



# STOP BURNING OUR RIGHTS!

WHAT GOVERNMENTS AND CORPORATIONS MUST DO  
TO PROTECT HUMANITY FROM THE CLIMATE CRISIS  
EXECUTIVE SUMMARY

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**Cover photo:** Protesters sing during a rally in Johannesburg, South Africa, for climate action on 20 September 2019, as part of a Global Climate Action day.  
Photo © Michele Spatari / AFP via Getty Images

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# EXECUTIVE SUMMARY

## CLIMATE CHANGE IS A HUMAN RIGHTS CRISIS

The climate emergency is a human rights crisis of unprecedented proportions. Climate change threatens the enjoyment of civil, political, economic, social and cultural rights of present and future generations and, ultimately, the future of humanity. When climate change-related impacts hit a country or a community, the knock-on effects can seriously undermine the enjoyment of the right to life lived in dignity, endanger a range of freedoms, and in many cases even put at risk the cultural survival of entire peoples.

At the current level of 1.1°C of global warming above pre-industrial levels, we are already witnessing devastating impacts, such as heatwaves and unprecedented wildfires, back-to-back tropical storms of high intensity and severe drought. These events, together with the slow-onset impacts of climate change such as sea-level rise, severely affect the enjoyment of the human rights of millions of people, including the rights to life, water, food, housing, health, sanitation, adequate standard of living, work, development, healthy environment, culture, self-determination as well as the right to be free from discrimination and cruel, inhuman and degrading treatment, among others. This publication describes how people are denied enjoyment of these rights due to climate change, and what the future threats are. For example, about 6,300 people died in the aftermath of super-typhoon Haiyan in the Philippines in 2013 and almost 4 million were affected by the 2019 cyclones in Mozambique, Malawi and Zimbabwe, being killed, displaced and losing access to schools, hospitals and sanitation. According to the Internal Displacement Monitoring Centre, on average, 20.88 million people were internally displaced every year by weather-related events between 2008 and 2018.



*Local villagers seen on a dried river bed in 2015 in Satkhira, Bangladesh.*

*Bangladesh is one of the most vulnerable continental countries to climate change. Its people are threatened by sea level rise, tropical cyclones, river erosion, floods, landslides and drought.*

*Photo © Barcroft Media via Getty Images*

Every further increase of global average temperature will aggravate the impacts of climate change for people and the planet. For example, the World Health Organization predicts that climate change is expected to cause 250,000 additional deaths per year between 2030 and 2050 due to malaria, malnutrition, diarrhoea and heat stress. The World Food Programme expects that climate change could lead to a 20% increase in global hunger and malnutrition by 2050. A 2°C rise in global temperature would lead to more than 1 billion people suffering from a severe reduction in water resources.

Scientists have confirmed that it is crucial that global warming is maintained within 1.5°C. For example, the Intergovernmental Panel on Climate Change (IPCC) estimated that holding the increase in the global average temperature to 1.5°C could – compared with 2°C – result in 420 million fewer people frequently exposed to extreme heatwaves, reduce the number of people exposed to climate-induced water stress by 50% and reduce the risk of coastal flooding by up to 80% for small island developing states. The 1.5°C threshold can still be met but urgent and wide-ranging measures are needed and the window for action is closing rapidly. Once carbon emissions are reduced to zero, states will need to establish a further, lower threshold for the global average temperature that reduces even further the harmful impacts on human rights that have occurred even at the current global average temperature.

The climate crisis is a manifestation of deep-rooted injustices. Although climate change is a global problem affecting everybody, it disproportionately affects individuals and groups who are already subjected to multiple and intersecting forms of discrimination or who are marginalized as a result of structural inequalities, ingrained practices or official policies that unfairly distribute resources, power and privilege. For example, women are often confined to roles and jobs that make them more reliant on natural resources and therefore more exposed to climate impacts. Because they face barriers in accessing financial or technical resources or are denied land ownership, they are less able to adapt to climate change. Because Indigenous Peoples heavily rely on the natural environment for their livelihoods, housing, medicines and cultural identity, and because they often live in areas prone to climate-related disasters due to a history of expropriation and forced evictions, they are among the groups suffering the most from climate impacts. People with disabilities are at greater risk during climate disasters compared with people without disabilities and their needs and voices are generally neglected in disaster risk reduction strategies. This publication describes the way in which climate change impacts these groups as well as other people marginalized on the basis of gender, class, caste, race and minority status, disability, age and migration status.

The climate crisis also disproportionately affects people in developing countries, especially in low-lying small island states and least developed countries, due not only to their exposure to climate-related disasters, but also to underlying political and socio-economic factors that amplify the impacts of those events, including the lasting consequences of colonialism. Climate change will not only perpetuate the effects of colonialism but, in effect, it is a new form of atmospheric colonization by states that had established colonial empires, and the states based on the settler societies they left behind. The climate scientists James Hansen and Makiko Sato have shown that between 1751 and 2014, the USA, UK and Germany produced cumulative per capita greenhouse gases (GHG) emissions that were at least six times higher than the global average. Russia, Canada and Australia meanwhile produced four to five times the global average. Responsibility for climate change closely tracks privilege across the world. OXFAM has calculated that from 1990 to 2015, the richest 10% of the world's population (about 630 million people) were responsible for more than half of the cumulative carbon emissions, while the poorest 50% (about 3.1 billion people) were responsible for just 7% of cumulative emissions. The wealthiest 1% of the world's population were responsible for the emission of more than twice as much carbon dioxide (CO<sub>2</sub>) as the poorer half of the world combined.

