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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## Human rights of internally displaced persons

### Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary, in accordance with Assembly resolution [74/160](#) and Human Rights Council resolution [41/15](#).

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\* [A/75/150](#).



## **Report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary**

### *Summary*

In the present thematic report, the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary, examines internal displacement in the context of the slow-onset adverse effects of climate change. She analyses the impacts of this type of displacement on the enjoyment of human rights by internally displaced persons, including specific groups. She looks at the human rights obligations, responsibilities and roles of States, the international community, businesses and national human rights institutions in addressing internal displacement in the context of the slow-onset adverse effects of climate change and makes recommendations to these actors.

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## I. Introduction

1. Internal displacement linked to the adverse effects of climate change is expected to increase significantly over the coming years and decades. Projections indicate that, without concrete climate and development action, over 143 million people in sub-Saharan Africa, South Asia and Latin America alone could be forced to move within their own countries by 2050 owing to the slow-onset impacts of climate change.<sup>1</sup> While this figure covers different types of human mobility, it gives an indication of the expected scale of movement in these three regions, which suggests that the global scale will be even higher. Climate change will affect every region, although some countries and communities are more vulnerable, including small island developing States and the least developed countries. Most population movements relating to the slow-onset adverse effects of climate change are expected to remain within national borders.

2. In the present report, the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary, draws attention to the particular challenges posed by internal displacement in the context of the slow-onset adverse effects of climate change, and its impacts on the enjoyment of the human rights of those affected, with the aim of advancing a human rights-based approach to prevention, response and solutions. The adverse effects of climate change<sup>2</sup> can involve slow and sudden-onset events. Slow-onset events are defined as “events that evolve gradually from incremental changes occurring over many years or from an increased frequency or intensity of recurring events” (FCCC/TP/2012/7, para. 20). Slow-onset events include sea level rise, increasing temperatures, ocean acidification, glacial retreat and related impacts, salinization, land and forest degradation, loss of biodiversity and desertification (FCCC/CP/2010/7/Add.1, decision 1/CP.16, footnote 3). Slow-onset and sudden-onset events, such as floods or storms, can also be intertwined, requiring holistic approaches that take their interrelations into account.

3. The Special Rapporteur notes that disaster displacement is included in the Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People for the period 2018–2020, which she spearheaded, jointly with the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs, in 2017. She welcomes that the High-level Panel on Internal Displacement, established by the Secretary-General in October 2019, will also look at internal displacement in the context of disasters and the adverse effects of climate change, and hopes that the present report can inform its work.

4. The Special Rapporteur expresses her gratitude for the valuable information received from a wide range of stakeholders, including all those who responded to her call for inputs.<sup>3</sup> In the present report, she builds on the reports of her predecessors (see, for example, A/66/285 and A/64/214), and in its preparation she benefited from enriching consultations with many States and partners, including the Office of the United Nations High Commissioner for Human Rights, the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees, the Platform on Disaster Displacement, the Intergovernmental Authority on Development, the Norwegian Refugee Council and the Raoul Wallenberg Institute of Human Rights

<sup>1</sup> World Bank, *Groundswell: Preparing for Internal Climate Migration* (Washington, D.C., 2018).

<sup>2</sup> The adverse effects of climate change are defined in article 1 (1) of the United Nations Framework Convention on Climate Change as “changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socioeconomic systems or on human health and welfare”.

<sup>3</sup> The submissions to the Special Rapporteur will be made available at [www.ohchr.org/EN/Issues/IPPersons/Pages/CallforInputs\\_IDPs\\_climate\\_change.aspx](http://www.ohchr.org/EN/Issues/IPPersons/Pages/CallforInputs_IDPs_climate_change.aspx).

and Humanitarian Law, as well as from virtual consultations convened by the Global Protection Cluster with the Asia-Pacific Disaster Displacement Working Group and protection clusters across the globe.

## II. Applicable legal and policy frameworks

5. The issue of internal displacement in the context of the slow-onset adverse effects of climate change lies at the intersection of various legal and policy fields, including international human rights law, international environmental law, international disaster relief law, disaster risk reduction and sustainable development, and requires concerted action.

6. There is extensive evidence of the widespread impacts of climate change on the enjoyment of human rights, such as the rights to life, health, housing, food, water and education, cultural rights and collective rights, such as the rights of indigenous peoples and the right to self-determination.<sup>4</sup> At least 155 States have now recognized in law the human right to a safe, clean, healthy and sustainable environment (A/74/161, para. 43). Those impacts contribute to displacement, and displacement further impacts the enjoyment of human rights. Under the 1998 Guiding Principles on Internal Displacement, which reflect international human rights law and international humanitarian law, arbitrary displacement is prohibited, including in cases of disasters, unless the safety and health of those affected requires their evacuation (Principle 6).

7. Under international environmental law, States have made commitments on climate change mitigation and adaptation, which are essential for preventing and addressing displacement. Key instruments include the 1992 United Nations Framework Convention on Climate Change and subsequent agreements negotiated under its umbrella. In the 2010 Cancun Adaptation Framework, the Conference of the Parties recognized the need for measures regarding climate change-induced displacement, migration and planned relocation as part of action on adaptation, and called upon States to enhance climate change-related disaster risk reduction strategies (FCCC/CP/2010/7/Add.1, decision 1/CP.16, para. 14 (e) and (f)). The 2015 Paris Agreement under the United Nations Framework Convention on Climate Change contains explicit references to human rights. The Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts was mandated to establish a task force on displacement related to the adverse impacts of climate change.<sup>5</sup> On the basis of its work, the Conference of the Parties welcomed a series of recommendations, including regarding the formulation of laws, policies and strategies that reflect integrated approaches to climate change-related displacement in the broader context of human mobility, taking into consideration human rights obligations and other relevant international standards (FCCC/CP/2018/10/Add.1, decision 10/CP.24, annex, para. 1 (g) (i)). In the 1994 United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, the

<sup>4</sup> See, for example, A/HRC/10/61; A/HRC/32/23; A/HRC/35/13; A/HRC/36/46; *Teitiota v. New Zealand* (CCPR/C/127/D/2728/2016); Office of the United Nations High Commissioner for Human Rights (OHCHR) and Platform on Disaster Displacement, “The slow onset effects of climate change and human rights protection for cross-border migrants”, 2018; list of reports of special procedure mandate holders relevant to climate change available at [www.ohchr.org/Documents/HRBodies/SP/List\\_SP\\_Reports\\_Climate\\_Change.pdf](http://www.ohchr.org/Documents/HRBodies/SP/List_SP_Reports_Climate_Change.pdf); and John H. Knox, “Human rights principles and climate change”, in *The Oxford Handbook of International Climate Change Law*, Cinnamon P. Carlarne, Kevin R. Gray, and Richard Tarasofsky, eds. (Oxford University Press, 2015).

<sup>5</sup> FCCC/CP/2015/10/Add.1, decision 1/CP.21, para. 49; FCCC/SB/2019/5/Add.1; and “Terms of reference: Task Force on Displacement”, available at [https://unfccc.int/sites/default/files/resource/TFD\\_ToR.pdf](https://unfccc.int/sites/default/files/resource/TFD_ToR.pdf).

relationship between desertification and climate change is recognized and references are made to displacement (preamble, arts. 8 (1) and 10 (3) (a) and annex II, art. 2 (d)).

