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15 November 2023

Open Letter from the United Nations High Commissioner for Human Rights on priorities for human rights-based climate action at the 28th Conference of the Parties to the United Nations Framework Convention on Climate Change

Excellency,

This year marks the 75th anniversary of the Universal Declaration of Human Rights. Over the course of my first year as High Commissioner, I have witnessed first-hand the human rights impacts of global boiling in countries around the world. When I visited Iraq in August, community leaders in Basra showed me pictures of the lush date palms that once lined their now dried-up river as we stood in in searing 50-degree-Celsius heat surrounded by drought-ridden, barren fields. And this is just one example.

Stopping climate change is a matter of human survival. And yet, for decades we have failed to do enough. There is hope. Technologies for safe, clean, renewable energy are advancing and are more accessible. The best available science tells us we still have a narrow window to keep this crisis from spinning further out of control and limit heating to no more than 1.5 degrees Celsius. We can seek to remedy the damage that has already been done to people and nature. For this, we must act now, collectively and boldly.

In this 75th anniversary of the Universal Declaration and referring to the [Open-Letter](#) I published on 2 November 2022 on the priorities for human rights-based climate action at COP27, I urge you to **put human rights at the centre of all climate decision-making at COP28 and beyond**. In particular, the first Global Stocktake will conclude at COP 28. This will be the ambition driver for the next cycle of nationally determined contributions, reflecting States' human rights obligations. I hope that this will therefore include a clear call for a rapid and equitable phase out of all fossil fuels through a just transition and a commitment to rights-based climate action, including through regulation and changes in business models.

All Permanent Representatives
of Member States and Permanent Observers
of non-Member States to the United Nations Office at Geneva
and to the United Nations at New York



In addition, I would urge the following commitments at COP 28:

1. Protect Civic Space

Under human rights law, all people have the right to participation, freedom of expression, peaceful assembly, and association. The Paris Agreement recognizes the importance of participation including in its Preamble, Article 7.5 and Article 12. Yet, more than 200 land, environmental, peasant and community human rights defenders were killed last year. Others experience intimidation, violence, discrimination, reprisals, and other violations of their rights. These unconscionable acts threaten the effectiveness of climate action. Climate change related decision-making, including at COP28, needs to be transparent, inclusive, participatory and safe for all.

2. Ensure human rights guardrails for climate action

Human rights guardrails such as participation by rights-holders, the free, prior informed consent of Indigenous Peoples, and accessible independent grievance mechanisms for those negatively affected are critical to effective climate action. These need to be reflected in mechanisms for climate finance, such as the new loss and damage fund, and the operationalization of carbon markets under Article 6.4 of the Paris Agreement.

3. Prioritize adaptive measures for the people most affected by climate change

The Paris Agreement emphasizes that adaptation action should be country-driven, gender-responsive, participatory and fully transparent. At COP28, negotiations of the global goal on adaptation are expected to conclude. I urge an ambitious outcome that upholds the rights of those most affected by climate change, empowering them and building their resilience.

4. Ensure accountability and access to effective remedy for climate-related harms

Under human rights law, all people have a right to effective remedy for human rights harms. Action to respond to climate change-related loss and damage need to ensure adequate, effective and prompt reparation, in the form of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. The principles of equity, common but differentiated responsibilities and respective capacities by States, and polluter pays, need to inform international cooperation, including in relevant UNFCCC processes such as the Santiago Network for averting, minimizing and addressing loss and damage, and the operationalization of a new related fund.



5. Mobilize resources for a rapid and just transition centred on human rights

States have an obligation to mobilize resources for the progressive realization of economic, social and cultural rights and the advancement of all rights, including to a healthy environment. This extends to mobilizing resources for rights-based climate action. A just transition will help prevent future human rights harms, including to health and livelihoods, and advance the rights of workers in the formal and informal economies.

I wish you successful negotiations at COP28, and urge you to reflect human rights in your deliberations with a view to ensuring the change we need for people and planet.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read 'Volker Türk', is written over a faint, circular watermark.

Volker Türk