



March 17, 2021

The Honorable John F. Kerry
Special Presidential Envoy for Climate
State Department

Re: Amnesty International's Human Rights Priorities for Addressing the Global Climate Crisis

Dear Secretary Kerry:

Amnesty International welcomes President Biden's decision to recommit the U.S. to the Paris Agreement, and his efforts to host a Leaders' Climate Summit, convene a Major Economies Forum, and that wielding U.S. influence to enhance global climate ambition is an official priority of his administration, including at the G7 Leaders' Summit on June 11-13, at the G20 Leaders' Summit on October 30-31, and ahead of the 26th UN Climate Change Conference of the Parties ("COP26") on November 1-12.

While we commend the positive actions the Biden administration has taken to address the climate crisis, the U.S. can and should do more. In addition to implementing the domestic climate recommendations in our Feb. 11 [letter](#) to the President, the administration should also implement the following policy recommendations to mitigate the effects the [climate crisis](#). Please see the appendix for Amnesty's country-specific recommendations on the climate crisis.

- I. At the G7 Leaders' Summit on June 11-13, the Biden administration should call for and support an "Action Plan to Accelerate the Race to Zero" which includes commitments to:**
 1. End all fossil fuel expansion and exploration at home and abroad as soon as possible.
 2. Achieve a phase-out the most polluting fossil fuels and forms of production, such as coal, peat, fracking, and tar sands by 2030 at the latest.
 3. Launch a global initiative to incrementally reduce fossil fuel production by at least 6% annually between 2020 and 2030.
 4. Achieve a global phase-out of fossil fuel subsidies including tax concessions and funds through multilateral development banks.
 5. Substantially increase contributions to climate finance to achieve the \$100 billion target agreed as part of the Paris agreement and to support the adoption at COP26 of a higher target from 2025.

6. Ensure that green technologies (including the massive expansion in rechargeable batteries) are developed in full compliance with human rights standards at all stages of production, use and end-of-life.
7. Adopt a “just transition” plan towards human rights-consistent renewable energy and ensure that climate policies address the concerns of most affected groups and communities.
8. Guarantee that [COVID-19 response measures](#) facilitate the transition away from fossil fuels and towards a human rights-consistent, zero-carbon economy, and the creation of new jobs that deliver sustainable employment for all workers without discrimination.

II. At the G20 Leaders’ Summit on October 30-31, the Biden administration should call on members to support the global efforts to mitigate the effects of the climate crisis by adopting clear commitments to:

1. Phase out the use and production of fossil fuels by 2050 at the latest and by 2040 for the most polluting fossil fuels, while acknowledging the need for wealthier countries to do so much earlier.
2. Call for a global phase-out of fossil fuel subsidies and ensure that all G20 countries agree to phase out all fossil fuel subsidies by 2025 (including tax concessions and funds through multilateral development banks), while recognizing the need for wealthier countries to do so much earlier.
3. Adopt a “just transition” plan towards human rights-consistent renewable energy and ensure that climate policies address the concerns of most affected groups and communities.
4. Guarantee that [COVID-19 response measures](#) facilitate the transition away from fossil fuels and towards a human rights-consistent, zero-carbon economy, and the creation of new jobs that deliver sustainable employment for all workers without discrimination.

III. Ensure that at the COP26 on November 1-12, parties:

1. Adopt a global commitment to reduce emissions by 45% from 2010 levels by 2030, and reach net zero by 2050, and to do so in a human rights-compliant manner.
2. Do not adopt [multilateral mechanisms for carbon trading](#) under Article 6 of the Paris Agreement that do not produce genuine emission reductions. Any such mechanisms should exponentially enhance climate ambition and must include human rights safeguards, and a requirement to reflect these mirrored in domestic law. These must include provisions obliging parties to carry out human rights impacts assessments before adopting a project, policy or programme under Article 6. Safeguards should also ensure access to information and adequate public participation of affected individuals and communities, in particular minority communities, and respect of the right of free, prior and informed consent of Indigenous peoples, including when states would like to make use of Indigenous

peoples' knowledge in climate change measures. An independent, accessible and effective grievance mechanism should also be put in place to ensure that communities can seek remedy for any harm caused by projects carried out under Article 6.