8. It is recognized in the 2030 Agenda for Sustainable Development that climate change undermines sustainable development, and Goal 13 is dedicated specifically to climate action. The importance of disaster risk reduction is also acknowledged in the 2030 Agenda, and a number of relevant targets are set under this and other Goals (for example, targets 1.5, 11.b, 13.1 and 13.2). The Agenda is grounded in international human rights law and provides that no one should be left behind, including internally displaced persons. The New Urban Agenda includes commitments relating to climate action, disaster risk reduction and the prevention of forced evictions and arbitrary displacement.

9. The Sendai Framework for Disaster Risk Reduction 2015–2030 is aimed at substantially reducing disaster risk and losses, and several references are made therein to displacement caused by disasters. The importance of addressing climate change as one of the drivers of disaster risk is recognized, as is the fact that disaster risk reduction is essential to protecting human rights and achieving sustainable development. In the 2015 Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, the participants in the Nansen Initiative acknowledge the link between internal and cross-border displacement, and identify among the priority areas for action strengthening the management of disaster displacement and risk in the countries of origin. Disaster, climate change and environmental degradation are also addressed in the Global Compact for Safe, Orderly and Regular Migration, which includes a number of actions relating to the prevention of displacement.

10. At the regional level, under the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, States parties are explicitly obliged to take measures to protect and assist persons who have been internally displaced due to natural or human-made disasters, including climate change (art. 5 (4)). The 2006 Protocol on the Protection of and Assistance to Internally Displaced Persons, adopted at the International Conference on the Great Lakes Region, also covers displacement as a result of disasters. Human mobility, including displacement, in the context of the adverse effects of climate change is addressed, to different extents, in a number of regional and subregional policies and strategies relating to disaster risk reduction and management, migration and climate change. Examples include the Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management (2017–2030), the Central American Policy on Comprehensive Disaster Risk Management and the Regional Migration Policy Framework of the Intergovernmental Authority on Development.

11. A myriad of national laws and policies are also relevant, particularly those on migration, displacement and relocations, disaster risk reduction, climate change mitigation and adaptation, and those protecting human rights, although many do not explicitly address the slow-onset adverse effects of climate change. Many national laws and policies relating to human mobility include references to climate change, disaster and environmental degradation as drivers of mobility, or displacement specifically, and the need for disaster risk reduction and durable solutions.<sup>6</sup> Some national laws and policies on climate action, such as national adaptation plans, contain references to population movements or to the needs of displaced persons specifically; and in several nationally determined contributions under the United Nations Framework Convention on Climate Change States have emphasized specific

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<sup>6</sup> See, for example, the National Policy on Climate Change and Disaster-Induced Displacement adopted by Vanuatu in 2018; the National Strategy on the Management of Disaster and Climate Induced Internal Displacement adopted by Bangladesh in 2015; and the Protection and Assistance to Internally Displaced Persons Act, 2019, of South Sudan.

actions that they will take to address climate-related displacement. Less than half of the States that adopted the Sendai Framework had adopted national disaster risk reduction strategies as at 2018, but where they had, such strategies often covered both sudden and slow-onset disasters and included references to human mobility issues, although to different extents.<sup>7</sup> Evacuations and planned relocations are also provided for in many national laws and policies.<sup>8</sup> A range of other national laws and policies are relevant to the topic at hand, such as environmental and development policies and regulations regarding rural areas, forestry and fisheries, urban planning, employment, housing, education and health.<sup>9</sup>

### III. Understanding internal displacement in the context of the slow-onset adverse effects of climate change

#### A. Movement patterns

12. Human mobility in the context of the slow-onset adverse effects of climate change can take many forms, including displacement, migration and planned relocation.<sup>10</sup> In most cases, movement is not entirely voluntary or forced, but rather falls somewhere on a continuum between the two, with different degrees of voluntariness and constraint. In line with the definition of the Guiding Principles on Internal Displacement, internal displacement is considered to take place when people are evacuated or flee their homes or places of habitual residence, whether to avoid the anticipated effects of a disaster, or in the aftermath of a disaster, and remain within the country's borders.

13. Disasters result from the interaction of hazards with conditions of exposure, vulnerability and capacity, leading to adverse losses and impacts.<sup>11</sup> The Task Force on Displacement under the United Nations Framework Convention on Climate Change has identified four key ways in which the slow-onset adverse effects of climate change can turn into a disaster and increase displacement risks.<sup>12</sup> First, slow-onset events can

<sup>7</sup> Platform on Disaster Displacement, "Mapping the baseline: to what extent are displacement and other forms of human mobility integrated in national and regional disaster risk reduction strategies?", 2018.

<sup>8</sup> See, for example, Fiji, Ministry of Economy, "Planned relocation guidelines: a framework to undertake climate change related relocation", 2018.

<sup>9</sup> Submissions to the Special Rapporteur contained a wealth of information on national and regional frameworks. See also Platform on Disaster Displacement, "Mapping the baseline"; and Raoul Wallenberg Institute of Human Rights and Humanitarian Law, "Asia-Pacific research on displacement in the context of disasters and climate change", available at <https://rwi.lu.se/disaster-displacement/>.

<sup>10</sup> See OHCHR and Platform on Disaster Displacement, "The slow onset effects of climate change and human rights protection for cross-border migrants", 2018; Internal Displacement Monitoring Centre, "Synthesizing the state of knowledge to better understand displacement related to slow onset events: Task Force on Displacement – activity I.2", 2018; United Kingdom of Great Britain and Northern Ireland, Government Office for Science, "Migration and global environmental change: future challenges and opportunities – final project report", 2011; Koko Warner and others, *Where the Rain Falls: Climate Change, Food and Livelihood Security, and Migration* (Bonn, Care France and United Nations University Institute for Environment and Human Security, 2012); Jane McAdam and others, *International Law and Sea-Level Rise: Forced Migration and Human Rights*, FNI Report 1/2016 and University of New South Wales Faculty of Law Research Series (Lysaker, Norway, Fridtjof Nansen Institute; Sydney, University of New South Wales, 2016); Alexandra Bilak, "From island to slum: Bangladesh's quiet displacement crisis", Internal Displacement Monitoring Centre, March 2019; and submissions to the Special Rapporteur, including from the International Organization for Migration (IOM) and the Internal Displacement Monitoring Centre.

<sup>11</sup> See the definition used by the United Nations Office for Disaster Risk Reduction available at [www.undrr.org/terminology/disaster](http://www.undrr.org/terminology/disaster).

