

## References to Human Rights under the UN Climate Agreements

### Explicit references to human rights in Climate Agreements and COP Decisions

Since 2010, human rights have progressively emerged as a crosscutting issue to be considered under the UN Climate Agreements. The importance of integrating human rights in climate policies was first emphasized in 2010 through several references included in the **Cancun Agreements (Decision 1/CP.16)**. The Cancun Agreements recalled the findings of the Human Rights Council, recognizing that climate change has human rights impacts and stressing the need for all parties to respect human rights in their climate action. They also underscored the importance of respecting the rights of indigenous peoples in the context of response measures – including approaches to reduce emissions from deforestation.

This integration was further emphasized in 2015 with the inclusion of a dedicated paragraph in the preamble of the **Paris Climate Agreement**. The preamble maintains that “parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity”.

Since the adoption of the Paris Agreement, the Parties have explicitly asserted the need to consider human rights in several UNFCCC work areas and mandated some of the constituted bodies to do so. In 2016, the COP mandated that the **Paris Committee on Capacity Building** take into consideration crosscutting issues such as human rights (**Decision 16/CP.22**), and in 2017, the Parties stressed the relevance of human rights in the **Gender Action Plan (Decision 3/CP.23)**. Parties also emphasized the importance of the **rights of indigenous peoples** in the 2017 and 2018 COP decisions regarding the implementation of the Local Communities and Indigenous Peoples Platform (**Decision 2/CP.23 and -/CP.24**). The COP decision adopted in 2018 relating to the Warsaw International Mechanism on Loss and Damage also includes the recommendation that Parties formulate policies to address **displacement** in the context of climate change taking their human rights obligations into consideration (**Decision -/CP.24**).

### Relevant work of the constituted bodies and UNFCCC workstreams

Human rights have emerged as a theme considered by several of the **constituted bodies** established under the UNFCCC, the Kyoto Protocol, or the Paris Agreement. These constituted bodies include, for example, the Executive Board of the Clean Development Mechanism, the Warsaw International Mechanism on Loss and Damage and its Task Force on Displacement, the Paris Committee on Capacity Building, and the Standing Committee on Finance

Both the **Green Climate Fund** and the **Adaptation Fund** have also considered the relevance of human rights to their work and the importance of establishing safeguards and avenues for remedy to ensure that projects supported by the funds fully comply with human rights standards.

Human rights have also been discussed during activities implemented in relation to several UNFCCC workstreams, such as in the context of the Action for Climate Empowerment, the Gender Action Plan and the Durban Forum for Capacity Building.

## References to Human Rights in National Reports and Commitments communicated to the UNFCCC Secretariat

Furthermore, human rights are explicitly addressed by State Parties either through national reports regarding their climate policies or in national commitments expressed in the form of Nationally Determined Contributions.

By December 2017, 76 Parties have made explicit references to human rights in their **national reports to the UNFCCC Secretariat** (considering both National Communications and NAPAs).

In addition, 24 countries referred explicitly to human rights in their Intended **Nationally Determined Contributions** submitted in 2015 prior to the adoption of the Paris Agreement. These references are significant as the purpose of processes established under the Paris Agreement are to support the implementation of the national commitments.

### 17 Parties referred to human rights as a principle guiding the implementation of their INDC

Bolivia, Brazil, Chad, Chile, Costa Rica, Ecuador, Georgia, Guatemala, Guyana, Honduras, Malawi, Marshall Islands, Mexico, Morocco, Philippines, South Sudan, Uganda

### 7 Parties referred to human rights when describing their domestic legal framework

Cuba, El Salvador, Indonesia, Nepal, Venezuela, Yemen, Zimbabwe

## Broadening the scope: references to social dimensions of climate change and climate action

Please note that the information reviewed in this note includes only explicit references to human rights. A great number of decisions adopted under the auspices of the UNFCCC recognize the importance of addressing social dimensions of climate change and climate action of direct relevance to human rights and in relation to which human rights norms can provide useful guidance, for instance in relation to food security, gender, health, public participation and access to information, education, indigenous peoples, just transition, and the eradication of poverty. These themes are also explicitly mentioned in many national reports of climate action submitted to the UNFCCC Secretariat (National Communications, Biennial Reports, or National Adaptation Programmes of Action) as well as in a majority of Nationally Determined Contributions submitted with the ratification of the Paris Climate Agreement.

### Table of References to outcomes of the UNFCCC COP

Cancun Agreements, Decision 1/CP.16 (2010), preamble, para. 8, preamble to para. 88, appendix 1

Paris Climate Agreement and Decision 1/CP.21 (2015), preamble

Third comprehensive review of the implementation of the framework for capacity-building in developing countries under the Convention, Decision 16/CP.22 (2016) para. 4(a)

Local Communities and Indigenous Peoples Platform, Decision 2/CP.23 (2017), preamble and para. 6(c)

Establishment of a gender action plan, Decision 3/CP.23 (2017), preamble

Local Communities and Indigenous Peoples Platform, Decision 2/CP.24 (2018), preamble

Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, Decision 10/CP.24 (2018), annex, para. 1(g)