



Amnesty International members only

# **33<sup>rd</sup> International Council Meeting**

## **Circular 10: Human rights aspects of climate change**

**AI Index:** ORG 10/6302/2017  
**To:** Sections and structures  
**ICM Session:** Human Rights Working Party  
**From:** Law & Policy Programme, Amnesty International, International Secretariat  
**Date:** 12 June 2017

### **PURPOSE STATEMENT**

- This paper aims to: 1. Inform Sections on human rights threats arising from climate change, 2. Highlight existing Amnesty work done on the issue of climate change, 3. Provide an overview of Amnesty's policy position on climate change, 4. Describe the potential human rights impacts of Amnesty's engagement on this subject and 5. Commence discussion on a spectrum of options for the extent of Amnesty's future work on climate change.

### **DISTRIBUTION**

- The paper is for section/structure delegates to the ICM.
- Delegates should talk to their section/structure management and board; law and policy focal points; members of the cross-movement climate change working group, advocacy leads; media officers; and campaigners.

## Papers List




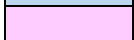
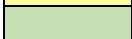
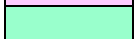

All ICM papers and background papers are available on the ICM website: password 2017\_ICMRome (o = zero)  
[2017 ICM website](#)

| Release date           | Circular No. | Paper title (Circulars 1, 3 and 4 have been removed from this table, but are available on the ICM website)  | Session                         | AI index number  |
|------------------------|--------------|---|---------------------------------|------------------|
| Oct 2016               | 2            | Call for internationally elected positions  | N/A                             | ORG 50 4954 2016 |
| June 2017              | 5            | Section and structure voting entitlements   | S26 & S27                       | ORG 10/6318/2017 |
| June 2017              | 6            | Second version resolutions, preliminary costings and draft agenda   | Full ICM                        | ORG 10/6316/2017 |
| June 2017              | 7            | Governance Reform: The new Governance Model explained   | Governance Reform working party | ORG 10 6247 2017 |
| June 2017              | 8            | Governance Reform: Frequently asked questions   |                                 | ORG 10 6248 2017 |
| June 2017              | 9            | Development of a Policy on State Obligations on Elections   | HR Pol working party            | ORG 10/6310/2017 |
| June 2017              | 10           | Human Rights aspects of climate change  |                                 | ORG 10/6302/2017 |
| June 2017              | 11           | Drugs and Human Rights  |                                 | ORG 10/6311/2017 |
| June 2017              | 12           | Military Occupation as an Amnesty Policy Issue  |                                 | ORG 10/6312/2017 |
| June 2017              | 13           | Civil disobedience and boycotts   |                                 | ORG 10/6181/2017 |
| July 2017              | 14           | Update on implementation of 2015 ICM decisions and International Board and International Treasurer's Report | S6                              | TBC              |
| July 2017              | 15           | Secretary General's report to the ICM   | S6                              | TBC              |
| July 2017              | 16           | State of the movement report  | S16                             | TBC              |
| July 2017              | 17           | Final version draft agenda, preparing for the ICM   | Full ICM                        | TBC              |
| July 2017              | 18           | Nominations to internationally elected positions  | S7                              | TBC              |
| <b>Post ICM papers</b> |              |   |                                 |                  |
| Aug 2017               | N/A          | 2017 ICM Decisions Report   | N/A                             | TBC              |
| Sep 2017               | N/A          | Report of the 2017 ICM  | N/A                             | TBC              |

## Background papers

| Release date | Paper title  | Sessions                        | AI index number  |
|--------------|--|---------------------------------|------------------|
| June 2017    | Discussion framework for Governance Reform Working Parties | Governance Reform working party | ORG 10/6313/2017 |

### Session key

|   |                                 |  |                              |
|---|---------------------------------|--|------------------------------|
|  | ICM plenary session             |  | HR Policy working party      |
|  | ICM plenary: HR context         |  | Workshop                     |
|  | Governance Reform working party |  | Organisational working party |
|   |                                 |  | Regional meetings            |