<sup>12</sup> See advance report of the Task Force on Displacement, 17 September 2018. Available at [https://unfccc.int/sites/default/files/resource/2018\\_TFD\\_report\\_17\\_Sep.pdf](https://unfccc.int/sites/default/files/resource/2018_TFD_report_17_Sep.pdf).

decrease the availability of vital resources, such as water, food, shelter and energy production. For instance, increasing temperatures can lead to drier soils and affect the timing of fertilization and blooming, and sea level rise can lead to the salinization of soils and reduced crop yields in cultivated areas, affecting agriculture and the availability of pasture for livestock, while rising sea temperatures can affect marine ecosystems and fisheries, all of which contribute to food insecurity. Second, slow-onset events can turn into a disaster prompted by a sudden-onset event, for example, when sea level rise turns into flooding, desertification into wild fires, or temperature increase into heatwaves. Third, slow-onset events can erode the capacity of communities to withstand further hazards, increasing their vulnerability to the next hazard. Lastly, slow-onset events are a hidden aggravating factor that acts as a threat multiplier for economic, social, cultural and political factors of crisis. The adverse effects of climate change may also affect the frequency and intensity of natural hazards.<sup>13</sup>

14. As climate change affects different areas in varied ways, human mobility patterns, including displacement, are context specific. The way in which different parts of the world are affected by natural hazards varies depending on many factors relating to their geography and climate. Communities are also affected differently depending not only on environmental factors but also on their interaction with social, economic and cultural factors, and the resilience and ability of communities to adapt. People are displaced when they can no longer adapt to the changing climate and have no option other than to leave, for example, because an area has become uninhabitable or too dangerous for human habitation. In these circumstances, people are forced to move away, and those who have already left the area to some extent voluntarily are forced to stay away.<sup>14</sup>

15. The level of vulnerability of individuals and households therefore plays an important role in their mobility. Those who are less vulnerable may be able to adapt to slow-onset processes and mitigate their impacts, thus being able to remain in their homes, or they might move elsewhere before the situation evolves into a disaster leading to displacement. In this case, movement can be an effective adaptation strategy to prevent displacement and might include seasonal and temporary migration. At earlier stages of a crisis, movement might be shorter, temporary, involve only some members of a household, and involve a higher degree of choice. Most vulnerable populations might not have the resources necessary to adapt this way and might stay in the area until they have no choice other than to leave and become displaced. Other communities might not move because they have a particular attachment to their lands and culture, such as indigenous peoples. It is usually the poorest and most vulnerable people who stay in situ as a slow-onset process gets worse without being able to adapt. They usually move as a measure of last resort to ensure their survival and have limited options on where to go. Displacement in the context of the slow-onset adverse effects of climate change is expected to be mostly long-term and internal, notwithstanding the possibility that some people might eventually cross borders.

16. The type of movement might also evolve over time. Temporary moves that took place at the beginning of a crisis can turn into displacement when people are unable to return home as the crisis becomes a disaster. Internal migrants can also become internally displaced because of other events that affect them during movement or in their new place of residence. People evacuated from an at-risk area can face secondary displacement if forced to move to a new location or protracted displacement if they are unable to return to their homes after the evacuation.

17. Urban areas are expected to continue to be an important destination for population movements in the context of the slow-onset adverse effects of climate

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<sup>13</sup> See Intergovernmental Panel on Climate Change, *Global Warming of 1.5°C* (2018).

<sup>14</sup> Concrete experiences of displacement in different contexts involving slow-onset events are analysed in a number of publications. See, for example, the Internal Displacement Monitoring Centre thematic series on “Displacement in a changing climate”.



change.<sup>15</sup> At the same time, cities will increasingly become areas of risk, and coastal cities in particular will be increasingly exposed to hazards associated with sea level rise. When the poorest households move to urban areas, they often reside in peripheral areas and informal settlements, which are also exposed to hazards such as flooding and landslides that are expected to increase in frequency and severity because of climate change. For example, already densely populated South Asian cities located in low-lying coastal zones have been steadily growing, and slums in those cities have been expanding owing to rural-urban population movements, while rising temperatures and flooding are likely to increase displacement and the incidence of disease in slums. On the other hand, some people, especially the poorest, might move to rural areas, where they might have to face other environmental hazards or risks.

18. People displaced in the context of slow-onset processes may return when conditions improve, but they may continue to be exposed to hazards and at high risk of further displacement unless they strengthen their resilience to future shocks. In many cases, however, internally displaced persons may not be able to return because, in the context of slow-onset processes, conditions leading to displacement often do not improve quickly. In some cases, the impacts of slow-onset events might become irreversible and render the area uninhabitable and return impossible, such as in the case of land submerged because of sea level rise or complete desertification.

19. The interaction of other factors with the slow-onset adverse effects of climate change also has a significant bearing on the impact of these hazards on communities and related human mobility. Human activity can also exacerbate and accelerate slow-onset processes through the continued emission of greenhouse gases and other environmental impacts that compound the adverse effects of climate change, contributing to human mobility. In the context of the adverse effects of climate change, human mobility in general, and displacement in particular, is usually multi-causal and depends on various factors contributing to peoples' levels of vulnerability or resilience to natural hazards. The slow-onset adverse effects of climate change interrelate with factors such as population growth, poverty and level of development, weak governance, violence and conflict, and multiple and intersecting forms of discrimination, resulting in different impacts in different places for different people. It is often the combination of and interplay between factors that increase the risk of displacement.

## **B. Interrelation between the slow-onset adverse effects of climate change and armed conflict**

20. Slow-onset processes can compound other displacement drivers, such as intercommunal tensions, violence and armed conflict.<sup>16</sup> The intersecting risks of climate change and armed conflict heighten the vulnerability of people and communities and undermine their adaptive capacity, increasing their risk of displacement.

21. The interactions between the effects of climate change and armed conflict are complex and context-specific and can take many forms. Slow-onset events, such as

<sup>15</sup> See International Committee of the Red Cross (ICRC), "Displaced in cities: experiencing and responding to urban internal displacement outside camps", 2018; Internal Displacement Monitoring Centre, "UnSettlement: urban displacement in the 21st century", 2018; and World Bank, *Groundswell: Preparing for Internal Climate Migration*.

<sup>16</sup> See ICRC, "When rain turns to dust: understanding and responding to the combined impact of armed conflicts and the climate and environment crisis on people's lives", 2020; United Nations Environment Programme (UNEP), *Livelihood Security: Climate Change, Migration and Conflict in the Sahel* (Geneva, 2011); and OHCHR and Platform on Disaster Displacement, "The slow onset effects of climate change and human rights protection for cross-border migrants"; advance report of the Task Force on Displacement, 17 September 2018; Lukas Rüttinger and others, "A new climate for peace: taking action on climate and fragility risks", report commissioned by the

sea level rise or desertification, might hit a community that is already struggling to cope with the effects of armed conflict and is therefore more vulnerable to disasters. Armed conflicts often take a toll on the civilian population. Warfare can also result in environmental damage, thereby compounding slow-onset processes. In a context of poverty, violence, crisis and insecurity, societies might focus on immediate survival and deprioritize preventive and planning actions and sustainable governance of the environment and natural resources, which further undermines their resilience. When a slow-onset event hits such communities, households might lack the means to cope and have no choice other than to leave. Slow-onset events may also affect persons who have already been displaced in the context of armed conflict, triggering multiple displacements, or such events might constitute barriers to return or local integration, prolonging their displacement.

22. Slow-onset events might also act as a threat multiplier or risk amplifier for other factors and a hidden aggravating factor, for example, contributing to resource scarcity and exacerbating existing intercommunal and intracommunal tensions and disputes over resources. While climate change is not believed to constitute a direct cause of armed conflict, it can exacerbate factors that, in combination, fuel tensions and increase the risk of conflict. This is understood to be the case, for example, in the Lake Chad basin, where climate change has impacted water availability, putting additional pressure on existing intercommunal tensions and disputes over resources.<sup>17</sup> The ability of societies to resolve disputes and manage resources is essential to prevent tensions from escalating into conflict.

