



**Report: Side Event – Sustainable Development, Climate Change, and the Right to Health
at the occasion of the second United Nations Environment Assembly**

23 May 2016

13h00 – 14h30

Conference Room 1, UNEP, Nairobi

The Preamble to the newly signed Paris Agreement reflects a global consensus that all human rights, particularly the right to health, must be respected in actions to combat climate change. Furthermore, advocacy and recent reports by the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR), the Centre for International Environmental Law (CIEL), the UN Children’s Fund (UNICEF) and the UN Environment Programme (UNEP) suggest that rights-based climate action is the only way to ensure sustainable development that guarantees the enjoyment of all human rights by all. Highlighting relevant work of their organizations, panel discussants focused on:

- The implications of the human rights language in the Paris Agreement on Climate Change;
- The elements and benefits of a rights-based approach to sustainable development; and
- Next steps to promote sustainable and inclusive climate action that benefits and is accountable to all people, particularly those living in vulnerable situations.

Marcos Orellana, Programme Director at CIEL opened the side event by welcoming all the participants and the panellists. He set out the main objectives of the panel discussion and invited the panellists to present on their respective work.

Panel Discussion

The first panellist, **Ms. Elizabeth Mrema**, Director of the Division of Environmental Law and Conventions at UNEP, gave an overview of the organisation’s work to date in the field of human rights and the environment. This work is driven by a joint project with OHCHR and the Human Rights Council-appointed Special Rapporteur on Human Rights and the Environment, Professor John Knox. Through the project, UNEP continues to draw attention to the close relationship between human rights and the environment. UNEP has also produced a number of publications on human rights and the environment which include a compendium of legal cases and materials on human rights and the environment, a report on climate change and human rights (one of the background documents for the panel discussion), as well as a recently produced compendium of good practices on human rights and the environment.

Ms Mrema elaborated on the nexus between human rights, the environment, and the sustainable development goals (SDGs). Notwithstanding the lack of an internationally recognised right to a healthy environment, such a right is integral to the enjoyment of human rights and has been enshrined in over 100 national constitutions, as well as by a number of regional human rights institutions. She described the advantages of using a rights-based approach to decision making in environmental matters, pointing out clearly that the field of human rights is vital for environmental protection and achieving sustainable development.

UNEP's report on climate change and human rights finds that anthropogenic climate change is the largest, most pervasive threat to the environment and human rights of our time. The report further details the ways in which climate change affects the environment, individuals, and communities including by undermining access to safe drinking water, food, and shelter; interfering with livelihoods, and displacing people from their homes. States and other actors have specific obligations to respond to these impacts, and adopt measures to mitigate and adapt. These duties include both substantive (e.g. the protection of human rights from climate-related harms and responses to the drivers of climate change through the regulation of

greenhouse gas (GHG) emissions within their jurisdiction) and procedural (relating to access to information, public participation, and access to justice) and unique (relating to certain groups including indigenous) obligations. In its recommendations, the UNEP report calls for the need for States to commit to more ambitious targets, increased financial and technical assistance, and continue the discussion on the issue of loss and damage in a transparent way.

Advantages of a rights based approach to guide decision-making:

- ✓ ***Increased legitimacy of policies by integrating social and environmental concerns;***
- ✓ ***Enhanced accountability of States, the private sector, and environmental or human rights organisations***
- ✓ ***Stronger cross-sectoral links which can further efforts towards sustainable development***

Ms Mrema described the signing of the Paris Agreement as a signal of intentions of varying ambition, and as a framework for trying to increase the odds that countries follow through with those intentions, and that they increase their efforts over time. She added that the SDGs strongly underline the need to build resilience to disasters and other climate change impacts. The Paris Agreement and the 2030 Agenda have also converged regarding key principles underpinning action. Significantly, both promote gender equality and human rights. Ms. Mrema forecasted that for 2016 the challenge has shifted from achieving an agreement to its

implementation, especially at national levels. States and other stakeholders need to find integrated ways of delivering on the two agreements.

She concluded her remarks by expressing hope that UNEP's ongoing work in the field of international environmental law, particularly on the linkages between human rights and the environment, will continue to have positive impacts on the protection and promotion of human rights, including in the climate change context, while furthering the sustainable development agenda.

The second panellist, **Mr Benjamin Schachter**, OHCHR Human Rights Officer, noted that this was the first time that the OHCHR was participating in the UN Environment Assembly (UNEA). He introduced the recent analytical study undertaken by OHCHR on the relationship between climate change the right to health, in line with Human Rights Council Resolution 29/15. The study examines the impacts of climate change on the right to health; the relevant human rights obligations and responsibilities of actors; and the benefits of a rights-based approach to addressing climate change. It concludes with recommendations for fulfilling human rights obligations related to health in the context of climate change.

Climate change is a threat multiplier with a number of significant negative impacts. Those impacts include premature death, increased air pollution, extreme weather, and mental health (climate impacts on mental health stem from immediate physical effects and more gradual effects on the environment, human systems, and infrastructure).

