



## Outcome Document

### Virtual side event: Human Mobility and Human Rights in the context of the adverse effects of Climate Change, 5 October 2021, in the context of the 48th Session of the Human Rights Council

#### 1. Background

In response to increased human mobility in the context of the adverse effects of climate change, international action needs to be firmly based on human rights. While the past years saw large volumes of internal displacement in the context of the adverse effects of climate change, available data often underestimates the phenomenon and it remains challenging to measure the scope of cross-border displacement, as well as human mobility more generally in the context of slow-onset events such as drought, desertification, salinization, land degradation or rising sea levels. Many international frameworks, instruments and processes already recognize human mobility in the context of the adverse effects of climate change as a humanitarian, development and human rights challenge. But more needs to be done for their coherent implementation, at the regional and national levels. Among the regions that are, year after year, among the most effected by climate change and disaster displacement, are the Asia-Pacific and Sub-Saharan Africa.

In this context, a virtual event was organized at the margin of the 48th Regular Session of the United Nations Human Rights Council (HRC), building on the previous work in this area<sup>1</sup>. The event, titled *Human Mobility And Human Rights In The Context Of The Adverse Effects Of Climate Change*, was held on 5 October 2021, and aimed to put the human rights of people displaced in the context of the adverse effects of climate change, and in particular slow-onset events, back on the agenda of the Human Rights Council. It provided a space for discussion of the challenges of implementing a human rights-based approach when addressing displacement, and formulated recommendations to States, civil society and other relevant stakeholders to better understand and address the protection needs of persons displaced internally and across borders due to the adverse effects of climate change, from a human rights perspective.

During the event, attendees heard interventions from H.E. Jean Asselborn, Minister of Foreign and European Affairs for Luxembourg; Ms Cecilia Jimenez-Damary, Special Rapporteur on the human rights of

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<sup>1</sup> Previous work in this area includes: the outcomes of the 2017 Human Rights Council panel discussion on human rights, climate change, migrants and persons displaced across international borders (A/HRC/37/35); the High Commissioner for Human Rights' report on the relationship between climate change and human rights (A/HRC/10/61); the Office of the High Commissioner for Human Rights expert meeting and study on the slow-onset effects of climate change and human rights protection for cross-border migrants (A/HRC/37/CRP.4); the High Commissioner's report on human rights, migration and climate change (A/HRC/38/21); the Nansen Initiative Protection Agenda; the Global Compact for Safe, Orderly and Regular Migration; the report of the Special Rapporteur on the human rights of internally displaced persons examining internal displacement in the context of the slow-onset adverse effects of climate change (A/75/207) and its associated side event (September 2020); and the virtual event on Cross-Border Human Mobility & Human Rights in Disasters, Climate Change & Environmental Degradation (September 2020).

internally displaced persons; Ms Runa Khan, Founder and Executive Director of the NGO Friendship in Bangladesh; H.E. Laouali Labo, Permanent Representative of Niger to the UN in Geneva, and H.E. Anare Leweniqila, Deputy Permanent Representative of Fiji to the UN in Geneva and Chair of the Platform on Disaster Displacement. A wide range of stakeholders from States, international organizations and civil society participated in the event and discussion. A recording of the event is available [online](#).

This Outcome Document outlines the key messages and recommendations emerging from the discussions at the event.

## **2. Key Messages**

### ***I. Human Rights-Based Action is Needed Now***

The effects of climate change, and in particular slow-onset events, are not a future challenge but are being felt around the world right now. There is already a significant amount of evidence on the impacts of climate change on human mobility, and this evidence shows that the number of people who may be forced to move in the future will continue to increase, unless action is taken now. Displacement in the context of the adverse effects of climate change threatens the enjoyment of fundamental human rights, including the right to life, the right to self-determination, and the rights to adequate standard of living, food, health and housing, among others. Therefore, it is critical that human rights-based action takes place across all levels, from the global level to the local. In particular, States are encouraged to strengthen their commitment to protect the human rights of those impacted by the adverse effects of climate change, and to address gaps that remain in existing policies and practice.

### ***II. Mainstreaming Human Rights in Global Frameworks and Policies Can Lead to Better Protection***

Human rights are a powerful tool that can guide action to protect those impacted by the adverse effects of climate change. Human rights must be mainstreamed in all international policy frameworks to ensure the protection of the human rights of those moving in the context of climate change. It is important to emphasize the attention to human rights in the implementation of the United Nations Framework Convention on Climate Change (UNFCCC) and the UNFCCC Paris Agreement, the Sendai Framework for Disaster Risk Reduction 2015-2030, the Global Compact for Safe, Orderly, and Regular Migration and the Global Compact on Refugees, as well as the Sustainable Development Goals and their associated reviews and implementation. Human mobility in the context of the adverse effects of climate change as a human rights issue cuts across multiple policy and normative frameworks, and must be addressed accordingly.