3. Agree on adequate mechanisms to mobilize [new and additional finances](#), separate from finance available for climate change adaptation and beyond insurance, to provide means, support and remedy, including compensation, to people and communities whose rights have been negatively affected as the result of loss and damage caused by the climate crisis in climate-vulnerable, lower-income countries. New financing should ensure meaningful participation of the most affected groups, including children, women, Indigenous peoples and marginalized groups, particularly those facing multiple and intersecting forms of discrimination, in policy design and decision-making phases.
4. Adopt a more ambitious target for climate finance from 2025.
5. Adopt a new and adequate Action for Climate Empowerment (“ACE”) Work Programme on climate education, public participation and access to information, capable of promoting the effective implementation of human rights-consistent climate policies.

IV. Press wealthy industrialized countries to commit to zero emissions

The U.S. government should press wealthy industrialized countries to adopt a commitment to achieve zero emissions by 2030 or as soon as possible after that in multilateral forums, including the Leaders' Climate Summit and the G7 Leaders' Summit. States should submit ambitious Nationally Determined Contributions (“NDCs”) well ahead of COP26 that reflect this commitment.

As wealthy industrialized countries, which have historically contributed the most to the climate crisis, G7 countries have the responsibility to reduce their emissions faster than others and to achieve zero emissions well before 2050 to avoid putting an excessive burden on lower-income countries. Adopting a firm commitment on this regard at the Leaders' Summit on Earth Day or at the G7 Leaders' Summit in June would set a positive example for other G20 members and all other countries who still need to submit more ambitious NDCs, thus putting the world on a better track to keep the increase of global average temperature below 1.5°C.

V. Support low-income and climate-vulnerable countries in their efforts to mitigate the impact of the climate crisis.

As one of the largest emitters of greenhouse gases, the U.S. government should:

1. Substantially increase climate finance for low-income and climate-vulnerable countries that are reeling from irreversible damages and need urgent support for adaptation and mitigation efforts, especially as COVID-19 has impacted their

economies. To that end, the U.S. government should reinstate the U.S. contribution to the Green Climate Fund.

2. Support the mobilization of new and additional finance to address loss and damage and ensure effective remedy is provided to all those who suffer human rights violations because of the climate crisis, both domestically and abroad.
3. Support and fund COVID-19 recovery plans that facilitate the transition away from fossil fuels and towards human rights-consistent, zero-carbon economy, and the creation of new jobs that deliver sustainable employment for all workers without discrimination.
4. Enhance U.S. international agencies' capacity to monitor both corporate and governmental compliance with environment protection agreements and international treaties, and pursue appropriate legal remedies for noncompliance.
5. Robustly fund international disaster response programs and domestic emergency assistance programs to help respond effectively to climate events.
6. Ensure U.S. development finance agencies, including the U.S. Agency for International Development (“USAID”) and the U.S. International Development Finance Corporation, end financing of fossil fuel extraction, and move toward a complete phase-out of fossil fuel financing through bilateral assistance, trade promotion and export finance.
7. Ensure that both U.S. trade and investment policy support shifts to a renewable energy future which guarantees affordable clean energy for all and incentivizes companies to create technologies that will reduce greenhouse gas emissions.

VI. Support the creation of a UN Human Rights Council (“UNHRC”) Special Procedure on human rights and climate change

The U.S. government should support the creation of a [UNHRC](#) Special Procedure on human rights and climate change, as this would elevate the work of the Council on the climate crisis and help states to address the urgent threats to human rights posed by the climate emergency.

VII. Support the global recognition of the right to a safe, clean, healthy and sustainable environment.

The U.S. government should fully support a resolution recognizing the right to a safe, clean, healthy, and sustainable environment. Amnesty International has joined with more than 1,000 other organizations to [urge](#) the UNHRC to recognize this right, given the imperative need to address the existential threat to human rights that climate change and environmental degradation pose. At the ongoing session of the Human Rights Council, 15 UN agencies have supported this call, while more than 60 states have endorsed a joint statement in support for a dialogue into a possible international recognition of this right.

