

OHCHR views on Action for Climate Empowerment – February 2022

OHCHR welcomes the opportunity to submit its views on matters to be addressed at the in-session technical workshop for Parties on how priority areas can guide implementation of the six elements of Action for Climate Empowerment, through a short-term action plan guiding, inter alia, the organization of the annual in-session Action for Climate Empowerment dialogue. In line with international human rights and environmental law, including the Paris Agreement and the Glasgow Climate Pact, the new work programme on Action for Climate Empowerment (ACE) should promote the rights to access to information, education, participation and justice in environmental matters.

The case for a rights-based approach to Action for Climate Empowerment

The Glasgow Climate Pact urges Parties to “swiftly begin implementing the Glasgow work programme on Action for Climate Empowerment, respecting, promoting and considering their respective obligations on human rights, as well as gender equality and empowerment of women”. Similarly, the Paris Agreement preamble calls upon States to respect, promote and consider their respective obligations on human rights when taking action to address climate change.

In 2020, OHCHR developed a [joint submission](#) together with 7 other UN entities on the importance of a rights-based approach to Action for Climate Empowerment. The submission reaffirms that under international human rights law, public participation, access to information and education are rights that all States have a legal obligation to respect, protect and fulfil including in the context of climate action and that the UN Charter, the International Covenant on Economic, Social and Cultural Rights, and other human rights instruments impose upon States the duty of international cooperation to ensure the realization of all human rights.

In addition to being an obligation under human rights law, rights-based approach to climate action is also more effective. The Human Rights Council (HRC) in its resolution 47/24 affirms “that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, thereby promoting policy coherence, legitimacy and sustainable outcomes”. The 2018 report of the Intergovernmental Panel on Climate Change on 1.5 degrees has also highlighted the linkages between a human rights-based approach and sustainable and effective climate action.¹

The integration of human rights should be a key element of the priority areas and action plans of ACE going forward, including indigenous peoples’ rights, women’s rights, the rights of children and youth and rights of persons with disabilities, which were highlighted during the ACE activity series and related events. Many of the underlying elements of ACE such as education, participation and access to information are human rights, the realization of which is key to unlocking more effective climate action. The action plan should outline how the new work programme on ACE can promote policy coherence and effective implementation of existing commitments regarding human rights and the protection of the environment and contribute to other areas of work under the UNFCCC, including a just transition, gender-responsive climate action with respect for women’s rights and the Local Communities and Indigenous Peoples Platform.

¹ See e.g. p. 55: “Several international human rights obligations are relevant to the implementation of climate actions and consonant with UNFCCC undertakings in the areas of mitigation, adaptation, finance, and technology transfer”

Proposed priority areas to guide implementation of the six elements of Action for Climate Empowerment

The Office suggests the following three thematic areas to guide the six elements of Action for Climate Empowerment for rights-based action for people and planet.

A) The right to a clean, healthy and sustainable environment

In October 2021, the HRC adopted resolution [48/13](#), entitled the human right to a clean, healthy and sustainable environment. The resolution recognizes that “the exercise of human rights, including the rights to seek, receive and impart information, to participate effectively in the conduct of government and public affairs and in environmental decision-making and to an effective remedy, is vital to the protection of a clean, healthy and sustainable environment”, thus aligning with several key elements of the Action for Climate Empowerment agenda. It also recognizes a clean, healthy and sustainable environment as a human right that is important for the enjoyment of human rights; notes that the right to a clean, healthy and sustainable environment is related to other rights and existing international law; and affirms that the promotion of the human right to a clean, healthy and sustainable environment requires the full implementation of the multilateral environmental agreements under the principles of international environmental law.

The experiences of the ACE dialogues, along with COP decisions related to local communities and indigenous peoples, loss and damage, capacity-building and gender, demonstrate that there is a need for additional training and capacity building with respect to human rights and climate change and for a rights-based approach to Action for Climate Empowerment. The HRC, its special procedures mechanisms, the human rights treaty-bodies, and OHCHR have addressed human rights, climate change and environmental degradation through a series of resolutions, reports, and activities on the subject, and by advocating for a human rights-based approach to all climate action. In October 2021, the Human Rights Council adopted Resolution [48/14](#) creating the mandate of a Special Rapporteur on the promotion and protection of human rights in the context of climate change. This work combined with HRC resolution 48/13 offers important guidance for rights-based climate action for people and planet, including in the context of ACE.

