

THE GUIDELINES TO PROTECT HUMAN RIGHTS IN CLIMATE CHANGE ACTION ARE IN PLACE: IT IS NOW TIME TO ACT

(Report of the 21st Informal ASEM Seminar on Human Rights)

Introduction

Human induced climate change affects the enjoyment of a wide range of internationally recognised human rights – including the right to life, the right to adequate food, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination, the rights to safe drinking water and sanitation, the right to work, and the right to development. At the same time, measures adopted to tackle climate change and its impacts (often called ‘climate change response measures’) may themselves negatively affect the enjoyment of human rights. This is especially the case for measures constraining access to, and use of, natural resources – such as land, water, and forests – which can in turn hinder the enjoyment of rights – such as the right to culture, food, access to safe drinking water and sanitation, and to respect for private and family life. So, while climate change is a major aggravating factor hindering the enjoyment of human rights, at times human rights considerations may be perceived to stand in the way of climate change response measures and projects. And even if in principle there is no incompatibility between action to tackle climate change and the protection of human rights, in practice policy conflicts between the two do emerge.

The 21st Informal ASEM Seminar on Human Rights engaged with the topical theme of ‘Human Rights and Climate Change’. The Seminar was organised by the Asia-Europe Foundation (ASEF), the Raoul Wallenberg Institute (nominated by the Swedish Ministry of Foreign Affairs), the French Ministry for Europe and Foreign Affairs, the Philippine Department of Foreign Affairs, the Swiss Federal Department of Foreign Affairs, and the Ministry of Foreign Affairs of the People’s Republic of China. The Seminar brought together over 150 official government representatives and civil society experts, representing 47 ASEM Partner countries, to discuss and share best practices and innovative ideas to better integrate human rights in climate change policies and actions.

The Seminar was held in hybrid format on 16-18 March 2022 and was hosted by the Ministry of Foreign and European Affairs of the Grand Duchy of Luxembourg. A background paper for the seminar was prepared by Dr Annalisa SAVARESI (University of Eastern Finland).

Participants heard from a number of speakers who reflected on the importance of focusing on human rights when dealing both with the impacts of climate change and of climate change response measures. These included:

- Michelle BACHELET, United Nations High Commissioner for Human Rights
- Dr David R. BOYD, United Nations Special Rapporteur on Human Rights and the Environment
- Mr Jean ASSELBORN, Minister of Foreign and European Affairs, Grand Duchy of Luxembourg
- Mr Eamon GILMORE, European Union's Special Representative for Human Rights
- Ms Irum AHSAN, Lawyer and environmental and climate rights specialist
- Mr Roberto Eugenio CADIZ, Commissioner, Commission of Human Rights of the Philippines
- Ms Marie-Claire GRAF, Swiss representative of Youth Constituency of the UNFCCC (YOUNGO)
- Ms Carole DIESCHBOURG, Minister for the Environment, Climate and Sustainable Development, Grand Duchy of Luxembourg

The Seminar included a hybrid panel discussion on the theme *Migration, Human Rights and Climate Change* with the following expert speakers:

- Professor Vitit MUNTARBHORN, Chulalongkorn University
- Dr Sara VIGIL, Stockholm Environment Institute (SEI)
- Ms Maria Theresa LAURON, Rosa Luxemburg Stiftung
- Mr Atle SOLBERG, Platform on Disaster Displacement (PDD)
- Moderator: Ms Elissa JOBSON, International Crisis Group

The Seminar also convened four working groups, each of which discussed a number of cross-cutting questions and a specific thematic topic.

This report summarises and synthesises the Seminar presentations, discussions, and conclusions. The report includes reports by the four rapporteurs assigned to each of the seminar working groups:

- Mr Sébastien DUYCK: Reinforcing socio-ecological resilience of communities through information and public participation
- Dr Stellina JOLLY: Promoting the full enjoyment of human rights by all persons affected by climate change
- Dr Linda Yanti SULISTIAWATI: Green, equitable and inclusive: Innovative ideas on international cooperation to address the impacts of climate change on human rights
- Dr Annalisa SAVARESÌ: Taking stock of national and international human rights regimes to protect against the consequences of climate change

Key Messages

There is an urgent need to address human rights violations associated with the impacts of climate change, particularly loss and damage, and climate change-induced migration and internal displacement.

- Human rights mechanisms at the national, regional, and international level can be used as institutionalised pathways to monitor and sanction human rights violations associated with climate change, and with the implementation of climate change response measures.
- There is a need to bolster mechanisms to ensure state and corporate accountability for climate change at the international, regional, and national level
- There is a need to ensure just transitions away from fossil fuels and towards net-zero emission societies in line with human rights.
- Climate change is a pressing global challenge in the areas of development and the environment and has serious impact on human rights.

General Recommendations

ASEM Member States should:

- Cooperate to ensure that human rights are taken into consideration in **international, regional, and national climate action**
- Support the recognition of the **right to a clean, healthy, and sustainable environment** at the national, regional, and international level, including the upcoming recognition by the UN General Assembly

- Be vigilant of the **human rights implications of climate policies and measures**, ensuring that there are no undesirable outcomes in the pursuit of climate objectives
- Engage with international **finance bodies** to ensure that their policies and funding criteria fully align with human rights. Furthermore, scale up **climate finance** to address human rights violations associated with the impacts of climate change
- Ensure greater accountability of state and **corporate actors** for climate action and train judges and lawyers to support this crucial mission
- Ensure that their official **development assistance** targets climate-friendly activities, which align with human rights obligations
- Note that **nationally determined contributions** (NDCs) submitted under the Paris Agreement contribute to the promotion and protection of human rights. Ensure that NDCs are prepared and implemented in a participatory manner
- Ensure that national climate policies and legislation are developed with meaningful and effective **public participation**, especially of vulnerable groups. Make use of international instruments such as the **Aarhus Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters** to facilitate the sharing of good practices and to protect the right to participate
- Recognise and address the entrenched drivers of vulnerability and inequality, and mainstream **gender equality** into climate policies, programmes, and action
- Empower **National Human Rights Institutes (NHRIs)** and other similar bodies to address human rights concerns associated with the impacts of climate change and climate change response measures
- Support civil society and youth-led initiatives, including with adequate financing, and foster the ability for civil society and communities to participate in climate policymaking through **training and capacity building** for civil society advocates, community leaders, civil servants, and policymakers
- Protect the rights of **future generations** and empower **youth representatives** in climate change decision-making processes at the national, regional, and international level – including through official youth delegate programmes in relevant international forums
- Protect **environmental human rights defenders (EHRDs)** against harassment and prosecution. Facilitate protection for individuals and groups in accordance with the **United Nations Environment Programme's (UNEP)** guidelines for defending environmental rights and for solutions to mitigating abuses related to environmental rights
- Find durable intergovernmental solutions to address climate change-induced human **displacement and migration**. Commit to implementing the **Global Compact for Safe, Orderly and Regular Migration, Global Compact on Refugees**, and the **Nansen Protection Agenda** to address climate displacement
- Adopt mechanisms to recognise and integrate the **traditional and cultural knowledge** and skills of the indigenous communities in climate actions
- Engage with the **UN Special Rapporteur on Human Rights and Climate Change** and support his mandate to promote and exchange views on lessons learned and best practices on human rights-based, gender-responsive, age-sensitive, disability-inclusive, and risk-informed approaches to climate change adaptation and mitigation.