23. The combined and cumulative impacts of conflict and the slow-onset adverse effects of climate change can trigger displacement, and displacement can further fuel existing tensions. Armed conflict also weakens government institutions and governance, affecting their capacity to respond to displacement, to address climate change and environmental degradation and to take preventive measures to protect their population from disasters and displacement. Environmental degradation linked to armed conflict and the financing of armed conflict through the exploitation of natural resources can also compound the adverse effects of climate change. Insecurity also tends to pose challenges for humanitarian actors who are trying to gain access to internally displaced persons in need of assistance and protection.

### C. Data and evidence

24. Reliable data and evidence on internal displacement are essential to inform operational and policy responses, as well as early warning, disaster risk management and preparedness, to understand protection needs and support durable solutions. For example, understanding the coping strategies of people in particular situations can inform prevention and preparedness strategies, and unusual or intensified movement patterns observed in a particular area can highlight the need for interventions. There

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Group of Seven members, 2015; Robert Malley, President and Chief Executive Officer of Crisis Group, "Climate change is shaping the future of conflict", statement made at a virtual Arria formula meeting of the Security Council, 22 April 2020; Michelle Bachelet, United Nations High Commissioner for Human Rights, "Global update at the 42nd session of the Human Rights Council", opening statement at the forty-second session of the Human Rights Council, 9 September 2019; and Florian Krampe, "Climate change, peacebuilding and sustaining peace", Stockholm International Peace Research Institute (SIPRI) Policy Brief, June 2019. In addition, the impacts of climate change and environmental degradation on peace and stability are highlighted in a number of resolutions of the Security Council and United Nations Environment Assembly.

<sup>17</sup> Janani Vivekananda and others, "Shoring up stability: addressing climate and fragility risks in the Lake Chad region", paper prepared by adelphi, Berlin, 15 May 2019; Amali Tower, "Shrinking options: the nexus between climate change, displacement and security in the Lake Chad basin", Climate Refugees, 18 September 2017.

are, however, significant gaps in the data available on displacement in the context of the slow-onset adverse effects of climate change, although some fragmented data collection efforts are being made at the national and local levels.<sup>18</sup>

25. The complexities around environmental processes and related population movements pose challenges for identifying those displaced and delimiting the affected areas, which has an impact on data collection and analysis. Moreover, slow-onset processes and related forms of human mobility take place over an extended period of time and can affect a large area, requiring extensive data collection exercises if these are to give a complete picture. Different metrics and definitions might be used for different data sets, making comparison difficult. Lack of sufficient data disaggregation is also problematic for the design of responses.

26. Academic research also provides valuable information to inform effective laws and policies on internal displacement. In the context of the slow-onset adverse effects of climate change, further research on such topics as land-use planning to reduce displacement risk, displacement in urban contexts or the impact of adaptive migration on the mobility of those who stay behind could be of great use to the design of effective prevention and response strategies.

#### **D. Impacts on the enjoyment of human rights by internally displaced persons, including specific groups**

27. The impacts of displacement on the enjoyment of human rights are extensive, starting with the right to freedom of movement and choice of place of residence. When people are displaced, they lose their homes and livelihoods and might be deprived of their rights to housing, food, water and sanitation, health care, education and property. Uprooted and disconnected from their lands and communities, they might also be unable to practise their cultural traditions and religion, or speak their language, affecting their cultural and religious rights. They might have lost their documents during displacement or face difficulties in obtaining or renewing civil documentation, which might create barriers to essential services, social benefits, employment and housing, land and property rights, political participation and access to justice. The properties that they left behind might be destroyed, damaged, occupied or stolen.

28. While climate change is global, its adverse effects and related mobility affect people differently. Communities living in certain areas, such as low-lying coastal areas, small island States and Arctic ecosystems, are more exposed to slow-onset events and therefore at higher risk of disaster displacement. People depending on local natural resources for their livelihoods are affected more directly and at higher risk of displacement. Slow-onset processes and related displacement also intersect with gender, age, ethnicity, socioeconomic status, cultural background and disability, resulting in differentiated impacts on different groups and exacerbating pre-existing inequalities and vulnerabilities.

##### **Specific groups**

29. Indigenous peoples and other persons whose livelihoods depend heavily on ecosystems are among those who have contributed the least to climate change while suffering some of its worst impacts.<sup>19</sup> Indigenous peoples are highly dependent on their

<sup>18</sup> See Internal Displacement Monitoring Centre, “Disaster displacement: a global review, 2008–2018”, May 2019; and submissions to the Special Rapporteur, including from IOM and the Internal Displacement Monitoring Centre.

<sup>19</sup> See [A/HRC/36/46](#); Norwegian Refugee Council and Alaska Institute for Justice, “Climate change, displacement and community relocation: lessons from Alaska”, 2017; and submissions to the Special Rapporteur.

lands, territories and natural resources for their livelihoods and cultural practices and are particularly vulnerable to climate change-related displacement. The adverse effects of climate change threaten their ancestral lands, livelihoods, culture, customs, religious practices, identity and language. In different parts of the world, indigenous ancestral lands and sacred sites are already being submerged and disappearing as a result of sea level rise, thawing permafrost and land erosion. The impacts of slow-onset processes on arable lands, marine ecosystems and wildlife affect indigenous peoples' subsistence livelihoods. If development projects for climate change adaptation and mitigation are designed and implemented without the participation and free, prior and informed consent of indigenous peoples, such projects not only deny them of their right to participate in decisions affecting them, but can further undermine their livelihoods and traditions and increase their risk of displacement.

30. Other persons whose livelihoods are directly dependent on natural resources, such as farmers, herders, pastoralists and fisherfolk, are directly impacted by the slow-onset adverse effects of climate change, which might affect agriculture, fish stocks and pasture lands, destroying livelihoods and cultural practices. For example, pastoral production is recognized as part of cultural heritage in Africa, where 66 per cent of land is dedicated to this practice. Pastoralists travel across vast terrains with their livestock in search of water and grazing grounds. Environmental changes such as desertification and droughts reduce grazing lands and kill livestock, forcing them to change their traditional routes and eventually leave their communities, traditional ways of life and cultural practices behind.<sup>20</sup>

31. Children and young persons<sup>21</sup> will suffer the most severe impacts of climate change resulting from the historic greenhouse gas emissions of previous generations. Given their young age and limited resources, their ability to adapt to the changing climate is limited. This is particularly worrying given that the countries most exposed to the adverse effects of climate change have predominantly young populations. At the early stages of slow-onset processes, men and boys of working age might migrate in search of better life opportunities, which exposes them to a number of risks. They are likely to have unsafe and poorly remunerated jobs and to live in inadequate housing in unsafe areas. While they might have had a degree of choice in their initial movement, they might be unable to return to their area of origin when slow-onset processes reach the threshold of a disaster, and thus become forcibly displaced. Children who remain in the affected area are exposed to the evolving environmental effects and are at risk of disasters, a situation that is likely to lead to their gradual impoverishment and eventual displacement. Conversely, some families might decide to send women and girls to a camp where they can receive assistance, while men and boys stay behind to look after their house, livestock or fields. The risks are different for those who move and those who stay, but exist in both cases. In either case, family separation makes children more likely to drop out of school and to work to support themselves or their families, increasing their vulnerability to child and forced labour,

<sup>20</sup> Internal Displacement Monitoring Centre, "They call it exodus: breaking the cycle of distress migration in Niger", September 2019; and Norwegian Refugee Council, Internal Displacement Monitoring Centre and Nansen Initiative, "On the margin: Kenya's pastoralists", March 2014.