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## Background papers

| Paper title  | AI index number  |
|--|------------------|
| Theories of Change 2016-2019, Goal 2 on ESCR   |                  |
| Internal Q and A on climate change   | IOR 51/2909/2015 |
| Draft climate change policy – June 2017  | POL 30/6245/2017 |
| Amnesty International, <i>Preliminary observations to the CEDAW proposed general recommendation on Gendered-Dimensions of disaster risk reduction and climate change</i> , February 2016 | IOR 40/3468/2016 |

## Executive summary

According to the Special Procedures of the Human Rights Council, “Climate change is one of the greatest human rights challenges of our time.” Climate change is impacting the rights to life, to health, to housing, to an adequate standard of living, to food, to water and sanitation, and, by threatening the cultural survival of peoples, to self-determination, among others. The scale of the problem is vast. For example, if dangerous levels of climate change are not prevented, it is projected to reduce access to adequate food and water to 600 million or more of some of the poorest people globally and render a billion vulnerable to displacement due to climate-induced disasters.

## Background on Amnesty’s work

Amnesty has since 2009 taken a position calling for a global agreement to curb climate change and joined the Global Call to Climate Action. In 2015, the SLT decided that although climate change was not currently a priority in Amnesty’s strategic goals for 2016-9, Amnesty would need to engage more deeply on the issue in the medium and long term. As such it was agreed, and incorporated into the theory of change on Economic, Social and Cultural Rights to carry out “Limited work to develop Amnesty’s internal understanding of the issue of climate change, strategy development and collaboration with other partners. This included: joining public statements with partners on human rights obligations in regard to climate change; forming an internal working group to develop a long-term strategy, consulting with other human rights agencies; updating existing policy on human rights and climate change and providing advice to other NGOs that seek to use human rights arguments before courts and human rights bodies.” These actions were welcome by Sections in a discussion on climate change at the 2015 ICM. This paper describes those activities that have been carried out thus far, in particular, engagement and advocacy with other civil society organisations, UN human rights mechanisms and deeper clarification of Amnesty’s positions on climate change.

## Summary of Amnesty’s position

States have three levels of duties. First, they must protect the enjoyment of human rights from harm caused by conduct within their jurisdiction. Due to the foreseeable adverse effects of climate change on the enjoyment of human rights, State must take all reasonable steps to the full extent of their abilities to reduce carbon emissions within the shortest possible time-frame both nationally and through international cooperation and assistance. Second, all states must adopt all necessary measures to protect those within their jurisdiction from the unavoidable effects of climate change on their human rights. Third, human rights should be central in the design and implementation of all policies and measures aimed at addressing climate change, and avoid measures that violate other human rights, such as forced evictions.

### **Human rights impact and value-added: A spectrum of options**

It is clear that Amnesty will need to address the issue of climate change. Its multidimensional nature means it cannot be dealt with by NGOs working on issue silos. AI can provide a unique and essential contribution based on our expertise in a range of human rights issues and our ability to speak to audiences that environmental organisations do not. We have been asked by organisations working in the field to engage. It is essential for our relevance and potentially for growth and mobilisation.

Further discussion, and more discussion with partners, is needed on the extent of Amnesty's engagement in the next Strategic Goals period and beyond. The spectrum of options spans a wide range. On one end, it could involve low-resource engagement involving provision of human rights law and policy advice to other NGOs and lending our voice to climate change efforts. At the other end, Amnesty could feasibly carry out a programme of research, advocacy and campaigning that identifies specific State failures to abide by their obligations under national and international human rights law, to support litigation and public campaigns by Amnesty and partners. The 2017 ICM, and the proposed development of a strategy put forward by AI New Zealand and AI UK creates an important opportunity to engage in this critical discussion.

## 1. THE HUMAN RIGHTS CHALLENGE OF CLIMATE CHANGE

According to the Special Procedures of the Human Rights Council, "Climate change is one of the greatest human rights challenges of our time."<sup>1</sup> Whereas climate change has implications for the full range of human rights, the rights to life, to health, to housing, to an adequate standard of living, to food, to water and sanitation, and to self-determination are and will be the most affected according to recent studies.