## **HUMAN RIGHTS ARE ESSENTIAL TO TACKLE THE CLIMATE CRISIS**

Under international human rights law, states have legal and enforceable obligations to tackle the climate crisis. When states fail to take sufficient measures to prevent human rights harms caused by climate change, including foreseeable long-term harms, they violate their obligations under human rights law.

International human rights law provides extensive legally binding obligations that can be used to demand effective climate change policies and measures. Human rights law also provides extensive tools to enforce states' legal obligations. Similarly, human rights principles and standards provide significant guidance to establish the responsibility of businesses in relation to the climate crisis. Human rights are therefore essential

to hold states and corporations accountable for the human rights harms related to climate change for which they are responsible.

Recognizing that the climate emergency is a human rights crisis is also important as it can broaden the spectrum of people inspired to campaign for a just and rapid response to tackling climate change. Campaigning and advocating on the basis of human rights – as opposed to solely environmental protection – can motivate some decision-makers to adopt decisions in favour of human rights-consistent climate action, either due to the intrinsic argument made, or by showing that climate action has broad support in society.

As illustrated by several UN agencies and experts, civil society organizations and Indigenous Peoples, human rights are essential to strengthening climate action. Ensuring that climate measures and policies are consistent with human rights and centred in human rights principles, such as public participation, respect of free, prior and informed consent of Indigenous Peoples, equality and non-discrimination and respect of labour rights, is a legal obligation based on the human rights treaties that states have joined. It is also an effective approach to ensure the shift to a zero-carbon economy happens at the speed and scale required to limit global heating to 1.5°C or below without negatively impacting disproportionately on the rights of the most marginalized and those living in poverty. Affirming human rights principles and standards, but also using human rights mechanisms, tools and tactics to enforce these rights, can and has provided a crucial contribution to shape climate action that is ambitious enough to bring real positive transformation to people and the environment.

Groups most affected by the climate crisis, such as women, Indigenous Peoples, persons with disabilities, migrants and refugees, must not be seen only as victims, but everyone should recognize them as key agents of change and leaders in the local, national and international efforts to tackle climate change.

This publication presents Amnesty International's analysis of international human rights standards and how they are relevant to climate change as a human rights issue and to key climate change-related issues such as mitigation, adaptation and loss and damage. It explains the importance of adopting a human rights lens to tackle the climate crisis, and it illustrates how climate change adversely affects the enjoyment of human rights and worsens inequality and discrimination. This document therefore seeks to spell out state obligations and corporate responsibilities as precisely as possible.

Amnesty International's positions described in this document are based on human rights law, as developed by international and regional human rights treaty bodies and courts. They are also informed by the work of numerous UN and regional agencies and independent human rights experts, NGOs, think tanks and academics over the past decade as well as the activism of social movements and grassroots groups on the frontline of the fight for climate justice.

## **FAILING TO TAKE AMBITIOUS STEPS TO TACKLE CLIMATE CHANGE VIOLATES HUMAN RIGHTS**

Despite a convergence of goodwill that led to the adoption of the Paris Agreement in 2015, states' efforts to tackle climate change remain far below what is required to avoid the most devastating impacts for ecosystems and humanity. In 2018, the IPCC confirmed that it was still possible for states to collectively reduce GHGs to a level that would keep the global average temperature increase to no more than 1.5°C. This requires that GHG emissions are reduced by 45% globally from 2010 levels by 2030, and to net-zero by 2050. Yet, GHG emissions continued to grow between 2010 and 2019. Although the confinement measures imposed in many countries in response to the COVID-19 pandemic temporarily reduced GHG emissions in 2020, they did not have any significant impact in tackling climate change.

Many governments, particularly in major emitting countries and nations with historical responsibility for the climate crisis, still lack the political will to take the bold and unprecedented measures that scientists have told us are necessary to avoid an impending catastrophe. The first round of governments' emissions reduction plans adopted in 2015 put us on a course to reach at least 3°C increase by 2100. While a slew of new 2030 and carbon-neutrality targets have recently been announced, most countries – especially wealthier states that are members of the G20 – are currently failing to adopt sufficiently ambitious and human rights-consistent climate plans that would contribute to avoiding the worst human rights impacts of climate change. The current emission gap is a major concern from a human rights perspective, as the impacts associated with the predicted level of global warming would be catastrophic for the enjoyment of human rights.

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Given the extensive knowledge about the causes and harms of climate change, failure to take adequate action to reduce climate change, to support people to adapt to its unavoidable effects and to provide remedy to those whose rights have been violated as a result of the loss and damage resulting from climate-related impacts, represents a human rights violation. Human rights violations related to insufficient ambition on climate action are no different than other human rights violations, and even bigger in scope. They condemn millions of people to premature death, hunger, diseases, displacement, not just in the future but also at present. They contribute to conflicts and to the unfolding cycle of human rights violations. They perpetuate and accelerate current inequalities and discrimination against those who are already being oppressed by systemic injustices. Failure to adequately tackle the climate crisis is a form of discrimination.