WORKING GROUP REPORTS

Working Group 1: Reinforcing socio-ecological resilience of communities through information and public participation ¹

The first working group considered the role of public participation and inclusion in strengthening local and national responses to environmental crises such as climate change. The working group participants attempted to identify lessons learned and good practices across a wide range of countries and reviewed the opportunities offered by cross-regional cooperation in these matters.

The topics discussed during the session included:

- Standards for truly effective and meaningful public participation
- The inclusion of all in participatory processes, including that of persons in vulnerable situations
- Linkages between participation and education / awareness-raising as well as the role of youth and children
- Principles and mechanisms for the effective protection of environmental human rights defenders
- The benefits but also the limits of new technologies in supporting effective participation.

The discussions were informed by cross-cutting questions that participants sought to reflect upon across their responses. The discussions were rooted in the need to address, through public participation, specific vulnerabilities of local communities as well as to respect the rights of all women and of Indigenous Peoples. Participants were also encouraged to reflect upon the consequences of the COVID-19 pandemic. The discussions considered the added value of human rights and the role of States' obligations with regard to participation. The potential role of cross-regional cooperation and forums such as the Asia-Europe Meeting (ASEM) was considered throughout the discussions.

Lessons learned with regard to public participation and opportunities to capitalise on them in the context of increased global public awareness of climate change

While the importance of public participation has been recognised internationally for decades, including through international frameworks, participants noted that the track record of governmental practices demonstrates mixed commitments and results. Often, an initial commitment from decision-makers to inclusive decision-making is undermined by the lack of sufficient planning and the perceived need to take rapid and decisive action.

In the European context, for instance, discussions related to future policy frameworks have included significant participatory components, for instance in the context of the European Green Deal and the conference on the future of Europe. In practice, however, the extent to which these participatory processes are meaningful in shaping final policy outcomes remains questionable. Civil society actors often have the feeling that participation is approached more like a box-ticking exercise. Discussants highlighted that where public participation is mandatory, the impact of these processes is often difficult to discern. The outcome of participatory processes must have policy or legal implications so that decision-makers are compelled to review policies according to the outcomes of consultations.

Effective and meaningful public participation requires implementing some common standards, for instance, the participation of a variety of stakeholders. Also, for public participation to be meaningful,

¹ Rapporteur: Sébastien DUYCK, Senior Attorney, Center for International Environmental Law (CIEL)

the public must have access to information so they are made aware of projects in which they will have a stake. The information must be communicated in a timely manner and in the language appropriate for the communities affected. Finally, the ability for members of the public to access legal recourse offers a very strong incentive for decision-makers to respect the right to public participation.

In this context, international legally binding instruments can play a crucial role in protecting the right to public participation. The **UNECE Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters** (Århus Convention) contributes to laying out key principles and standards for effective participation and to sharing relevant experiences across governments in Europe and Central Asia. This convention has demonstrated the added value for governments and stakeholders of such instruments and States in other regions should consider the opportunity to adopt similar regional frameworks.

While the exchange of expertise and experiences across regions is important, one must also consider socio-cultural factors. The participants noted that cultural bias might play a role in facilitating or hindering the ability of members of local communities to interact proactively with governmental representatives. In some countries, decision-makers may be seen as being less appreciative of the expertise and experiences of local communities.

In Europe, several countries have experimented with innovative approaches to addressing the need for consultations with regard to climate policy, such as the **climate assembly** established in **France**. The **Luxembourgish Klimabirgerrot** (Luxembourg Civil Society Climate Council) is another example of such an ad-hoc consultative structure. In this case, the participants were selected across demographic and socio-economic factors. Participants noted, however, that the outcome of these ad-hoc processes did not always result in significant policy changes. When such mechanisms rely on the random selection of participants, there might not be representation of segments of society with specific vulnerability. In that context, the focus should not necessarily be on securing a large number of participants in consultative processes but on ensuring their diversity and guaranteeing that the right individuals can participate.

Across Asia, there are also many models of experimentation regarding community engagement in climate responses and climate resilience. These practices are increasingly seeking to foster dialogue and mutual recognition between local governments and stakeholders at the community level. Such practices have a particularly important role to play with regard to resilience against risks associated with climate impacts. In **Bangladesh**, **City Budget Monitoring Committee** offers one form of participation in local governance fostering the accountability of decision-makers. The participation of young people in such mechanisms is particularly encouraged.

Some good practices can be drawn from both regions with regard to the participation of indigenous peoples in decision making. The case of specific requirements regarding the respect of Indigenous Peoples' **Free, Prior and Informed Consent (FPIC)** in the context of the extractive industry in **Finland** was highlighted as an example. The model of the **Sámi Council in Finland** was highlighted as a strong precedent to ensure the institutionalisation of the representation of indigenous peoples and the protection of their right to participate in decisions affecting their environment.

Even the existence of consultative mechanisms does not preclude challenges for members of the public seeking to participate effectively in decision-making. In many instances, consultative mechanisms are designed to support the participation of stakeholders who are already empowered or involved in decision-making processes, and they do not provide adequate opportunities to lift the voices and perspectives of grassroots representatives or to bridge across social classes. Lack of adequate resources and linguistic barriers might also further hinder the effective participation in

existing participatory mechanisms. Furthermore, corruption and the lack of accountability for corporate actors in many countries means that laws providing a legal basis for public participation are not adequately implemented and it can even be dangerous for individuals to claim such rights.

In many instances, CSOs have a critical role to play to enable the effective participation of communities' representatives in decision-making. Participants discussed the example of networks established in **Bangladesh** to lift and amplify the voices of the 60% of the population living in areas particularly vulnerable to climate impacts. The experience of **Chinese** NGOs acting as enablers of public participation through a **VIP Model** (Voices, Ideas, Policy) was mentioned as another example of participatory practice.

Participation in many high-level policy processes is out of reach for many representatives from the communities most impacted – for instance, rural communities – owing to a lack of understanding of the processes as well as to barriers related to accreditation.