Mr Schachter went on to describe the human rights obligations related to climate change. Under the core human rights instruments, States acting individually and collectively are obligated to

*People who experience losses or are exposed to life threatening situations resulting from **climate change** experience higher risks of developing anxiety-related conditions*

mobilise and allocate the maximum available resources for the progressive realisation of economic, social and cultural rights, as well as for the advancement of civil and political rights and the right to development. He explained that the failure to adopt reasonable measures to mobilise resources to prevent foreseeable human rights harm caused by climate change breaches this obligation. The disproportionate impact of climate change on persons in vulnerable situations raises concerns of climate justice, fairness, equity, and access to remedy.

Moving on to the Paris Agreement, Mr Schachter explained that the Paris outcome includes health as a priority sector for adaptation, and includes explicit references to the right to health in the preambles of both its decision and the Paris Agreement. The outcome emphasises the importance of health co-benefits under the section relating to enhanced action prior to 2020. The Agreement further calls on States to respect, promote, and consider human rights, including the right to health, in their respective climate actions.

He went on to elaborate on the international human rights treaties wherein the right to health is explicitly protected. Amongst others, these include the International Convention on the

Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of All Forms of Discrimination against Women.

In terms of next steps, Mr Schachter stated that the 2030 Agenda, the Paris Agreement, the Sendai Framework for Disaster Risk Reduction and the Addis Ababa Action Agenda all reaffirm State commitments to a rights-based approach to development and climate action. These commitments must now be implemented. Furthermore, the Declaration on the Right to Development and the Statement of Common Understanding among UN agencies on Human Rights-Based Approaches to Development Cooperation and Programming offer a road map for doing so.

He called for immediate action to be taken to address the impacts of climate change on the enjoyment of the right to health, and stressed the need for States to, *inter alia*, take measures to fulfil their minimum core obligations with regard to the right to health, including through universal health

coverage and social protection floors, ensure participation of persons and groups vulnerable to climate change in relevant policy-making, including processes and mechanisms relating to the UN Framework Convention on Climate Change (UNFCCC), and to explore ways to integrate their human rights commitments in ongoing processes at the UNFCCC including those related to loss and damages, climate financing, and adaptation.

The next speaker, **Mr Alex Heikens**, Senior Climate and Environment Advisor at UNICEF introduced UNICEF’s publication “Unless we Act Now: The Impact of Climate Change on Our Children.” Despite the existence of the UN Convention on the Rights of the Child – the most widely ratified human rights treaty in the world – the rights of children are being gravely undermined by the impacts of climate change. In fact, the Committee on the Rights of the Child has described climate change as “one of the biggest threats to children’s health.”

Diarrhoea, malnutrition, and vector borne diseases, such as malaria, represent the leading causes of death in children, and pose a particular threat. Children are also at risk of physical and psychological trauma during and after severe weather events. Mr. Heikens placed

The WHO projects that **by 2030**, climate impacts will result in **48,000** additional deaths from diarrhoeal disease for children under the age of 15, and **60,000** additional deaths from malaria.

- WHO, 2014

On 22 April 2016, in an extraordinary show of support and multilateralism, 175 Parties signed up to the Paris Agreement on Climate Change

emphasis on the devastating impact of air pollution on children. Air pollution kills over 600,000 children under 5 each year. As such, there is a need for ambitious action to reduce GHG emissions, which will also reduce air pollution, and would thus bring about a major positive impact on children's survival and health.

Mr Heikens gave his views on the implications of the Paris Agreement and next steps following its signing. Children's rights have been explicitly recognised in the Paris Agreement and, in addition to States' obligations under the Convention on the Rights of the Child, this commitment must translate into clear measures to prevent and remedy the negative impacts of climate change on children's health. He stressed that increased ambition to reduce greenhouse gas emissions, as well as the mobilisation of resources to meet the adaptation finance gap, is urgently needed. He called for coherent delivery on these strategies with policies, investments, and action to deliver the SDGs and Sendai Framework on Disaster Risk Reduction as well, given the intrinsic links between these agendas.

Mr Heikens described some of the work that UNICEF is doing, and provided some examples of its global analysis and advocacy activities, and other projects on the ground. In conclusion, his key messages to the audience once again emphasised the impacts of climate change on children's health and well-being, and the need for children to be recognised in global and national climate change adaptation and mitigation analysis, policy, programmes, and investments. Finally, he reminded the participants that children are not only victims, they can also be the agents of change that the world needs. In order for them to thrive, we need to provide children with the space, knowledge, and tools that they need.

The last panel speaker was Sengwer community representative, **Ms Milka Chepkorir**. Ms Chepkorir hails from the Sengwer community that inhabits the forests of the Cherangany Hills in Western Kenya. Her presentation focused on the lived experience of community members at the mercy of the human rights impacts of climate change mitigation and adaptation efforts.