*Amnesty International France's supporters take part in the World Climate March, Paris, 20 September 2019  
Photo: © Benjamin Girette / Hans Lucas*

## WEALTHY COUNTRIES MUST ACT FASTER DOMESTICALLY AND ABROAD

The transboundary nature of climate change requires all countries to reduce emissions, achieve zero carbon emissions as soon as possible and help people to adapt to climate change to the full extent of their abilities. However, this does not mean that countries are equally responsible for the climate crisis, nor that they have the same level of responsibility on climate action. G20 countries are responsible for 78% of current global annual emissions, with some having a heightened responsibility because of the emissions they have historically produced since the beginning of the industrial revolution. In addition, all of the highest historical emitters are also among the wealthiest states with greater capacity to act.

As a consequence, according to the principle of common but differentiated responsibilities and respective capabilities, a principle that is also implicitly reflected in international human rights law, wealthier countries must take the lead in climate mitigation efforts by decarbonizing their economies more quickly than

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developing countries, including by stopping the expansion of fossil fuel production. However, until now the vast majority of wealthier countries have not showed their willingness to act faster. For wealthier countries, net-zero emission targets by 2050 are too little, too late.

Based on their obligations under international law, wealthy countries must also provide sufficient financing and support to developing countries to allow them to meet their climate mitigation targets and implement effective climate change adaptation measures, as well as to provide compensation and other forms of remedies for the losses and damages people have already suffered due to the climate crisis.

However, wealthier countries continue to fail in this duty. Although the amount of international climate finance to support climate change mitigation and adaptation in developing countries is increasing, this is far from what is needed to ensure that the rise of global average temperatures is kept below 1.5°C above pre-industrial levels and that mitigation and adaptation efforts do not translate into an excessive burden for people in developing countries. In particular, the target for developed countries to jointly mobilize USD\$100 billion a year by 2020 to support developing countries for climate change mitigation and adaptation measures remains significantly unmet, while the vast majority of the funds provided have been in the form of loans as opposed to grants, half of which were non-concessional, meaning that the loans were offered on ungenerous terms. Moreover, states have until now failed to agree on adequate mechanisms to mobilize new and additional finances for loss and damage caused by the effects of climate change.



*Gas flares at a crude oil extraction site in the Niger Delta, Nigeria, April 2010.  
Photo: © SU- Anna Tresse*

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Wealthy countries that refuse to pay their fair share are in practice turning their back to the millions of people displaced every year by climate change-related events or to residents of low-lying Pacific islands who face an existential threat.

## **FOSSIL FUELS ARE INCOMPATIBLE WITH HUMAN RIGHTS PROTECTION**

Burning fossil fuels such as coal, oil and gas is the source of most GHG emissions for almost all economic sectors and accounts for more than 70% of global GHG emissions. Despite the urgency of the climate crisis and the commitments made by states under the Paris Agreement, carbon emissions from fossil fuel use continued to grow by roughly 1% annually between 2010 and 2018. Emissions were slightly higher in 2019 compared to 2018 and dropped by 5.8% in 2020 due to the fallout from the COVID-19 pandemic. The International Energy Agency projects that they will grow by 4.8% in 2021, in what could be the second biggest annual rise in history. Total annual carbon dioxide (CO<sub>2</sub>) emissions are now 62% higher than emissions at the time international climate negotiations began in 1990.

Overall fossil fuel production needs to be cut by roughly 6% per year until 2030 in order to limit the increase of the global average temperature to 1.5°C. Yet in 2020 the United Nations (UN) Environment Programme (UNEP) calculated that countries were instead planning an annual increase of 2%. In response to the COVID-19 pandemic and its economic consequences, many wealthy industrialized countries and states have injected public money in bailing out or supporting fossil fuel companies, the aviation industry and other carbon-polluting companies with no conditions attached.

The IPCC has confirmed that the only way to keep the increase of temperatures below 1.5°C is to quickly phase out fossil fuels. This requires action addressing both the supply and the demand side. The supply side refers to reducing the production of fossil fuels, including curbing exploration, extraction, production and supply of fossil fuels abroad, and related investments. Demand side action involves cutting the demand for and the consumption of fossil fuels, for example by promoting energy efficiency, facilitating access to renewable energy that is responsibly produced in a manner that does not violate human rights, putting in place financial and other incentives and disincentives to switch production and use of energy from fossil fuels to renewable energy, and promoting behavioural change to reduce consumption.

Rapidly phasing out fossil fuel production and use, including by ending fossil fuel subsidies, is therefore an urgent task if we are to reduce emissions to a level where we can mitigate the worst impacts of the climate crisis on the enjoyment of human rights. At the same time, the transition to renewable energy and a zero-carbon economy must be just, sustainable and human rights-consistent, to facilitate access to energy to all and ensure it is not carried out to the detriment of communities and individuals who are already marginalized or disadvantaged. For example, climate change mitigation and forest conservation projects must strengthen the rights of Indigenous Peoples, including by ensuring security of tenure on their ancestral land, so they have some form of legal protection against forced eviction. Carbon taxes must reduce inequalities rather than deepen them, thus putting the burden primarily on fossil fuel corporations and wealthier consumers while protecting low-income groups from regressive impacts through subsidies, grants and tax reforms and ensuring their access to affordable energy.