The 26th Conference of the Parties to the UN Framework Convention on Climate Change was highlighted as one example of these challenges. It was noted that, despite public commitments to ensuring an inclusive process, representatives of civil society faced many hindrances to their meaningful participation at the conference and that the transparency of the process had been undermined as a result. In such an environment, NGOs have an important role to play to facilitate contact between climate decision-makers and representatives from local communities. Policymakers participating in these forums seldom have the opportunity to be confronted directly with these perspectives. In such governance spaces, it is important for NGOs to rely on the participation of local staff who can actively participate and channel the testimony of the most vulnerable.

Facilitating the participation of those most vulnerable while guaranteeing participatory processes inclusive of all voices

Civil society organisations have an especially important role to play in mobilising the participation of segments of the population in particularly vulnerable situations. This role must be recognised and supported by governments. To guarantee inclusive participatory processes, specific groups of stakeholders should be identified, and measures put in place to consider their constraints and to facilitate their engagement. In relation to the participation of women, for instance, this might require offering opportunities for participation during times compatible with the care work that remains disproportionately undertaken by women. Quotas of representatives from different constituencies would help to ensure balanced representation.

Local media has an important role to play in raising awareness and informing communities about decision-making opportunities. Journalists, including those in community-based media, should be considered key actors with a role to play in promoting public participation.

Promoting the empowerment of the most vulnerable raises the question of who is in a position to act as their representative. Additionally, engaging in consultative processes is more challenging for those struggling on a daily basis. The most marginalised may not feel sufficiently empowered to share their opinions openly with decision-makers. Decision-makers and civil servants often use a semantic language different from that used by communities, further hampering effective exchanges. Consequently, the role of capacity building for both those consulted and those leading the consultation is essential. In particular, decision-makers and civil servants must recognise the added value of 'citizens science' and sometimes 'unlearn' some of their processes and values in order to conduct truly inclusive and participatory processes.

Linkages between public participation and climate education, opportunities to strengthen youth and child participation

The importance of the participation of children and youth in climate-related decision-making is recognised by many governments. In fact, article 6 of the UN Framework Convention on Climate Change provides an obligation for States to promote climate education, awareness-raising and public participation with a particular focus on young people. While some governments have worked to integrate systematically climate change in the educational curricula across age groups, several participants mentioned that many countries had yet to make progress towards greater climate literacy through the public education system. This can be done most effectively when climate information is mainstreamed across all relevant education subjects. In this context, due account must be taken of additional mental health hazards related to the burden of eco-anxiety among youths.

Non-formal education and youth-led programmes have an essential role to play to complement the information provided through formal education. Limited resources are often the main obstacle to the scaling up of youth-led initiatives promoting climate literacy and empowerment. Access to financial support must be made available for young people so as to favour bottom-up initiatives over top-down approaches.

Public participation of children and young people in climate-related decision-making may be appealing to decision-makers but it raises methodological challenges. To avoid any tokenism in interactions between decision-makers and the youth, processes must ensure some accountability to guarantee that input provided by younger generations is being considered. Encouraging the participation of young people and guaranteeing that those who engage can see the impact of their interventions is important to empower new generations of citizens. This calls for capacity building for decision-makers about the effective participation of young people in decision-making.

Fostering cooperation between youth across countries is also essential to increase their personal commitment and understanding of the issues at stake. Exchange programmes between Indian, Nepali and Luxembourgish students were mentioned as particularly impactful, as were web-based partnerships between classes in France and in Bangladesh.

Support and protection of environmental human rights defenders, especially women environmental human rights defenders, and the fight against impunity

Mitigating threats faced by those seeking to exercise their right to public participation and protecting the rights of environmental human rights defenders should be a key priority to strengthen the civil society space. While there is a wide difference between individual countries in Europe and in Asia, harassment of environmental advocates happens on both continents. Women and indigenous peoples are among those most at risk of being targeted when speaking up for the right of their community to healthy ecosystems and a toxic-free environment. Activism in defence of the environment is often stigmatised and individuals run higher risks as a consequence of being targeted. This is particularly the case when individuals exercise their rights to freedom of expression and of assembly to oppose development projects supported by local governments and corporate actors.

Effective mechanisms must be put in place to end impunity and to provide adequate protection measures for those who are targeted because of their engagement for the environment. **The Rapid Response Mechanism** established under **the Aarhus Convention** is an example. It allows an individual to reach out to governments through the bilateral channel and also to potentially raise public awareness in relation to specific cases. **The European Union Agency for Fundamental Rights**, meanwhile, is seeking to protect more proactively environmental activists who might be exposed to

threats. There is, however, no such regional mechanism for the protection of environmental defenders in Asia.

To respond to immediate threats, **foreign embassies** can play an important role in protecting environmental defenders, including by intervening with the government to raise concerns. To promote more long-term changes and address systemic issues, fact-finding missions can prove impactful. The first line of defence for environmental activists targeted because of their engagement remains, however, with civil society networks. Adequate financial support of civil society organisations is therefore essential.

New information technologies, knowledge-sharing platforms, and their impact on public participation

As demonstrated since the beginning of the pandemic, new information technologies can facilitate interactions between stakeholders who might otherwise not be able to interact directly. These technologies can enable a wider range of stakeholders to engage in public participation processes remotely.

But it is essential to recognise the limits of such technologies. Internet literacy and the generational gap associated with such technologies limit the ability of many to be fully empowered through such approaches to consultative processes. In this context, community centres and grass-roots structures can play an important role in promoting the sharing of know-how that is a prerequisite for the use of new technologies for public participation. To promote the use of technology for public participation, governments can work with established 'influencers' – the example of the **mobilisation of YouTubers** by the government in **Pakistan** was, cited as an example.

While new technologies should be used, this could lead to the further marginalising of the views of traditional knowledge holders. Avoiding this requires full recognition of the value of such knowledge among other forms of science, and to use new technologies in support of the diffusion and respect of traditional knowledge. There should be community-led initiatives to respect the rights of traditional knowledge holders.

Other aspects of new technology have to be considered, such as weak internet connectivity in some areas. There is also the danger of misinformation, which means people need to be educated about identifying reliable information.

Finally, the use of the internet raises important privacy and confidentiality risks in many countries. When safe use of the internet cannot be guaranteed, new technologies do not offer a credible alternative to other forms of public participation.

Recommendations

Empowering civil society requires the promotion of meaningful and effective participation.

- Legal standards for public participation must be respected to ensure meaningful and effective participation – including, for example, a reasonable timeline for input, and an inclusive process taking into account linguistic requirements of the groups affected.
- International instruments such as the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Århus Convention) have an important role to play in facilitating the sharing of good practices among States and protecting the right to participate through an intergovernmental process.

- Meaningful participation requires identifying how civil society input will be fed into the decision-making process and what modalities are in place to ensure that it is meaningfully taken into consideration.
- Participation in decision-making must be meaningful and not considered a symbolic process to validate decisions already made.
- To ensure accountability and to strengthen the confidence of the public in participatory processes, governments should communicate how input provided through such processes was duly taken into consideration and how it actually informed decision-making, for instance by responding to comments provided and highlighting what alternative policy options or information might have been considered as a result.
- Community-led budget monitoring can serve as an example of a mechanism to ensure accountability.

