on women and girls.

<sup>116</sup> See the advance unedited version of the *CSW 66 Agreed conclusions: Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes* are found at: <https://www.unwomen.org/en/csw/csw66-2022>. See also: the report on the *Interactive expert panel on building resilient futures: bridging the gap between the physical science and social science communities to advance gender equality in the context of climate change, environment and disaster risk reduction*, E/CN.6/2022/14, 25 March 2022 at <https://daccess-ods.un.org/tmp/9620791.67366028.html>; the report on the *Ministerial round table on Women’s voice and agency: good practices towards achieving women’s full, equal and meaningful participation and decision-making in the context of climate change, environmental and disaster risk reduction policies and programmes*, E/CN.6/2022/12, 21 March 2022 at <https://daccess-ods.un.org/tmp/2653818.13049316.html>; the report on the *Ministerial round table on Climate change, environmental and disaster risk reduction policies and programmes: advancing gender equality through holistic and integrated actions from global to local*, E/CN.6/2022/11, 21 March 2022 at <https://daccess-ods.un.org/tmp/5208531.02207184.html>.

## 2.4 2030 Agenda for Sustainable Development

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The Mérida Declaration on the Role of National Human Rights Institutions in implementing the 2030 Agenda for Sustainable Development “encourage[s] ICC Regional Networks and individual NHRIs, [...] to consider the practical functions they can assume to contribute to a human-rights-based approach to implementation of the [2030 Sustainable Development] Agenda.”<sup>117</sup>

Information about the Sustainable Development Goals and its related processes is available at: <https://sdgs.un.org/>

Goal 13 of the 2030 Agenda for Sustainable Development calls for urgent action to combat climate change and its impacts, and it establishes five targets.<sup>118</sup>

13.1 Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries;

13.2 Integrate climate change measures into national policies, strategies and planning;

13.3 Improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning;

13.a Implement the commitment undertaken by developed-country parties to the United Nations Framework Convention on Climate Change to a goal of mobilizing jointly \$100 billion annually by 2020 from all sources to address the needs of developing countries in the context of meaningful mitigation actions and transparency on implementation and fully operationalize the Green Climate Fund through its capitalization as soon as possible; and

13.b Promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalized communities.

Many other Sustainable Development Goals and their targets are also relevant to climate change or a just transition. The UN Climate Change Secretariat has suggested that “[p]ursuing climate action and sustainable development in an integrated and coherent way offers the strongest approach to enable countries to achieve their objectives efficiently and quickly under the Paris Agreement and the 2030 Agenda for Sustainable Development”.<sup>119</sup> Much still remains to be done to achieve this integration.

The on-line NDC-SDG Connections database describes in detail linkages and synergies between the SDGs and Nationally Determined Contributions at a global and a national level. It aims to promote more effective and ambitious national action to

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<sup>117</sup> <https://ganhri.org/wp-content/uploads/2020/01/Merida-Declaration-FINAL.pdf>

<sup>118</sup> <https://sdgs.un.org/topics/climate-change>

<sup>119</sup> <https://unfccc.int/topics/action-on-climate-and-sdgs/action-on-climate-and-sdgs>



implement the 2030 Agenda on Sustainable Development and the Paris Agreement on the basis of analysis and comparison of how climate actions formulated in Nationally Determined Contributions (NDCs) correspond to each of the 17 Sustainable Development Goals (SDGs).<sup>120</sup> Together *The Human Rights Guide to the Sustainable Development Goals*<sup>121</sup> of the Danish Institute for Human Rights and the NDC-SDG Connections database provide tools for drawing connections between state's human rights obligations and their NDC commitments.

As part of its follow-up and review mechanisms, the 2030 Agenda encourages UN member states to “conduct regular and inclusive reviews of progress at the national and sub-national levels, which are country-led and country-driven”.<sup>122</sup> These national reviews are expected to serve as a basis for the regular reviews by the High-Level Political Forum (HLPF). Regular reviews by the HLPF are to be voluntary, state-led and be undertaken by both developed and developing countries.<sup>123</sup> The High-Level Political Platform does not offer the opportunity for NHRIs to submit shadow reports to inform the review of State under the Voluntary National Review (VNR) process, which means that efforts to influence VNRs must take place primarily at the national level in connection with the preparation of national reports for the VNR.<sup>124</sup> GANHRI has developed an *SDGs & Human Rights Toolbox* to enhance the capacity of NHRIs to contribute to the implementation, monitoring and review of the SDGs. The Toolbox compiles training materials, reports, databases and other resources from relevant

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<sup>120</sup> <https://klimalog.die-gdi.de/ndc-sdg/> (last accessed 12 November 2021). As of the end of March 2021, the NDC-SDG Connections tool has been updated with all NDCs updated up to early 2020. The authors aim to update the database to cover commitments in more recent NDCs. The rationale and ambition behind NDC-SDG Connections is explained in *The Case for Connecting the Implementation of the Paris Climate*

*Agreement and the 2030 Agenda for Sustainable Development* at: [https://www.die-gdi.de/uploads/media/BP\\_21.2017.pdf](https://www.die-gdi.de/uploads/media/BP_21.2017.pdf) and the methodology for extracting the data is explained at: <https://klimalog.die-gdi.de/ndc-sdg/assets/downloads/How%20did%20we%20do%20this%20-%20NDC%20SDG%20Connections.pdf>. Detailed country-specific information about what is covered in NDCs is available in the NDC Explorer at <https://klimalog.die-gdi.de/ndc/#NDCExplorer/worldMap?NDC??income???catIncome>. Information provided there included mentions of stakeholder consultation in NDC preparation, fairness and equity, gender and human rights.

