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# STUDY GUIDE

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**Promotion and protection of all human rights, civil, political, economic, social, and cultural rights, including the right to development**

# The impacts of climate change on the human rights of people in vulnerable situations

## Report of the Secretary-General*

*Summary*

The present report is submitted pursuant to Human Rights Council resolution 47/24. It examines the adverse impact of climate change on the full and effective enjoyment of human rights of people in vulnerable situations.

* The present report was submitted after the deadline in order to reflect the most recent developments.



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# I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 47/24, in which the Council requested the Secretary-General to submit a report, in consultation with and taking into account the views of States and other stakeholders, on the adverse impact of climate change on the full and effective enjoyment of human rights of people in vulnerable situations.

2. On 23 August 2021, a note verbale and a questionnaire were circulated to Member States, requesting their inputs. Other stakeholders, including international organizations, national human rights institutions and civil society, were also contacted with a request for inputs. The 56 contributions received and consultations with stakeholders informed the present report.[1]

3. The report examines the adverse impact of climate change on the full and effective enjoyment of human rights of people in vulnerable situations. It provides examples of good practices and concludes with concrete recommendations to address the human rights impacts of climate change on people in vulnerable situations.

# II. The impacts of climate change on people in vulnerable situations

4. People who are disproportionately at risk from the adverse impacts of climate change may include indigenous peoples, local communities, peasants, migrants, children, women, persons with disabilities, people living in small island developing States and least developed countries, persons living in conditions of water scarcity, desertification, land degradation and drought, and others in vulnerable situations who are at risk of being left behind. Climate change impacts can vary based on a number of factors, including geography, poverty, age, gender, sex, disability, migration status, religion, race and cultural or ethnic background. Multiple forms of discrimination, including racism, sexism and classism, may combine, overlap, or intersect, especially in the experiences of people in vulnerable situations.[2]

5. While the present report focuses on people in vulnerable situations, the nature and scale of the climate crisis is such that all people everywhere face significant risk. The Intergovernmental Panel on Climate Change has found that climate change is affecting every region in the world, and at least 3.3 billion people are highly vulnerable to its impacts.[3] The years that have passed since the Paris Agreement was adopted have been the hottest years on record, and during the past decade almost 4 billion people were impacted by climate-related disasters.[4] For example, the 2019/20 wildfires in Australia were the worst on record there, impacting rights to life, health and adequate housing, among others. At least 220 people were killed in the flash floods that followed heavy rainfall in Western Europe in July 2021.[5] In 2021, over 1.2 million people in West and Central Africa were affected by flooding.[6] In El Salvador, Guatemala and Honduras – in the Central American Dry Corridor, an area severely

[1] All contributions are available at https://www.ohchr.org/en/climate-change/impact-climate-change-rights-people-vulnerable-situations.

[2] See, for example, A/HRC/35/10.

[3] Intergovernmental Panel on Climate Change (IPCC), "Summary for Policymakers" in *Climate Change 2022: Impacts, Adaptation and Vulnerability – Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, H.-O. Pörtner and others, eds. (forthcoming), p. 11. All references to chapter and page numbers in the Sixth Assessment Report are from the final, online version available on the website for the Intergovernmental Panel on Climate Change.

[4] See United Nations, "Secretary-General's remarks to the World Leaders Summit – COP 26", 1 November 2021.

[5] Angela Dewan, "Germany's deadly floods were up to 9 times more likely because of climate change, study estimates", *CNN*, 24 August 2021.

[6] Office for the Coordination of Humanitarian Affairs, "West and Central Africa: Situation Report", 31 December 2021.



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**Definition** **04**

People who face disproportionately high risks from the adverse effects of climate change because of factors such as geography, poverty, age, gender, disability, migration status or other forms of marginalization.

affected by climate change – the number of food insecure people reached an estimated 6.4 million people in October 2021.[7] In Asia and the Pacific, climate-related disasters severely affected more than 57 million people in 2021, with more than 18 million people in India alone being severely impacted by floods and cyclones.[8]

6. Climate change is both an environmental and a social justice crisis that raises interconnected demands for climate action and social equality.[9] At a global level, patterns of consumption and production perpetuate historical inequities dating back to colonialism. Industrialized countries have historically contributed disproportionately to environmental degradation and climate change. While together the members of the Group of 20 (G20) are responsible for 80 per cent of the world's greenhouse gas emissions,[10] all the small island developing States and least developed countries combined account for only about 2 per cent of global emissions.[11] The people at the margins, in both the global North and South, are left to bear the brunt of the impacts. The uneven distribution of wealth and power – both within and among countries – is a key driver of climate injustice.[12] Protecting the human rights of people in vulnerable situations from the worst impacts of climate change requires urgent action to limit global warming to the greatest extent possible. Achieving the Paris Agreement goal of limiting warming to no more than 1.5°C above pre-industrial levels would require a 45 per cent reduction in global emissions by 2030 as compared with 2010 levels and reaching carbon neutrality by mid-century. That goal is still far off as, between 2010 and 2019, global greenhouse gas and global carbon dioxide ($CO_2$) emissions have grown by 12 and 13 per cent respectively.[13] Dramatically scaled-up adaptation investments will be needed to keep pace with accelerating impacts. The Intergovernmental Panel on Climate Change has shown that adaptation works, but that the current adaptation efforts fall well short of what is needed.[14] The effects of the climate crisis are exacerbated by a lack of resources needed to build resilience against it, including for early warning systems, climate-resilient infrastructure, ecosystem restoration, community-based adaptation and much more.[15] The commitment made at the United Nations Climate Change Conference in Glasgow in 2021 to double adaptation funding by 2025 is clearly not enough; 50 per cent of all climate finance must go to adaptation. It is essential to remove obstacles that prevent small island States, least developed countries and communities that are disproportionately impacted by climate change from getting the finance they desperately need. In order to more effectively address the

[7] World Food Programme, "Central America: Meet people's needs and tackle root causes of migration, says report", 23 November 2021.

[8] International Federation of Red Cross and Red Crescent Societies, "Over 57 million affected by climate disasters across Asia Pacific in 2021", 15 December 2021.

[9] Submission by the United Nations Research Institute for Social Development, p. 1. See also Joanna Bourke Martignoni, "Intersectionalities, human rights and climate change: Emerging linkages in the practice of the UN human rights monitoring system", in the *Routledge Handbook of Human Rights and Climate Governance*, Sébastien Duyck, Sébastien Jodoin and Alyssa Johl, eds. (London, Routledge, 2018).

[10] See Organization for Economic Cooperation and Development (OECD), *Carbon Pricing in Times of COVID-19: What Has Changed in G20 Economies?* (Paris, 2021).

[11] Food and Agriculture Organization of the United Nations (FAO), *FAO'S Work with Small Island Developing States: Transforming Food Systems, Sustaining Small Islands* (Rome, 2019), p. 5, and United Nations Conference on Trade and Development (UNCTAD), "Smallest footprints, largest impacts: Least developed countries need a just sustainable transition".