Working with – and strengthening – civil society is key to socio-ecological resilience through grassroots and community-based participation

- To guarantee effective participation of the public, governments should rely on existing independent civil society structures.
- A vibrant civil society sector is a prerequisite for public participation. Consequently, governments should ensure that civil society benefits from adequate resources – both at the domestic level and in third countries through development assistance.
- National and cross-national civil society networks can play a key role in the sharing of good practices among organisations.
- Training and capacity building is essential both for communities and for decision-makers. Civil servants need to learn how to conduct inclusive consultations.

Ensuring inclusive public participation requires an intersectional approach, including the participation of all through a gender lens, the respect for the rights of indigenous peoples, and a focus on the participation of children and youth.

- The full recognition of the value of traditional knowledge and the knowledge of women is a prerequisite for effective participation so that input provided is not unfairly discarded.
- The application of a gender lens at every stage of the process is essential to guarantee the meaningful participation of women.
- Community and youth-led initiatives, as well as independent media and formal and non-formal education, are essential to overcome age and socio-cultural barriers to participation.
- Youth-led initiatives and structures should be recognised and supported, including through independent national youth council and youth delegate programmes.

New technologies provide opportunities to strengthen public participation, but their limits should also be recognised.

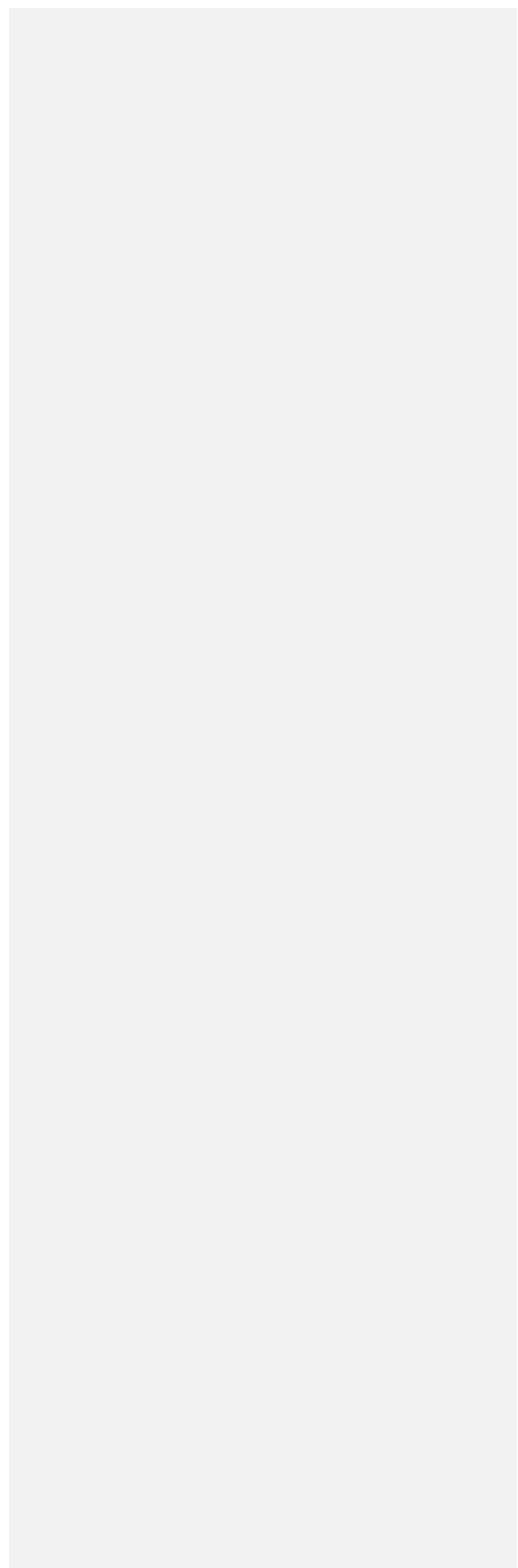
- Addressing the digital divide is a prerequisite to enabling technologies to play a more inclusive role and support public participation. Doing so requires ensuring adequate and reliable access to networks but also promoting internet literacy across segments of society.
- Safety and privacy issues must be recognised and solved adequately so that new technologies can play a role in further promoting public participation without undermining trust in the process and creating new risks for those participating.

The effective protection of environmental human rights defenders – in particular that of indigenous and women environmental defenders – is imperative in both regions.

- States must uphold as a matter of priority their duty to protect defenders against threats from corporate actors.

- Regional protection mechanisms such as the newly established Rapid Response Mechanism of the Aarhus Convention are essential and should be considered.
- Respect for civil society and accountability for abuses are key to deterring threats to defenders.
- Protecting and strengthening the civil society space is key to enabling NGOs and civil society networks to contribute to the effective protection of defenders.

DRAFT



Working Group 2 Report: Promoting the full enjoyment of human rights by all persons affected by climate change ²

This working group addressed the questions and the cross-cutting issues in the concept note relating to protecting the vulnerable segments of populations in climate change. These are young and older people, disabled people, the LGBTIQ community, and informal sector workers.

The discussions covered these topics:

- Addressing forced climate migration/displacement
- Promoting indigenous peoples' rights in the fight against climate change
- Protecting environmental rights defenders
- Advancing the interests of populations vulnerable to the effects of climate change

The group discussed three focal areas:

- Implementation gaps in national/regional/international policies and programmes concerning climate vulnerability
- Best practices examples of reducing climate vulnerability and promoting the rights of affected people
- Priorities and recommendations for concrete actions.

Addressing Forced Climate Migration and Revitalisation of International Law

The participants noted the extent and challenges of climate displacement and migration and their impact on the vulnerable and marginalised populations in various jurisdictions. The discussion concentrated on understanding the challenges faced by the climate migrants, the measures taken to slow down the migration, and, finally, the steps for facilitating a dignified relocation. The group members acknowledged the gap in migration governance consisting of bilateral agreements and refugee laws.

Participants pointed to the many challenges that climate-displaced populations face, citing examples from various jurisdictions. For instance, the challenges faced by the Philippines to deal with at least 20 typhoons each year. Sixty percent of the population lives in coastal areas, which exacerbates the Philippines' vulnerability. There is a need for more effective measures, like permanent relocation with adequate protection of human rights. In the absence of permanent relocation with sufficient livelihood options, the affected population would return to their place of origin once the disaster subsided, repeating the cycle of displacement.

Participants also stressed the need to differentiate the types of migration (internal or cross border), mainly because most migrations currently are internal and temporary. The categorisation is also crucial due to the different protective frameworks. They emphasised the need to evolve robust strategies considering regions' specific and unique vulnerabilities like coastal and mountainous terrains.