### Human rights impacts in numbers if dangerous levels of climate change are not prevented

**One billion people** live in urban slums on fragile hillsides or flood-prone river banks and face acute vulnerability to extreme climate events.<sup>2</sup> Global temperature increases of 3–4°C could result in **330 million people** being permanently or temporarily displaced through flooding.<sup>3</sup>

An **additional 600 million** people will face hunger by 2080 if dangerous levels of climate change are not prevented.<sup>4</sup> An increase in the global temperature higher than 2°C – a likely occurrence without urgent action to drastically reduce carbon emissions – is likely to lead to **severe nutritional stunting**, leading to increased risk of death and poor health, for **23% of the population in central sub-Saharan Africa and 62% of the people in South Asia**.<sup>5</sup> Under the 2°C scenario, the **area of hyper-arid and arid regions grows by 3 percent**, while under the 4°C scenario, it **grows by 10 percent**.<sup>6</sup> Climate change will also exacerbate the challenge of realising the right to health. For example, the World Health Organisation (WHO) predicts that climate change is expected to cause **250,000 deaths per year** between 2030 and 2050 due to malaria, malnutrition, diarrhoea and heat stress.<sup>7</sup>

Climate change will compound the problem of access to water. Even with a 2°C increase, **14% of the global population will see a severe reduction in water resources**.<sup>8</sup> In Syria, the effects of climate change are clear – shortening the cycles of drought from a cycle of 55 years in the past to 7-8 years. Syria suffered four consecutive droughts between 2006 and 2011. In affected regions, the **income of small-scale farmers and herders dropped by as much as 90 per cent**; 80 per cent of those affected were reported to live on bread and sugared tea.<sup>9</sup>

Climate change exacerbates inequalities and its effects are disproportionately felt by those who are more vulnerable, marginalised or subject to discrimination. As a consequence of existing discrimination, women, people living in poverty and Indigenous peoples are among the groups most affected by climate change. While it is mostly caused by the emission of greenhouse gases by developed countries since the industrial revolution, its harshest effects are and will be felt mainly by people in developing countries. Climate destructive behaviour, and even in some cases, measures taken to mitigate or adapt to climate change (i.e.

<sup>1</sup> OHCHR, *A new climate change agreement must include human rights protections for all*, 17 October 2014, available at [http://www.ohchr.org/Documents/HRBodies/SP/SP\\_To\\_UNFCCC.pdf](http://www.ohchr.org/Documents/HRBodies/SP/SP_To_UNFCCC.pdf)

<sup>2</sup> UNDP, *Human Development Report 2007/8, Fighting Climate Change: Human Solidarity in a Divided World*, p. 9. These figures are considered conservative and could be much higher today.

<sup>3</sup> *Ibid.* 9.

<sup>4</sup> UNDP, *Human Development Report 2007/8, Fighting Climate Change: Human Solidarity in a Divided World*, p. 90.

<sup>5</sup> Fifth Assessment Report (AR5) of the Intergovernmental Panel on Climate Change (IPCC), WGII Report (2014), p. 1056.

<sup>6</sup> *The Effects of Climate Change on the Full Enjoyment of Human Right*, report by five UN Special Procedures of the Human Rights Council on persons with disabilities, the environment, extreme poverty, water and sanitation and on international solidarity, 30 April 2015, para. 66.

<sup>7</sup> WHO, *Quantitative risk assessment of the effects of climate change on selected causes of death, 2030s and 2050s*, 2014, page 1, [http://apps.who.int/iris/bitstream/10665/134014/1/9789241507691\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/134014/1/9789241507691_eng.pdf)

<sup>8</sup> Fifth Assessment Report (AR5) of the Intergovernmental Panel on Climate Change (IPCC), p. 251.

<sup>9</sup> Report of the Special Rapporteur on the right to food, Olivier De Schutter, Addendum, Mission to the Syrian Arab Republic, 27 January 2011, U.N. Doc. A/HRC/16/49/Add.2, para. 13.

hydro-electric dams or biofuel plantations), are associated with repression of environmental defenders standing up against fossil fuel extractive projects, demanding assistance following climate-exacerbated natural events, or defending the rights of groups negatively affected by biofuels, among other things.<sup>10</sup> Dangerous levels of climate change can indirectly increase risks of instability and conflict by amplifying well-documented drivers of these conflicts such as poverty and economic shocks.<sup>11</sup> Such instability would likely lead to an increase in human rights violations.