[12] Intergovernmental Panel on Climate Change, *Climate Change 2022: Impacts, Adaptation and Vulnerability*, chap. 1, p. 50.

[13] Intergovernmental Panel on Climate Change, "Summary for Policymakers" in *Climate Change 2022: Mitigation of Climate Change – Contribution of Working Group III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, P. R. Shukla and others, eds. (forthcoming), p. 21, footnote 41.

[14] Intergovernmental Panel on Climate Change, *Climate Change 2022: Impacts, Adaptation and Vulnerability*, chap. 11, p. 97.

[15] See, for example, A/HRC/48/78.



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**Something to Think About** **06**

If countries have contributed very differently to the climate crisis, should they have equal responsibility for solving it?

**Definition** **06**

Financial support directed at reducing vulnerability and building resilience to the harmful effects of climate change.

**Definition** **06**

Climate finance refers to local, national, or transnational financing; drawn from public, private, and alternative sources of funding. It seeks to support mitigation and adaptation actions that will address climate change.

impacts of climate change on people in vulnerable situations, discriminatory practices and the unjust distribution of power have to be better understood and addressed.[16]

7. Climate change impacts the rights to life, health, food, water and sanitation, self-determination, cultural rights and many others, with differential effects on the basis of gender,[17] as certain categories may be excluded from research, leading to a lack of data – including on climate change impacts and coping capacity.[18] The General Assembly has recognized that stigma may negatively impact on data collection, which can make people in vulnerable situations invisible.[19]

8. Indigenous peoples often face socioeconomic disadvantages related to historic and ongoing marginalization and discrimination. Extreme weather events, drought, melting ice, sea level rise, ocean warming and acidification and degradation of land and ecosystems are seriously affecting indigenous territories, jeopardizing the food security, traditional livelihoods, cultural practices and self-determination of indigenous peoples.[20] These risks are magnified by the close relationship that many indigenous peoples have with the environment, and their traditional lands, resources and territories.

9. Critically, indigenous territories overlap with areas that hold an estimated 80 per cent of the planet's biodiversity,[21] as well as forests, peatlands and other ecosystems that store vast amounts of carbon. Indigenous peoples play an essential role in the conservation and sustainable management of biodiversity, ecosystems and natural resources that are key to keeping the 1.5°C goal within reach and enhancing resilience from climate impacts.[22] Indigenous communities with insecure land and resource rights are at greater risk from the impacts of climate change and efforts to mitigate it. Climate change-related human rights impacts may be exacerbated by extractive industries, logging, land grabbing and conservation initiatives on indigenous territories.[23] Climate change mitigation projects implemented without the free, prior and informed consent of indigenous peoples have also negatively affected their rights.[24]

10. Local communities and peasants are severely affected by climate change, which negatively impacts the access to food in many rural communities, a problem that is often exacerbated by insecure land tenure.[25] Like indigenous peoples, local communities play a vital role in the management and storage of tropical forest carbon.[26] Where community forest lands are legally recognized and protected, more carbon tends to be stored and deforestation rates are lower.[27] Their direct dependence on ecosystems to meet their basic needs[28] make

[16] Submission by the Global Initiative for Economic, Social and Cultural Rights and others, p. 1; submission by Notre Affaire à Tous, p. 3; and Office of the United Nations High Commissioner for Human Rights (OHCHR), "Understanding Human Rights and Climate Change".

[17] See OHCHR, the United Nations Environment Programme and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), "Human Rights, the Environment and Gender Equality: Key Messages".

[18] Ibid.

[19] See resolution 75/284. See also Sara L. M. Davis, *The Uncounted: Politics of Data in Global Health* (Cambridge, United Kingdom, Cambridge University Press, 2020), p. 46.

[20] OHCHR, *Frequently Asked Questions on Human Rights and Climate Change*, Fact Sheet No. 38 (2021). See also A/HRC/38/21, para. 19; and A/75/298.

[21] Claudia Sobrevila, *The Role of Indigenous Peoples in Biodiversity Conservation: The Natural but Often Forgotten Partners* (Washington, D.C., World Bank, 2008), p. xii.

[22] A/HRC/36/46, para. 7.

[23] See Minority Rights Group, *Minority and Indigenous Trends 2019: Focus on Climate Justice* (London, 2019). See also communications THA 4/2021, THA 4/2020, AL THA 2/2019, OTH 23/2020, OTH 22/2020, OTH 8/2019 and OTH 7/2019, available from https://spcommreports.ohchr.org/Tmsearch/TMDocuments.

[24] A/HRC/36/46, para. 14.

[25] See FAO, *Indigenous Peoples, Afro-Descendants and Climate Change in Latin America: Ten Scalable Experiences of Intercultural Collaboration* (Santiago, 2021).

[26] Rights and Resources Institute Inc., "Securing Community Land Rights: Priorities and Opportunities to Advance Climate and Sustainable Development Goals", October 2017, p. 4.

[27] Ibid.

[28] Intergovernmental Panel on Climate Change, "Summary for Policymakers" in *Climate Change 2022: Impacts, Adaptation and Vulnerability,* p. 12.



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**Something to Think About** 07

If climate change threatens fundamental human rights, should climate action be treated as a human-rights obligation rather than simply an environmental policy choice?

**Did You Know That...** 09

Indigenous peoples make up less than 6% of the world's population but protect lands containing around 80% of the world's remaining biodiversity.

**Definition** 09

Climate change mitigation means any action taken to stop or reduce the greenhouse gases that warm our planet.

**Definition** 09

The requirement that indigenous peoples give consent to measures or projects affecting their rights before those measures are implemented, based on adequate information and meaningful participation.

**Something to Think About** 09

If a project is designed to fight climate change but violates the rights of the people living where it is built, can it really be considered sustainable?

Additionally, should governments treat indigenous and local knowledge as equally valuable to scientific and technological approaches when designing climate policy?
Should governments be able to implement climate projects on indigenous territories if those projects benefit the wider population, even if the affected community does not consent?

**Interesting Facts** 10

Research in the Amazon has found that legally recognized indigenous territories can have significantly lower deforestation rates than surrounding areas.

local communities and peasants particularly vulnerable to climate change impacts. In the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, the General Assembly expresses concern at the burden caused by environmental degradation and climate change on peasants and other people working in rural areas. In developing countries, the majority of people living in poverty dwell in rural areas and rely on agricultural activities both to provide food for their families and to generate income.[29] Women in rural areas are particularly affected by climate change and its interlinked impacts with poverty and malnutrition.[30] The threats that climate change poses to the livelihoods and food security of peasants and other people working in rural areas constitutes a direct threat to their enjoyment of other human rights, including the rights to health and life.

