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## Statement on human rights and climate change

### **Joint statement by the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities**

1. The Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities welcome the convening of the Climate Action Summit by the United Nations Secretary-General in September 2019, to mobilize more ambitious emissions reduction plans and actions. The Committees urge all States to take into consideration their human rights obligations as they review their climate commitments.

2. The Committees also welcome the work of the international scientific community to further understand the implications of climate change and the solutions that could contribute to avoiding the most dangerous impacts of climate change. The Committees welcome in particular the report released in 2018 by the Intergovernmental Panel on Climate Change on global warming of 1.5°C above pre-industrial levels.<sup>1</sup>

3. That report confirms that climate change poses significant risks to the enjoyment of the human rights protected in the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. The adverse impacts identified in the report threaten, among others, the rights to life, to adequate food, to adequate housing, to health and to water, and cultural rights. These negative impacts are also illustrated in the damage suffered by ecosystems, which in turn affect the enjoyment of human rights.<sup>2</sup> The risk of harm is particularly high for those sectors of the population that are already marginalized or in vulnerable situations or that, owing to discrimination and pre-existing inequalities, have limited access to decision-making or resources, such as women, children, persons with disabilities, indigenous peoples and persons living in rural areas.<sup>3</sup> Children are

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<sup>1</sup> See [www.ipcc.ch/sr15/](http://www.ipcc.ch/sr15/).

<sup>2</sup> See the report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment on the human rights obligations relating to the conservation and sustainable use of biological diversity (A/HRC/34/49).

<sup>3</sup> See the analytical study conducted by the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and the full and effective enjoyment of the rights of the child (A/HRC/35/13).



at a particularly heightened risk of harm to their health, owing to the immaturity of their body systems.<sup>4</sup>

4. As reflected by the Committee on the Elimination of Discrimination against Women in its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, climate change and disasters affect women and men, girls and boys differently, with many women and girls facing disproportionate risks and impacts on their health, safety and livelihoods. Situations of crisis exacerbate pre-existing gender inequalities and compound the intersecting forms of discrimination that disproportionately affect disadvantaged groups of women and girls, particularly those with disabilities. Moreover, climate change and disasters, including pandemics, influence the prevalence, distribution and severity of new and re-emerging diseases. The susceptibility of women and girls to disease is heightened as a result of inequalities in access to food, nutrition and health care and the social expectations that women will act as primary caregivers for children, the elderly and the sick.

5. Such adverse impacts on human rights are already occurring with 1°C of global warming; every additional increase in temperature will further undermine the realization of rights. The report of the Intergovernmental Panel on Climate Change makes it clear that, in order to avoid the risk of irreversible and large-scale systemic impacts, urgent and decisive climate action is required.

6. The report of the Intergovernmental Panel on Climate Change also highlights the fact that adequate action to mitigate climate change would have significant social, environmental and economic benefits. The Panel warns of the risk of social and environmental damage resulting from poorly designed climate measures, thereby highlighting the importance for human rights norms to be applied at every stage of the decision-making process of climate policies.

7. As emphasized by the Committee on Economic, Social and Cultural Rights in its 2018 statement on climate change and the International Covenant on Economic, Social and Cultural Rights, human rights mechanisms have an essential role to play in ensuring that States avoid taking measures that could accelerate climate change, and that they dedicate the maximum available resources to the adoption of measures aimed at mitigating climate change. In its statement, the Committee also welcomed the fact that national judiciary and human rights institutions are increasingly engaged in ensuring that States comply with their duties under existing human rights instruments to combat climate change.

### **Agency and climate action**

8. Women, children and other persons, such as persons with disabilities, should not be seen only as victims or in terms of vulnerability. They should be recognized as agents of change and essential partners in local, national and international efforts to tackle climate change.<sup>5</sup> The Committees emphasize that States must guarantee these individuals' human right to participate<sup>6</sup> in climate policymaking and that, given the scale and complexity of the climate challenge, States must ensure that they take an inclusive multi-stakeholder approach that harnesses the ideas, energy and ingenuity of all stakeholders.

9. The Committees welcome international cooperation to tackle climate change under the auspices of the United Nations Framework Convention on Climate Change and the Paris Agreement, and the national commitments and contributions made by all individual States to mitigate climate change. They also welcome the mobilization by civil society, particularly women, children and young people, to urge Governments to take more

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<sup>4</sup> See Fiona Stanley and Brad Farrant, "Climate change and children's health: a commentary", *Children*, vol. 2, No. 4 (October 2015); and Council on Environmental Health, "Global climate change and children's health", *Pediatrics*, vol. 136, No. 5 (November 2015).

<sup>5</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 37, paras. 7–8.

<sup>6</sup> *Ibid.*, paras. 32–36; Convention on the Elimination of All Forms of Discrimination against Women, arts. 7, 8 and 14; Convention on the Rights of the Child, art. 12; Universal Declaration of Human Rights, art. 21; International Covenant on Civil and Political Rights, art. 25; and Convention on the Rights of Persons with Disabilities, arts. 4 (3), 29 and 33 (3).

ambitious climate action. However, the Committees note with great concern that States' current commitments under the Paris Agreement are insufficient to limit global warming to 1.5°C above pre-industrial levels,<sup>7</sup> and that many States are not on track to meet their commitments. Consequently, States are exposing their populations and future generations to the significant threats to human rights associated with greater temperature increases.

