Information for the preparation of the Secretary General’s Report ‘Human rights of migrants’,

Mary Robinson Foundation – Climate Justice

# Introduction

Further to resolution General Assembly 70/147, Protection of migrants, and the request from the Office of the High Commissioner for Human Rights to provide inputs into the Secretary General’s Report ‘Human rights of migrants’, the Mary Robinson Foundation – Climate Justice (‘The Foundation’) would like to submit the following information.

The Foundation welcomes the present resolution and opportunity to provide input as well as the further work being undertaken by the General Assembly on the human rights of migrants, including the High-Level Meeting on Refugees and Migrants.

The Mary Robinson Foundation – Climate Justice is a centre for thought leadership, education and advocacy on the struggle to secure global justice for the victims of climate change who are usually forgotten - the poor, the disempowered and the marginalised across the world. The organisation is a platform for solidarity, partnership and shared engagement for all who care about global justice, whether as individuals and communities suffering injustice or as advocates for fairness in resource-rich societies. The Foundation provides a space for facilitating action on climate justice to empower the poorest people and countries in their efforts to achieve sustainable and people-centred development.

The work of the Foundation is guided by its principles of Climate Justice, which can be found on the Foundation’s website www.mrfcj.org/about

The Foundation believes that human rights of climate displaced people are a key issue that should be considered as part of the Secretary General’s Report ‘Human rights of migrants’. People displaced by events that are substantially caused by climate change are an increasing global phenomena which requires a cohesive and rights based response. The Foundation believes that the Secretary General’s Report should recommend:

* **The Human Rights Council to further consider and report on the human rights needs of climate displaced people**
* **Further data collection and understanding of the rights needs of climate displaced people**
* **Parties should incorporate how they are dealing with the rights of climate displaced people as part of their UPR reporting.**

# Climate is a Driver of Migration

The factors that cause a person or community to leave their home are many and varied. They include war, persecution, famine, economic hardship and disasters. In these contexts climate change is a threat multiplier, exacerbating the difficulties and challenges faced by the most vulnerable people. Climate change is causing global temperatures to increase above pre-industrial levels, leading to a range of climate impacts from drought and floods, to changes in seasons and rising sea levels, all of which may contribute to people making the decision, or being forced to move. The numbers of people and communities which have been displaced by climate change are substantial, but difficult to quantify, as these populations are often not recognised or counted as being displaced by the impacts of climate change. In addressing the issue of climate displacement we see the need to embed climate justice in both immediate and long term strategies. People whose displacement is contributed to by climate change factors are amongst the most vulnerable; their human rights are not fulfilled and their existence as a group in need of special protection is often not recognised.

The Secretary General’s Report ‘In safety and dignity: addressing large movements of refugees and migrants’ created in preparation for the high -level meeting on addressing large movements of refugees and migrants notes:

Disasters have always led to displacement and are likely to do so even more in the future, given the rising concentration of populations in cities and the likelihood that hazards relating to climate change and environmental degradation will increase in frequency and intensity. Present estimates indicate that, over the past eight years, 28 million people on average have been displaced annually.[[1]](#footnote-1)

The Foundation believes that the Secretary General’s present report would benefit from a reiteration of this point and that moreover, there is a need for further data on vulnerable populations and potential impacts is clear. The foundation believes this should be highlighted in the report.

# Gaps in Recognition

The impacts of climate change can lead to displacement that does not fit within current international law or norms. Movement may be economically motivated, having grown out of an inability to cope with continued financial stresses of increased climatic variability, or an adaptation based response[[2]](#footnote-2) and often incorporate both these elements. None of these elements meet international legal standards or definitions allowing for migration. Moreover movement across an international border is unlikely to come under refugee law; there is no right to enter another country in the context of climate change. However, people displaced by the impacts of climate change have human rights protections which are those found in the Universal Declaration of Human Rights and the subsequent conventions. At present, gaps in the application of the legal framework mean the rights of climate displaced people are not always protected. Rights that are most frequently undermined are as follows:

* loss of cultural and physical heritage[[3]](#footnote-3)
* the loss of the ability to work[[4]](#footnote-4) and make a decent living for themselves and their families[[5]](#footnote-5)
* loss of access to food, clothing and housing limiting their right to an adequate standard of living[[6]](#footnote-6)
* diminished right to self determination[[7]](#footnote-7)
* erosion of the protections on their right to life.[[8]](#footnote-8)

The report should reflect the need for the Human Rights Council to consider this issue further to develop a greater understanding of the rights needs and responses, including best practices, of those displaced by climate change.