States that are failing to phase out fossil fuels in a timeline aligned with the 1.5°C imperative and with their respective capabilities are violating human rights. Similarly, companies, including financial institutions, that advance the production and use of fossil fuels without taking sufficient measures to reduce emissions in a timeline compatible with the 1.5°C imperative are abusing human rights and are accountable for human rights harms.

## **NOT JUST ZERO EMISSIONS, ALSO ZERO HUMAN RIGHTS ABUSES IN THE PROCESS**

It has been well documented that some climate mitigation and adaptation projects and measures can negatively impact on the enjoyment of human rights, often disproportionately affecting groups already facing discrimination and marginalization. For example, renewable energy projects, biofuel crop farms and

conservation projects are often initiated in violation of the rights of Indigenous Peoples and local communities who live there. An excessive reliance on crop-based biofuels as a climate change mitigation measure or on carbon removal mechanisms such as Bioenergy with Carbon Capture and Storage (BECCS) can have very serious impacts on the right to food.

The mass production of rechargeable batteries for electric vehicles and renewable energy storage and generation is essential for the shift to renewable energy, reducing carbon emissions from transport and power generation. However, this requires a massive increase in extraction of critical minerals, that all too often results in widespread human rights abuses of local communities, and egregious environmental harm from irresponsible water, waste, and tailings management. Amnesty International's research has demonstrated this is often in arid ecosystems severely impacted by climate change.

Decarbonizing the economy and ensuring all societies are resilient to climate impact are crucial objectives to tackle the climate crisis. However, how these objectives are achieved equally matters. The transition must lead to a more equal society, rather than putting most of the costs and burdens on those least able to carry them. Human rights principles, such as equality and participation, must be applied to help shape the policies underlying this transition.

States must therefore ensure that measures intended to protect people from the effects of climate change do not result in the violation of other human rights and must avoid using the response to climate change to justify violations of human rights. They should also ensure a just transition for all workers and communities affected by climate change and the decarbonization process, taking the opportunity to reducing poverty and correct existing inequality in the enjoyment of human rights.



*Members of the Sengwer Indigenous People, Kenya - The Sengwer have suffered repeated forced evictions from their forest lands in Embobut, Kenya, due to abusive forest conservation policies. They are defending their human rights, and their demands are clear: the government must recognize their land rights and work with them to protect the forest. Photo: © Amnesty International*

# RECOMMENDATIONS TO STATES

The following are Amnesty International's key recommendations to states on immediate steps to implement their obligations under international law to respect, protect and fulfil human rights in the face of the climate crisis.

## PROTECT PEOPLE BY URGENTLY PHASING OUT GREENHOUSE GAS EMISSIONS

Under human rights law, states have obligations to protect people and the enjoyment of their human rights from environmental harm caused by conduct or omissions within their territory or jurisdiction, whether committed by state or non-state actors, including businesses. This requires states to prevent or minimize the adverse impacts of climate change on human rights by taking adequate action to reduce GHG emissions. In particular, states must take all feasible steps to the full extent of their abilities, both nationally and through international co-operation, to reduce global GHG emissions within the shortest possible time-frame and in a manner compatible with the imperative of keeping the global average temperature rise as low as possible and no higher than 1.5°C above pre-industrial levels (climate change mitigation).

### In particular, states must:

- Adopt and implement national climate plans, such as new nationally determined contributions (NDCs) and long-term decarbonization strategies. These must be consistent with human rights obligations, reflect each state's level of responsibility and capacity and align states' emissions reduction targets and related implementation plans, as well as their climate- and energy-related policies, with the imperative to keep the increase of global average temperature as low as possible and no higher than 1.5°C above pre-industrial levels;
- Reject any multilateral mechanisms for carbon trading that do not lead to genuine emission reductions and do not include human rights safeguards;
- Rapidly phase out and implement a just transition away from fossil fuel production and consumption as quickly as possible based on their capacities and responsibility for emissions, commencing with eliminating fossil fuel subsidies (with the exception of clean cookstove programmes as an interim measure for people who do not yet have access to affordable electricity) and the most polluting fossil fuels and forms of production, such as coal, peat, fracking, tar sands, and immediately halting fossil fuel expansion;
- Shift towards renewable energy for all produced in a manner consistent with human rights as quickly as possible, based on their capacities and responsibility for emissions and the Sustainable Development Goals (SDGs), and complete this process no later than 2050;
- Adopt sustainable and human rights-consistent policies across the food system, including public policies that promote and facilitate a just transition from unsustainable and exploitative agriculture and food systems to sustainable and human rights-consistent agricultural and land management practices;
- Ensure access to land and legal security of tenure for all, including communities who are dependent on land for their livelihood and access to food, water and housing;
- Adopt and implement effective policies to end deforestation by 2030 and restore natural forests;
- Review the use of bioenergy as a climate mitigation measure by taking human rights and environmental risks fully into account. In particular, they should phase out and end subsidies and tax exemptions for the production and use of bio-energy from forest biomass and crop-based biofuels. States must also ensure that human rights impact assessments and consultations with Indigenous Peoples and local communities are carried out prior to the approval of bio-energy projects in a way that allows for their meaningful participation and respects the right of Indigenous Peoples to free, prior and informed consent;
- Prioritize measures to prevent and reduce emissions in order to avoid CO<sub>2</sub> removal mechanisms and other offsetting measures that violate people's human rights. Among CO<sub>2</sub> removal measures, prioritize nature-based mechanisms, and particularly those that provide the best outcomes for ecosystems and human rights and do not compete with them for land use;