11. In Latin America, for example, indigenous peoples and people of African descent represent 46 per cent of the rural population.[31] For people of African descent, the disproportionate impacts that climate change and climate policies have on their rights are exacerbated by political, economic and social marginalization.[32] Many people of African descent live in areas of concentrated poverty, where they are more vulnerable or exposed to environmental degradation and climate risk, and lack resources to adapt to the effects of climate change.[33] In South America, the rights to food, health and life of people of African descent are threatened by climate change impacts, including extreme weather.[34] Throughout the Americas and in Europe, substandard housing in disadvantaged areas make people of African descent more vulnerable to climate events such as hurricanes and floods and less equipped to deal with extreme heat.[35]

12. Climate change and its impacts, whether sudden-onset natural disasters or slow-onset events, are becoming an increasingly important driver of migration.[36] The Internal Displacement Monitoring Centre estimates that extreme weather events, including floods, storms and drought, accounted for more than 89 per cent of the disaster displacements between 2008 and 2020.[37] Disasters contributed to internally displacing 30.7 million people in 2020 alone.[38] The relationship between climate change and migration is complex.[39] However, climate change is projected to increase future movement of people. Those who lack resources for planned migration experience higher exposure to extreme weather events, particularly in low-income developing countries.[40] The risks faced by persons that move because of climate change include difficulties in exercising their human rights throughout the migration process.[41] Migrants in irregular situations are at particular risk of being subjected to exploitation, marginalization and human rights violations.[42]

13. Children are also among those most affected by climate change, which may impact the enjoyment of their human rights to health, education, food, housing, water and sanitation,

[29] A/70/287, para. 30.
[30] Ibid., para. 35.
[31] FAO, *Indigenous Peoples, Afro-Descendants and Climate Change in Latin America*, p. 1.
[32] See A/HRC/48/78.
[33] Ibid.
[34] See World Meteorological Organization, *State of the Climate in Latin America and the Caribbean 2020*, WMO-No. 1272 (Geneva, 2022); and FAO *Indigenous Peoples, Afro-Descendants and Climate Change in Latin America*.
[35] Economic Commission for Latin America and the Caribbean, *Situación de las personas afrodescendientes en América Latina y desafíos de políticas para la garantía de sus derechos* (Santiago, 2017), p. 78; and Aakash Naik and Aiyan Maharasingam, "Is Climate Change Racist?", Greenpeace, 1 October 2021.
[36] A/HRC/38/21, para. 6.
[37] *Global Report on Internal Displacement 2021: Internal Displacement in A Changing Climate*, p. 48.
[38] Ibid., p. 8, fig. 2.
[39] A/HRC/38/21, para. 8.
[40] Intergovernmental Panel on Climate Change, "Summary for Policymakers" in *Climate Change 2014: Synthesis Report –Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, R. K. Pachauri and L. A. Meyer (eds.) (Geneva, 2014), p. 16.
[41] A/HRC/38/21, para. 15.
[42] Ibid.



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**Did You Know That...** **12**

WHO The World Bank estimates that up to 216 million people could become internal climate migrants by 2050 across six regions.
The projected figure includes:
- 86 million in Sub-Saharan Africa
- 49 million in East Asia & the Pacific
- 40 million in South Asia
- 19 million in North Africa
- 17 million in Latin America
- 5 million in Eastern Europe & Central Asia

The World Bank also estimates that strong climate and development action could reduce this figure by as much as 80%.

**Something to Think About** **12**

If climate change forces someone to leave their home, who should be responsible for protecting their rights during and after that movement?

**Interesting Facts** **13**

Children are more vulnerable to heat because their bodies heat up faster and cool down more slowly than adults, meaning extreme heat can pose a greater physiological risk to them.

among others.[43] Alterations to the social and physical environment, including as a result of climate-related migration, can have far-reaching implications for children's health and quality of life.[44] Children, because their physiology and immune systems are less developed than adults, experience the effects of climate-related stresses more intensely. [45] Approximately 1 billion children live in the 33 countries that are classified as extremely high risk in the Children's Climate Risk Index – countries that collectively emit only 9 per cent of global $CO_2$ emissions.[46] Children in vulnerable situations, including poor children and those in low- and middle-income countries, will be disproportionately affected by worsening climate change impacts as temperatures rise during their lifetime.[47]

14. The Preamble to the Convention on the Rights of Persons with Disabilities highlights that the majority of persons with disabilities live in conditions of poverty. According to the Intergovernmental Panel on Climate Change, the poorest people are those who will continue to experience the worst effects of climate change.[48] This includes human rights impacts such as lost income and livelihood opportunities, displacement, hunger and adverse health impacts. [49] Multiple and intersecting factors of discrimination related to age, gender, displacement, indigenous origin or minority status can further expose persons with disabilities to the negative impacts of climate change.[50] Persons with disabilities suffer from disproportionately higher rates of morbidity and mortality in emergencies, and face challenges in accessing emergency support.[51] Both sudden-onset natural disasters and slow-onset events can affect the access of persons with disabilities to safe drinking water and sanitation, food and nutrition, and health-care services and medicines.[52] These events can also negatively impact the enjoyment of their rights to education, adequate housing and access to decent work.[53]

15. Some people are at greater risk from climate change simply because of where they are born and reside. People in small island developing States are among those most exposed and vulnerable to climate change impacts, despite having contributed the least to its occurrence. Small island developing States are home to 65 million people who face unique social, economic and environmental vulnerabilities.[54] According to the Intergovernmental Panel on Climate Change, people living in small island developing States and low-lying least developed countries are among those most impacted by increasing extreme weather and climate events, including sea level rise, floods, typhoons, cyclones, hurricanes and saline intrusion.[55] Climate change threatens their very existence.[56] It particularly impacts their rights to life, health, food, water, self-determination and cultural rights – as people face increasing challenges to their ability to continue to live on their traditional territory,[57] which contributes

[43] See, e.g., Human Rights Council resolution 32/33.
[44] A/HRC/35/13, para. 4.
[45] Ibid..
[46] UNICEF, *The Climate Crisis Is A Child Rights Crisis: Introducing the Children's Climate Risk Index* (New York, 2021), p. 5.
[47] Siri Luthen, Erin Ryan and Jack Wakefield, *Born into the Climate Crisis: Why We Must Act Now to Secure Children's Rights* (Save the Children International, 2021), p. 6.
[48] *Global Warming of 1.5ºC: An IPCC Special Report on the Impacts of Global Warming of 1.5°C above Pre-industrial levels and Related Global Greenhouse Gas Emission Pathways, in the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development, and Efforts to Eradicate Poverty* (2018) chap. 5, p. 479.
[49] Ibid.
[50] A/HRC/46/27, para. 58.
[51] A/HRC/44/30, para. 5.
[52] Ibid.
[53] Ibid.
[54] Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, "About Small Island Developing States", available at *https://www.un.org/ohrlls/content/about-small-island-developing-states#:~:text=Small%20Island%20Developing%20States%20(SIDS,social%2C%20economic%20and%20environmental%20vulnerabilities*.
[55] Intergovernmental Panel on Climate Change, *Climate Change 2022: Impacts, Adaptation and Vulnerability*, "Summary for Policy Makers", pp. 10–13; and main report, chap. 8, p. 86.
[56] See A/HRC/31/52.
[57] Ibid.; and OHCHR *Frequently Asked Questions on Human Rights and Climate Change*.