Climate change is therefore relevant to a range of strategic goals, in particular Goal 2 – Securing equal rights for all, Outcome 2.3: Economic, social and cultural rights are better realized in people’s lives, Outcome 2.1: Greater progress towards gender equality is achieved, Outcome 2.2: Discrimination is reduced for victims of multiple discrimination and to Goal 1, Outcome 1.3: Those defending human rights are safe and supported.

## 2. BACKGROUND ON AMNESTY’S WORK

Amnesty has engaged on climate change in a limited fashion since 2009. In the run-up to the Copenhagen Summit of 2009 (COP15), it issued a petition calling for a legally binding agreement to reduce greenhouse gas emissions and it prepared a Q and A document for Sections setting out Amnesty’s positions based on an application of human rights law to the issue. Amnesty joined the Global Call for Climate Action (GCCA) a large civil society coalition. Amnesty also joined in advocacy with the Office of the High Commissioner for Human Rights on the environment and human rights, including climate change, at the Rio +20 conference on sustainable development in 2012. After taking into consideration the views expressed by the movement for some time, in 2015, the Senior Leadership Team in the IS decided that although climate change was not a priority in Amnesty’s strategic goals for 2016-9, Amnesty would need to engage more deeply on the issue in the medium and longer term. As such it was agreed, and incorporated into the Goal 2 theory of change on Economic, Social and Cultural Rights to carry out:

“Limited work to develop Amnesty’s internal understanding of the issue of climate change, strategy development and collaboration with other partners. This included: joining public statements with partners on human rights obligations in regard to climate change; forming an internal working group to develop a long-term strategy, consulting with other human rights agencies; updating existing policy on human rights and climate change and providing advice to other NGOs that seek to use human rights arguments before courts and human rights bodies.”<sup>12</sup>

These actions were welcome by Sections in a discussion on climate change at the 2015 ICM. Activities since that period have included the following activities carried out by a range of IS programmes and Sections.

**Internal movement-wide working group:** A working group made up of representatives of nine Sections who had expressed interest and staff in the IS was established in 2015 and has served as a forum to share information, review and comment on policy development. This group can be joined by contacting Ashfaq Khalfan in the IS.

**Learning from and providing advice to other civil society groups in the field:** Amnesty has carried out several discussions with OHCHR, Human Rights Watch and the Special Rapporteur on Human Rights and the Environment on climate change work. In 2015, Amnesty joined the Human Rights and Climate Change

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<sup>10</sup> See for example Amnesty International’s interactive platform highlighting stories of environmental defenders at risk in the Americas: [www.speakout4defenders.com](http://www.speakout4defenders.com) and Amnesty International, “*We defend our land with our blood*” *Defenders of the land, territory and environment in Honduras and Guatemala*, 1 September 2016, AMR 01/4562/2016, <https://www.amnesty.org/en/documents/amro1/4562/2016/en/>

<sup>11</sup> Fifth Assessment Report (AR5) of the Intergovernmental Panel on Climate Change (IPCC), WGII Report (2014).

<sup>12</sup> Theories of Change 2016-2019 Compilation, p.65 (Goal 2 on ESCR).

Working Group (<http://climaterights.org/about/>), a group of civil society organizations, academic experts and practitioners that support the effort to include human rights protections in international climate laws and standards. On Greenpeace's request, the IS provided detailed advice to Greenpeace in its petition to the Human Rights Commission in Philippines on activities of carbon-intensive companies. These collaborations have improved Amnesty's own capacity and that of other organisations, and also provided greater information on the relevant gaps in the field that Amnesty could fill.