# Data Collection and the Universal Periodic Review

The international community can learn from the people that climate displacement affects most to produce better responses and outcomes for future populations that will need to move, and manage adaptation strategies to prevent displacement, where possible. Additionally, stakeholders and actors need to be encouraged to take further efforts, including research, on areas of particular vulnerability to ensure that communities at risk are supported. This should include the capture and recording of their cultural heritage, their input into relocation and physical infrastructure and their participation in the planning of relocation where that displacement is required and inevitable.

General Assembly Resolution 70/147 calls upon:

Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard[[9]](#footnote-9)

It is imperative that this data collection work includes a significant focus on the burgeoning issue of climate displacement, identifying at risk populations and the needs of these groups, as well as their enjoyment of human rights.

Further the report of the Secretary General should expand on the encouragement set out in paragraph 9(g) of the Resolution 70/147 that:

States to include, as appropriate, information on the implementation of their international obligations related to the human rights of migrants in their national reports to the universal periodic review mechanism of the Human Rights Council;

States should be encouraged to include details of how their climate change related activities, both mitigation and adaptation that are contributing to migration are impacting on their implementation of key human rights obligations, as well as how they are protecting the rights of climate displaced people in their jurisdiction, desegregated by gender. Data should additionally look at the different impacts of various scenarios for warming, noting that the Paris Agreement aims at:

Holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 °C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;

# Need for Climate Justice

The report should further recognise that the impacts of climate change are not felt equally. Vulnerable populations including women and girls, the poor and marginalised all experience the effects of climate change more deeply. The IPCC in its latest report recognised this and noted that: ‘vulnerability is inversely correlated with mobility, leading to those being most exposed and vulnerable to the impacts of climate change having the least capability to migrate’.[[10]](#footnote-10) There is a need for the international community to recognise this and to ensure that migration options are provided that are resilient and offer a full range of human rights protections to these communities.

One of the most impactful actions countries can take to protect the rights of everyone is to limit warming to the 1.5 °C limit set out in the Paris Agreement. In its ‘Key Messages on Human Rights and Climate Change’ the Office for the High Commissioner for Human Rights noted that the negative impacts of climate change on human rights:

Will increase exponentially according to the degree of climate change that ultimately takes place and will disproportionately affect individuals, groups and peoples in vulnerable situations including, women, children, older persons, indigenous peoples, minorities, migrants, rural workers, persons with disabilities and the poor. Therefore, States must act to limit anthropogenic emissions of greenhouse gases (e.g. mitigate climate change), including through regulatory measures, in order to prevent to the greatest extent possible the current and future negative human rights impacts of climate change.[[11]](#footnote-11)

The Foundation believes that this assessment is correct and encourages the Secretary General to reinforce this point in his report to the General Assembly and Human Rights Council under General Assembly Resolution 70/147.

1. Report of the Secretary General, In Safety and Dignity: Addressing Large Movements of Refugees and Migrants, 9 May 2016, UN General Assembly, Paragraph 27 [↑](#footnote-ref-1)
2. Adaptation based responses that induce voluntary climate displacement could include, moving a population for an island that is

being threatened by rising sea levels, or a village that is moved due to encroaching desertification [↑](#footnote-ref-2)
3. Article 15(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) requires Parties to take steps to ensure the conservation of culture. A detailed argument about the role of Cultural Heritage in international human rights law can be found in the Report of the independent expert in the field of cultural rights, Farida Shaheed A/HRC/17/38 [↑](#footnote-ref-3)
4. Article 6 International Covenant on Economic, Social and Cultural Rights (ICESCR) [↑](#footnote-ref-4)
5. Article 7(a)(ii) ICESCR [↑](#footnote-ref-5)
6. Article 11 ICESCR [↑](#footnote-ref-6)
7. Article 1 International Covenant on Civil and Political Rights (ICCPR) [↑](#footnote-ref-7)
8. Article 6 ICCPR [↑](#footnote-ref-8)
9. Paragraph 9 (f) of what needs full reference! [↑](#footnote-ref-9)
10. Adger,W.N., J.M. Pulhin, J. Barnett, G.D. Dabelko, G.K. Hovelsrud, M. Levy, Ú. Oswald Spring, and C.H. Vogel, 2014: Human security. In: Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, P767 [↑](#footnote-ref-10)
11. OHCHR; Key Messages on Human Rights and Climate Change; <http://www.ohchr.org/Documents/Issues/ClimateChange/KeyMessages_on_HR_CC.pdf> accessed 18/08/16 [↑](#footnote-ref-11)