- Adopt human rights-consistent measures to reduce emissions from the transport sector, including adopting comprehensive, multi-sectoral and human rights-consistent policies and measures to reduce the demand for private cars and air travel; replacing fossil fuel-powered vehicles with electric vehicles while addressing human rights risks and environmental damage across the lithium-ion battery supply chain and life-cycle; requiring aviation companies to set time-bound commitments to reduce emissions in absolute terms without relying on offsets; and establishing regulations to reduce emissions from maritime shipping in a manner compatible with keeping global warming within the 1.5°C target;
- In the context of the COVID-19 pandemic, commit to and implement a just and environmentally sustainable recovery that puts human rights and climate action at its centre. In particular, ensure that stimulus packages and recovery measures facilitate the transition to a zero-carbon economy and resilient society, while also contributing to addressing the inequalities that the pandemic and the climate crisis have exacerbated and brought to light.

**In addition, wealthy industrialized states must move fastest on climate mitigation efforts and avoid imposing unreasonable expectations on developing countries. In light of the imperative of reducing global GHG emissions by 45% from 2010 levels by 2030, they must:**

- Adopt and implement the most ambitious emission reduction targets possible that would enable them to reduce emissions by half well before 2030 and reach zero carbon emissions by 2030 or as soon as feasible after that while ensuring a just transition that enhances human rights;
- Phase out fossil fuels and shift to renewable energy produced consistently with human rights by 2030 or as soon as possible after that;
- End the production and use of most polluting fossil fuels and forms of production, such as coal, peat, fracking and tar sands, as soon as possible and no later than 2030;
- End fossil fuel subsidies immediately;
- Prohibit, in law and practice, further investments to expand fossil fuel exploration, extraction and production including the development of new infrastructure, and decommissioning existing fossil fuel production within their territory;
- Stop financing fossil fuel expansion in other countries, as a rapid fossil fuel phase-out by wealthier countries must not be pursued by simply shifting sources of production to developing countries.

## **HELP AFFECTED PEOPLE TO ADAPT TO UNAVOIDABLE CLIMATE CHANGE**

States have the obligation to adopt all necessary measures to assist those within their jurisdiction to adapt to the foreseeable and unavoidable effects of climate change, thus minimizing the impact of climate change on their human rights (climate change adaptation).

**In particular, states must:**

- Adopt and implement human rights-consistent adaptation measures that adequately protect people from the foreseeable and unavoidable impacts of the climate crisis;
- Take into account the needs and requirements of different groups in the design and implementation of climate change adaptation and disaster-risk reduction strategies. This requires identifying and addressing the factors, including marginalization and discrimination, that increase the risks of harm from climate impacts and allocating adequate resources to the realization of the economic, social and cultural rights of all persons, with priority to those facing the greatest risks;
- Ensure adaptation measures give priority to the most marginalized groups, communities and individuals, address gender imbalances, and seek to be informed by the traditional knowledge of Indigenous Peoples and other local communities.

## **ENSURE CLIMATE ACTION IS CONSISTENT WITH PEOPLE'S RIGHTS**

States must respect, protect and fulfil human rights in all climate policies and initiatives. In particular, they must ensure that the transition to decarbonized economies and resilient societies is just and fair for all, in line with states' human rights obligations, creating opportunities to combat existing inequalities both within and between countries, including promoting gender, racial, ethnic, disability and inter-generational equality.

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**In particular, states must:**

- Ensure that measures intended to protect people from the effects of climate change do not result in the violation of other human rights;
- Avoid using the response to climate change to justify violations of human rights;
- Guarantee the right to be informed of the effects of climate actions, to take part in decision-making processes, to have their concerns taken into account and to have access to appropriate and effective remedies for violations of their rights;
- Ensure that the transition towards more resilient and zero-carbon societies is an opportunity to reducing poverty and correct existing imbalances in the enjoyment of human rights;
- Ensure a just transition to all workers and communities affected by climate change and the decarbonization process;
- Ensure that the transition towards more resilient and zero-carbon societies occurs at a pace and in a manner consistent with the human rights of future generations;
- Integrate human rights in climate policies and practices.

## **GUARANTEE EVERYONE'S RIGHTS TO INFORMATION, PARTICIPATION AND REMEDY**

States have several procedural obligations in relation to their duty to protect people from environmental harm, including climate change. Their main obligations are to provide access to information, facilitate public participation, and provide access to justice and effective remedies. All of these obligations recognize the crucial role that environmental human rights defenders play in demanding action and accountability in the protection of the environment, and the necessary pre-conditions that states must provide so that defenders can play that role safely and effectively.