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**Definition** 13

The movement of people who leave their homes, either temporarily or permanently, because sudden or gradual environmental changes driven by climate change have hurt their lives or living conditions. People may move within their own country or across international borders.

**Did You Know That...** 13

UNICEF estimates that 1.1 billion children are highly exposed to some sort of climate related issue.
Additionally, 850 million children — roughly 1 in 3 globally — live in areas where at least four major climate and environmental shocks overlap.
By 2050, that could potentially rise to 2.02 billion children globally under the highest level of warming considered in the analysis.
UNICEF also projects that nearly half of children in Africa and Asia could face sustained exposure to extreme high temperatures by 2050.

**Something to Think About** 13

Is it fair that children who have contributed very little to climate change will experience its consequences for most of their lives?

**Something to Think About** 14

Are climate-disaster response plans truly inclusive if evacuation centres, warnings and emergency services are not accessible to persons with disabilities?

**Did You Know That...** 15

WHO estimates that 3.6 billion people already live in areas highly susceptible to climate change. Between 2030 and 2050, climate change is projected to cause approximately 250,000 additional deaths every year from just four causes: malnutrition, malaria, diarrhoea and heat stress.
Even more strikingly, people in highly vulnerable regions have experienced death rates from extreme weather events around 15 times higher than those in less vulnerable regions over the previous decade.

to small island developing States being disproportionately impacted by climate-driven displacement.[58] Sea level rise also threatens the right to adequate housing as well as peoples' livelihoods – many of which are climate sensitive – by inundating fisheries and other infrastructure.[59]

16. The 1.1 billion people living in the 46 least developed countries constitute around 40 per cent of the world's poor.[60] People in least developed countries are disproportionately affected by and acutely vulnerable to the adverse effects of climate change but have contributed very little to bringing it about.[61] They often lack the capacity to adapt to climate change impacts and climate financing for least developed countries is crucial to adequately protect them from climate change harms.[62]

17. More than 2 billion people live in areas that are subject to water stress and 3.4 billion lack access to safely managed sanitation facilities – a situation that will be worsened by climate change.[63] Climate change already affects the availability, quality and quantity of water for basic human needs, including for people living in conditions of water scarcity.[64] Climate change is expected to further increase the frequency, intensity and severity of droughts.[65] Over the period 2009–2019, droughts affected over 100 million people, severely impacting the right to life, livelihoods and food security of those affected.[66] Droughts, flooding, rising sea levels and infrastructure damage from climate-related disasters pose a continuous and increasing risk to human rights, including to water and sanitation, food, health, housing and education.

18. Other people at risk owing to their geographic location include those that are impacted by retreating glaciers, changes in mountain and Arctic ecosystems and flooding or drying rivers.[67] Climate change-related human rights impacts and future risks are particularly high in drylands, which cover around 46.2 per cent of land globally and are home to 3 billion people.[68] Climate change is expected to further exacerbate several desertification processes, with increased risks for people living in conditions of desertification, including increased pressure on land leading to increased poverty and food insecurity.[69] According to the Intergovernmental Panel on Climate Change, land degradation is both affected by climate change and contributing to it, and it affects people all over the world.[70] The majority of the

[58] Intergovernmental Panel on Climate Change, "Summary for Policy Makers", *Climate Change 2022: Impacts, Adaptation and Vulnerability*, p. 13.

[59] Ibid.; and A/64/255, para. 32.

[60] See Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, "About Least Developed Countries"; and United Nations Framework Convention on Climate Change, "20 Years of Adaptation Support for Least Developed Countries", 24 November 2021.

[61] United Nations Environment Programme (UNEP), *The Gathering Storm: Adapting to Climate Change in A Post-Pandemic World*, Adaptation Gap Report 2021 (Nairobi, 2021), p. 21. See also United Nations Framework Convention on Climate Change, "20 Years of Adaptation".

[62] Intergovernmental Panel on Climate Change, *Climate Change 2022: Impacts, Adaptation and Vulnerability*, chap. 10, p. 87; and UNCTAD, "COP26: Least developed countries need more funds to adapt to climate change".

[63] UN-Water and the United Nations Educational, Scientific and Cultural Organization (UNESCO), *The United Nations World Water Development Report 2021: Valuing Water*, p. vi.

[64] OHCHR, *Frequently Asked Questions on Human Rights and Climate Change*, p. 12.

[65] Intergovernmental Panel on Climate Change, "Summary for Policy Makers" in *Climate Change 2022: Impacts, Adaptation and Vulnerability*, p. 14.

[66] UN-Water and UNESCO, *Valuing Water,* p. 15; FAO, *Agriculture and Climate Change: Challenges and Opportunities at the Global and Local Level – Collaboration on Climate-Smart Agriculture* (2019), p. v; and "Special thematic report on climate change and the human rights to water and sanitation by the Special Rapporteur on the human rights to safe drinking water and sanitation" (OHCHR, January 2022), part 1, para. 19.

[67] Intergovernmental Panel on Climate Change, "Summary for Policy Makers" in *Climate Change 2022: Impacts, Adaptation and Vulnerability*, pp. 8 and 19.

[68] See Intergovernmental Panel on Climate Change, "Chapter 3: Desertification" in *Climate Change and Land: An IPCC Special Report on Climate Change, Desertification, Land Degradation, Sustainable Land Management, Food Security, and Greenhouse Gas Fluxes in Terrestrial Ecosystems* (2020).

[69] Ibid.

[70] Ibid.



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people living in conditions of land degradation – which adversely impacts peoples' livelihoods – are living in poverty in developing countries.[71]

# III. Promoting and protecting the rights of persons in vulnerable situations in the context of climate change

## A. Legal and policy framework

19. The nine core international human rights instruments set forth binding legal obligations on the States that are party to them, including some that are relevant to climate change.[72] In the context of climate change, fulfilling these obligations may require States to, among other things, take action to protect people against climate change-related harms that impact on the enjoyment of human rights and to implement inclusive climate policies. Climate action should empower people in vulnerable situations, ensuring their full and effective participation as rights holders.

20. The United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in 2007, and the Indigenous and Tribal Peoples Convention, 1989 (No. 169)[73] of the International Labour Organization (ILO) articulate the specific rights of indigenous peoples – including the rights to consultation and participation.[74] The Declaration recognizes in its preamble that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment. Article 32 of the Declaration requires States to provide effective mechanisms for just and fair redress for activities affecting indigenous peoples' lands or territories and other resources, and to mitigate adverse environmental, economic, social, cultural or spiritual impact. Its article 29 addresses the rights of indigenous peoples to the conservation and protection of the environment and of their lands, territories and resources. Furthermore, the Declaration stipulates the need to obtain free, prior and informed consent regarding all measures and projects that affect indigenous peoples' rights (arts. 19 and 32). This includes actions related to climate change mitigation and adaptation measures.