She used her own community as an example of what can happen when governments fail to take into account the rights of indigenous people, pointing to a government-led programme to conserve the forests in Cherangany that led to the eviction of local people from her community. She presented images of homes that had been burned to the ground and villagers who had lost their homes, and were now seeking shelter under trees. She said that children had been deprived of education and many elderly people had been forced to live in makeshift tents, where they risked falling ill from pneumonia. She further stressed the need for indigenous people to be the custodians of their ancestral homes as a simple way of giving justice to the environment, to

As the debate on forest conservation and climate change goes on, it is important that indigenous peoples / forest people are allowed to continue living in the forest

human rights, to children, to women, and, ultimately, to health. Ms Chepkorir emphasised that conservation efforts should not trump human rights, and that there is no contradiction between the two.

She lamented the violation of a number of

fundamental rights of the people of the Sengwer community, in efforts to preserve the forests. People had lost access to natural resources, to housing, basic education, and to their indigenous knowledge systems and customary rights. She called for the government to respect human rights when launching efforts and projects to combat climate change.

Discussion Session

Mr Orellana opened the floor for questions and comments following the final panel presentation.

- The Deputy Minister of Environment from Albania, **Kledi XhaXhiu**, thanked the speakers for their insightful and meaningful presentations. He sought information on climate change and adaptation plans. Governments across the world are working on mitigation plans to reduce CO₂ emissions in their respective jurisdictions while at the same time trying to increase energy efficiency, including investing in renewable energies. He sought clarity on why there has not been a lot of focus on the policies of CO₂ capture and sequestration, given that these are effective ways of decreasing CO₂ levels. He called for governments to focus more on carbon sequestration efforts to decrease the levels of CO₂.
- **Dan McGraw**, representing Johns Hopkins University, expressed appreciation for all the panellists, and the efforts by OHCHR and UNEP to integrate human rights and environment, including with respect to climate change. He commented that the one element of the relationship between climate change and human rights that had not been mentioned during the discussion was that relating to climate-induced displacement and migration between countries or within a country. The same sorts of threats to health arise within such situations and the impacts are felt not only by the displaced persons, but also by the local communities. When displaced persons come into an area, often times the local community is not consulted when it comes to considerations of the location of a permanent camp.
- **Ms Marguerite**, representing the Massachusetts Institute of Technology, commented that human rights language in relation to the right to health is cross-cutting in the SDGs, and this has commendable. However, a deeper understanding and an examination of the discourse points that official documents may not convey the obligations and entitlements of human rights and international human rights law. They contain little to empower those already left behind, and to hold businesses and the private sector to account for human rights duties. How do the SDGs address this issue now and in the future?
- A Kenyan GIS expert, **Mr. Silas**, asked whether the area where Ms Chepkorir hails from, and that is currently experiencing great human injustices, addresses land tenure systems. He further queried whether there have been any efforts towards the integration of indigenous knowledge with scientific knowledge systems in order to create necessary synergies so that these measures that are geared towards climate change do not adversely affect the local communities.

The panellists welcomed the comments and questions and their responses included highlighting the following:

- Carbon sequestration is an important area. Anything that states can do to mitigate GHG emissions and climate change needs to be explored. There is also a need to appreciate that national climate change adaptation and mitigation priorities differ by country, depending on each country's national circumstances and situation, as well as respective national capacities. The international community has proposed mitigation and adaptation measures to be considered. This has been done through different projects including those that have been funded by the Global Environmental Facility on mitigation and adaptation. The results also differ – climate change is having different impacts depending on the region. As such, mitigation and adaptation plans should be tailored to each country in line with its national circumstances and situation, as well as respective national capabilities. In addition, it is important to consider the issue in terms of a cost-benefit analysis – in many cases the emphasis has been on renewables and energy efficiency. In the end it is about sector specific interventions and available options.
- In terms of climate induced displacement – it is incredibly critical that 22.5 million people are displaced per year, according to estimates by the internal displacement monitoring centre. The OHCHR has focused a lot of its work on the rights of migrants in general, and particularly on environmental migrants, as this is an area that deserves attention and that a lot of work will be focussed on going forward. UNICEF has also dedicated much of its focus in 2016 to migration and children.
- The SDGs are a significant upgrade from the MDGs in terms of human rights. Although the human rights language is still not strong enough, the set of SDGs present an entirely new tool and new basis to develop and promote human rights. There is a need to work to ensure coherence and understanding of the agreement. Further, it is crucial for the world to focus now on the implementation of the universally-applicable SDGs. The challenges and the capability to implement all the SDGs and respond to all the targets and indicators that have been developed will not be easy and will require all stakeholders and role-players to get on board. There is a need to solidify efforts, and to develop practical guidance for implementation.
- Finally, regarding the participation of local communities, we need to bear in mind the awareness and understanding of people at different levels. Local communities need to be consulted, and their participation facilitated in order for the benefits of actions that are being taken for their supposed benefit to be clearly understood. Access to and the transmission of information is crucial.