Some members highlighted that socio-economic factors influence climate displacement, and the risk of climate migration contributes to the trafficking of human beings; hence policy responses should be multipronged.

² Rapporteur: Dr Stellina JOLLY, Associate Professor at the Faculty of Legal Studies, South Asian University (SAU)

The key strategies and messages discussed focused on the need for more empirical work to gather the lived experience and testimonies of the people about relocation. The participants felt that the examples of resilience shown by nations like India, the Philippines, and Indonesia to address climate change challenges offer a rich model which supports the arguments for public participation in decision making to minimise and manage migration. The group highlighted that the policymakers should consider that most people prefer to stay in their homes linked to their social and cultural identity. Participants also pointed to the need to scale up climate finance by banks and other institutions to provide short-term and long-term loans to assist with relocation and the purchase of land.

Participants observed that adequate opportunities exist in human rights law where countries can consider scenarios in which States cannot return migrants. Measures to secure and protect human rights would also directly protect migrants within a changing climate by affecting their reasons to migrate and enabling migration 'with a human face'. A regional refugee convention can also be leveraged to ensure protection for climate migrants. The Cartagena Declaration on Refugees (1984) operating in Latin America, and Kampala Convention in Africa are examples that can serve as templates for other regional organisations to craft legal instruments

Similarly, the **Regional Mobility Framework** with dedicated displacement and relocation policies and standard operating procedures operating in the Pacific is an excellent template for scaling up across regions. Another leading initiative in this regard is the Action Plan dealing with the impact of climate change on mobility in the Pacific adopted by the New Zealand Parliament. It has increased the financial support in research, building upon critical actions of averting, delaying, and preparing for such mobility. The freedom of movement protocols operating bilaterally could also be very useful to help manage orderly migration.

Finally, the very complex causes of migration warrant attention. The effort should be to avoid simple-sounding solutions that might lead to harm. The point was discussed in the context of land-sparing initiatives, based on the assumption that human beings are a threat to the environment. Considering the close relationship and dependence of forest communities and indigenous people on natural resources, such an assumption could be problematic. One participant noted that the drive for profit dominates the socio-economic system. Unless there is a fundamental change in the way economic structures are addressed, the problem of climate change and migration will not go away. Hence, the need is to address the causes of disasters, not only to reduce the threat from natural elements but also to target and combat marginalisation and inequality. Though there is no magic formula, adequate attention should be paid to analysing the interplay between climate actions and loss and damage.

While acknowledging the governance gap in global legal frameworks on migration and refugees, some members felt that the policy instruments listed in the **Global Compact** offer a possibility to protect and assist people displaced across boundaries, whether as a result of sudden onset or slow onset of climate-induced disasters and catastrophes. The Global Compact adopted by the United Nations General Assembly commands support from countries. Members also stressed the vital effort played by the **Nansen Initiative**, which started as a consultative initiative and was adopted as the Nansen Protection Agenda in 2015. The need is to reaffirm the willingness to commit to implementing the Global Compact and the Nansen Protection Agenda based on averting, minimising, and addressing climate displacement.

The discussion stressed that interdisciplinary research needs to fill the scientific gaps concerning the definition, causes, and protection strategies of climate migration by considering a specific reference for forced migration and evolving a comparative way of monitoring legal standards.

Indigenous people as vital agents in the fight against climate change

The working group recognised the enormous threat climate change poses to indigenous peoples' livelihoods, cultures, and identities, despite the communities' most minuscule contribution in terms of greenhouse emissions. The working group felt that the indigenous communities could be powerful agents in humanity's fight against climate change. The best practices and legal initiatives existing in many parts of the world to protect the indigenous population can be replicated or scaled up.

Examples of such practices include:

- Legislation in **Finland** is being amended to make it mandatory to consult with Sámi people on climate matters. The consultative dialogue entered into by the Finland Government with the Sámi community, located in the North of Finland, has brought the indigenous people to the centre stage of climate governance. The consultation process took place in three different Sámi languages. In addition, at the insistence of the Sámi community, a new Sámi climate council is being established. The council consists of six to seven Sámi members and has representation from climate change and indigenous researchers. The council will share their traditional knowledge in evolving strategies for fighting climate change. Importantly the Sámi council incorporates gender and geographical factors. At international climate negotiations, Sámi representation is ensured.
- Similarly, efforts have been made in **New Zealand** to engage with the Maori and consider their perspective in climate change responses.
- The **Philippines** has specific legislation for indigenous people, and one of the characteristics of the provision is for the indigenous people to be represented in legislative bodies, which they call indigenous people mandatory representations.
- The Supreme Court of the Philippines recognised the indigenous people's rights to use traditional resources (cut and collect trees). Similarly, **Indonesia** categorises the forests into the state, private, and indigenous.
- Civil society plays a significant role in protecting the people affected by climate change in **Bangladesh**. There is a victim association mainly composed of indigenous people.

The participants also pointed out that the current understanding of **Disaster Risk Reduction (DRR)** follows Western notions. However, indigenous communities already have their concept of DRR, which they have been implementing for generations. The need is to consider these practices and evaluate the possibility of scaling up in other regions. The working group participants recognised the indigenous communities' mistrust of the legal and political system given the historical land abuse and exploitation. They emphasised trust-building and communication with the indigenous communities as the cornerstone of any engagement. Earning trust in these communities is necessary. It is a long-term process that requires time and energy, but it helps long-term relationships.

Protecting environmental human rights defenders and breaking patterns of impunity

The working group expressed concern about the extent of risks environmental human rights defenders (EHRD) face across jurisdictions. The working group members felt that proliferating Strategic Lawsuits Against Public Participation (SLAPP) cases threaten EHRD. The members evaluated the practices and initiatives adopted in jurisdictions to protect EHRD. Such initiatives include:

- Organising training programmes for judicial officers to enhance understanding of SLAPP cases in **Southeast Asian** jurisdictions. It aims to expand its scope to include enforcement officers and prosecutors.
- The Supreme Court of the **Philippines** has created a liberal separated rule of procedure for environmental causes.

- **Indian** Human Right Commission has a focal point for environmental human rights defenders, and the Philippines Human Rights Commission has investigated the protection options for EHRD.
- **Italy** has stepped up the coordination with civil society to highlight the issue of the protection of EHRD. It includes the creation of an Inter-Ministerial Committee for Human Rights (CIDU) under the Ministry of Foreign Affairs and International Cooperation in charge of submitting the National Action Plan (NAP) on Business and Human Rights to the UN. As part of their preparation for the first NAP for 2016-2021, CIDU organised advisory sessions with several civil society groups, business enterprises, and a network of human rights defenders. The Human Rights Council considered the issue of collaboration and partnership with EHRD an exciting development. The second NAP, which is under preparation, includes monetary mechanisms based on indicators, including the protection of environmental rights defenders, as significant parameters.