21. The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas stipulates the rights of these people to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge (art. 18 (3)). It also sets out their right to adequate training, including on climate change (art. 25 (1)), and the need for States to provide effective mechanisms of redress, including for violations of their human rights (art. 12 (5)).

22. In the Durban Declaration and Programme of Action States are invited, among other things, to enhance access to public information on health and environment issues, to ensure that relevant concerns are taken into account in the public process of decision-making on the environment, to share technology and successful practices to improve human health and

[71] Ibid.

[72] The International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of Persons with Disabilities; and the International Convention for the Protection of All Persons from Enforced Disappearance.

[73] The ILO Convention has been ratified by 24 States. See https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312314.

[74] Indigenous and Tribal Peoples Convention, 1989 (No. 169), arts. 6, 15, 17, 22, 27 and 28.



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**Definition** **21**

General Measures taken to adjust to the effects of climate change and build resilience against impacts that are already occurring or expected to occur.

environment in all areas and to take appropriate remedial measures with respect to those affected.[75]

23. The Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in its resolution 17/4, affirm that States have an obligation to protect against human rights abuse within their territory or jurisdiction by third parties, including by business enterprises. The Guiding Principles state that States must take adequate measures through effective policies, legislation, regulations and adjudication to protect all persons from human rights harms involving business enterprises, including through the contribution of such enterprises to environmental harm. The obligation of all business enterprises to respect human rights includes the obligation to do no harm and to address the adverse human rights impacts that they have caused or contributed to. When adverse impacts or harms occur, those impacted must have access to an effective remedy.[76]

24. In October 2021 the Human Rights Council adopted resolution 48/13, recognizing the human right to a clean, healthy and sustainable environment – an important step[77] towards securing the enjoyment for all people of a safe and stable climate, healthy ecosystems and a non-toxic environment, as well as their rights to participation, access to information and justice in environmental matters.

25. These obligations and others related to climate change are also reflected within an array of other relevant international instruments, including those highlighted below.

26. Article 6 of the United Nations Framework Convention on Climate Change stipulates that parties shall promote and facilitate public access to information on climate change and its effects and public participation in addressing and developing adequate responses to climate change. Article 3 states that the specific needs and special circumstances of developing country parties, especially those particularly vulnerable to the adverse effects of climate change, and of those parties, especially developing country parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration in actions to achieve the objectives of the Convention and to implement its provisions.

27. According to the preamble of the Paris Agreement, parties should respect, promote and consider their respective human rights obligations – including the right to health; the rights of indigenous peoples, local communities, children, migrants, persons with disabilities and people in vulnerable situations; and the right to development, gender equality, the empowerment of women and intergenerational equity – when addressing climate change. Its articles 7, 9 and 11 include commitments related to international cooperation, climate finance and capacity-building related to mitigation and adaptation, in particular for those groups, peoples and countries that are most vulnerable to climate impacts. Article 12 of the Paris Agreement establishes the obligation of the parties to cooperate to enhance climate change education, training, public awareness, public participation and public access to information.[78] Article 7 (5) of the Paris Agreement specifically mentions the use of traditional knowledge, knowledge of indigenous peoples and local knowledge systems in adaptation strategies as well as the need for adaptation action to be country-driven, gender-responsive, participatory and transparent.[79]

28. Principle 10 of the Rio Declaration on Environment and Development adopted in 1992, the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) adopted in 1998 and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) adopted in 2018, all guarantee the right to access information, the right to participation and the right to

[75] Programme of Action, para. 111.
[76] See OHCHR, "Human Rights, Climate Change and Business: Key Messages".
[77] Submission by the World Health Organization (WHO), p. 6.
[78] See https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-7-d&chapter=27&clang=_en.
[79] See the OHCHR report A/HRC/41/26 for an overview of relevant legal and policy frameworks related to climate change and gender equality.



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**Interesting Facts** **24**

The UN General Assembly went one step further in 2022 and formally recognized the right to a clean, healthy and sustainable environment as a human right for everyone.

access justice in environmental matters. The Escazú Agreement aims to guarantee the full and effective implementation in Latin America and the Caribbean of the rights to access environmental information, to participate in environmental decision-making and to access justice in environmental matters. The Agreement specifically outlines the responsibilities of its parties to include persons or groups in vulnerable situations in carrying out these efforts. In implementing the Agreement, parties are required to guarantee that their domestic legislation and international obligations in relation to the rights of indigenous peoples and local communities are observed.

29. The United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, specifically addresses the drylands hosting some of the world's most vulnerable ecosystems and peoples. The Convention promotes the participatory development of national programmes (arts. 3 (a) and 5 (d)) and stipulates the need for developed country parties to support the efforts of affected developing country parties, particularly those in Africa, and the least developed countries, to combat desertification and mitigate the effects of drought (art. 6).

30. The SIDS Accelerated Modalities of Action (SAMOA) Pathway of 2014 highlights the importance of engaging a broad range of stakeholders for effective climate action as part of the efforts to support small island developing States in achieving sustainable development.

31. The 2030 Agenda for Sustainable Development places particular emphasis on reaching the most vulnerable and leaving no one behind. The implementation of effective climate action under Goal 13 is key to the achievement of all the Sustainable Development Goals.

## B. Persons in vulnerable situations as agents of change

32. The rights to access to information, meaningful participation and access to justice in environmental matters, including in the context of climate change, are key to empowering people to engage in climate action and for climate action to be responsive to their needs. People in vulnerable situations have played an important role in advancing climate justice. They have taken a wide range of steps to address climate change and its disproportionate impacts on them, including by organizing and participating at climate marches, setting up civil society organizations and grass-roots initiatives engaged in climate action, and engaging in climate litigation. Climate action cannot be fully effective without reflecting their perspectives and lived experiences. The skills and knowledge of people in vulnerable situations should inform climate policymaking, which needs to be tailored to their needs and requirements. This can only be achieved through a rights-based approach grounded in values and principles like inclusive participation, transparency, accountability, equality and non-discrimination, equity, solidarity, compassion and justice.

33. People of African descent have played an instrumental role in documenting, protesting against and acting on the adverse impacts of climate change and environmental degradation. The environmental justice movement in the United States of America benefits from diverse leadership, including by African-Americans, Latinos, Asians and Pacific Islanders and Native Americans.[80] The Seed indigenous youth climate network – a movement including aboriginal and Torres Strait Islander youth – works to protect their land, culture and communities from fossil fuel extraction and global warming.[81] The Asia Pacific Forum on Women, Law and Development led a feminist participatory action research programme to help indigenous women and lesbian, gay, bisexual, transgender and intersex persons to document their experiences, responses and needs, to support those most affected by climate change in shaping climate policies.[82]

[80] Renee Skelton and Vernice Miller, "The Environmental Justice Movement", Natural Resources Defence Council, 17 March 2016.
[81] See https://www.seedmob.org.au/.
[82] Alyson Brody, "Mapping the Linkages between Climate Change, Health, Gender and SOGIESC for the Asia-Pacific Region", Literature Review, January 2021, p. 27.



