Integrating Human Rights into the International Climate Negotiations:
GANHRI Open Letter to COP 28
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Dear Heads of Delegation,

2023 marks the 75th anniversary of the Universal Declaration of Human Rights. It is also a pivotal year for the climate negotiations. The Global Alliance of National Human Rights Institutions (GANHRI) and its member national human rights institutions from all regions call on State Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement to integrate human rights into climate negotiations. National Human Rights Institutions worldwide stand ready to support the translation of human rights-based commitments made at COP 28 into action on the ground.

GANHRI is a global alliance of 120 National Human Rights Institutions with a broad constitutional or legal mandate to protect and promote human rights. As a response to the unparalleled human rights repercussions of climate change, GANHRI members 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. GANHRI is a trusted partner of the UN; the Human Rights Council has recognised the role of NHRIs in connection with climate action in its resolution 51/31, and this year the UN General Assembly resolution on NHRIs reinforced the crucial role that NHRIs play in protecting and promoting human rights in the context of climate change.

Climate change is one of the most urgent threats to humanity, impacting the lives of millions of people around the world. It is violating a range of human rights, including the rights to life, food, shelter, work, health, culture, water and sanitation and development, as well as the right to a clean, healthy and sustainable environment. It impacts disproportionately women, girls, youth, indigenous peoples, local communities, minorities, migrants, environmental human rights defenders, people on low incomes, older persons and persons with disabilities, amongst others. In order to meet their human rights obligations, states must implement their commitments under the UN Framework Convention on Climate Change (UNFCCC), Paris Agreement and other multilateral environmental agreements, and it is particularly important to respect, protect and promote the rights of all persons when taking action on climate change.

GANHRI calls on all states to be guided by their human rights obligations under international human rights treaties and consider the impact of climate change on groups with particular vulnerability when making commitments within the international climate framework and in all wider climate-related decision making.
In line with its pledge, GANHRI urges all parties towards the following outcomes at COP 28:

1. An increase in mitigation commitments in order to meet the 1.5C target under the Paris Agreement

In order to limit the human rights impacts of climate change around the planet, it is essential to meet the goal of limiting global temperature increase to 1.5C set out in the Paris Agreement. However, global policies put the world on track for a temperature increase of 3°C by the end of the century, or 2.5°C if pledges in Nationally Determined Contributions (NDCs) are met. The recent Synthesis Report of the First Global Stocktake confirms that global emissions are not on track to meet the 1.5C temperature goal of the Paris Agreement and that there is a rapidly narrowing window to correct this. Gaps lie in both the level of ambition in NDCs as well as the implementation measures set out to achieve existing targets.

GANHRI calls on all Parties to urgently increase the ambition of their current NDCs and ensure effective measures for their implementation towards a just and human rights-based transition. NDCs should also include direct reference to human rights obligations.

GANHRI urges developed country parties to align their financial commitments with the need to support mitigation action in the developing world, in accordance with the principles of common but differentiated responsibilities and equity that underpin the UNFCCC and Paris Agreements.

Mitigation commitments must also be consistent with the phase out of fossil fuels, alongside with increases in renewable energy, energy efficiency and demand reduction. According to the UN Production Gap report 2023, projections for fossil fuel development are 110% more than would be consistent with a 1.5C pathway. Fossil fuels cause human rights impacts throughout their life cycle, including non-climate impacts such as air pollution. These impacts are felt particularly by those in the global south and indigenous peoples. As noted by the UN Production Gap report, there are differentiated responsibilities and capabilities in this area and governments with greater transition capacity should provide support, including financial support, to those without.

GANHRI and its members stand ready in their domestic contexts to advise on and support mitigation activities that respect, protect and promote human rights, in particular the rights of those at risk or the most vulnerable.

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5. Production Gap Report p2
2. An ambitious conclusion to the Global Stocktake that respects, protects and promotes human rights

COP 28 will see the conclusion of the First Global Stocktake, which has assessed progress in the implementation of the Paris Agreement. GANHRI made a submission to the global stocktake, highlighting the role of NHRI in addressing climate change. Unfortunately, the Synthesis Report of the stocktake makes clear that the world is not on track to meet its long-term goals. Parties must use the conclusion of the Global Stocktake as an opportunity to redirect efforts back to this goal. GANHRI calls for the conclusion of the Global Stocktake to make clear and direct reference to the following:

- The need to respect protect and promote human rights in all climate-related actions and in particular the rights of those most impacted by climate change, such as indigenous peoples, local communities, poor people, women, older people, children and migrants. This includes mainstreaming human rights safeguards into activities carried out in pursuance of the Paris Agreement.

- The need for a phase out of fossil fuels in order to stay within the goal of limiting warming to 1.5°C, as well as for finance flows to be directed away from activities which generate greenhouse gas emissions.

- The need for a just, sustainable and equitable transition towards low carbon societies that supports poverty eradication, with the active participation of the groups and communities most impacted by climate change and/or the measures proposed to address it.

- Sufficient financial resources for mitigation, adaptation and loss and damage in order to meet the long-term goals of the Paris Agreement, in accordance with the principles of equity and common but differentiated responsibilities and in support of the new climate finance goal to be agreed by 2024.