VIII. Protect Environmental Human Rights Defenders

In 2020 alone, more than [331 human rights defenders](#) (“HRDs”) were killed around the globe. Sixty-nine percent of those killed were working on land, Indigenous, and environmental rights. Environmental human rights defenders (“EHRDs”) work in extremely hostile environments, facing serious risks because of their work. They are routinely the targets of death threats, intimidation, smear campaigns, beatings, forced evictions, gender-based violence, racial and ethnic discrimination, judicial harassment and criminalization, arbitrary detention, torture, enforced disappearances, and even murder.

Recommendations - The U.S. government should:

1. Substantially increase political and diplomatic effort given to the protection of EHRDs and urge foreign governments to guarantee, with adequate measures and sufficient resources, their protection.
2. Encourage governments to recognize publicly, at the highest levels, the legitimate and important work of human rights defenders, especially those working on issues related to land, territory and the environment.
3. Press governments to launch prompt, thorough, and impartial investigations into threats, attacks, and killings of human rights defenders, and to bring those responsible to justice, including the intellectual authors of those crimes.
4. Urge governments refrain from using language that stigmatizes, abuses, disparages, or discriminates against human rights defenders, including characterizing them as: “terrorists,” “enemies of the state,” “opponents,” “anti-development,” or “criminals”.
5. Ensure that the U.S. government implements robust, public-facing operational guidelines that help embassies to establish open, clear, secure, and sustained lines of communication with human rights defenders under threat based on the model of the EU Guidelines on Human Rights Defenders. There also need to be internal guidelines prioritizing the support and protection of human rights defenders as a foreign policy priority. These guidelines should be developed in consultation with human rights defenders, civil society, and media organizations in the United States and in host countries. Consultations should reflect the diversity of human rights defenders and should not be limited to large civil society organizations, organizations that receive U.S. government funding, or those that are based in large cities. The guidelines should also be translated into local languages and posted prominently on U.S. embassy websites.
6. Publicly designate a human rights officer at every post to support human rights defenders.
7. Continue its efforts to scale up the Interagency Working Group on Environmental Defenders, which has played an impactful role in helping civil society organizations around the world connect with relevant offices at the State Department.

IX. Support refugees and migrants impacted by the climate crisis

According to the UN High Commissioner for Refugees, most displaced people around the world are situated in “climate change hotspots,” and an increasing number of camps for refugees and internally displaced people are affected by extreme weather events. This leaves displaced people exposed to secondary or repeated displacement. Refugees and migrants also face specific challenges following extreme weather events, such as barriers to accessing crucial or even life-saving information and disaster relief, loss of identity documents necessary to prove regular status or support their asylum application, and disruption of specific services.

Many displacement emergencies develop in border areas that are particularly vulnerable to the effects of climate change because of their geographic location, general prevailing conditions, or relative isolation from political decision-making. For example, Rohingya refugees fleeing violence and persecution in Myanmar have been hosted since 2017 in the border district of Cox’s Bazar in Bangladesh, which the World Bank predicts will be the district worst hit by climate change in all of South Asia by 2050. In 2020, Bangladesh’s government began carrying out its plan to relocate up to 100,000 refugees to Bhasan Char, a previously uninhabited low-lying island in the Bay of Bengal, putting the refugees at high risk of flooding and other extreme weather events.

Despite being among the groups most affected by disasters, including those related to climate change, migrants and refugees face significant barriers to inclusion and participation in decision-making processes in general, and more specifically to those related to disaster reduction and climate change mitigation and adaptation.

Recommendations - The U.S. government should:

1. Accommodate and establish equitable and predictable pathways to protection for both refugees and [climate migrants](#), and work with other governments and the United Nations to meet the needs of people displaced by the climate change.
2. Ensure meaningful, effective and informed participation of migrants and refugees in decision-making processes related to climate change and human mobility.

Amnesty International’s experts stand ready to provide briefings on any issues outlined above. Please do not hesitate to contact me at 202/281-0017 and jlin@aiusa.org.