**In particular, states must:**

- Collect, update and disseminate information about climate change, provide access to environmental information, including related to climate change, and ensure children have access to environmental education;
- When planning and designing climate strategies, laws, national plans, as well as specific climate mitigation and adaptation projects and initiatives, conduct adequate and meaningful public consultation, particularly ensuring the participation without discrimination of those most affected by climate change and by the proposed decisions. Specifically, in relation to Indigenous Peoples, states should consult and co-operate with them and obtain their free, prior and informed consent before adopting measures that may affect them, and provide for redress measures in the event that land or property is taken from them without their consent. In particular, states should facilitate the public participation of individuals, communities, groups and peoples who are disproportionately affected by the climate crisis;
- Ensure the right to remedy for those whose rights are affected by climate change or climate-related measures. In particular, states must provide affordable and timely access without discrimination to administrative, judicial, legislative or any other appropriate means to adjudicate claims of imminent and foreseeable human rights violations resulting from climate change or climate measures, as well as past and current violations, including when conduct within their jurisdiction harms the rights of people outside their borders. States must also ensure that victims have access to effective and comprehensive remedies, including measures of cessation, restitution and remediation, compensation, rehabilitation, satisfaction and guarantees of non-repetition, and that all affected individuals have equal access to remedies and reparations;
- Recognize environmental defenders as human rights defenders and protect them in line with the UN Declaration on Human Rights Defenders, adopted by consensus in 1998;
- Protect the rights of everyone to speak out and mobilize for climate action or the protection of the environment, livelihoods and access to land, including through civil disobedience, guaranteeing the freedoms of expression, association and peaceful assembly and ensuring a culture of zero tolerance towards those who attack environmental human rights defenders.

## PROVIDE AFFECTED PEOPLE WITH REMEDY FOR LOSS AND DAMAGE

The climate crisis is already seriously harming the enjoyment of human rights for people around the world, and especially in low-income, small island, coastal or arid developing countries that are most exposed to the impacts of climate change and have the most limited resources to deal with them.

Even if actions to mitigate and adapt to climate change are radically stepped up around the world, it is widely recognized that some consequences are inevitable because of historical emissions, the slow pace of mitigation and adaptation so far, and because some effects are beyond people's adaptive capacity. Such inevitable and irreversible residual effects that we see now, and will continue to see growing at an exponential level if climate mitigation and adaptation efforts do not match the urgency of the current crisis, are commonly referred to as "loss and damage". Examples of loss and damage include loss of life or income, degrading health, damage to infrastructure, displacement, inability to continue living on ancestral land and to maintain the identity and the cultural traditions associated with this.

Based on the obligation to provide an effective remedy, all states that have failed to take steps within their ability to limit emissions or to adapt to climate change are collectively responsible for the loss and damage resulting in human right violations within their territory and abroad in accordance with their respective contribution to the harm caused.

Amnesty International urges states to deal with loss and damage on the basis of their human rights obligations.

### In particular, states must:

- Step up mitigation and adaptation efforts in order to avoid loss and damage to the greatest possible extent;
- When assessing the losses and damages caused by climate change-related events, and especially non-economic losses, consider the adverse effects of climate change on the enjoyment of human rights, such as the rights to life, health, food, adequate housing, education, work, culture and self-determination;
- Provide adequate resources (such as funds, technology transfer and technical advice) to address and provide remedy, including compensation, for loss and damage.

In particular, based on the duty of international co-operation and on the duty to provide remedy for human rights violations (in this case, the failure to prevent foreseeable human rights harm), **wealthy industrialized countries must provide financial means, technical support and access to remedy, including compensation, to people in developing countries whose rights have been negatively affected as the result of loss and damage caused by the climate crisis.** This includes ensuring that new and additional finance is mobilized specifically to support and compensate people in developing countries for the losses and damages suffered.

## INCREASE INTERNATIONAL CO-OPERATION AND ASSISTANCE

Based on the principle of "common but differentiated responsibilities and respective capabilities" under environmental law and the duty of international co-operation under human rights law, all states in a position to do so must provide financial resources, capacity-building and technology transfer according to their capacity, capability and respective responsibility in causing climate change. It is a matter of international law and of climate justice that, while each state has obligations to prevent and tackle climate change, they should do so to the full extent permitted by their capacities and according to their responsibilities. Countries that have contributed the least to the climate crisis should be supported in meeting their climate mitigation and adaptation goals, and in addressing loss and damage.

### In particular, states must:

- Co-operate to achieve a swift and human rights-consistent transition towards a zero-carbon and resilient future in a timeframe that allows global average temperatures to remain below 1.5°C. This requires that all states who need assistance request it, and those states in a position to do so provide the necessary financial resources, capacity-building and technology transfer to those countries that would not otherwise be able to meet their climate targets alone, to support people to adapt to climate change or to cope with the loss and damage caused by the climate crisis;

- Ensure that climate funding is additional to existing commitments for overseas development assistance, that climate finance to low-income countries is in the form of grants, not loans, and that a better balance is achieved between mitigation and adaptation funding;
- Ensure that projects supported by national and international climate finance mechanisms respect and protect all human rights, and that climate projects that specifically advance the enjoyment of human rights, including promoting gender justice and fulfilling the rights of Indigenous Peoples, are prioritized;
- Support policies and implementing mechanisms within intergovernmental organizations, including multilateral development banks, of which they are members to ensure that these institutions act in conformity with the human rights obligation of their members. In particular, they should oppose any financing and investing in projects, activities and industries that drive fossil fuel expansion and deforestation and support phasing out existing funding and investments on a timeline aligned with the 1.5°C imperative.

