

Geneva, 1 November 2022

Open Letter to State Parties to the United Nations Framework Convention on Climate Change and the Paris Agreement attending COP27 and CMA4

Dear Heads of Delegation,

The Global Alliance of National Human Rights Institutions ([GANHRI](#)) and its membership calls on State Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement to strengthen climate action in line with their human rights obligations in and following the critical discussions at the 27th Conference of the Parties of the UNFCCC (COP27) and the 4th session of the Conference of the Parties serving as the Meeting of Parties to the Paris Agreement (CMA4).

GANHRI represents [119] independent National Human Rights Institutions ([NHRIs](#)), with a broad constitutional or legal mandate to protect and promote human rights in accordance with the [Paris Principles](#). With member institutions in every region of the world, GANHRI is a large and diverse global human rights network and a trusted partner of the United Nations.

Concerned with the unprecedented human rights impacts of climate change and the need for consistency of climate change mitigation and adaptation measures with human rights, GANHRI member institutions have [pledged](#) to promote human rights-based climate action through their monitoring, reporting, advisory and awareness-raising functions domestically, through their regional networks and at the United Nations. The UN Human Rights Council has recognised the role of NHRIs in connection with climate action in its resolution 51/31 adopted at its recently concluded [51st](#) session.

Pursuant to their pledge, GANHRI urges State Parties attending COP27 to pay close attention to the following issues:

1. **Review and enhance ambition in their nationally determined contribution (NDCs) to meet the 1.5° target of the Paris Agreement**

Anthropogenic climate change is destroying lives, communities, biodiversity and ecosystems. The UN Environment Programme's 2021 [Emissions Gap Report](#) found that the full implementation of mitigation pledges made by countries (as of 4 November 2021) is insufficient

and will not keep global warming below 1.5°C above pre-industrial levels. Much greater greenhouse gas mitigation is needed if there is to be any chance of achieving the goals of the Paris Agreement.

The Intergovernmental Panel on Climate Change ([IPCC](#)) has reported that all projections for limiting the temperature increase to 1.5°C above pre-industrial levels involve rapid and deep and, in most cases, immediate greenhouse gas emission reductions in all sectors. Already at the current level of 1.2°C of global warming, climate change has severe and accelerating adverse impacts on the enjoyment of human rights, including civil, political, economic, social and cultural rights, such as the rights to life, health, and an adequate standard of living, including food, water, and housing in countries and communities in all regions of the planet. The impact of climate change is more severe in some countries than in others.

If global warming exceeds 1.5°C, the adverse effects on the enjoyment of human rights by current and future generations will be even larger and irreversible. National courts in several countries and many regions and United Nations human rights treaty bodies have concluded that States have an obligation to reduce greenhouse gas emissions within their jurisdiction or effective control to protect human rights. The window of opportunity to remain within 1.5°C and thus ensure effective protection of human rights from long-term irreversible climate harm is quickly narrowing.

State Parties must fulfil their commitments made in the Glasgow Climate Pact at COP26 to “revisit and strengthen” their 2030 climate plans by the end of 2022. To date, [fewer than 25 State Parties](#) have submitted revised NDCs. State Parties must raise emissions reduction targets while also detailing realistic and specified emissions reduction pathways to net zero to keep 1.5°C within reach. The work programme to be established at COP 27 to urgently scale up mitigation ambition and implementation in this critical decade should focus on effective supplementary measures, be socially inclusive, and exclude harmful solutions that adversely affect the enjoyment of human rights. In line with the precautionary principle, emission reductions should not rely on negative emission technologies for CO₂ removal that do not yet exist or are still unproven or at early stages of development.

In 2021, the International Energy Agency concluded that all pathways it had identified to keep warming within 1.5° C required a sharp decline in fossil fuel demand with an end to approval of new oil and gas fields or new coal mines or mine extensions as of 2021. State Parties should improve the ambition and actually implement their joint commitment to accelerate efforts towards the phasedown of unabated coal power and phase-out of inefficient fossil fuel subsidies. Notwithstanding the substantial energy supply challenges that many countries face due to the demands of development or temporary geopolitically driven interruptions, reversing the growing existential threat of climate change cannot be postponed to better times.

2. Climate Change Adaptation

State Parties should strengthen and scale up adaptation measures to address the existing and foreseeable human rights impacts of climate change. They should ensure that promotion and protection of human rights in the context of climate change is included in the Global Adaptation Goal. The Glasgow–Sharm el-Sheikh work programme on the Global Goal on Adaptation should address the relevance of human rights to developing and implementing adaptation measures and to the Global Goal, including by promoting inclusive participatory processes at the national and international levels to develop adaptation measures.