Sincerely,



Joanne Lin
National Director, Advocacy and Government Affairs
Amnesty International USA

Appendix: Country-specific recommendations

AMERICAS

Colombia: In Colombia, [64 EHRDs were killed in 2019 alone](#). Colombia has some of the highest standards and the most protocols and institutions protecting human rights defenders, but these protections are rendered ineffective because authorities [fail to listen](#) to the affected communities about the protective measures they need.

For example, Colombian environmental human rights defender [Jani Silva](#), founder of the Integral Sustainable Development Association of the Amazonian Pearl (“ADISPA”), has been facing serious death threats and intimidation for her activism to protect the Amazon. There is a [plan to kill](#) her because of her environmental human rights work. Jani is at high risk of being killed, like many of her colleagues, despite having protective measures from the Colombian government and the Inter-American Commission on Human Rights.

Recommendations - The U.S. government should:

1. Recommend that the Colombian government guarantees, with adequate measures and sufficient resources, the protection of HRDs, conducts prompt, comprehensive, independent, and effective investigations into all attacks against them, and holds those responsible accountable, including the intellectual authors of such crimes.
2. Urge the Ministry of Interior to grant collective protection measures for EHRDs after prior consultation and agreement with the affected individuals and groups.

Brazil: President Jair Bolsonaro, who took office in January 2019, has declared [the Amazon](#) open for business—paving the way for agriculture and industrial mining companies to set up shop and clear vast tracts of land. He has slashed the funding of Brazil’s environmental agency (“IBAMA”) and shrunk the activities of the agency dedicated to the protection of Indigenous people (“FUNAI”).

Recommendations - The U.S. government should:

1. Ensure that Brazil commits to funding and supporting FUNAI and IBAMA, curbs illegal development activities in protected areas, and aggressively reduces Amazon deforestation.
2. Ensure any financial assistance or collaboration—including the USAID-Government of Brazil collaboration on sustainable development in the Amazon—provides for robust and aggressive protection of the Amazon and that ALL those plans have the input and consultation of those directly impacted, according to ILO Convention 169 on Free, Prior, and Informed Consent.
3. Express public support at the highest levels of government for the work of EHRDs in the Amazon, including those working in Brazil and in Ecuador, and support the imposition of protective measures granted by international and regional bodies,

including the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

Honduras: The most emblematic case of the killing of an EHRD in the world has taken place in Honduras. In 2016, Berta Cáceres, a courageous Lenca woman environmental and Indigenous rights activist, was shot dead by gunmen who entered her home in Intibucá, Honduras. In 2018, the Criminal Court of Honduras found seven of the eight accused individuals guilty of her killing but failed to hold accountable the “[intellectual authors](#)” behind the killing.

The failure to identify and charge all those responsible for the killing of [Berta Cáceres](#) endangers other human rights defenders and leaves those responsible for the crime unpunished. For instance, four Garífuna activists, members of the Black Fraternal Organization of Honduras (“OFRANEH”), and a fifth person, were the victims of an enforced disappearance at the hands of five individuals wearing Police Investigations Directorate (“DPI”) vests on July 18, 2020. Their whereabouts remain unknown.

Recommendations - The U.S. government should:

1. Monitor the investigation into David Castillo, who is accused of ordering Cáceres’s killing, and call on Honduran authorities to ensure the investigation is prompt, thorough, independent, and impartial, guaranteeing the victims’ right to truth and justice. Given COVID-19 restrictions, the authorities must also take all appropriate measures to ensure that the trial is public and transparent through remote access.
2. Recommend that the Honduran government guarantees, with adequate measures and sufficient resources, the protection of HRDs, conducts prompt, comprehensive, independent, and effective investigations into all attacks against them, and holds accountable those responsible, including the intellectual authors of such crimes.
3. Urge the Honduran government to adhere to the Escazú Agreement to guarantee the rights of EHRDs.

Guatemala: Those working on rights related to land, territory and the environment face continuous [threats, intimidation, and attacks](#). A very common tactic used against EHRDs in Guatemala is criminalization, especially of activists who are of Indigenous background. An example of this is the targeting of environmental and Indigenous rights defender [Bernardo Caal Xol](#). He has been unfairly imprisoned for three years for defending the rights of Mayan Q’eqchi communities affected by the construction of a hydroelectric project on the sacred Cahabón River in the department of Alta Verapaz, in northern Guatemala.