**In addition, wealthy industrialized states must:**

- Significantly increase funding for human rights-consistent climate initiatives in less wealthy countries, including for loss and damage. This means that they should make concrete pledges reflecting their level of responsibility and capacity with a specific timeline for delivery, to jointly meet and go beyond the agreed annual target of USD\$100 billion. At international climate negotiations within the UN Framework Convention on Climate Change (UNFCCC) they should also adopt a higher target that matches actual needs for support from developing countries.

## **SAFEGUARD THE HUMAN RIGHTS OF PEOPLE DISPLACED OR AT RISK OF DISPLACEMENT DUE TO CLIMATE CHANGE**

The impacts of the climate crisis are already a significant driver of human mobility. The number of people on the move within or across national borders is anticipated to increase as both rapid-onset and slow-onset weather and climate events are exacerbated by climate change and entire countries or portions of them become uninhabitable.

States must follow their human rights obligations when adopting and implementing policies and measures regarding human mobility in the context of climate change and disasters.

**In particular, states must:**

- Reduce the likelihood and extent of climate-related displacement, both internally and across borders, by fully implementing their human rights obligations to mitigate climate change, to support people to adapt to its effects and to protect people from disasters domestically and through international co-operation, as well as implementing their commitments under the SDGs, the Sendai Framework for Disaster Risk Reduction and the Paris Agreement;
- Ensure that if permanent planned relocations are necessary as a measure of last resort to protect people from the unavoidable impacts of climate change (for example, when areas have become too dangerous for human habitation), the human rights of both the displaced and the host communities are respected, protected and fulfilled throughout the relocation process;
- Fulfil their obligations under international law in relation to the rights of internally displaced persons and ensure these are reflected in domestic laws and policies;
- Enhance safe and regular migration pathways that respect, promote and realize human rights, including labour rights, in line with international law, and provide a wide range of mobility opportunities, such as work visas and visas for educational purposes or family ties;
- Ensure, including by amending domestic legislation, that relevant authorities take into account the risk of human rights violations caused by the impacts of climate change when deciding admission and when reviewing claims for international protection. Governments should not remove people to any place where they would face a real risk of human rights violations as a result of the adverse effects of climate change;
- Ensure the meaningful, effective and informed participation of all persons, and especially migrants, refugees, asylum-seekers, internally displaced persons and all those most impacted by the climate

crisis, to participate in national, regional and international decision-making processes related to climate change and human mobility;

- Co-operate to implement the Global Compact on Refugees, the Global Compact for Migration and the recommendations of the UNFCCC Task Force on Displacement;
- Co-operate to adopt adequate mechanisms and mobilize new and additional finances to provide means, support and remedy, including compensation, to people and communities, including Indigenous Peoples, who have been displaced or may be relocated as the result of loss and damage caused by the climate crisis in climate-vulnerable developing countries.

**States that are most responsible for climate change must:**

- Accept their collective responsibility to provide a remedy to affected persons in proportion to their contribution to the harm. This includes providing their fair share of climate finance to support an international mechanism on loss and damage and establishing clear protection mechanisms to accept and integrate in their territory displaced people who cannot return to their countries on account of the impacts of climate change.
- Cooperate to support people who need to relocate because their country is becoming uninhabitable due to climate change. States should ensure that following a genuine consultation process, the affected people are able to re-establish themselves and maintain their collective identity and right to self-determination in a safe and adequate location that ensures all their human rights are guaranteed.

## **RECOGNIZE THE RIGHT TO A SAFE, CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT**

The right to a safe, clean, healthy and sustainable environment is enjoying growing recognition from around the world. The constitutions of 110 countries include this right. At regional level, it is enshrined in a variety of human rights instruments. The UN Special Rapporteur on human rights and the environment notes that 156 out of 193 UN member states recognize this right either in their constitution or because they are party to a regional instrument that recognizes it. However, the UN has yet to explicitly recognize this right.

A UN resolution on the right to a safe, clean, healthy and sustainable environment would put this right on equal footing with other human rights principles, acknowledging that a healthy environment, including a safe climate, is indispensable for a life of dignity and security and highlighting each generation's responsibilities towards future generations. It will create the basis to strengthen the environmental policies and legislation of states, provide wider support and legitimacy and thus improve their environmental performance. It would also increase recognition and appreciation of the work of environmental defenders.

**In particular, states should:**

- Adopt and implement national legislation that recognizes and implements the right to a safe, clean, healthy and sustainable environment;
- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

## **REGULATE BUSINESSES**

Under international law, states have an obligation to protect all persons against human rights harms caused by businesses, including harms resulting from businesses' contributions to climate change, through regulation, oversight, investigation, adjudication and punishment. Where states can control or influence (consistently with international law) the conduct of corporations within their territory or under their jurisdiction, they must ensure that those businesses respect human rights throughout their global operations. States must also ensure effective remedy for the harm caused by businesses.