### ***III. Coherent, Rights-Based Implementation of Global Frameworks and Policies is Critical***

In addition to mainstreaming human rights in international policy frameworks, it is important that these frameworks are backed with strong political will, implemented in a coherent manner alongside regional and national policies, and with respect to the complex intersection of human mobility and human rights in the context of the adverse effects of climate change. To address protection gaps and guarantee the human rights of those affected, stakeholders at the regional and national levels must work across traditional silos such as disaster risk reduction, climate change adaptation, human mobility, and humanitarian and development action. Addressing human mobility from a human rights perspective,

including averting and minimizing displacement, and protection and durable solutions for those affected, will require a whole-of government and whole-of society response.

#### ***IV. Meaningful and Inclusive Participation of Those Affected is Core to Achieving Solutions***

Coherent global, regional, and national policy development is important, but it is also critical to acknowledge the value of perspectives from those directly impacted by the adverse effects of climate change. It is most often the most vulnerable that bear the brunt of these effects, both in terms of the impacts and in terms of the coping strategies that they must employ. Displaced persons, persons at risk of being displaced and host communities may be particularly vulnerable, but they also display strength, resourcefulness and resilience. As such, they should be viewed not as victims, but as rightsholders and agents of development and change, and should participate and be consulted meaningfully in developing policy, strategy and durable solutions, as a matter of human rights principles and as recommended by the Report of the United Nations Secretary General’s High-level Panel on Internal Displacement published in September 2021. Such participation must be integral to the process of formulating policy and strategy from the outset — not after they are already put in place.

#### ***V. Human Rights Protection is Needed in All Forms and at All Stages of Movement***

Human mobility has many forms and dimensions. It encompasses displacement, migration and planned relocation; it can take place internally within a country, or it can occur across international borders; and human mobility considerations arise before, during and after movement. It can also fall anywhere on a continuum from “forced” to “voluntary”. In the context of the adverse effects of climate change, and in particular slow-onset events, it is often very difficult to identify particular drivers of movement, or to categorize human mobility as one form or another. It is critical that all people who move from their homes in the context of the adverse effects of climate change are able to enjoy their fundamental human rights. Regardless of the specific characteristics of human mobility, the human rights of affected communities and peoples must be respected and protected. In situations of cross-border mobility, this can, inter alia, be achieved by ensuring the availability of safe, orderly, and regular migration pathways for people impacted by the adverse effects of climate change, which is a key objective of the Global Compact for Migration and which is being supported by the United Nations Network on Migration.

#### ***VI. Regional Action is an Effective Way Forward***

One serious adverse effect of climate change can be to affect the ability of States to guarantee the full protection of human rights. Island states in particular may face existential threats due to the adverse effects of climate change, and have limited options for averting, minimizing and addressing displacement. In such circumstances, regional-level dialogues and policy frameworks have the potential to address this issue in a human rights-sensitive way. In the Pacific, a regional dialogue on cross-border human mobility in the context of disasters and climate change is being initiated towards a framework that is sensitive, inclusive, participatory, and transformative. In Africa and elsewhere, Free Movement Protocols and other relevant frameworks can be applied to provide admission and stay based on human rights standards and durable solutions that respect human rights, when displacement cannot be prevented.

### **3. Conclusion**

The key messages from the event provide a strong foundation for improving the protection of human rights of people displaced in the context of the adverse effects of climate change, and are relevant both within the Human Rights Council and in other policy processes and fora. It will be important to recall and reiterate the importance of acting now, of mainstreaming human rights in global frameworks and policies, of coherent, rights-based implementation of global frameworks, of meaningful and inclusive consultation with and participation of those affected, of protection in all forms and at all stages of movement, in the future development and implementation of policy and strategy. The implementation of the Nansen Initiative Protection Agenda and the work of the Platform on Disaster Displacement can play an important role in this regard as well as the recommendations made by the Task Force on Displacement of the Warsaw International Mechanism for Loss and Damage and welcomed by the Conference of the Parties in 2018 in Katowice, Poland. The new Special Rapporteur on the promotion and protection of human rights in the context of climate change could build on the efforts of other Special Rapporteurs reporting on different aspects of the interaction between human rights and human mobility in the context of climate change; bring together knowledge on the issue from different levels; and support the international community to address displacement in the context of the adverse effects of climate change more holistically and predictably. Cross-cutting action across policy areas such as disaster risk reduction, climate change adaptation, human mobility, and humanitarian, development, and peace action, must keep these human rights considerations at their core to ensure better protection of people who move in the context of the adverse effects of climate change.

**End./**