Key strategies and messages deliberated by the group focused on the need for more research on the role of EHRD and measures to effectively protect them from malicious suits and threats to their life. The United Nations Environmental Programme (UNEP) guidelines on EHRD promote protection for individuals and groups and provide a valuable framework for policy development by the government and others. There is a need to develop a network of human rights defenders as a rallying point for solidarity and advocacy around issues relating to the protection of environmental rights defenders. There is an excellent Asian network of EHRD where they share information and express solidarity. The members also felt that adequate funding for climate change adaptation plans would be critical in protecting EHRD.

Protecting vulnerable populations from the effects of climate change

Based on the background paper and concept note that enumerated the population categories vulnerable to climate change, the working group addressed the protection strategies. Participants noted that climate change had exacerbated existing patterns of vulnerability and discrimination worldwide. Vulnerable populations often face discrimination in accessing climate information, and their perspectives are excluded from climate actions.

The working group members highlighted the best practice adopted in jurisdictions to integrate the active participation of vulnerable communities in climate governance. For example, in Finland, the councils for elders, young people, and people with disabilities actively engaged and participated in **Finland's** mid-term review of Climate Action Plan. Discussions about transition-related issues are held at a new climate change roundtable, led by Finland's prime minister and members of NGOs. The meetings, which have been held virtually, have gathered over 18,000 participants so far. The unique Sign Language Act of Finland that recognises the aspirations of cultural identity is relevant for indigenous people and differently abled populations to gather information about climate change measures taken by the government. Italy has undertaken similar consultation and coordination with youth representatives, and the youth is empowered to engage in the dialogue. Italy also co-hosted an event, Youth 4 Climate, before COP 26. Gender Impact Assessment for climate policies is obligatory in Finland.

The members observed that the pandemic revealed an increase in the marginalisation of certain groups of people. The same situation will be repeated in the context of climate change as well. It is imperative to educate the youth to make them climate change actors. The members also highlighted the potential of social media and the need to include climate change in the educational curriculum. For example, social media can replicate the model of Greta Thunberg and her ability to mobilise a considerable number of people to generate awareness among people.

Similarly, the requirement is to have a better evacuation plan for disabled persons because of their inherent vulnerability to access humanitarian relief. We need to better dialogue with civil society and have a local-based approach to including these vulnerable people in climate change actions. Similarly, advocacy groups should explore the possibility of collaborating with other human rights or advocacy groups to bring broad-based challenges. At the same time, the participation of the communities at the national level needs to be extended from an international perspective because these are global issues.

Participants identified several areas where action might be taken. National human rights institutions and other administrative bodies could play a heightened role in the promotion and remedial role to address systemic and structural discrimination. Participants emphasised the need for good practice, technological innovation, and education policy measures. There is also a need to raise critical reflection on the extent of the vulnerabilities, with a view to human rights, and to improve levels of protection to ensure the full realisation of human rights for all.

Recommendations

- Explore ways of making better use of existing international, regional, and national laws and frameworks (Global Compact and Nansen initiative) to avert, delay, and address climate displacement. Work collaboratively with international and national bodies to improve the knowledge base regarding climate change impacts and vulnerability and ensure that vulnerable populations and their representative organisations are represented in the formulation of climate policies and actions.
- Ensure that policy response to climate displacement prioritises the assumption that everybody intends to stay home linked to their social and cultural identity.
- Ensure that national policies and legislation addressing issues of climate displacement have adequate participation of vulnerable populations.
- Ensure that any dialogue on climate vulnerability covers different levels of governance, involving extensive consultations at the national and community levels.
- Explore the possibility of scaling up the Regional Mobility Framework, with dedicated displacement and relocation policies and standard operating procedures, in the regions across the Pacific.
- Encourage empirical research to understand the lived experience and testimonies of the people about their perspectives on relocation and to consider the specific and unique characteristics and vulnerabilities of regions.
- Adopt measures to scale up climate finance by banks, multilateral funds, and bilateral donors to provide short-term and long-term loans to assist relocation of climate displaced populations and ensure that vulnerable groups have access to these schemes.
- Adopt specific legislation or policy initiatives to recognise the rights of indigenous people and their representation in legislative and institutional bodies. Adopt mechanisms to recognise and integrate the traditional and cultural knowledge and skills of the indigenous communities in climate actions and take necessary steps to build up trust and communication with the indigenous communities as the cornerstone of engagement with the community.
- Assess how national human rights institutions and other administrative bodies can do more to address systemic and structural discrimination in society. Review the mandates of the national human rights institutions or other similar bodies to ensure that those mandates cover the rights of environmental human rights defenders and other issues of human rights concerning climate change.
- Take measures to develop a network of environmental human rights defenders (EHRD) as a rallying point for solidarity and advocacy around issues relating to the protection of

Commented [AHA1]: Feedback: scaling up climate finance must go along with mechanisms that ensure vulnerable groups are eligible to those funding schemes

environmental human rights defenders. There should be adequate funding for climate change adaptation plans as this will help protect EHRDs.

- Take all necessary steps to encourage better dialogue with civil society and have a local-based approach by including vulnerable people in climate change actions.
- Identify the entrenched drivers of vulnerability and gender inequality in order to remove barriers to successful adaptation and adopt an obligatory Gender Impact Assessment for climate policies.
- Consider ways to incorporate climate change into educational curriculums and make climate information available through social media channels in a way that it is accessible for all.
- Take all necessary measures to have a specific evacuation plan for disabled persons due to their inherent vulnerability to accessing humanitarian relief.

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Working Group 3 Report: Green, equitable and inclusive: Innovative ideas on international cooperation to address the impacts of climate change on human rights³

Working group participants started the discussion with a conversation about just transition. There were different perspectives because of the mix of the group – academics, students, youth representatives, diplomats, and government officials from both developed countries in Europe and developing countries in Asia.

The concept of a 'just transition' was originally conceived as a programme of support for workers who lost their jobs due to environmental protection policies. The International Labour Organisation's (ILO) *'Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All'* provides a framework for a systemic and whole-of-economy approach to sustainability that addresses environmental, social, and economic issues together. Developed countries' perspective on just transition focuses on shifting from the fossil fuel industry to renewable industries and reaching a net-zero society. Developing countries' perspectives on just transition focus more on the inclusion and participation of the people directly affected by the transition, and how to take advantage of the tools available to engender a just transition. But each perspective has a common understanding, that in just transition it is important that nobody is left behind.

Green development pathways help countries to move away from an economy dependent on fossil fuel. These green development pathways should include human rights approaches in dealing with climate impacts to reach a just transition. Fossil fuel industries need to acknowledge their responsibility for the impacts caused by the industry, but also need to be assisted in terms of green development pathways and just transition. Many businesses and industries were hit hard by the pandemic, and they need to be reminded that survival is more sustainable when engaging in green and renewable pathways, rather than getting back to the fossil fuel bandwagon. It is important not to lose focus on the important nexus between climate impact and human rights during the troubled time of the pandemic and war in Europe.

