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**Intervention at the OHCHR IMRF side event (19 May, 13:00-15:00)**

***Upholding the human rights guiding principles in the Global Compact for Migration***

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It is my honor and pleasure to join this panel today in my capacity as Envoy of the Chair of the Platform on Disaster Displacement (PDD). The PDD is a State-led initiative working towards better protection of persons displaced in the context of disasters and climate change.

In 2021, 23.7 million people were newly displaced by disasters, as reported by the Internal Displacement Monitoring Centre (IDMC) earlier today in Geneva. While this figure comprises people displaced within their own country, some are also compelled to leave their country. Upholding the human rights guiding principles in the Global Compact for Migration (GCM) is particularly relevant for them. Like refugees, such individuals and families have lost everything and are thus particularly vulnerable, but unlike refugees they cannot rely on a specific legal status and thus have to rely on human rights in general. One question is, to what extent are human rights guiding principles mainstreamed in legal and policy instruments that are relevant for the implementation of GCM commitments related to human mobility in the context of disasters, climate change and environmental degradation?

This is one of the questions examined by a project coordinated by PDD together with the International Organization for Migration (IOM), and funded by Germany. We did a *baseline mapping* of information on progress achieved. The Mapping identifies over 930 national policy and legal instruments in 171 countries as well as 20 bilateral and 140 regional instruments in the areas of human mobility, climate change, disaster risk management, and sustainable development governance that contain provisions of relevance to human mobility in the context of disasters, climate change and environmental degradation. Among them, only 97 national and 29 regional and international instruments mention human rights, in most cases just in general terms. There are positive examples of human rights mainstreaming such as the Fiji and Vanuatu displacement guidelines and policy. However, much remains to be done to integrate and mainstream human rights into relevant instruments.

What would taking human rights seriously mean for people compelled to leave their homes and seek refuge abroad in the context of disasters and climate change? Let me highlight three issues:

*First, admission:* Such people are in need of access to countries where they can find security and safety. Under Objective 5 of the GCM on enhancing the availability and flexibility of pathways for regular migration, States are encouraged to “develop or build on existing national and regional practices for admission and stay of appropriate duration based on compassionate, humanitarian or other considerations for migrants compelled to leave their countries of origin owing to sudden-onset natural disasters and other precarious situations.” A number of States, particularly in the Americas, provide that disaster displaced persons may be admitted on humanitarian grounds or granted

temporary protection. However, such legal provisions have in common that authorities have a lot of discretion when deciding whether to admit disaster displaced persons. This lack of predictability can *be reduced when States apply such provisions in a principled and non-discriminatory way, and are guided by human rights considerations.*

*Second, non-refoulement:* Since the Teitiota decision of the Human Rights Committee, we know that the right to life may prohibit deporting people to countries where due to human rights impacts their life might be at risk. However, the threshold is high, meaning that for the present time, this prohibition only applies in very exceptional cases. Here, the commitment enshrined in Objective 21 to uphold the prohibition of forcible return of migrants not only in cases of a foreseeable risk of death or torture and inhuman treatment, but also “in cases of other irreparable harm” is particularly relevant. This clause can arguably be interpreted to cover situations where the impacts of climate change seriously affect the enjoyment of human rights, e.g., where the rights to food or health are seriously threatened, whereas the right to life is not.

Finally, the commitment of Objective 21 to *create conducive conditions for personal safety, economic empowerment, inclusion and social cohesion in communities*, in order to ensure that reintegration of migrants upon return to their countries of origin is sustainable, which is particularly challenging in post-disaster situations, requires a human rights-based approach.

These three examples show how a human rights-based approach to the implementation of relevant GCM commitments can help to protect people compelled to leave their homes and their country in disaster- and climate-change contexts. What we need is to build the capacity of authorities and other relevant stakeholders to implement these commitments, as well as to foster the political will to do so.