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**Something to Think About** **32**

Should vulnerable communities be treated primarily as people who need protection, or as decision-makers who should shape climate policy themselves?

**Definition** **32**

Legal proceedings used to hold governments or businesses accountable for climate-related actions or failures to act. This can include cases where climate change is alleged to violate human rights.

34. During the twenty-fifth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, the United Nations Children's Fund, YOUNGO – the children and youth constituency to the Framework Convention – and a group of Governments developed the Declaration on Children, Youth and Climate Action. The Declaration addresses the rights of children and young people with respect to environmental harm and climate change.[83] Environmental and climate justice movements play a key role in promoting rights-based climate action. They can contribute to making climate action more effective and sustainable by giving a voice to those most affected by climate change and promoting inclusivity, including within their own movements.

35. The Intergovernmental Panel on Climate Change has acknowledged the importance of indigenous peoples' traditional knowledge and practices, including their holistic view of community and environment, to effective adaptation.[84] Traditional practices are often extremely effective at conserving biodiversity and ecosystems and enhancing resilience against climate change. The Local Communities and Indigenous Peoples Platform was established under the United Nations Framework Convention on Climate Change to promote the exchange of experiences and best practices related to traditional, local and indigenous knowledge systems, build the capacity of indigenous peoples and local communities to engage in the processes under the Convention and facilitate the integration of different knowledge systems, practices and innovation in climate action, programmes and policies.[85] In consultations for the present report, stakeholders shared good practices implemented by indigenous peoples to mitigate and adapt to climate change. In Honduras, indigenous peoples and Afro-Hondurans apply ancestral knowledge to mitigate the effects of climate change.[86] In Ecuador, Shuar and Achuar communities use seed exchanges and networks, education on traditional agriculture and relocation of gardens to improve resilience to climate-related disasters.[87] The Wampis Nation in the Peruvian Amazon is developing its own climate adaptation plan to limit climate harms and reduce forest degradation by 2030.[88] Respecting the rights of indigenous peoples to their traditional knowledge, lands, resources and territories is fundamental to efforts to protect peoples and the planet.

36. Many of the people in vulnerable situations that are working for climate justice are environmental human rights defenders, whose work is critical for protecting biological diversity, addressing environmental degradation and pollution and mitigating and adapting to climate change. States have the primary obligation to ensure that environmental human rights defenders can operate safely and to protect them from intimidation, attacks and reprisals. Human rights due diligence policies, environmental and social impact assessments, safeguards, inclusive and participatory processes, and independent redress mechanisms can help empower people in vulnerable situations and limit the risks of adverse effects on human rights and the environment linked to State laws, policies and actions as well as business activities.

37. Climate litigation has become an increasingly effective tool to hold States and businesses accountable and to protect the human rights of persons in vulnerable situations from the adverse impacts of climate change. While undertaking potentially costly and time-consuming legal action poses challenges for those most affected by climate change,[89] successful rights-based climate litigation by or for people in vulnerable situations contributes

[83] Submission by the Office of the Envoy of the Secretary-General on Youth, p. 1 (OSGEY and YOUNGO submission).
[84] Intergovernmental Panel on Climate Change, *Climate Change 2022: Impacts, Adaptation and Vulnerability*, chap. 9, p. 37.
[85] See https://unfccc.int/LCIPP#:~:text=The%20Local%20Communities%20and%20Indigenous,a%20common%20concern%20of%20humankind.
[86] Submission by Honduras, p. 18.
[87] Submission by Cultural Survival, p. 4.
[88] Submission by EarthRights International, p. 2.
[89] Submission by the Castan Centre for Human Rights Law, p. 4.



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**Definition** 34

A framework that places international human rights standards and principles at the center of climate change mitigation and adaptation policies. It frames climate change not just as an environmental or technical crisis, but as a crisis of human rights, equity, and social justice

**Something to Think About** 35

Who should decide which forms of knowledge are considered valuable when developing climate policy?

**Definition** 35

Climate resilience is the capacity of social, economic, and environmental systems to anticipate, prepare for, respond to, and recover from hazardous climate-related events and trends while maintaining their essential functions.

**Interesting Facts** 35

Seed-saving and seed-exchange systems can preserve crop varieties that are better adapted to drought, flooding or changing growing conditions.

**Interesting Facts** 35

The Wampis Nation is an Indigenous government in the Ecuadorian and Peruvian Amazon that has developed its own territorial governance structures to protect forests and Indigenous territory.

**Did You Know That...** 36

Developed countries committed to mobilizing US$100 billion per year in climate finance by 2020.
According to OECD analysis, the goal was finally exceeded in 2022, when developed countries provided and mobilized approximately US$115.9 billion in climate finance.
That means the $100 billion goal was reached two years later than originally intended.

**Something to Think About** 36

If environmental defenders are protecting communities and ecosystems, what responsibility do States have to protect them — and where should that responsibility end?

to advancing the climate ambition of countries and businesses.[90] In May 2021, in *Milieudefensie et al. v. Royal Dutch Shell PLC*, the first major climate change litigation ruling against a corporation, The Hague District Court ordered Shell to reduce its emissions by 45 per cent by 2030. Shell appealed the case, which is currently pending. The Supreme Court of Colombia ruled in May 2018 in favour of a group of 25 children and youths in the case of *Future Generations v. Ministry of the Environment and Others*, holding that their constitutional right to a healthy environment was being violated by climate change and the deforestation in the Amazon. The Committee on the Rights of the Child, responding to a petition by 16 children alleging that inadequate climate action by five countries violated their rights, held that States could be liable for extraterritorial human rights impacts related to climate change.[91]

## C. Supporting people in vulnerable situations

38. In consultations for this report, Member States shared several good practices related to supporting and strengthening the capacities of people in vulnerable situations. Chile[92] and the Philippines[93] included loss and damage caused by climate change in their nationally determined contributions. Mexico is including people in vulnerable situations in their early warning systems.[94] Mauritius is working to protect vulnerable coastal ecosystems and communities.[95] Iraq took measures to prevent drought and to safeguard the food security of vulnerable groups, including the internally displaced and rural communities.[96] Guatemala[97] and Slovakia[98] have taken measures to enhance public participation in environmental decision-making. The national adaptation strategy of Greece was adopted in line with the Aarhus Convention provisions for participatory governance.[99] The national adaptation plan of Argentina, which is currently being drafted, is expected to include local communities and indigenous peoples.[100] The Latvian national plan for adaptation to climate change until 2030 includes provisions related to the least protected groups in society.[101]

39. Climate-vulnerable countries increasingly appeal to developed countries to deliver on their international climate finance commitments – including under the United Nations Framework Convention on Climate Change – as part of their call for climate justice.[102] In its resolution 47/24, the Human Rights Council called upon States to enhance international cooperation and assistance, in particular in financing, the transfer of technology and capacity-building, to assist the most vulnerable to adapt to and mitigate the adverse effects of climate change on their human rights.[103] States parties to the Paris Agreement have obligations to mobilize climate finance, technology transfer and capacity-building through international cooperation – including to address loss and damage caused by climate change – in line with the principle of common but differentiated responsibilities and respective capabilities in light of national circumstances, and the needs of developing country parties. Fulfilling these