<sup>21</sup> See [A/74/261](#); [A/HRC/37/58](#); Committee on the Rights of the Child, general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health ([CRC/C/GC/15](#)); Human Rights Council resolution [32/33](#); submissions to the Special Rapporteur, including from the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund; Michelle Bachelet, United Nations High Commissioner for Human Rights, "25th Conference of the Parties high level event 'We Dare': Children and Youth vs Climate Change", statement delivered at the event, Madrid, 9 December 2019; and António Guterres, Secretary-General, "The highest aspiration: a call to action for human rights", remarks to the Human Rights Council, Geneva, 24 February 2020.

exploitation and abuse, including sexual exploitation and, in some contexts, child recruitment and use in armed conflict.

32. Furthermore, owing to gender roles and the unequal distribution of resources, women and girls<sup>22</sup> are particularly vulnerable to the adverse effects of climate change and at higher risk of violence during displacement. In some communities, they might be involved in gathering or producing food and collecting water, activities that are more directly affected by slow-onset processes. Women might have limited access to land, property ownership and livelihoods, which increases their dependence on other family members, exacerbate their vulnerability to slow-onset events and constitute barriers to their achieving durable solutions. When men and boys migrate at the early stages of a crisis, women and girls often stay behind, living in an increasingly hazardous context. As in other situations of internal displacement, when women and girls are displaced, they often have more limited livelihood opportunities and access to health care, and are exposed to a higher risk of sexual and gender-based violence, forced labour, exploitation, abuse and trafficking in persons. In some societies, women and girls unaccompanied by a male family member might face discrimination and barriers to accessing basic services and obtaining civil documentation. In situations of crisis, women and girls are more likely to take on house chores and caring duties. Girls might drop out of school and women and girls might be subjected to child or forced marriage.

33. Other groups are also disproportionately affected in displacement contexts. For example, older persons (see [A/HRC/42/43](#)) are often less mobile and can end up trapped in zones affected by slow-onset processes. When families flee a disaster zone, older persons might be unable to accompany them and stay behind, exposed to the dangers. Those who are displaced might take on additional caregiving roles, including responsibility for children and dependent family members, as other adults separate from the family. They might also lose access to natural resources that they used to control, affecting their livelihoods and their status within their households and communities. During displacement, they face a number of challenges, including in relation to access to health care and other essential services, and protection risks. Persons with disabilities (see [A/HRC/44/41](#) and [A/HRC/44/30](#)) might also be less mobile and face challenges when trying to flee a zone of danger, which could result in their being left behind and exposed to natural hazards. When persons with disabilities are displaced, they have specific protection needs, for example, in relation to access to health care, and often face multiple forms of discrimination and barriers to accessing basic services and essential information and to participating in decision-making. They often face neglect and are at heightened risk of violence, exploitation and abuse. In many contexts, environmental human rights defenders are targeted and at risk of displacement.<sup>23</sup>

### **Vulnerable groups as agents of positive change**

34. Even though specific groups are particularly vulnerable to the slow-onset adverse effects of climate change and related displacement, they also have great agency. In many contexts they display remarkable strength, resourcefulness and resilience in the face of disasters and displacement, despite the challenges, barriers and discrimination that they face. They also have traditional knowledge and valuable perspectives that can contribute to the design of programmatic responses, disaster risk reduction strategies and durable solutions.

35. Indigenous peoples have traditional knowledge of the environment and the effects of climate change at the local level. They have developed coping strategies

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<sup>22</sup> See Committee on the Elimination of Discrimination against Women, general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change ([CEDAW/C/GC/37](#)); and submissions to the Special Rapporteur, including from Plan International.

<sup>23</sup> Human Rights Council resolution [40/11](#).

that can inform approaches to climate change adaptation and disaster risk reduction and play a central role in environmental protection and climate action (see [A/HRC/36/46](#)). Indeed, in the Paris Agreement, the importance of indigenous peoples' knowledge systems to guide adaptation action is acknowledged (art. 7). The Intergovernmental Panel on Climate Change, the international body responsible for assessing the science related to climate change, has also recognized that "indigenous, local, and traditional knowledge systems and practices, including indigenous peoples' holistic view of community and environment, are a major resource for adapting to climate change".<sup>24</sup> Indigenous peoples also actively claim their rights and seek to hold Governments and companies accountable for climate change.<sup>25</sup>

36. Children and young persons have raised their voices against climate change and acted collectively to protect the earth's future, which will affect them more than anyone else. Their leadership, mobilization capacity and appeals for climate action have crossed borders, moved masses and sparked protests. Children and young persons are determined to defend their rights and demand climate action, and they must be heard.<sup>26</sup> Climate action is not only a matter of intergenerational solidarity, but is also a human rights duty and a matter of intergenerational justice.

37. Other groups have also played a crucial role in climate action. For example, in many instances women have contributed their unique local knowledge about agriculture, conservation and the management of natural resources; and in positions of political authority, women have often championed more environmentally responsible policies ([A/HRC/41/26](#), paras. 26–30).

## E. Direct and indirect impacts of the COVID-19 pandemic

38. The coronavirus disease (COVID-19) pandemic, as well the measures taken by States in response to it and the associated socioeconomic crisis, have also had an impact on displacement patterns and the enjoyment of human rights by internally displaced persons. While difficult to measure, movement restrictions imposed by Governments to contain the spread of the virus are expected to have hampered human mobility in the context of the slow-onset adverse effects of climate change, including adaptive movement that would have had the potential to minimize the risk of a disaster occurring, and displacement of communities where slow-onset effects have reached the threshold of a disaster, trapping people in dangerous zones. Others might have been displaced despite the pandemic and movement restrictions, exposing them to the risk of contracting the disease during movement and facing heightened discrimination.

39. The effects of the COVID-19 pandemic have hit the most vulnerable people the hardest and have exacerbated existing inequalities and vulnerabilities, including the vulnerability of communities to disasters in hazard-prone zones and their risk of displacement. Internally displaced persons, regardless of the cause of their displacement, are at heightened risk of exposure to COVID-19 owing to limited access to health care, water, sanitation, food and adequate housing, and they often

<sup>24</sup> Intergovernmental Panel on Climate Change, *Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects. Working Group II Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* (New York, Cambridge University Press, 2014), p. 26.

<sup>25</sup> See, for example, Business and Human Rights Resource Centre, "Kivalina lawsuit (re global warming)"; and Sabin Center for Climate Change Law, "Petition to the Inter-American Commission on Human Rights seeking relief from violations of the rights of Arctic Athabaskan peoples resulting from rapid Arctic warming and melting caused by emissions of black carbon by Canada", 2013.