Currently, the mechanisms to integrate human rights issues into the climate change regime are fragmented and incomplete. The working group agreed that the current instruments on climate change are not yet adequate for this. Collaboration and identification of stakeholders, the inclusion of the business sector, youth, and directly impacted communities are necessary through international cooperation. Gender issues are also a focus that need to be discussed and implemented.

Opinion varies on whether hard law or soft law is needed for this endeavour. Some agree with more stringent and binding measures being enacted and implemented to speed the integration of human rights issues in climate change action, but others think that more flexible instruments such as action plans and strategic plans, even at the lowest level, would compel countries, business sectors, and communities to strive harder for this integration. The working group agreed that both methods are needed when dealing with highly complex issues such as human rights and climate change. In some sense, stringent hard law is needed to create sanctions and deterrence, but more flexible soft law forms are also needed to empower stakeholders to take action. Offering incentives (e.g., a system of points, subsidies, and tax breaks) would be one way to encourage compliance by certain parties.

³ Rapporteur: Dr Linda SULISTIAWATI, Senior Research Fellow at Asia-Pacific Center for Environmental Law at National University of Singapore and Associate Professor of Law in Universitas Gadjah Mada (Indonesia)

Businesses play an important role in the transition effort. At this stage, there is no binding treaty so companies are not liable at the international level but can be held accountable at the national level.

The idea of a 'Green Court' or an 'International Environmental Tribunal' to settle all environmental issues (including human rights issues in climate impacts) at the international level was also discussed. Many members wondered whether another institution is needed. But the idea of environmental courts and/or tribunals is already in practice at the national level. There are, to date, at least 67 countries with environmental courts and/or tribunals. These courts and tribunals are supposedly better prepared to handle human rights issues in climate impacts since they already have the mandate, expertise, support, and facility to provide justice for environmental cases.

National human rights institutes (NHRI) were discussed as one of the main actors in the integration of human rights issues in climate impacts. NHRI's efforts are not without many challenges, especially when the respondents are big corporations. Therefore, there needs to be sharing of resources between NHRIs to achieve more gravitas regionally and more resonance globally. Support is needed for NHRIs that have less capacity, resources, and networking.

The working group agreed that a priority is human rights issues during climate emergencies. More needs to be done about this by the government, the private sector, and other stakeholders. A collective commitment is needed. Support for developing countries must be prioritised so they can address the situation on the ground and improve their own capacity. Europe has the expertise, know-how, and technology that can be beneficial to Asia's developing countries.

Recommendations

- Green development pathways will help developing countries to disengage from their dependence on fossil fuel. This green transition movement should include human rights approaches in dealing with climate impacts.
- Developed countries should support developing countries with financial assistance, capacity building, technology transfer, networking, and communication of best practices in the effort to achieve just transition.
- The current international mechanisms for climate change (United Nations Framework Convention on Climate Change, Paris Agreement) are not adequate to facilitate the inclusion of human rights issues in the climate change regime. More robust, inclusive, and detailed mechanisms are needed.
- The business sector must be included in the global and regional mechanism to integrate human rights into the climate change regime.
- Both hard and soft laws are needed. Legally binding instruments would push this agenda further, but soft laws such as National Action Plans and other national and regional commitments are also important to develop momentum and political will to further human rights issues in the climate regime.
- An international green court could help less powerful countries in disputes with giant corporations over environmental issues.
- NHRIs are important to highlight the nexus between human rights and climate impacts. Support and assistance are needed to empower NHRIs in developing countries.

Working Group 4 Report: Taking stock of national and international human rights regimes to protect against the consequences of climate change⁴

This working group addressed cross-cutting questions related to national and international human rights regimes to protect against the consequences of climate change. The discussion covered the following topics:

- Human rights in climate legislation
- The role of national human rights institutions
- The right to a healthy environment
- Climate change litigation
- The rights of future generations
- The UN Special Rapporteur on Human Rights and Climate Change

Human rights in climate legislation

Participants in the working group noted that there is limited practice in this area and that more knowledge sharing is needed. They learnt that Bangladesh has formally adopted a National Strategy on the Management of Disaster and Climate Induced Internal Displacement, which is aimed at preventing displacement and provides durable solutions to displacement induced by climate change. This strategy follows a consultative and multi-sectorial approach with the involvement of numerous stakeholders and an emphasis on international standards and guidelines. The participants heard that the Philippines NHRI plans to adopt recommendations prompting businesses with high carbon emissions to respect human rights. Some called for closer collaboration between governments and NHRIs on this matter.

Participants discussed the importance of sub-national entities, which often are in a position to deliver concrete positive impacts on the ground, even in states where there is some reluctance to explicitly embrace a rights-based approach in national laws and regulations.

Participants heard that some countries subject all legislative proposals to an assessment of potential impacts on biodiversity, the climate, and human rights.

Some noted that, if States do not adopt a human rights approach to climate change-induced human displacement, then each country will take individual approaches, without necessarily connecting to the vast body of international standards and guidelines on the matter.

The role of national human rights institutions (NHRIs)

Participants noted that NHRIs should work independently from governments and thus have the freedom to cooperate with local actors and initiate local programmes. At the same time, they acknowledged that NHRIs need to receive adequate support to perform their activities.

Participants noted that NHRIs should coordinate and be informed about initiatives on human rights and climate change. They emphasised NHRIs' important monitoring role in ensuring the implementation of human rights policies, especially in cases of natural disasters. Some flagged the

⁴ Rapporteur: Dr Annalisa SAVARESI, Associate Professor of International Environmental Law at the University of Eastern Finland Center for Climate Change

possibility of joint NHRI inquiries, which would allow pooling resources, especially as a lot of climate change issues are of a transboundary nature.

Participants recognised that NHRIs play an important educational role and that they should aim toward making the process of climate law and policy-making more inclusive and focused on human rights. They noted that, while it might be difficult to undertake rights-based approaches in certain countries, creating good working relationships with the relevant Ministries and international partners could help to address this challenge.

The right to a healthy environment

Participants considered Resolution 48/13 adopted in 2021 by the UN Human Rights Council on the right to a clean, healthy, and sustainable environment. Some noted that it might take a long time before the resolution produces concrete effects. Others noted that there already is a demonstrated correlation between the recognition of this right in national law and the development of environmental policies, even though measurable statistical causation is hard to prove. They added that the recognition of the right to a healthy environment within constitutional frameworks helps to accelerate other initiatives related to this right and to raise awareness.

Some participants noted that soft law can also produce numerous beneficial impacts and inspire lawmakers and courts interpreting legally binding norms. They added that over time soft law can evolve into customary international law or function as a first step towards the adoption of legally binding international treaties.