[90] See, e.g., Joana Setzer and Catherine Higham, *Global Trends in Climate Change Litigation: 2021 Snapshot* (London, Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change, Economics and Policy, 2021).
[91] See *Sacchi et al. v. Argentina* (CRC/C/88/D/104/2019); *Sacchi et al. v. Brazil* (CRC/C/88/D/105/2019); *Sacchi et al. v. France* (CRC/C/88/D/106/2019); *Sacchi et al. v. Germany* (CRC/C/88/D/107/2019); and *Sacchi et al. v. Turkey* (CRC/C/88/D/108/2019).
[92] Submission by Chile, p. 6.
[93] Submission by the Philippines, p. 5.
[94] Submission by Mexico, p. 12.
[95] Submission by Mauritius, p. 4.
[96] See submissions by Iraq.
[97] Submission by Guatemala, p. 20.
[98] Submission by the Slovak National Centre for Human Rights, p. 8.
[99] Submission by Greece, p. 2.
[100] Submission by Argentina, No. 1, p. 3.
[101] Submission by Latvia, p. 2.
[102] See Climate Vulnerable Forum, "Special Envoy Abul Kalam Azad, Statement for Press Conference at UNFCCC COP26", 10 November 2021.
[103] Para. 5.



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**Something to Think About** 37

Should corporations face legal responsibility for human-rights harms caused by their contribution to climate change, even when their activities comply with national law?

**Something to Think About** 37

Should courts have the power to force governments or corporations to take stronger climate action when elected institutions have not done so? Should they have the power to design climate policy?

If not courts, then which institution?

**Interesting Facts** 37

The Shell case was the first major climate litigation ruling in which a court ordered a corporation to reduce its emissions.

**Interesting Facts** 37

In the Sacchi case, 16 children from different countries argued that inadequate climate action by five States violated their rights — bringing the question of climate responsibility beyond national borders.

**Definition** 38

The economic and non-economic harms resulting from climate change, particularly harms that cannot simply be prevented or fully addressed through mitigation or adaptation.

commitments would contribute to addressing the adverse effects of climate change on the rights of persons in vulnerable situations now and in the future.[104]

40. Under international human rights law, States have obligations to protect and fulfil human rights. This includes obligations to prevent and address the negative human rights impacts of climate change, particularly on people in vulnerable situations. In the International Covenant on Economic, Social and Cultural Rights, States are specifically called upon to work together and to mobilize the maximum available resources for the progressive realization of human rights.[105] In the context of climate change, these obligations require the effective mobilization of finance to support rights-based climate action that benefits people in vulnerable situations. A human rights-based approach to climate finance includes the obligations to cooperate internationally, as outlined in the Charter of the United Nations,[106] the International Covenant on Economic, Social and Cultural Rights[107] and the Declaration on the Right to Development.[108] It also includes safeguarding against human rights harms, supporting projects that advance human rights and ensuring the meaningful and effective participation of people and communities in vulnerable situations, without discrimination, in decision-making. This approach is particularly critical to ensure the effective use of increasingly large volumes of climate finance to address urgent needs, including adaptation. UNEP has estimated that the annual costs of adaptation in developing countries by 2030 will be between $155 and $330 billion and will continue to increase as the temperature rises.[109]

41. According to the Organization for Economic Cooperation and Development, two thirds of the climate finance flows mobilized by developed countries in 2019 went to mitigation.[110] Climate finance for adaptation – a priority for the world's poorest countries – remains far below what is needed to respond both to the current and future impacts of climate change, in particular for developing economies.[111] Existing climate finance is insufficient to put the world on track to limit heating to 1.5°C and to support needed adaptation, and is therefore inconsistent with the obligation to protect human rights from the adverse effects of climate change. Compounding the problem, climate finance sometimes supports large projects that have limited potential to reach local actors and at their worst even harm people in vulnerable situations.[112] Too often, the people who need it most do not have access to international climate finance.[113]

42. Current international climate finance mainly takes the form of loans, with grant assistance remaining very limited.[114] The need to rely on loans to fight the worst effects of climate change poses a real threat, especially for countries with limited resources, of exacerbating already high levels of debt. Small island developing States in particular face high levels of debt, including in many cases owing to borrowing to address climate-related impacts on their economies.[115] Least developed countries and small island developing States receive an estimated 20.5 per cent and 3 per cent of climate finance respectively, which is not commensurate with the increasing climate risk that they face.[116] Nearly half of these funds have been in the form of loans and other non-grant instruments.[117] The General Assembly, in its resolutions 75/215 and 76/203, called for the development of a multidimensional vulnerability index for small island developing States with the aim of facilitating their access

[104] Ibid., preambular para. 29.
[105] Art. 2 (1).
[106] Art. 55.
[107] Arts. 1–2, 11 and 15.
[108] Arts. 3–4 and 6.
[109] See *The Gathering Storm*.
[110] *Climate Finance Provided and Mobilised by Developed Countries: Aggregate Trends Updated with 2019 Data – Climate Finance and the USD 100 Billion Goal* (2021), p. 7.
[111] UNEP, *The Gathering Storm*, p. 29.
[112] Center for International Environmental Law, *Funding Our Future: Five Pillars for Advancing Rights-Based Climate Finance* (2021), p. 10.
[113] Ibid., p. 6.
[114] Ibid., p. 3.
[115] Oxfam International, *Climate Finance Shadow Report 2020: Assessing Progress towards the $100 Billion Commitment* (October 2020).
[116] Ibid., p. 3; and OECD, *Climate Finance Provided and Mobilised by Developed Countries*, p. 9.
[117] Oxfam International, *Climate Finance Shadow Report 2020*, p. 4.



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**Did You Know That...** **40**

UNEP's Adaptation Gap Report 2023 estimated that developing countries' adaptation finance needs are US$215 billion per year this decade.
But international public adaptation finance flows are 10–18 times smaller than the amount required.
So the problem isn't simply that developing countries need more money, the world is currently providing only a fraction of what adaptation is estimated to cost.

**Something to Think About** **41**

Should climate finance prioritize large national infrastructure projects or smaller community-level projects that directly reach vulnerable populations?

**Something to Think About** **42**

If vulnerable countries must borrow money to adapt to a crisis they contributed little to creating, can that really be considered climate justice?