**Policy development:** In 2015, at the request of AI France, the IS prepared an updated Q and A (IOR 51/2909/2015) on our position on climate change in advance of the Paris Summit on Climate Change. A more extensive and detailed policy was developed by the IS in consultation with the working group and released for broader consultation in the IS and with Sections in June 2017. The document is open for comments until September 2017 and will be finalised shortly thereafter. The issue of climate change was for the first time referenced in a research report, "[Where are we going to live?](#)" – *Migration and statelessness in Haiti and the Dominican Republic*, which noted the link between climate change, drought and food insecurity.<sup>13</sup>

**Joint advocacy:** Amnesty worked with other civil society organisations at the Paris Summit to lobby governments to defend the inclusion of a reference to consistency with human rights in the Paris Agreement, issuing a joint [statement](#) with Human Rights Watch: *Human Rights in Climate Pact Under Fire - Norway, Saudis, US Blocking Strong Position*, a statement that received significant media [coverage](#). The final agreement includes a reference saying that States should in the context of climate change policies and actions, "promote, respect, and take into account their respective obligations on human rights" which is one of the only such references in an global environmental agreements, although weaker than what had been proposed earlier. Amnesty also issued a [joint statement](#) with Greenpeace: "Protection of human rights from climate change requires urgent shift to 100% renewable energy for all". Greenpeace billed the statement as an example of the two organisations '[closing the gap between climate change and human rights](#)'.

**Standard setting:** AI also submitted two rounds of [submissions](#) to the Committee on the Elimination of Discrimination against Women (CEDAW) in advance of its discussion on the draft general recommendation on "[gender-related dimensions of disaster risk reduction and climate change](#)" and engaged in discussions with the Committee. This is the first substantive standard to be established by an international human rights body on climate change. We are also engaging with the UN Committee on Economic, Social and Cultural Rights in regard to its potential General Comment on Environment and Development. Amnesty also called on the UN Human Rights Committee to address climate change in its updated General Comment on the right to life.

Several Sections have engaged in work at the national level. For example, AI USA [criticised](#) the Trump Administration's rollback of climate protections in April 2017. In November 2015, Amnesty Canada wrote to the Minister of Environment and Climate Change drawing attention to the impact of climate change on human rights and emphasizing the state's obligation to respect, protect and fulfil human rights in the context of climate change. Amnesty Canada staff attended the 2009 Copenhagen Summit and published an [opinion editorial](#) calling on government negotiators to ensure that international climate change policy is firmly rooted in a human rights analysis of the legal obligations of states, and must not be discriminatory, particularly of the most vulnerable people. Amnesty New Zealand is part of the New Zealand Climate Action Network, engaged with Greenpeace New Zealand, participated in the People's Climate March in 2015 and written [blogs](#) on the issue.

Amnesty is also evaluating ways to reduce its carbon footprint and other negative impacts on the

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<sup>13</sup> June 2016, AMR 36/4105/2016, p. 11.

environment.

### **3. SUMMARY OF AMNESTY'S POLICY POSITION ON CLIMATE CHANGE**

States have three levels of duties. First, under international human rights law, states have obligations to protect the enjoyment of human rights from harm caused by conduct or omissions within their territory or jurisdiction, whether committed by state or non-state actors, including businesses. The foreseeable adverse effects of climate change on the enjoyment of human rights give rise to duties on states to take all reasonable steps to the full extent of their abilities to prevent this harm. This means that states need to reduce carbon emissions within the shortest possible time-frame both nationally and through international cooperation and assistance. In particular, Amnesty International advocates for states to adopt measures to reduce greenhouse gases that would keep the global temperature to no more than 1.5 °C above pre-industrial levels, beyond which temperature rises would present severe threats to human rights. In order to achieve this target, governments must phase out fossil fuels and carry out a transition, in a manner consistent with human rights that achieves 100% reliance on carbon neutral energy sources by 2050.

Second, all states must also adopt all necessary measures to assist those within their jurisdiction to adapt to the unavoidable effects of climate change, thus minimizing the impact of climate change on their human rights. This is true regardless of whether the state is responsible for those effects because states have an obligation to protect human rights from harms caused by third parties. Given the global dimension of climate change and its role in producing trans-boundary environmental harm with serious consequences on the enjoyment of human rights, states have also extra-territorial obligations in relation to addressing climate change. These include, but are not limited to, a duty of international cooperation and assistance. While each state has obligations to prevent and mitigate climate change, as well as to help people adapting to its effects, each may do so according to its capabilities and responsibilities.