<sup>26</sup> See, for example, Voices of Youth, "COP25: join the Declaration on Children, Youth and Climate Action".

face discrimination.<sup>27</sup> Many internally displaced persons have lost their livelihoods owing to the ongoing crisis, and are sliding into poverty, unable to afford essential goods and housing, and are at risk of eviction. The COVID-19 crisis has increased the vulnerability of communities to natural hazards, while climate change increases the frequency and intensity of natural hazards, together resulting in a higher risk of disaster and displacement. Slow-onset processes and environmental degradation might also increase the risk of future pandemics.<sup>28</sup>

40. In the recovery from the COVID-19 pandemic and its impacts, it is essential that efforts, including economic stimulus packages, focus on sustainability and building back better, in accordance with Governments' commitments on climate change mitigation, sustainable development, disaster risk reduction, human rights and the prevention of conditions leading to displacement.<sup>29</sup>

## IV. Addressing internal displacement in the context of the slow-onset adverse effects of climate change

### A. Human rights obligations of States

41. Under international human rights law, States must not violate human rights through their own actions, they must protect individuals and communities under their jurisdiction from human rights violations by third parties or harm caused by foreseeable threats such as disasters, and they must implement and enforce laws and policies to fulfil human rights. In the context of climate change and disaster displacement, States must take positive action to protect people from direct threats to life and other human rights impacts of foreseeable natural hazards and related displacement by taking both preventive and remedial action.<sup>30</sup> The adoption of suitable laws and policies on disaster risk reduction, human mobility, environmental protection and sustainable development, including on urban planning, housing, land and property, must constitute an integral part of such efforts. The duties and responsibilities of States to prevent and avoid the conditions leading to displacement, including disaster displacement, to provide humanitarian assistance and protection to internally displaced persons and to support durable solutions are set out in the Guiding Principles on Internal Displacement.

<sup>27</sup> OHCHR, "COVID-19: do not forget internally displaced persons, UN expert urges Governments worldwide", 1 April 2020.

<sup>28</sup> Office of the United Nations High Commissioner for Refugees and Potsdam Institute for Climate Impact Research, "COVID-19, displacement and climate change", fact sheet, June 2020; Internal Displacement Monitoring Centre, "Coronavirus crisis: internal displacement"; Cristina O'Callaghan "Planetary health and COVID-19: environmental degradation as the origin of the current pandemic", Barcelona Institute for Global Health, 6 April 2020; and submissions to the Special Rapporteur.

<sup>29</sup> See United Nations, "Secretary-General says COVID-19 'wake-up call' demands recovery built on green economy, marking Earth Day 2020", press release, 20 April 2020; and United Nations, Department of Global Communications, "Climate change and COVID-19: UN urges nations to 'recover better'", 22 April 2020.

<sup>30</sup> See [A/74/161](#); Bruce Burson and others, "The duty to move people out of harm's way in the context of climate change and disasters", *Refugee Survey Quarterly*, vol. 37, issue 4 (December 2018); Daniel Farber, "Climate change and disaster law", in *The Oxford Handbook of International Climate Change Law*; Human Rights Committee, general comment No. 36 (2018) on the right to life ([CCPR/C/GC/36](#)); European Court of Human Rights, *Budayeva and Others v. Russia* (applications Nos. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02), judgment of 20 March 2008; and submissions to the Special Rapporteur, including from the Asia Pacific Academic Network on Disaster Displacement.

## Prevention and preparedness

42. Disaster displacement associated with the slow-onset adverse effects of climate change is already occurring in many parts of the world and is expected to increase significantly as temperatures continue to rise.<sup>31</sup> Prevention is therefore essential. States must take measures for climate change mitigation, adaptation and disaster risk reduction as means to prevent and mitigate the impacts of climate change on the enjoyment of human rights and to prevent the conditions leading to disaster displacement. States must also protect groups in particularly vulnerable situations from the adverse effects of climate change, disasters and related displacement.<sup>32</sup> The responsibility of States to engage in disaster risk reduction has been recognized also in the Sendai Framework and in the draft articles on the protection of persons in the event of disasters of the International Law Commission.<sup>33</sup>

43. The risk of displacement in the context of the slow-onset adverse effects of climate change can be reduced in a number of ways, for example, by mitigating the effects of climate change, reducing the vulnerability of households to climate-related hazards and reducing the number of people exposed to hazards.

44. Climate change mitigation measures reduce greenhouse gas emissions and enhance carbon sinks, thus limiting global warming. Under the United Nations Framework Convention on Climate Change and subsequent agreements, States have committed to reducing emissions and have adopted such measures as setting emission limits, creating markets in greenhouse gas emissions, promoting energy efficiency and conservation and developing the renewable energy sector.

45. Disaster risk reduction<sup>34</sup> and climate change adaptation can reduce the vulnerability of communities and build resilience, enabling people to adjust to the changing climate and stay in their homes when exposed to natural hazards. Examples include adaptation strategies that increase livelihood diversification and reduce people's direct dependence on at-risk natural resources, or infrastructure improvements such as the construction of sea barriers to protect against coastal erosion, flooding and saltwater intrusion. Examples of measures that can enhance people's resilience include development initiatives on housing, food security, access to basic services, such as health care and education, and sustainable ecosystem management, including through urban planning and land reform. The State's duty to respect and protect also entails ensuring that climate change mitigation and adaptation measures and development projects respect human rights and do not themselves trigger displacement. Good practices include tailoring disaster risk management and resilience-building programmes to the interplay of the adverse effects of climate change, violence and conflict as relevant to a particular context. For example, the Building Resilient Communities in Somalia programme, which brings together several humanitarian organizations, is aimed at helping communities to withstand and absorb the impacts of disasters, such as drought and localized outbreaks of conflict.<sup>35</sup>

46. States can also reduce the number of people exposed to hazards through better land-use planning and regulations. Movement as an adaptation strategy can also be supported, for example, through migration management. As a last resort,

<sup>31</sup> Intergovernmental Panel on Climate Change, Fifth Assessment Report, 2014.

<sup>32</sup> For example, Convention on the Rights of Persons with Disabilities, art. 11; and Guiding Principles on Internal Displacement, Principle 9. See also Human Rights Council resolution 41/21.

<sup>33</sup> See also International Law Association, Sydney Declaration of Principles on the Protection of Persons Displaced in the Context of Sea Level Rise, 2018.

<sup>34</sup> See also United Nations Office for Disaster Risk Reduction, "Words into action: disaster displacement – how to reduce risks, address impacts and strengthen resilience", 2019.

<sup>35</sup> See submission to the Special Rapporteur from the Norwegian Refugee Council; and Norwegian Refugee Council "Building Resilient Communities in Somalia", leaflet, available at [www.nrc.no/globalassets/images/thematic/brcis/brics-leaflet.pdf](http://www.nrc.no/globalassets/images/thematic/brcis/brics-leaflet.pdf).