- A commitment to the free, meaningful, effective and safe participation in climate decision-making of civil society and those most impacted by climate change.

3. Human rights-based action to address adaptation needs

Climate change impacts, from floods to droughts, are taking place across the world and there are growing adaptation efforts, along with domestic finance for this area, particularly in developing countries. However, the UNEP Adaptation Gap Report 2023 makes clear that the adaptation finance gap is getting bigger and is currently 10 to 18 times higher than the...
public funds being made available, a huge gap of some 194-336 billion dollars. One out of six countries still does not have a national adaptation planning instrument, many of these are countries particularly vulnerable to climate change who require greater support than is currently being made available. Adaptation remains piecemeal and uneven across regions, creating human rights impacts and making adaptation less effective, particularly for food security. The IPCC has also noted that maladaptation is occurring in some areas and sectors, with particular impacts on marginalised and vulnerable people.

At COP 28, parties are due to agree a framework for the Global Goal on Adaptation. GANHRI calls for the framework to adopt clear science-based targets, be sufficiently resourced and refer specifically to human rights obligations. In addition, GANHRI calls for National Adaptation Plans to incorporate a human rights-based approach, recognising the role of local communities and Indigenous Peoples in delivering locally appropriate adaptation action. Adaptation action should be mainstreamed across national policy, gender-responsive and locally led, drawing on the skills and knowledge of impacted communities. It should include measures to prevent harm, such as displacement as a result of climate change impacts, as well as human-rights based frameworks to deal with such harm when it does occur. Adaptation finance needs and flows should reflect gender equality and be accessible by communities in vulnerable situations.

4. An effective, well-resourced and human rights-compliant Loss and Damage Framework

GANHRI calls for action to ensure that loss and damage is minimised and that there is access to justice and legal remedy for human rights harms caused to communities from loss and damage that does occur. This includes remedy for harm caused by businesses as well as for non-economic loss and damage, such as loss of culture due to displacement. Adequate finance should be provided for the Loss and Damage Fund agreed at COP27. This should come from the states that have done the most to contribute to climate change, in accordance with the principle of common but differentiated responsibilities, as well as the duty of international cooperation. The fund and all other loss and damage activities should be governed by frameworks that are sufficiently resourced, inclusive, transparent and which make direct reference to human rights obligations. These frameworks should enable the active participation of communities most impacted by climate change and ensure that such communities are able to access funding.

GANHRI is concerned to note that the recommendations produced by the Transitional Committee related to the Loss and Damage Fund in advance of the COP fall short of these standards. For example, references to human rights and Indigenous Peoples have been

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10 Synthesis report p15 para 121
deleted, contributions from developed countries to the fund are voluntary and the World Bank is designated interim host of the fund, without a strategy for how it will transition out of this role. **GANHRI calls on parties to make greater efforts to meet their human rights obligations in relation to fund and the area of loss and damage more broadly.**

5. **Embedded consideration of the impact of business on climate change and human rights**

Business activity intersects with the climate negotiations in a number of ways, including accountability for the impacts of climate change, as mentioned in the context of loss and damage and expansion of fossil fuel production in the preceding sections. Human rights obligations require states to effectively regulate business so that their activities do not cause climate harm and also to ensure that responses to climate change do not violate human rights. As a baseline, businesses should align their activities with the UN guiding principles on human rights, including through the exercise of human rights due diligence in climate change-related activities.

Concerns about business activity and human rights also arise in the operationalisation of carbon markets under Article 6.4 of the Paris Agreement. **The Supervisory Body under Article 6.4 of the Paris Agreement must ensure that environmental, social and human rights safeguards are built into the process for approving and monitoring activities in this area, while ensuring the human rights to information, participation and access to justice of impacted communities.**

6. **Ensuring meaningful participation and the Protection of Civic Space**

Both the UNFCCC and Paris Agreement recognize the importance of public participation for addressing climate change. **GANHRI calls for an inclusive COP where national human rights institutions, civil society, environmental human rights defenders, youth, indigenous people, and the communities impacted by climate change are able to meaningfully participate and exercise their human rights of freedom of expression and peaceful assembly, to ensure that their voices are heard.** For a positive outcome, it is key to have a transparent and inclusive negotiating process, where public participation is free from the risk of reprisals for attendees, either at COP28 or afterwards.

In the domestic context, GANHRI urges states to ensure meaningful and inclusive participation of all in decision-making, and that the human rights of Environmental Human Rights Defenders and climate activists are respected, promoted and protected.

**We encourage all states to support the efforts of independent monitoring bodies including NHRI and of civil society organisations and members of the public to monitor, report on and contribute to the implementation at national level of commitments made at COP 28 aimed at effective human rights-based climate action, and genuinely cooperate with them, including**
by ensuring access to information and authorities and taking into due consideration their recommendations.

NHRIs, individually and collectively through GANHRI, will continue to monitor and report on human rights in the context of climate change, to inform and advise responses by national, regional and international actors, and to map and raise awareness about efforts and good practices by NHRIs and civil society to respond to and mitigate challenges.

GANHRI encourages parties towards bold and human rights guided decision-making at COP28 towards the outcomes above. We reiterate our willingness to work with state parties, affected communities, civil society and other stakeholders at country level to ensure effective human rights-based action on climate change.