Despite this context and [multiple calls](#) from national and international organizations, President Alejandro Giammattei refused to veto the controversial NGO Law (Decree 04-2020), which jeopardizes the exercise of the rights to freedom of association and expression, and grants powers that could be used arbitrarily to limit the work of civil society organizations. Guatemala has yet to [adopt a public policy for the protection of human](#)

[rights defenders](#), which was ordered by the Inter-American Court of Human Rights in 2014 in the judgement Human Rights Defender et al. vs Guatemala.

Recommendations - The U.S. government should:

1. Call on the government of Guatemala to immediately and unconditionally release environmental human rights defender Bernardo Caal Xol.
2. Recommend that the Guatemalan government adopts without delay a Public Policy for the Protection of Human Rights Defenders, in accordance with the 2014 judgment of the Inter-American Court of Human Rights in the case "Human Rights Defenders and Others v. Guatemala".
3. Call on the Guatemalan government to refrain from implementing Decree 04-2020 (currently suspended due to a pending legal action).
4. Urge the Guatemalan government to ratify the Escazú Agreement to guarantee the rights of EHRDs.

Ecuador: Throughout 2018 women EHRDs and leaders Patricia Gualinga, Nema Grefa, Salomé Aranda, and Margoth Escobar, members of the Amazonian Women Defending the Forest from Extractivism, also known as the Amazonian Women, faced a series of very serious attacks, harassment, legal charges, and death threats. Amazonian Women is a collective of more than 100, mainly Indigenous, women belonging to the seven different nationalities of the Ecuadorian Amazon (Kichwa, Shuar, Achuar, Waorani, Shiwiar, Andoas and Sápara). Since it was established, this collective has been calling on the Ecuadorian government to put an end to oil and mining companies operating on their communities' ancestral territories. Ecuadorian authorities have failed to effectively protect them and to identify the perpetrators.

Recommendations - The U.S. government should:

1. Demand that the Ecuadorian government promptly, exhaustively, independently, and impartially investigate the attacks and threats against Patricia Gualinga, Nema Grefa, Salomé Aranda, and Margoth Escoba, and hold those responsible accountable, including the intellectual authors of such crimes.
2. Call on the Ecuadorian government to publicly recognize the legitimate and important work of HRDs in Ecuador, including of those who defend the land, territory, and the environment.
3. Recommend that the Ecuadorian government guarantees, with adequate measures and sufficient resources, the protection of human rights defenders and conducts prompt, comprehensive, independent, and effective investigations into all threats and attacks against them, holding those responsible accountable, including the intellectual authors of such crimes.
4. Urge the Ecuadorian government to grant collective protection measures for EHRDs after prior consultation and agreement with the affected individuals and groups.

ASIA

Philippines: EHRDs in the Philippines have their house raided, and are regularly harassed, intimidated, threatened, arbitrarily detained, and killed. One very common tactic used by the Philippine government, military, and police is to “[red-tag](#)” HRDs. This “red-tagging” of groups or individuals perceived to be critical of the government as “communists” or “terrorists” has been used as a justification to detain, harass, or kill human rights activists.

There has also been an increasing number of attacks against Indigenous peoples, including prominent human rights and environmental activists. On January 20, 2021 Philippine authorities issued a “shoot-to-kill” order against Indigenous peoples’ rights activist [Windel Bolinget](#), the chairperson of the Cordillera Peoples Alliance, a group that works for the rights of Indigenous peoples to ancestral land, self-determination and socio-economic services. The threatening order stems from a murder charge that Bolinget is awaiting trial for, which Amnesty international believes may be politically motivated, and part of a well-established pattern of harassment by the Philippine authorities against him. Over the years, Bolinget and the Cordillera Peoples Alliance have repeatedly attracted the ire of local authorities for their successful campaigning against mine, dam and logging projects that may have a detrimental impact on Indigenous peoples in the Cordillera region.

