



Advancing a Human Rights-Based Approach to the Climate Negotiations

Key Messages of the UN Environment Management Group Issue Management Group on Human Rights and the Environment

About the Issue Management Group on Human Rights and the Environment

The UN's [Environment Management Group \(EMG\)](#) was set up in 2001 to coordinate the activities of the UN on environment and human settlements. Its members come from the 51 specialized agencies, programmes and organs of the United Nations, including the secretariats of the Multilateral Environmental Agreements. EMG members collaborate on addressing global environmental issues, including through setting up Issue Management Groups.

In 2020, the EMG established an [Issue Management Group \(IMG\) on Human Rights and the Environment \(IMG\)](#) led by the Office of the UN High Commissioner for Human Rights (OHCHR), the UN Development Programme (UNDP) and the UN Environment Programme (UNEP). The aim of the IMG is to integrate the human right to a healthy environment into the work of the UN to ensure a coherent and human rights-based approach to environmental action. This includes engaging with key intergovernmental negotiations on environmental matters.

A human rights-based approach to environmental matters such as climate change rests on ensuring a [just transition for all](#) and upholding the rights of the communities most impacted, including Indigenous Peoples and their traditional knowledge, minorities, migrants, older persons, those living with disabilities, informal workers as well as women, girls, youth, environmental human rights defenders and others in vulnerable situations. It also encapsulates the promotion and protection of social and economic human rights and their related International Labour Standards. At COP27, the IMG calls for the following:

1. Ambitious action to avert, minimize and remedy the human rights harm caused by climate change

In July 2022, the UN General Assembly recognised the [right to a clean, healthy and sustainable environment](#) as a human right, the promotion of which requires full implementation of multilateral environmental agreements such as the UNFCCC and Paris agreement and called upon international organisations such as the UN to support its attainment.

A safe and stable climate is a fundamental prerequisite for the effective enjoyment of a wide range of human rights, including the human right to a healthy environment. The impact of climate change is already disrupting the lives and livelihoods of people across the world. Climate change violates human rights and the harms it causes disproportionately affect persons, groups and peoples already in vulnerable situations. Under these circumstances, ambitious climate action is a human rights obligation.

The Paris Agreement affirms that States should respect, promote and consider their respective human rights obligations when taking action to address climate change. It also underlines the imperatives of a just transition and the creation of decent work as critical dimensions in the response to climate change. The UN Secretary-General's [Call to Action for Human Rights](#) (Call to Action) and [Our Common Agenda](#) both emphasise the need for ambitious and human rights-based action to address climate change and environmental degradation and the [Intergovernmental Panel on Climate Change](#) has highlighted the linkages between a human rights-based approach and sustainable and effective climate action.

According to the 2022 [Emissions Gap Report](#) current policies put the world on track for a temperature increase of 2.8°C by the end of the century, or 2.4-2.6°C if pledges in nationally determined contributions (NDCs) are met. This would lead to catastrophic impacts on human rights. States must act now to ensure their climate ambition matches their human rights obligations including through integrating human rights in their NDCs; aligning financial commitments with their obligations to avert, minimize and remedy the harms caused by climate change in accord with their common but differentiated responsibilities and respective capacities; and supporting, through effective laws and policies, a rapid, and just transition to a zero carbon economy. Unfortunately, the international community has yet to collectively take the urgent climate action needed to protect the planet and the rights of current and future generations.

The [Glasgow Climate Pact](#) requested parties to strengthen the targets in their NDCs, however, only a handful have yet done so. Nationally determined contributions should be revised and updated through inclusive and participatory processes that will align climate action with efforts to eradicate poverty, reduce inequality, protect human health and welfare and preserve the ecosystems upon which humanity depends.

2. An inclusive Global Stocktake with human rights at its core

Public participation and access to information in environmental matters are human rights, the realization of which is critical for effective climate action. These rights and the principles of transparency and accountability should inform and guide an effective Global Stocktake. The Stocktake will have substantial implications for future climate action and the rights of current and future generations. To be effective and inform action that will better protect people and planet, it should take into consideration both quantitative and qualitative inputs from a wide range of sources, reflecting them in its assessment of progress toward achieving the objectives of the Paris Agreement. The Stocktake must not lose sight of the ultimate objectives of climate action – protecting the planet, and human health and wellbeing. As its outcomes are intended to inform NDCs, UNFCCC negotiations and international cooperation with the aim of increasing ambition, it is imperative that the stocktake consider human rights including the human rights impacts of proposed responses to climate change.