3. Climate Finance, International Cooperation and Loss & Damage

Developing countries, particularly those most negatively impacted by the adverse impacts of climate change, must have access to adequate and predictable financial resources, know-how and best practices, and technology for climate change mitigation and adaptation. The UN Charter and human rights law require States to cooperate in the realization of human rights. GANHRI encourages State Parties to enhance their international cooperation to make additional financial and other resources available for climate change mitigation and adaptation, particularly for the most vulnerable countries. This cooperation should be based on the objectives and principles of the 1992 UNFCCC and the Paris Agreement, including the principle of common but differentiated responsibility. Developed countries should fulfil their promise, first made at the 15th Conference of Parties in Copenhagen in 2009, to mobilize USD 100 billion per year for climate action in developing countries, as well as establish a system of accountability for financial commitments.

Consistent with the right to a remedy for victims of violations of international human rights law, State Parties should establish measures devoted to addressing loss and damage, such as the creation of an international finance facility for loss and damage.

4. Participation of non-state actors

State Parties should ensure that representatives of civil society, including youth, women, local communities and Indigenous Peoples, and environmental human rights defenders are able to play an active and meaningful role in matters related to meetings of the COP and its subsidiary and constituted bodies. This also concerns representatives of the States most affected by climate change, particularly climate vulnerable countries. This is essential to ensure that all available knowledge is mobilised and different perspectives are taken into account in the negotiation and implementation processes.

It is essential to ensure enabling conditions are in place for effective participation of all non-state actors by .facilitating their access and encouraging their participation.. State Parties should endeavour to avoid corporate capture and ensure that civil society representatives and groups particularly affected by climate change have the same access to decision-makers as other stakeholders, such as business. State Parties should protect the rights of climate activists before, during and after COP27 and investigate allegations of reprisal or intimidation.

5. Respect, protect and fulfil human rights in all climate change action

State Parties should, respect, promote and consider all their international substantive and procedural human rights obligations, including the rights to life, health, food, water, housing, access to information, public participation and access to remedies and the right to a clean, healthy and sustainable [environment](#), when taking action to address climate change through adaptation and mitigation measures.

In their deliberations at COP27 and in related decisions, State Parties should act in accordance with these obligations. In implementing the Paris Agreement and the decisions of COP27, State Parties should give particular attention to vulnerable and marginalised populations whose enjoyment of human rights is most adversely affected by the effects of climate change; protect environmental human rights defenders; respect the rights of Indigenous Peoples, including the requirement for free, prior and informed consent for measures that directly affect the enjoyment of their rights; develop measures to protect climate migrants and refugees; and adopt measures aimed at ensuring that businesses respect human rights consistent with the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises (MNEs) in connection with mitigation and adaptation.

6. Global Stocktake

Each State Party should address in the technical dialogue at COP27 (SBI57/SBSTA57) how its climate action is respecting, promoting and considering its obligations on human rights, the right to health, the rights of Indigenous Peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity. It should also address in the technical assessment at COP27 how fairness considerations, including equity, are being reflected in its NDCs.

State Parties should ensure that NHRIs and non-state actors, including communities affected by climate change, NGOs, rural and Indigenous communities, unions and environmental human rights defenders, are able to play an active and meaningful role in the Global Stocktake. State

Parties should commit to and conduct broad inclusive consultations at the national level in connection with the Global Stocktake.

7. Public Information and Participation

Consistent with human rights procedural obligations related to access to information and public participation, the public authorities of each State Party should make information about COP27 outcomes and follow-up processes domestically accessible and widely available to all citizens in local languages. Technical information and presumed impacts on everyday life should be explained to increase public awareness and support meaningful participation. Follow-up processes should be regularly updated, and commitments and goals should be regularly evaluated.

8. Policy Coherence

State Parties should individually and collectively endeavour to ensure greater policy coherence in their decisions taken at COP27. They should follow-up effectively on all COP decisions to fulfil their human rights obligations, such as paragraph 91 of the Glasgow Climate Pact and the references to human rights in decisions 2/CMA.3 (Guidance on cooperative approaches referred to in Article 6, paragraph 2, of the Paris Agreement), 3/CMA.3 (Rules, modalities and procedures for the mechanism established by Article 6, paragraph 4, of the Paris Agreement) and 4/CMA.3 (Work programme under the framework for non-market approaches referred to in Article 6, paragraph 8, of the Paris Agreement).

GANHRI and its members stand ready to work with State Parties and other stakeholders to support the implementation of their critical climate action commitments, bearing in mind State Parties' common commitment to respect, promote and consider their respective obligations on human rights, the right to health, the rights of Indigenous Peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity when taking action to address climate change. GANHRI's members look forward to opportunities to discuss the outcomes of and follow-up to COP27 with you at the national level.

We wish you the courage and wisdom to take the hard decisions that need to be taken at COP27 and CMA4 to limit the temperature increase to the global average temperature to 1.5°C above pre-industrial levels and to address adaptation, loss and damage, and other aspects of climate action in accordance with your human rights obligations.

Sincerely,

[On behalf of The Global Alliance of National Human Rights Institutions (GANHRI)]