Governments may have to facilitate moving people out of high-risk zones through planned relocations. However, planned relocations might have severe negative impacts on their intended beneficiaries, for example, affecting their livelihoods and cultural practices, and can constitute forced eviction in violation of international human rights law if the required conditions are not met. Planned relocations should be carried out only in exceptional circumstances, when certain areas of land have become too dangerous for human habitation and as a measure of last resort, with full respect for human rights, cultural practices and traditions and with the participation of affected communities, and should involve a full resettlement process to ensure access to adequate housing, livelihoods and basic services and to preserve communities and cultural practices.<sup>36</sup>

47. It is also vital to prepare for unavoidable displacement, for example, in contexts in which slow-onset and sudden-onset events are intertwined, to minimize the impact of displacement on the enjoyment of human rights by the affected populations. This includes putting in place early warning and early action systems and contingency and preparedness plans. For instance, suitable land and living space can be identified and set aside in the event that an evacuation or planned relocation is needed. Effective preparedness also requires a community-based approach that supports and disseminates existing successful coping strategies. Good practices include the use of national trust funds and forecast-based financing mechanisms, which release humanitarian funding for pre-agreed early actions, to better anticipate displacement needs in advance of a crisis on the basis of scientific forecasts and risk data.<sup>37</sup>

48. Preparedness can also include evacuation drills. Under certain circumstances, States must carry out an evacuation and prevent those who have already left from returning to the area for as long as the danger lasts. Those evacuated or unable to return will be internally displaced persons until they reach durable solutions. An evacuation should be ordered only if strictly necessary to protect their health and safety, if all possible alternatives have been explored and if certain conditions are met. It must be provided for by law, consistent with human rights and as short as possible.<sup>38</sup>

### **Protection and assistance**

49. A common misconception is that protection needs in relation to disaster displacement, especially slow-onset hazards, are less relevant than in displacement triggered by armed conflict. In reality, persons who are internally displaced owing to disasters face significant protection risks given the extensive impacts of displacement on the enjoyment of human rights. Their needs, however, might be overlooked in laws

<sup>36</sup> See Brookings Institution and University of Bern, “IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters”, January 2011, available at [https://www.ohchr.org/Documents/Issues/IDPersons/OperationalGuidelines\\_IDP.pdf](https://www.ohchr.org/Documents/Issues/IDPersons/OperationalGuidelines_IDP.pdf); Brookings Institution, Georgetown University and Office of the United Nations High Commissioner for Refugees, “Guidance on protecting people from disasters and environmental change through planned relocation”, 7 October 2015; Alaska Institute for Justice and Alaska Native Science Commission, “Rights, resilience and community-led relocation: perspectives from fifteen Alaska Native coastal communities”, 2017; and submissions to the Special Rapporteur, including from the Alaska Institute for Justice.

<sup>37</sup> Submission to the Special Rapporteur from the International Federation of Red Cross and Red Crescent Societies; and International Federation of Red Cross and Red Crescent Societies, “Vulnerability and Capacity Assessment (VCA)”, available at [www.ifrc.org/vca](http://www.ifrc.org/vca).

<sup>38</sup> See Guiding Principles on Internal Displacement, Principle 6 (2) (d); African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, art. 4 (4) (f); International Covenant on Civil and Political Rights, art. 12 (3); Human Rights Committee, general comment No. 27 (1999) on freedom of movement (HRI/GEN/1/Rev.9 (Vol. I)), paras. 15 and 16; and Brookings Institution and University of Bern, “IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters”.

and policies on internal displacement, or in policies on disaster risk reduction, which might not address the specific needs of internally displaced persons among disaster-affected persons or have a limited scope. Moreover, it might be challenging to identify persons displaced in the context of the slow-onset adverse effects of climate change because of the complexity of population movements in these contexts, particularly in urban areas. As a result, responses often focus on camps and rural settings, leaving a protection gap in urban settings.

50. Disaster risk reduction, preparedness and contingency plans that include the specific protection challenges and assistance needs of disaster displacement can also ensure a more effective provision of humanitarian assistance and protection. Responses should also address the needs of host communities, so as to prevent or avoid inflaming tensions with displaced communities to the detriment of both. The situation of those who have stayed behind in areas affected by slow-onset processes should also be addressed. They remain exposed to hazards and are at risk of displacement, among other vulnerabilities, which might be exacerbated by the departure of a significant number of people from their community.

### **Durable solutions**

51. Internal displacement associated with slow-onset processes poses particular challenges for the achievement of durable solutions. The slow-onset adverse effects of climate change tend to be long-term and, in some instances, irreversible, making return unlikely or impossible in many contexts. Local integration or settlement elsewhere can also pose challenges, for example because of a decrease in available habitable lands owing to the adverse effects of climate change, or because of cultural barriers, discrimination and tensions with host communities, which might be exacerbated by resource scarcity driven by slow-onset processes. Housing, land and property rights can be a key barrier to durable solutions in these contexts, as lack of ownership might contribute to unsustainable relocations, evictions and multiple displacements. Achieving durable solutions can also be particularly challenging for groups such as indigenous peoples, which have a special relationship with their territories and lands. The risk of protracted displacement is therefore particularly high in the context of the slow-onset adverse effects of climate change.

52. Disaster risk reduction, preparedness and climate change adaptation undertaken with respect for human rights are essential to support durable solutions in these contexts. Measures to support climate change adaptation and build the resilience of displaced persons and host communities can reduce the vulnerability of households, strengthen the capacity of host communities to receive displaced persons and facilitate local integration. Good practices to support durable solutions in countries affected by drought and desertification have been reported, for example, providing livestock to support pastoralists in re-establishing their livelihoods, establishing communal farms to plant cash crops and providing training and grants to help to diversify livelihoods.<sup>39</sup> Planned relocations that integrate a full resettlement plan in accordance with human rights can also support disaster displaced persons in rebuilding their lives, especially when their areas of origin have become uninhabitable.

### **Other obligations**

53. States must ensure the participation of affected persons in decision-making, obtain their free, prior and informed consent and ensure transparency and access to information, equality and non-discrimination, accountability and access to effective

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<sup>39</sup> Submission from the Internal Displacement Monitoring Centre.

remedies. States should integrate these principles into relevant legal and policy frameworks and take active steps to implement them in practice.

54. Internally displaced persons, communities at risk of displacement and host communities must be involved in decision-making processes relating to the planning and implementation of prevention and response strategies as well as durable solutions, at all stages of development, implementation and monitoring of laws, policies, programmes and strategies. The participation of specific groups, including women, children, older persons, persons with disabilities and indigenous peoples, must also be ensured. The participation of affected persons and communities constitutes a great asset to the development of laws, policies and programmes as diverse groups can share their enriching knowledge, perspectives and experiences (see [A/72/202](#) and [A/HRC/36/46](#)). To be able to enjoy meaningful participation in decision-making, people must have access to relevant information, in a language and format that they can understand and that is adapted to their needs relating, for instance, to literacy, disability or their location. This includes information on the conditions in the place of origin, local integration or settlement elsewhere. Even before a disaster takes place, they must be informed and prepared about the possible dangers and risks, and warned of imminent threats. Moreover, the free, prior and informed consent of populations must be obtained before any measures that affect them are taken to address disaster displacement, for example in the case of planned relocations. Similarly, the free, prior and informed consent of indigenous peoples must be obtained before the adoption and implementation of legislative or administrative measures or the approval of projects that might affect them,<sup>40</sup> including climate change mitigation and adaptation projects in their territories.

55. All laws, policies, strategies and programmes must ensure equality of treatment and non-discrimination on grounds such as age, gender, ethnicity and minority status, disability or socioeconomic status, and ensure the inclusion of the most marginalized. Under international human rights law, States are also required to ensure accountability and access to effective remedies for human rights harms, including harm resulting from the adverse effects of climate change.<sup>41</sup> Remedies such as restitution of lands or compensation for loss and damage can go a long way towards helping internally displaced persons to rebuild their lives and achieve durable solutions.