3. A commitment to safe, inclusive, evidence-based climate action now and in the future

All people have the human rights to participation, access to information, education, freedom of expression and freedom of assembly. Climate action must uphold and affirm these rights for all. In June 2021, heads of UN entities affirmed their [joint commitment](#) to promoting the rights of children and youth to a healthy environment and their meaningful participation in decision-making at all levels, in relation to climate action. The Call to Action emphasises the need for the engagement of actors at all levels in support of the right to a healthy environment, as well as protection mechanisms for environmental and human rights defenders. It also calls on United Nations presences on the ground to work with civil society to promote public participation.

Allegations of potential restrictions of civil society participation in climate negotiations are deeply concerning. All people should be able to participate fully and safely in climate action, without fear of reprisal for exercising their human rights. Negotiations should be conducted in full transparency with meaningful and effective participation by civil society, especially groups particularly impacted by climate change. Article 12 of the Paris Agreement calls for Parties to “cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation and public access to information.”

Fulfilling this commitment and their human rights obligations requires Parties to take effective measures to ensure meaningful and informed participation, safe from reprisals in all climate action including climate negotiations. COP27 offers critical opportunities to enhance participation throughout efforts to implement the Paris Agreement and the UNFCCC.

The development of an Action for Climate Empowerment (ACE) action plan is one such opportunity. At COP26, Parties adopted a decision urging the swift implementation of the Glasgow work programme on Action for Climate Empowerment in a manner that respects, promotes and considers their respective obligations on human rights, as well as gender equality and the empowerment of women. The ACE action plan must operationalize this guidance by effectively integrating human rights.

At COP27 parties will continue their review of progress in implementing the UNFCCC's gender action plan (GAP) under the Enhanced Lima Work Programme on Gender. This should commit to gender-responsive and/or gender-transformative approaches including appropriate resources and capacity building to address the disproportionate impacts of climate change on women and girls. In particular, it should promote the balanced representation of women and girls in UNFCCC processes, including through capacity building and resources for monitoring the GAP as well as support for women's employment and leadership as part of a just transition and for women environmental human rights defenders.

4. Sufficient, equitable and accountable commitments, centred in human rights, for resource mobilization to support mitigation and adaptation, and address loss and damage

Under human rights law, States have an obligation to effectively mobilize the maximum available resources for the progressive realization of human rights. This requires the effective mobilization of resources to prevent the human rights harms caused by climate change. In addition to requiring mobilization of resources, a human rights-based approach to climate finance can guard against the risk of climate finance being used to support projects that result in human rights violations, exacerbate social and economic inequalities and/or deepen inequity between countries. Under the Paris Agreement, the principles of equity, and common

but differentiated responsibilities and respective capacities should guide the mobilization of resources for climate action.

Parties to the Paris Agreement have also committed to align finance flows with 'a pathway towards low greenhouse gas emissions and climate-resilient development'. Climate financing, including the proposed New Collective Quantified Goal (NCQG) on international climate finance post-2025, should be new (while also making good on unfulfilled pledges), predictable and grant-based. It should cover mitigation, adaptation- which continues to make up only a small proportion of climate finance [despite evidence of its value](#)- and loss and damage. Financing should be adequate to bridge the gap between the current financial resources available to tackle the climate crisis and what is needed to avert, minimize and redress its human rights impacts. It should also contribute to a just transition and to leaving no one behind by supporting investment in decent jobs. To achieve these objectives, the mobilization of resources for climate change must involve the meaningful and effective participation of all people and ensure direct and equitable access for all, particularly persons, groups and peoples in vulnerable situations.

5. Effective, ambitious and equitable action to address loss and damage from climate change

All people have the right to access justice and effective remedies. People experiencing human rights harms as a result of climate change are no exception. Around the world, peoples' livelihoods and ways of living are being uprooted, their access to basic goods and services reduced and denied, and even their very lives lost because of climate change. A more effective, ambitious and equitable loss and damage regime that upholds the rights of those most affected by climate change is needed to address this crisis. It is time for efforts to address loss and damage to move beyond discussion toward concrete and specific action centred in human rights.