B) The rights to meaningful public participation and access to information

The [OHCHR, ILO, UN Women, UNESCO, UNEP, ECLAC, UNICEF and UNECE joint submission on the Action for Climate Empowerment at the UNFCCC, 2020](#) highlights a number of elements relating to public participation. The submission notes that by definition, the human right to public participation requires this participation to be meaningful, informed and effective which in turn requires a minimum level of public awareness and fulfilment of the right to access to information. In a series of Human Rights Council resolutions on climate change, the Council has emphasized the importance of the participation and empowerment of those most affected by climate change. For example, HRC Resolution [41/21](#) of July 2019 recognizes “the need for ensuring meaningful participation, inclusion and leadership of persons with disabilities and their organizations within disaster risk management and climate-related decision-making at the local, national, regional and global levels”.

In June 2021, heads of UN entities working to support the [Secretary-General’s Call to Action for Human Rights](#) affirmed their [Joint Commitment to promote the right of children, youth and future generations to a healthy environment and their meaningful participation in decision-making at all levels, in relation to climate action and climate justice](#). The Call to Action also emphasizes the importance of better understanding experiences of “people living with disabilities, minorities, indigenous communities, refugees, migrants and other groups facing specific challenges” and calls for increased UN support to

Member States for the development of protection mechanisms for human rights defenders and environmental activists. A common understanding grounded in inclusive and informed participation should guide all work on ACE.

C) Environmental human rights defenders

Environmental human rights defenders are critical allies in the work for effective and ambitious climate mitigation and adaptation as well as for addressing loss and damage associated with the impacts of climate change. In Human Rights Council resolution [40/11](#) on Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development, the Council called upon States “to facilitate public awareness of and participation in environmental decision-making, implementation, monitoring and follow-up and review of the 2030 Agenda for Sustainable Development” and urged States “to bear in mind the importance of the empowerment and capacity-building of indigenous peoples, including their full and effective participation in decision-making processes in matters that affect them directly, and of consultations in order to obtain their free, prior and informed consent”.

The Secretary-General’s Call to Action for Human Rights appeals for increased UN support to Member States for the development of protection mechanisms for human rights defenders and environmental activists. In [Our Common Agenda](#), the Secretary-General further outlines his vision for the next 25 years and states that “promoting and protecting civic space makes societies stronger and more resilient, building on the right to participate and freedom of expression, association and assembly.” The effective implementation of environmental democracy treaties such as the Aarhus Convention and the Escazú Agreement is critical.

The action plan and activities on ACE should be designed, implemented, and assessed with the meaningful and informed participation of concerned environmental human rights defenders.

Proposed elements/structure of the short-term action plan guiding, inter alia, the organization of the annual in-session Action for Climate Empowerment dialogue

OHCHR recommends the action plan include the following elements:

- 1) **Meaningful and informed participation in the development, implementation, and monitoring of the action plan.** To address climate change, whole-of-society engagement is needed across public, private and non-profit sectors with meaningful participation of all stakeholders including indigenous peoples, women, children and youth, persons with disabilities, migrants, and affected communities. Observer access to intergovernmental meetings is critical, and lessons should be learned for enhancing participation through multiple modalities in the context of COVID-19. Relevant experts from States, UN organizations and civil society should be invited to regularly share their views and experiences on human rights obligations relating to ACE. ACE workshops and activities should be more participatory, including through effective inclusion of persons most affected by climate change, and outcomes reflecting their views.
- 2) **Recommendations and outcomes on ACE, including from the proposed annual ACE dialogues and the annual youth forums, should be effectively communicated to the COP** in order to inform and improve its deliberations in the spirit of Article 12 of the Paris Agreement.
- 3) **Building capacity of ACE focal points.** Strengthening human rights-based and gender-responsive approaches should also include building capacity of ACE focal points, strengthening reporting, and supporting the integration of human rights in relevant processes, including the

NDC review and the Global Stocktake. Enhanced ambition in the revised NDCs could support a rights-based approach, e.g. through skills training.

- 4) **Finally, the development of the action plan should map and consider resolutions and decisions in other fora which can contribute to capacity-building support and inclusion.** For instance, United Nations Environment Assembly resolution 4/17 invites Member States to support training and capacity-building efforts for women and men on gender mainstreaming and enhancing all women's active and meaningful participation in global processes on environmental governance.

Conclusion

International human rights and environmental law call for an Action for Climate Empowerment action plan that is inclusive, participatory and rights-based. OHCHR welcomes the opportunity to support such an action plan through this input, future engagement with relevant activities, and by inviting further consideration of relevant resources such as OHCHR's [Frequently Asked Questions on climate change and human rights](#), [Key Messages on human rights, climate change and business](#), [Key Messages on human rights, the environment, and gender equality](#) (jointly with UN Women and UNEP), and the [introductory course on human rights and climate change \(developed with the Paris Committee on Capacity-Building\)](#).