Third, respect, protection and fulfilment of human rights should also be central in the design and implementation of all policies and measures aimed at addressing climate change. In particular, states must ensure that measures intended to protect people from the effects of climate change do not result in the unintended violation of other human rights; they should avoid using the response to climate change to justify violations of human rights; and they should ensure that climate policies and measures are an opportunity to correct existing imbalances in terms of access to rights. In all measures, states should respect the right to information, participation for all affected people, as well as their right to access effective remedies for human rights abuses.

Further elaboration and citations are provided in the background papers.

### **4. HUMAN RIGHTS IMPACT AND VALUE-ADDED: A SPECTRUM OF OPTIONS**

The fact that human rights aspects of climate change falls within Amnesty's mandate is not, by itself, a reason for Amnesty to work on the issue. Amnesty should engage on areas of work that adds significant value to work of other organisations that are working in the field, to the extent that it can be done within our available resources. Our learnings thus far indicate a number of areas in which Amnesty can add value to work by other organisations, although more analysis needs to be done to further refine more precisely where the greatest gaps are and where our efforts are best focused.

First, Amnesty can help bring new audiences and constituencies to the struggle against climate change through media work, public campaigns and human rights education. With the general scientific consensus that time is running out when it comes to dealing with climate change, vigorous concerted action from a variety of actors to tackle climate change is strongly required. According to Phil Bloomer, Executive Director, Business and Human Rights Resource Centre, former Director of Policy at Oxfam GB:



“By speaking out more on climate change, Amnesty would contribute in three key ways. First, human rights organisations speak to a section of the public that environmental and development groups do not. Human rights supporters don’t need to be convinced that climate change is important but their passion and time is dedicated to the protection of humans, rather than the environment. At key moments, when climate justice advocates need people to come out to the streets and join mass demonstrations which we know have helped move political leaders, it would be enormously helpful for Amnesty to encourage those who care about human rights to join. Second, Amnesty can help bring the human and the justice aspects of climate change to the fore. This is particularly true in comparison to environmental organisations who can be publicly perceived as caring more about rivers and polar bears rather than people. Third, Amnesty has gravitas when it comments on global affairs - it influences governments, civil society and the public.”

Environmental and development groups, including Greenpeace, Action Aid, CARE and many others have strongly encouraged Amnesty to engage on the climate change issue.

Second, AI is also well placed to promote the use of available accountability and remedy mechanisms at national, regional and international level to hold states to account for failures to act effectively on climate change or for human rights violations resulting from climate change adaptation and mitigation policies. As mentioned in Section 2, Greenpeace has on several occasions asked Amnesty for legal advice on use of human rights law arguments in its work. It has expertise in engaging with UN treaty body mechanisms that many NGOs involved in climate change advocacy do not have – in its recent engagement with CEDAW and the Human Rights Committee, Amnesty served as a resource to environmental organisations engaging with these bodies.

Third, AI has strengths on a wide range of issues that are key to the debate on human rights aspects of climate change, including extra-territorial human rights obligations, protecting the rights of environmental human rights defenders, legal standards on corporate accountability, migrants’ rights, gender and Indigenous Peoples. According to Kristin Casper, Litigation Counsel, Greenpeace International, “Amnesty International is an essential player in effectively harnessing the power of human rights to help solve the climate crisis.”

Engagement on climate change is also important to Amnesty’s institutional goals. It is important in order to ensure Amnesty remains relevant to key human rights challenges globally, nationally and locally. It also has a positive impact for mobilisation, growth and funding. Climate change is an issue that affects everybody and the gravity and urgency of the situation is of deep concern to many. By more vocally adding its voice to this issue, and providing a unique perspective, Amnesty would increase its appeal to new supporters; especially among youth and in the South.

Further discussion, and more discussion with partners, is needed on the extent of Amnesty’s engagement in the next Strategic Goals period and beyond. The spectrum of options spans a wide range. On one end, it could involve low-resource engagement involving provision of human rights law and policy advice to other NGOs and lending our voice to climate change efforts. At the other end, Amnesty could feasibly carry out a programme of research, advocacy and campaigning that identifies specific State failures to abide by their obligations under national and international human rights law, to support litigation and public campaigns by Amnesty and partners. The 2017 ICM, and the proposed development of a strategy put forward by AI New Zealand and AI UK creates an important opportunity to engage in this critical discussion.