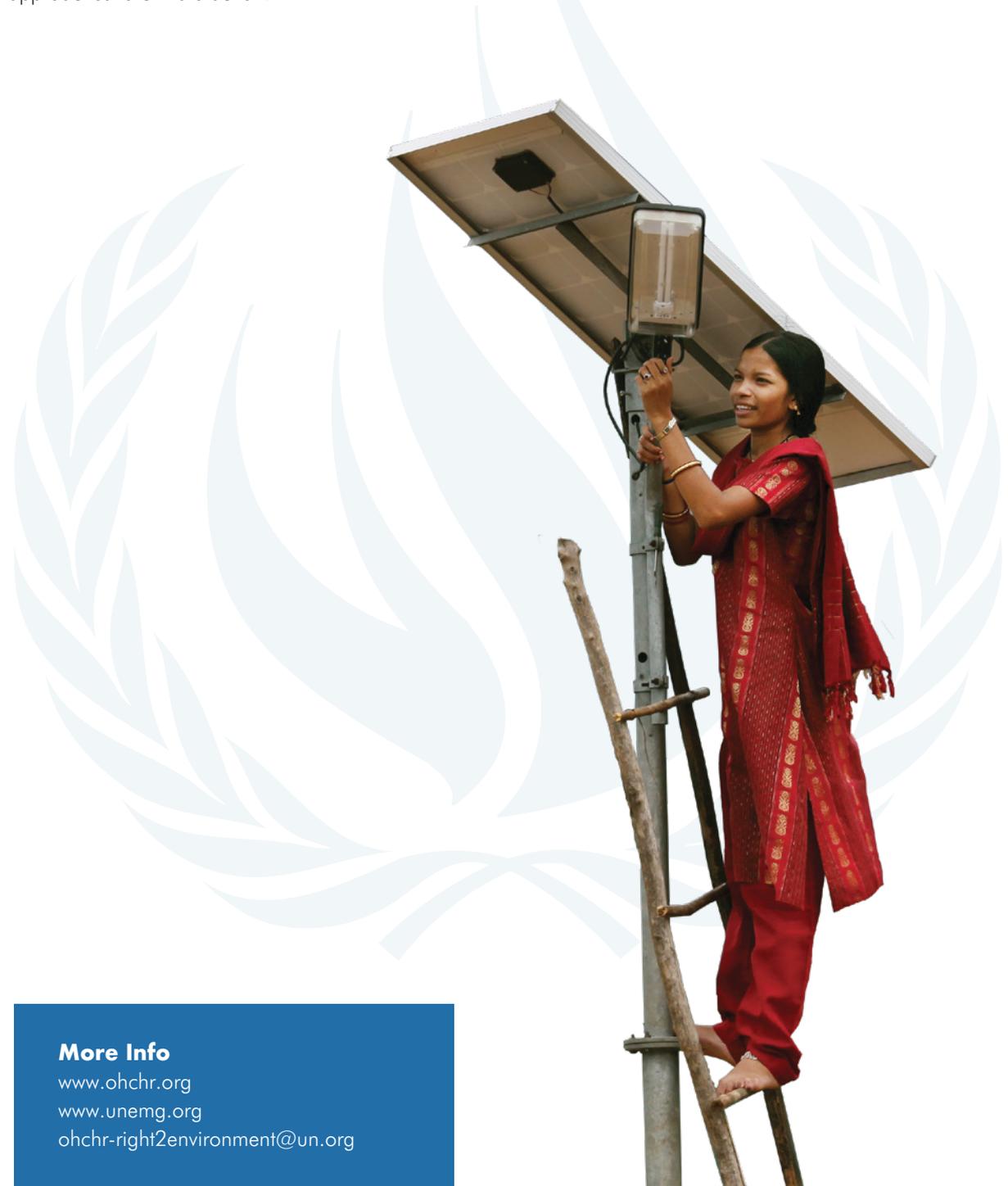
The Glasgow Dialogue on Loss and Damage needs to include the people most affected by climate change and produce concrete results for them including an agreement to speedily and effectively address the finance and resource mobilization requirements for loss and damage. Similarly, the implementation of the new five year workplan of the Executive Committee of the

Warsaw International Mechanism on Loss and Damage and the ongoing process of operationalizing the Santiago Network on Loss and Damage should respect, protect and fulfil human rights for all particularly those most affected by climate change.

6. A human rights-based approach to carbon markets and international cooperation under Article 6

Projects are better designed and more sustainable when affected people are consulted in a fair way, and safeguards and accountability mechanisms, including monitoring and evaluation, are in place. At COP26, Parties affirmed that their human rights obligations apply in the context of cooperative approaches to climate action.

They committed to an inclusive and participatory approach to climate action under Article 6 and to the establishment of a redress mechanism under Article 6.4. These commitments need to be operationalized. For example, the Supervisory Body of the Article 6.4 mechanism should ensure protection measures common to most forms of development cooperation such as rights-compliant stakeholder consultations, environmental and social safeguards, and an independent grievance/redress mechanism are in place before Article 6.4 is operationalized. Further, technologies with uncertain and/or demonstrated risks to human rights and the environment should not be admitted by the Article 6.4 mechanism.



More Info

www.ohchr.org

www.unemg.org

ohchr-right2environment@un.org