<sup>121</sup> <https://www.humanrights.dk/tools/human-rights-guide-sustainable-development-goals> For example for the human rights standards related to SDG13 on climate action, see [https://sdg.humanrights.dk/en/targets2?combine\\_1=xxx&goal=1146&target=&instrument=All&title\\_1=&field\\_country\\_tid=All&field\\_instrument\\_group\\_tid=All&combine=](https://sdg.humanrights.dk/en/targets2?combine_1=xxx&goal=1146&target=&instrument=All&title_1=&field_country_tid=All&field_instrument_group_tid=All&combine=). See also the DIHR's searchable online SDG – Human Rights Data Explorer, which links the recommendations of UN human rights mechanisms to the SDGs, at: <https://sdgdata.humanrights.dk/en>.

<sup>122</sup> UN General Assembly resolution A/RES/70/1, para. 79 at <https://undocs.org/A/RES/70/1>.

<sup>123</sup> *Idem*, para. 84.

<sup>124</sup> For example, Northern Ireland Human Rights Commission, Submission to Voluntary National Review of the United Kingdom of Great Britain and Northern Ireland on progress in meeting the Sustainable Development Goals, June 2019 at: [https://nihrc.org/uploads/publications/NIHRC\\_Shadow\\_Report\\_to\\_UK\\_VNR-FINAL.pdf](https://nihrc.org/uploads/publications/NIHRC_Shadow_Report_to_UK_VNR-FINAL.pdf). The Danish Institute for Human Rights and GANHRI have published *Engaging with the Voluntary National Review of 2030 Agenda Progress to Promote Human Rights: A Guide for National Human Rights Institutions* at: [https://www.humanrights.dk/sites/humanrights.dk/files/media/document/ENGuideNHRIEngagementWithVNRs\\_0.pdf](https://www.humanrights.dk/sites/humanrights.dk/files/media/document/ENGuideNHRIEngagementWithVNRs_0.pdf)

organizations, covering a wide range of thematic areas and issues of pertinence to specific regions and stakeholders.<sup>125</sup>

The 2021 edition of the DESA Handbook for the Preparation of Voluntary National Reviews (VNR) calls on States to consult a wide range of stakeholders in the preparation of their VNRs, and national human rights institutions are expressly named among the stakeholders as a direct result of advocacy by GANHRI.<sup>126</sup>

Voluntary National Reviews and other inputs to the High-level Political Forum on Sustainable Development could provide material for use in climate action advocacy. They are posted online<sup>127</sup> and are searchable by key word and by year.

## 2.5 International Labour Organisation

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The International Labour Organization is of interest due to the considerable overlap or close relationship between labour rights and standards and human rights. The ILO addresses climate change in the context of employment and the need for a just transition to a green economy.<sup>128</sup> For the ILO, a just transition means “greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind.” It “involves maximizing the social and economic opportunities of climate action, while minimizing and carefully managing any challenges – including through effective social dialogue among all groups impacted, and respect for fundamental labour principles and rights.”<sup>129</sup> The ILO *Guidelines for a Just Transition to Environmentally Sustainable Economies and Societies for All* adopted in 2015 by tripartite consensus provide non-binding practical orientation to Governments and social partners with some specific options on how to formulate, implement and monitor the policy framework, in accordance with national circumstances and priorities.<sup>130</sup>

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<sup>125</sup> <https://ganhri.org/sdgs-toolbox/>

<sup>126</sup> [https://sustainabledevelopment.un.org/content/documents/27024Handbook\\_2021\\_EN.pdf](https://sustainabledevelopment.un.org/content/documents/27024Handbook_2021_EN.pdf)

<sup>127</sup> <https://sustainabledevelopment.un.org/inputs/>

<sup>128</sup> <https://www.ilo.org/global/topics/green-jobs/areas-of-work/climate-change/lang--en/index.htm>

<sup>129</sup> [https://www.ilo.org/empent/areas/social-finance/WCMS\\_825124/lang--en/index.htm](https://www.ilo.org/empent/areas/social-finance/WCMS_825124/lang--en/index.htm)

<sup>130</sup> *Guidelines for a Just Transition to Environmentally Sustainable Economies and Societies for All* at: [https://www.ilo.org/global/topics/green-jobs/publications/WCMS\\_432859/lang--en/index.htm](https://www.ilo.org/global/topics/green-jobs/publications/WCMS_432859/lang--en/index.htm)