Recommendations - The U.S. government should:

1. Call on Philippine authorities to drop the murder charge against Windel Bolinget, unless there is credible evidence him, and immediately withdraw the “shoot-to-kill” order against him. Those responsible for this grievous threat must be held responsible. Authorities should also ensure the safety and security of Bolinget and his family and guarantee his rights to due process and fair trial.
2. Recommend that the Philippine government guarantees, with adequate measures and sufficient resources, the protection of Indigenous HRDs and environmental activists, and conducts prompt, comprehensive, independent, and effective investigations into all attacks against them, and holds those responsible accountable, including the intellectual authors of such crimes.
3. Urge the Philippine government immediately stop the practice of “red-tagging” HRDs and to publicly make statements recognizing their legitimate, legal, and important work.

Cambodia: Cambodian officials have been weaponizing the widely criticized Law on Associations and Non-Governmental Organizations (“LANGO”) to repress independent civil society and grassroots activism. Activists working to expose rampant illegal logging in the Prey Lang rainforest and other environmental abuses have faced a barrage of attacks, including [arbitrary detention](#) and physical assaults, by both state authorities and corporate actors. The Cambodian authorities’ harassment and intimidation of [EHRDs](#) amounts to a wholesale assault against grassroots activism and Indigenous peoples’ rights and undercuts the global efforts to address climate change.

USAID is the main conservation partner of the Cambodian Ministry of Environment in Prey Lang through its USD \$21 million "Greening Prey Lang" project. However, this same Ministry is responsible for the marginalization of grassroots and Indigenous groups including the Prey Lang Community Network ("PLCN"), which is made up mostly of Indigenous Kuy people, and the harassment of other EHRDs in Prey Lang.

In December 2020, the Ministry of Mines and Energy approved a [300km power transmission line](#) which would lead from the Laos border to Phnom Penh and cut through the heart of the Prey Lang Wildlife Sanctuary. This new access route into the protected forest constitutes a major threat to Prey Lang's future. USAID has proposed two viable alternative routes which would avoid Prey Lang entirely, but the Cambodian government has opted to proceed with the Prey Lang transmission line.

Recommendations - The U.S. government should:

1. Call on Cambodian authorities to repeal or substantially amend the LANGO without delay to ensure it is brought in line with international human rights law, and to guarantee a safe and enabling environment for EHRDs to conduct their work without fear of reprisals.
2. Call on Cambodian authorities to conduct a thorough and impartial investigation into all credible allegations of arbitrary detention, torture, and illegal logging by agribusiness companies operating in Prey Lang.
3. Instruct USAID and the Department of State to take a firm stance against illegal logging in the Prey Lang rainforest.
4. Publicly condemn the actions of Ministry of Environment officials who have arbitrarily detained and harassed EHRDs, and call for grassroots forest protection groups such as PLCN to be allowed to conduct their forest protection activities freely and without interference. USAID and the U.S. Embassy should publicly speak out in response to any such incidents when they occur.
5. Publicly oppose the planned power transmission line in the Prey Lang and strongly urge the Cambodian authorities to adopt one of the alternative routes proposed by USAID.

India: Indian authorities have [escalated](#) their [ongoing crackdown](#) on environmental and human rights defenders, farmers, indigenous communities and journalists. Laws with far-ranging implications for India's environment, water, energy, and food security have been pushed through arbitrarily by the Indian government without consulting communities whose lives, health, lands, and livelihoods will be the most impacted by them. Indian authorities are detaining more farmers and climate activists as demonstrations against India's new farm laws continue across the nation.

Meanwhile, the government continues to ease laws to enable the fossil fuel industry, intending to auction [75 new coal mines](#) in March, many of which lie in Indigenous

territories where laws around seeking the free, prior, and informed consent of communities are [routinely bypassed and violated](#).

Recommendations - The U.S. government should raise these concerns with the Indian government and:

1. Press the Indian government to end the abusive application of anti-terror and foreign funding laws in an effort to harass groups holding dissenting opinions.
2. Call on Indian authorities to immediately cease the escalating crackdown on protesters, farming leaders, and journalists, and release all those arrested solely for peacefully exercising their rights to freedom of expression and peaceful assembly.
3. Urge Indian authorities to immediately end all harassment, intimidation, and attacks against human right defenders.