### States' human rights obligations

10. Under the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities, States parties have obligations, including extraterritorial obligations, to respect, protect and fulfil all human rights of all peoples.<sup>8</sup> Failure to take measures to prevent foreseeable harm to human rights caused by climate change, or to regulate activities contributing to such harm, could constitute a violation of States' human rights obligations.<sup>9</sup>

11. In order for States to comply with their human rights obligations and to realize the objectives of the Paris Agreement, they must adopt and implement policies aimed at reducing emissions. These policies must reflect the highest possible ambition, foster climate resilience and ensure that public and private investments are consistent with a pathway towards low carbon emissions and climate resilient development.<sup>10</sup>

12. In their efforts to reduce emissions, States parties should contribute effectively to phasing out fossil fuels, promoting renewable energy and addressing emissions from the land sector, including by combating deforestation.<sup>11</sup> In addition, States must regulate private actors, including by holding them accountable for harm they generate both domestically and extraterritorially.<sup>12</sup> States should also discontinue financial incentives or investments in activities and infrastructure that are not consistent with low greenhouse gas emissions pathways, whether undertaken by public or private actors, as a mitigation measure to prevent further damage and risk.

13. When reducing emissions and adapting to climate impacts, States must seek to address all forms of discrimination and inequality, including advancing substantive gender equality, protecting the rights of indigenous peoples and of persons with disabilities, and taking into consideration the best interests of the child.

14. A growing number of people are forced to migrate because their States of origin cannot ensure the enjoyment of adequate living conditions, owing to the increase in hydrometeorological disasters, evacuations of areas at high risk of disasters, environmental

<sup>7</sup> See [www.ipcc.ch/sr15/](http://www.ipcc.ch/sr15/).

<sup>8</sup> In this context, see also the Charter of the United Nations, Arts. 55–56; Committee on Economic, Social and Cultural Rights, general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, paras. 26–28; E/C.12/AUS/CO/5, paras. 11–12; E/C.12/ARG/CO/4, paras. 13–14; CRC/C/NOR/CO/5-6, para. 27; CRC/C/JPN/CO/4-5, para. 37; Committee on the Elimination of Discrimination against Women, general recommendation No. 37, paras. 43–46; CEDAW/C/AUS/CO/8, paras. 29–30; and CEDAW/C/NOR/CO/9, paras. 14–15.

<sup>9</sup> CRC/C/ESP/CO/5-6, para. 36; CRC/C/GBR/CO/5 and Corr.1, paras. 68–69; Committee on Economic, Social and Cultural Rights, statement on climate change and the International Covenant on Economic, Social and Cultural Rights; E/C.12/AUS/CO/5; Committee on the Elimination of Discrimination against Women, general recommendation No. 37, para. 14; and CEDAW/C/NOR/CO/9.

<sup>10</sup> Paris Agreement, art. 2.1.

<sup>11</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 37; CEDAW/C/AUS/CO/8; CRC/C/NER/CO/3-5; Committee on Economic, Social and Cultural Rights, statement on climate change and the International Covenant on Economic, Social and Cultural Rights; and E/C.12/ARG/CO/4.

<sup>12</sup> Committee on Economic, Social and Cultural Rights, statement on climate change and the International Covenant on Economic, Social and Cultural Rights; Committee on the Elimination of Discrimination against Women, general recommendation No. 37; CEDAW/C/FJI/CO/5; and CRC/C/ESP/CO/5-6.

degradation and slow-moving disasters, the disappearance of small island States as a result of rising sea levels, and even the occurrence of conflicts over access to resources. Migration is a normal human adaptation strategy in the face of the effects of climate change and natural disasters, and the only option for entire communities. Climate change-related migration has to be addressed by the United Nations and by States as an emerging form of migration and internal displacement.

15. States must therefore address the effects of climate change, environmental degradation and natural disasters as drivers of migration and ensure that such factors do not hinder the enjoyment of the human rights of migrants and their families. In addition, States should offer migrant workers displaced across international borders in the context of climate change or disasters and who cannot return to their countries complementary protection mechanisms and temporary protection or stay arrangements.

16. In the design and implementation of climate policies, States must also respect, protect and fulfil the rights of all, including by mandating human rights due diligence and ensuring access to education, awareness-raising and environmental information, and public participation in decision-making. In particular, States have the responsibility to protect and defend effectively the rights of environmental human rights defenders, including women, indigenous and child environmental defenders.

#### **International cooperation**

17. As part of international assistance and cooperation towards the realization of human rights, high-income States should support adaptation and mitigation efforts in developing countries by facilitating transfers of green technologies and by contributing to financing climate mitigation and adaptation. In addition, States must cooperate in good faith in the establishment of global responses addressing climate-related loss and damage suffered by the most vulnerable countries, paying particular attention to safeguarding the rights of those who are at particular risk of climate harm and addressing the devastating impact of climate disruptions, including on women, children, persons with disabilities and indigenous peoples.

#### **Role of the Committees**

18. In their future work, the Committees will continue to keep under review the impacts of climate change and climate-induced disasters on the rights holders protected under their respective treaties. They will also continue to provide States parties with guidance on how they can meet their obligations under these instruments in relation to mitigation and adaptation to climate change.

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