**Definition** **42**

Matching in size, degree, amount or proportion

to concessional finance. Providing climate finance in the form of grants rather than loans can help prevent the cost of the climate crisis being born by the people and countries least responsible for it.[118]

43. Although developed countries have committed to lead on mobilizing climate finance in line with their common but differentiated responsibilities under the Paris Agreement, more than three quarters of climate finance is channelled domestically.[119] Mechanisms to ensure access, inclusiveness, safeguards and redress are often lacking or are not implemented effectively, for example in the case of those related to indigenous peoples.[120] Developed countries must provide enhanced and additional support for activities addressing loss and damage associated with the adverse effects of climate change and the impacts of both economic and non-economic losses on resources and human rights, including to culture, life, livelihoods and territory – benefitting the most vulnerable first.[121]

# IV. Conclusions and recommendations

## A. Conclusions

**44. Poverty, historical and structural inequity and discrimination, as well as geography, affect people's exposure to the adverse effects of climate change. Economic and social constructs contribute to putting people in vulnerable situations and at greater risk of suffering the adverse human rights impacts of climate change. Intersecting discrimination further compounds the unfair burden of climate harms. Rights-based climate action must address the root causes of social injustice and inequality.**

**45. People in vulnerable situations are often most exposed to the impact of climate change while having contributed the least to its origins. Those most responsible for climate change should lead climate change mitigation and adaptation efforts, and include the people most affected by climate change as part of the solution.**

**46. Beyond recognizing and better assessing their risks, including those related to discrimination, it is critical that people in vulnerable situations are seen as agents of change and that their rights and dignity are upheld and enhanced because they possess the resilience, knowledge and skills to support effective climate action. The rights to participation, access to information and access to justice are key elements for effective, equitable climate action. Fulfilling relevant international, regional and national obligations to ensure equitable, effective and meaningful participation in environmental decision-making must remain a priority in this regard.**

**47. Reducing climate change-related impacts on the enjoyment of human rights requires urgent implementation of commitments under the Paris Agreement. Limiting warming to no more than 1.5°C requires a global reduction of 45 per cent in greenhouse gas emissions by 2030 and carbon neutrality by mid-century. System-wide efforts are needed to address both the patterns of consumption and production that are causing emissions, along with efforts to address the historical inequalities that exacerbate their impacts. A significant increase in international climate finance, with 50 per cent dedicated to adaptation, is needed to empower and build the resilience of persons in vulnerable situations and to reduce the adverse impact of climate change on their rights. Without substantial upscaling, a more equitable distribution and facilitated access for the countries and people most affected by climate change, climate finance will continue to fall far short of the international commitments made by developed countries to**

[118] See United Nations, Inter-Agency Task Force on Financing for Development, *Summary: Financing for Sustainable Development Report 2021*.
[119] Climate Policy Initiative, *Global Landscape of Climate Finance 2021* (December 2021), p. 4.
[120] See A/HRC/36/46.
[121] A/74/161, para. 91.



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**Something to Think About** **43**

If developed countries spend climate finance domestically, does that fulfil their responsibility to support countries most vulnerable to climate change?

**Something to Think About** **43**

How can the international community compensate for losses that cannot be replaced with money, such as cultural heritage, ancestral land or traditional ways of life?

**Something to Think About** **46**

Who is responsible for ensuring that vulnerable communities are actually heard in climate decision-making?

alleviate and share the additional burden placed by climate change on developing economies.

## B. Recommendations to States and other stakeholders

48. The Secretary-General addresses the following recommendations to States and other stakeholders to address the impacts of climate change on the human rights of people in vulnerable situations.

49. Take immediate, ambitious and rights-based climate action, including by adopting and implementing inclusive rights-based national climate action plans, aligned with the objectives of the Paris Agreement and the United Nations Framework Convention on Climate Change to limit global warming to no more than 1.5°C and to protect human health and welfare from the adverse effects of climate change. The countries that historically bear the responsibility for the majority of greenhouse gas emissions must lead the way by drastically reducing emissions while channelling climate finance to and sharing technology solutions with the countries at the forefront of the crisis at a level that matches its scale. All main emitters – with the Group of 20 leading the way – must take an extra step to drastically reduce their emissions this decade.

50. Business enterprises should respect human rights in the context of climate change and address the adverse human rights impacts that they have caused or contributed to, including those resulting from climate change.

51. Ensure that people in vulnerable situations can access information about climate change and climate action, effectively participate in climate-related decision-making and implementation and access justice when climate-related harms occur. In order for climate action to advance human rights and climate justice, States should include the lived experiences and expertise of frontline communities in climate action at all levels by:

(a) Making available and facilitating access to information about climate change, including information on early warning, in languages and formats that are accessible and understandable to everyone everywhere, and ensuring that every person worldwide is protected by early warning systems in the next five years;

(b) Ensuring that climate policy planning and implementation is undertaken with the meaningful and effective participation of people in vulnerable situations;

(c) Promoting access to justice in environmental matters, including the access of people in vulnerable situations to court facilities, interpreters and culturally appropriate (legal and other) services, as needed.

52. In order to strengthen the climate resilience of people in vulnerable situations:

(a) Implement rights-based climate adaptation measures informed by the contributions of the people most adversely impacted by climate change, and that respond to their requirements and needs;

(b) Address the root causes of discrimination against and exclusion of people in vulnerable situations – including related to historical patterns of discrimination – and their interrelations with climate change impacts.

53. Design and implement climate policies with a human rights approach that benefit people and communities that are disproportionately suffering the impacts of climate change, including by:

(a) Collecting disaggregated data on climate change impacts in a human rights-compliant way;

(b) Developing inclusive rights-based climate action policies and disaster risk reduction plans that specifically include and address the needs of the persons and communities that are most at risk of being left behind in climate and emergency relief efforts;



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(c) **Recognizing and protecting the rights of people in vulnerable situations to their traditional lands, resources, territories and knowledge;**

(d) **Ensuring that all climate mitigation and adaptation measures that have an impact on the rights of indigenous peoples are implemented with their free, prior and informed consent.**

54. **Promote the inclusion of persons in vulnerable situations in environment and climate movements.**

55. **Redouble efforts to promote and protect the rights of environmental human rights defenders to undertake their work in an enabling environment, without fear of reprisals, threats, violence and killings. Ensure accountability, access to justice and redress when the rights of human rights defenders are violated.**

56. **Put in place measures to ensure that the energy transition includes a just transition for impacted workers and communities, and that adaptation investments benefit all, including people and communities in vulnerable situations.**

57. **Secure adequate resources for climate action, including through international cooperation, in line with the principle of common but differentiated responsibilities and respective capabilities in light of national circumstances, to match the scale of the climate crisis, including by:**

(a) **Easing access to climate finance for the countries and people most affected by climate change and systematically integrating a human rights perspective in climate finance;**

(b) **Boosting international climate financing – in particular for adaptation as well as loss and damage – through increased financial flows to developing countries;**

(c) **Ensuring that international climate financing, especially to vulnerable countries, increasingly takes the form of grants rather than loans so as not to add to the already heavy debt burden on developing economies.**

58. **Seek to address the impacts of both economic and non-economic loss and damage on human rights.**



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**Definition** **56**

A framework that ensures the shift from a high-carbon fossil-fuel economy to a net-zero, low-carbon future is fair, equitable, and inclusive, leaving no worker, community, or vulnerable group behind