



APPLYING A HUMAN RIGHTS-BASED APPROACH TO CLIMATE CHANGE NEGOTIATIONS, POLICIES AND MEASURES

The Office of the UN High Commissioner for Human Rights (OHCHR) believes that decisions to be taken at the Conference of Parties (COP-16) should be informed by international human rights norms and standards. This key message is also supported by the United Nations Human Rights Council and by a range of human rights bodies and mechanisms.

The Human Rights Council has recognized that “climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights”. In affirming that “human rights obligations and commitments have the potential to inform and strengthen international and national policymaking in the area of climate change,” it reminded us of the importance of applying a human rights-based approach to the global response to the crisis. (Resolution 10/4, 25 March 2009)

What is a human rights-based approach?

A human rights-based approach is a conceptual framework that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyze obligations, inequalities and vulnerabilities and to redress discriminatory practices and unjust distributions of power that impede progress and undercut human rights.

Under a human rights-based approach, plans, policies and programmes are anchored in a system of rights and corresponding obligations established by international law. This helps to promote the sustainability, empowering people themselves (right-holders)—especially the most marginalized—to participate in policy formulation and hold accountable those who have a duty to act (duty-bearers). United Nations agencies have nonetheless agreed on a number of essential attributes to human rights-based approach:

- ✓ As policies and programmes are formulated, the main objective should be to fulfill human rights.
- ✓ A human rights-based approach identifies *rights-holders* and their entitlements and corresponding *duty-bearers* and their obligations, and works towards strengthening the capacities of rights-holders to make their claims and of duty-bearers to meet their obligations.
- ✓ *Principles and standards* derived from international human rights treaties should guide all policies and programming in all sectors and in all phases of the process.

Climate change and a human rights-based approach

In practical terms, a human rights-based approach can be used to guide policies and measures of climate change mitigation and adaptation. It can inform assessments, and strengthen processes, ensuring access to essential information, effective participation, and the provision of access to justice (remedies). The Guidance Note for UN country teams (UNCTs) on *Integrating Climate Change Considerations in the Country Analysis and the United Nations Development Assistance Framework (UNDAF)* integrates a human rights-based approach, requiring that UNCTs consider in what ways, and to what extent, anticipated changes in climate will impede economic and social development at relevant levels, including consideration of poverty reduction, strengthening human rights and improving human health and well-being.



A human rights-based approach should be integrated in any climate change adaptation or mitigation measures, such as the promotion of alternative energy sources, forest conservation or tree-planting projects, resettlement schemes and others. Affected individuals and communities must participate, without discrimination, in the design and implementation of these projects. Inadequate mitigation and adaptation strategies can lead to human rights violations where adequate participation of local communities is not assured or if due process and access to justice is not respected for any necessary displacement.

Focusing on the rights of those who are already vulnerable and marginalized due to poverty and discrimination, a human rights-based approach to climate change can be a useful tool to complement international efforts aimed at tackling the adverse effects of global warming. In accordance with international human rights law and the views of Special procedure mandate holders, States have an obligation to take individual and collective measures to reduce greenhouse gas emissions and their adverse impact, as well as to assist those who are most vulnerable in preparing for, and adapting to, its inevitable impact.

For its part, OHCHR advocates for:

- ✓ The importance of ensuring that the agreed outcome texts are consistent with the obligations contained in international human rights instruments;
- ✓ The importance of strengthening the social dimension, integrating a gender perspective and the human rights-based approach in UNFCCC negotiations;
- ✓ The relevance of recommendations made by various stakeholders at the recent Human Rights Council's 2010 Social Forum (4-6 October 2010) on climate change and human rights:
 - ❖ Governments should involve local organizations in developing objectives, policies and strategies for the negotiations as well as for ensuring the success of longer-term strategies. The meaningful participation of vulnerable groups, including people living in extreme poverty, particularly in the elaboration of environmental strategies, was highlighted.
 - ❖ Responsibility for climate change-related harm can be established on the basis of both historical responsibility for global warming, and on the basis of the failure to abide by international mitigation commitments.
 - ❖ REDD and REDD+ programmes should adopt a more rights-based approach, create legal awareness programs along with other support programs for indigenous peoples affected by REDD programs, and improve participatory and access to justice provisions.
 - ❖ Governments should ensure that safeguards and measures are put in place to avoid side-effects, and specific attention be paid to the situation of mountainous countries, small island states and other countries which are particularly exposed to the impact of climate change.
 - ❖ A mechanism should be put in place for measuring performance on climate change, which should include human rights indicators, in order to create awareness and promote sustainable development options.

More information is available at: <http://www2.ohchr.org/english/issues/climatechange/index.htm>