Others referred to the Universal Periodic Review (UPR) as a unique process involving the review of the human rights records of all 193 UN Member States. They said that the UPR provides an opportunity for all States to set out plans to improve their human rights records and overcome challenges. They emphasised that the UPR enables the sharing of best practices and enables states to make recommendations to improve their performance and include environmental consideration in their human rights policies.

Climate change litigation

Participants acknowledged that climate litigation is on the rise and that some court decisions have ordered states to adopt more ambitious climate change laws and policies or provided the basis for concrete political action. However, some noted that court decisions are very context specific and sometimes are not properly enforced.

Participants noted the media attention generated by court decisions, which may be used as a tool to reform climate policies and laws. Participants noted that there are extant processes training judges and lawyers in adjudicating climate change cases. These processes provide information about the scientific aspects of climate change, equipping practitioners with the knowledge that is necessary to implement the law properly and protect against infringements.

The rights of future generations

Participants noted that civil society, including human rights defenders, plays an important role in flagging issues of concern on behalf of communities without a strong voice in the public debate. Thus, it is crucial to create conditions for civil society to operate safely, as their work has a direct impact on future generations and in informing governments' activities on climate change. Some remarked that

the international community should support developing countries to acquire the necessary financial and technological resources to tackle climate change.

Others underscored that ‘future generations’ are already here and are already impacted by the consequences of climate change. Some participants noted that there are some positive developments in this area, as numerous young people are actively involved in devising climate change solutions.

Participants agreed that more youth participation should be encouraged, for example by involving youth in legislative processes (e.g., Youth parliaments) or including them in official delegations at international negotiations or supporting youth initiatives. Participants emphasised that it is important to include the youth in decision-making processes and to listen to their suggestions as they are the ones who will be most impacted by climate change.

The UN Special Rapporteur on Human Rights and Climate Change

Participants considered Resolution 48/14 adopted by the UN Human Rights Council in 2021, establishing a Special Rapporteur on the promotion and protection of human rights in the context of climate change. They noted that the human rights of vulnerable groups will be most adversely affected both by climate change and by climate change response measures.

Some suggested that the Special Rapporteur should focus on the impact of climate change on vulnerable groups and consider the gender dimension of the negative impacts of climate change. Others emphasised the need to work closely together with actors other than States, such as multinational corporations, in order to raise awareness of the impacts of their activities on the enjoyment of human rights.

Some underscored the need to bolster action on loss and damage, and the importance to continue to share best practices in this regard. Others noted the need to consider human mobility and to find solutions to major population movements caused by climate change on a regional or cross-border level.

Participants agreed that the Special Rapporteur should work closely with other Special Rapporteurs and create synergistic relationships. They emphasised, as a priority, the importance of protecting human rights defenders who suffer from harassment and prosecution by governments in some parts of the world.

Some participants lamented that financial commitments under the Paris Agreement are insufficient to address the impacts of climate change. They underscored the need to ensure that climate funding is distributed equitably according to the specific needs of the regions most impacted by climate change. They noted that transparency is a key factor during the distribution process of climate funds and resources. Others noted that technological progress is a key factor to counteract the adverse effects of climate change and that helping to guarantee access to technology for vulnerable communities is a priority.

Participants agreed on the need for timely action. What the world needs is clear and direct action towards achieving the goal of protecting human rights and the climate.

Recommendations

- Respect, promote, and consider human rights obligations when taking action to address climate change. Empower NHRIs and other similar bodies to address human rights concerns associated with the impacts of climate change and climate change response measures.
- Use extant international human rights mechanisms to monitor and sanction human rights violations associated with climate change and with the implementation of climate change response measures.
- Support the recognition of the right to a clean, healthy, and sustainable environment at the national, regional, and international level.
- Ensure greater accountability of state and corporate actors for climate action and train judges and lawyers to support this crucial mission.
- Protect the rights of future generations and empower youth representatives in climate change decision-making processes and at the national, regional, and international level.
- Ensure that climate finance is adequate, transparent, and equitably distributed.
- Protect human rights defenders against harassment and prosecution.
- Find durable intergovernmental solutions to address climate change-induced human displacement and migration.
- Engage with the UN Special Rapporteur on Human Rights and Climate Change and support him in his mandate to promote and exchange views on lessons learned and best practices on human rights-based, gender-responsive, age-sensitive, disability-inclusive, and risk-informed approaches to climate change adaptation and mitigation policies.

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Conclusion

The Seminar underlined the urgent need to consider the interplay between human rights and climate change law in Asia and Europe, as well as all over the world. While the circumstances in countries vary both between and within the regions (as well as within countries for different population groups), there are many commonalities. In both regions, the impacts of climate change on the enjoyment of human rights are increasingly visible, and the adoption of climate change response measures is disproportionately affecting the most vulnerable.

We need to take into serious consideration human rights in climate action and recognise that the pursuit of climate objectives could have consequences such as rising energy and commodity prices. It is vital that there are mechanisms, such as global social protection floors, minimum wages, and effective public health services, to buffer the less privileged from these outcomes. The Paris Agreement has engendered a paradigm shift, but there is a very long way to go to reach net-zero emissions. The global energy transition away from fossil fuels requires mutual learning and cooperation, including sharing lessons learned through innovative practices discussed at the Seminar.

Many human rights bodies at the subnational, national, regional, and international level have already started to engage with climate change. Extant processes, such as the Universal Periodic Review, and new bodies, like the newly established Special Rapporteur on the promotion and protection of human rights in the context of climate change, must be supported to facilitate the integration of human rights into climate action.

A major theme of the Seminar was the need to tackle the catastrophic impacts of climate change on the enjoyment of human rights. Participants noted that climate change-induced human displacement and migration are a major concern. There was consensus that much more concerted international cooperation is needed to address this unfolding emergency and deliver durable and equitable solutions. The Seminar emphasised the need to ensure greater accountability for human rights violations associated with the impacts of climate change. Participants pointed to the role of human rights bodies, instruments, and processes in bridging this gap. Ongoing law- and policy-making processes at the national, regional, and international level provide new opportunities to address this matter.

The Seminar has taken place at an important juncture when the COVID-19 pandemic and the armed conflict in Europe reminded us that, in times of emergency, bold measures are needed. The discussions at the Seminar revealed that there already is a growing body of human rights practice and guidance concerning the impacts of climate change and of climate change response measures. The challenge is for governments, collectively and individually, along with stakeholders, international bodies, and the private sector, to strengthen their efforts towards implementing these guidelines and deliver human rights-based, gender-responsive, age-sensitive, disability-inclusive, and risk-informed approaches to climate change adaptation and mitigation.

Commented [AHA2]: Feedback: I like the last paragraph with its encouraging tone and the call to action – I would have liked if David Boyd's call to make use of the catalyst function of human rights to actively address cc and its consequences was highlighted.