**In particular, states must:**

- Adopt regulations and policy measures to ensure that businesses reduce emissions across their operations and value chains by at least 45% by 2030 compared with 2010 levels, and to zero before 2050, in line with IPCC recommendations;



- Adopt and enforce laws obliging all business enterprises, including financial institutions, to respect human rights and conduct human rights and environmental due diligence on their global operations, value chains and business relationships;
- Require business enterprises, including financial institutions, to regularly and publicly report on their due diligence policies and their implementation, their impact assessments, their communications and consultations with potentially and actually affected right-holders, and their measures to mitigate risks and the impact of these. The environmental and human rights risks covered by corporate due diligence must include those linked to climate change;
- Ensure that financial regulators, such as central banks, take regulatory action to accelerate the financial industry's alignment with the threshold of 1.5°C of warming. This includes, for example, the requirement to incorporate climate scenarios within central bank stress tests, make climate risk disclosure mandatory, and changes to capital requirements that impose higher requirements on fossil-fuel lending;
- Ensure that climate-related policy-making and the enforcement of human rights and environmental due diligence requirements are protected from undue corporate influence, including from fossil fuel, agri-business and other industries responsible for high GHG emissions;
- Take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that people who have suffered human rights abuses as a result of corporations' climate impacts or their actions to respond to climate change have access to effective remedy.

## RECOMMENDATIONS TO CORPORATIONS

The UN Guiding Principles on Business and Human Rights establish the independent responsibility of businesses to respect human rights. The human rights responsibilities of corporations extend to identifying, preventing, mitigating and accounting for human rights harms resulting from their contribution to climate change. Such responsibilities apply even in the absence of clear domestic regulation on climate change.

Amnesty International calls on corporations to carry out their responsibility to respect human rights in the context of climate change and align their operations and business models to the objectives of the Paris Agreement, specifically to the imperative of limiting the increase in global average temperatures to 1.5°C above pre-industrial levels.

### **Corporations should do the following to comply with their responsibilities:**

- Ensure that their operations, as well as those of their subsidiaries and suppliers, adhere to international environmental and human rights standards;
- Commit to and put in place specific plans to reduce emissions across their operations and value chains as soon as possible and by at least 45% by 2030 compared with 2010 levels and to zero before 2050, in line with the recommendations of the IPCC. They should do so without excessively relying on offsets and carbon removal mechanisms, and implement detailed action plans to operationalize such commitments. In particular, energy producers and providers must expeditiously phase out the production and use of fossil fuels – including by shifting their portfolio towards renewable energy produced consistently with human rights;
- Financial institutions, such as banks, asset managers and insurance companies, should stop financing and investing in new projects, activities and industries that drive fossil fuel expansion and deforestation. They should phase out existing funding and investments on a timeline aligned with the 1.5°C imperative, ensuring that funding and investments for the most polluting fossil fuels and forms of production, such as coal, peat, fracking and tar sands, are phased out as soon as responsibly possible or by 2030 at the latest in wealthy industrialized countries and by 2040 in all other countries;
- As part of their responsibility to implement human rights and environmental due diligence, companies should identify, prevent, reduce and account for GHG emissions throughout their global operations, and make relevant information about their emissions and mitigation efforts public, including of all their subsidiaries, affiliates and supply chain;
- When planning to engage in climate change mitigation and adaptation activities, including those related to the production of renewable energy and associated technology, companies must conduct,


at all stages of the due diligence process, effective, meaningful and informed consultations with both affected and potentially affected right-holders;

- Businesses should be accountable for their climate impacts and human rights harms and ensure affected people have access to remedies;
- Refrain from lobbying governments whether directly or indirectly through trade associations for policies and decisions that perpetuate the carbon-based economy. They should also refrain from supporting public information campaigns based on inaccurate, misleading and unfounded assertions that make it more difficult for the public to access accurate information and make informed decisions.

**AMNESTY INTERNATIONAL  
IS A GLOBAL MOVEMENT  
FOR HUMAN RIGHTS.  
WHEN INJUSTICE HAPPENS  
TO ONE PERSON, IT  
MATTERS TO US ALL.**

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# STOP BURNING OUR RIGHTS!

## WHAT GOVERNMENTS AND CORPORATIONS MUST DO TO PROTECT HUMANITY FROM THE CLIMATE CRISIS EXECUTIVE SUMMARY

The climate emergency is a human rights crisis of unprecedented proportions. It is already wreaking havoc on the lives of millions of people, deepening inequalities and discrimination, threatening the enjoyment of most of our rights and the future of humanity.

States' efforts to tackle climate change remain far below what is required to avoid the most devastating impacts for people and the planet. Despite their duties under international law, the vast majority of wealthy industrialized countries are failing to phase out emissions fast enough and to provide sufficient financing and support to developing countries for a just transition to zero-carbon economies and resilient societies.

States violate human rights when they fail to take adequate action to reduce carbon emissions, including by rapidly phasing out fossil fuels, to support people to adapt to climate change and to provide remedy for the losses and damages resulting from climate-related impacts. Businesses abuse human rights when they fail to reduce and ultimately eliminate emissions and other practices damaging to the environment.

This publication spells out states' human rights obligations and corporate responsibilities to tackle the climate crisis and shows how human rights are essential for a fast and fair decarbonization of our economies and societies.