## **B. Role of the international community**

56. While States bear the primary responsibility for addressing internal displacement within their borders, the engagement of the international community is essential to prevent and address the impacts of climate change, which is a global issue.

57. States must cooperate among themselves and with international organizations and agencies to assist affected States in preventing, avoiding and responding to the risks associated with climate change, including the risk of disaster displacement, for example, through development cooperation, financial and technical support, including technology transfer and capacity-building, and by strengthening and coordinating measures on disaster risk reduction, climate change mitigation and adaptation, humanitarian assistance, protection and support for durable solutions for internally displaced

<sup>40</sup> See Declaration on the Rights of Indigenous People, arts. 19 and 32; and OHCHR, “Free, prior and informed consent of indigenous peoples”, available at [www.ohchr.org/Documents/Issues/ipeoples/freepriorandinformedconsent.pdf](http://www.ohchr.org/Documents/Issues/ipeoples/freepriorandinformedconsent.pdf).

<sup>41</sup> See OHCHR, “Bachelet welcomes top court’s landmark decision to protect human rights from climate change”, 20 December 2019; OHCHR, “Key messages on human rights and climate change”, available at [www.ohchr.org/Documents/Issues/ClimateChange/KeyMessages\\_on\\_HR\\_CC.pdf](http://www.ohchr.org/Documents/Issues/ClimateChange/KeyMessages_on_HR_CC.pdf); UNEP, “Climate change and human rights”, December 2015; [A/HRC/10/61](#); [A/HRC/31/52](#); and [A/HRC/36/46](#).

persons.<sup>42</sup> In this regard, numerous initiatives, activities and programmes are currently being carried out, including by international and regional organizations. The Platform on Disaster Displacement, “a group of States leading and working together towards better protection for people displaced across borders in the context of disasters and climate change”,<sup>43</sup> plays a fundamental role in advancing knowledge, action and policy on disaster displacement, including in the context of slow-onset events. The international community can also provide important support to research and data initiatives to advance knowledge on climate change-related displacement.<sup>44</sup>

58. Under international environmental law, States have common but differentiated responsibilities for addressing climate change, and developed States parties have committed to taking the lead in climate action and supporting developing countries, given that their historical greenhouse gas emissions far surpass those of developing countries and they have a greater capacity to respond to climate change.<sup>45</sup> The support of the international community is of the utmost importance given the expected drastic increase in internal displacement in the context of the slow-onset adverse effects of climate change if global temperatures continue to rise, and the severe impact on the least developed countries, developing countries and middle-income countries, which might have insufficient resources to respond, and the potentially protracted nature of displacement where lands have become uninhabitable. Humanitarian, development, environment and peace actors must also work closely together to ensure cohesive and integrated measures. Regional cooperation and coordination are also particularly important given that regions might experience similar environmental degradation processes.<sup>46</sup>

### C. Responsibility of businesses

59. Businesses are often responsible for the effects of climate change and its human rights impacts, including those impacts relating to internal displacement, given the emission of greenhouse gases through their own activities and those of their business relationships. They might also be responsible for displacement triggered by development projects for climate change adaptation and mitigation. Companies have the responsibility to identify, prevent, mitigate and account for how they address these adverse human rights impacts as part of their ongoing human rights due diligence processes, in line with the Guiding Principles on Business and Human Rights.<sup>47</sup> Due diligence processes should include an assessment of actual and potential human rights impacts, including the risk of disaster displacement. As noted in Guiding Principle 18 (b), human rights due diligence processes should involve meaningful consultation with potentially affected groups and other relevant stakeholders. Businesses should

<sup>42</sup> The duty to cooperate is included in the Charter of the United Nations as one of the objectives of the Organization and is mentioned in a number of environmental law agreements and human rights instruments. See, for example, the International Law Commission draft articles on the protection of persons in the event of disasters, arts. 7 and 8; the International Law Association Sydney Declaration of Principles on the Protection of Persons Displaced in the Context of Sea Level Rise, Principle 4; and [A/HRC/10/61](#), para. 99.

<sup>43</sup> See <https://disasterdisplacement.org/>.

<sup>44</sup> For example, in its submission, the European Union indicates its engagement in undertaking and supporting research relating to human mobility and climate change through the Joint Research Centre of the European Commission and the Habitable project under the Horizon 2020 research programme.

<sup>45</sup> Mentioned in several environmental law agreements, including: United Nations Framework Convention on Climate Change, arts. 3.1 and 4; Cancun Adaptation Framework, art. 14 (f); and Paris Agreement, art. 11 (3).

<sup>46</sup> See, for example, the submission from the Intergovernmental Authority on Development on its governance architecture at the regional and national level.

<sup>47</sup> [A/HRC/17/31](#), annex; and OHCHR, “The corporate responsibility to respect human rights: an interpretive guide”, 2012.

therefore involve communities at risk of, or affected by, climate change-related displacement in decisions that might affect them.

60. In accordance with Guiding Principle 19, companies should take appropriate action in response to adverse human rights impacts with which they are involved, which means that companies should cease or prevent impacts that they cause or contribute to and use their leverage to mitigate any remaining impacts. In the context of climate change and related displacement, businesses should take measures to reduce greenhouse gas emissions and be active agents in supporting climate change mitigation and adaptation and disaster risk reduction.<sup>48</sup> Moreover, the business sector has important strengths that can contribute significantly to these efforts, through its expertise and capacity to innovate, develop new technology, and support technology transfer and knowledge sharing for the benefit of climate change mitigation, adaptation and disaster risk reduction. Companies can, for example, invest in technology to adapt agricultural practices and crops to new soil conditions and share knowledge to help communities to adapt to the changing climate.

61. Where businesses have identified that they have caused or contributed to displacement, they should provide for or cooperate in its remediation (Principle 22). This entails engaging with those who have been affected to determine an appropriate remedy, which may include support for protection and assistance efforts and durable solutions, for instance, through funding or by supporting housing solutions for internally displaced persons, food production, and the provision of health care and education.<sup>49</sup> Although there are challenges in determining the share of a company's contribution to climate change,<sup>50</sup> in principle, all companies contributing to human rights harms associated with climate change should provide for remediation appropriate to their share in the responsibility for the harms.<sup>51</sup> The exact allocation of the share of each company in the harm will depend entirely on the specific situation and should be determined in each instance through a remediation process, which should involve a legitimate grievance mechanism.<sup>52</sup> Of note, there is a growing body of climate change litigation cases brought by both individuals and governmental bodies seeking to hold companies accountable for climate change and its adverse effects.<sup>53</sup>

62. Many companies have engaged in climate action through initiatives such as the Adaptation Private Sector Initiative under the United Nations Framework Convention on Climate Change, the Caring for Climate Initiative under the Global Compact and the World Business Council for Sustainable Development. The Special Rapporteur calls upon more businesses to come forward, take their share of responsibility and join climate action to prevent and address the human rights impacts of climate change and climate change-related displacement.

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<sup>48</sup> See also [A/74/161](#), paras. 71 and 72; and Sendai Framework for Disaster Risk Reduction 2015–2030, para. 36 (c).

<sup>49</sup> Submission to the Special Rapporteur from the Norwegian Refugee Council.

<sup>50</sup> See study that has been referred in climate change litigation: Richard Heede, “Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010” *Climatic Change*, vol. 122, 2014. Available at <https://link.springer.com/article/10.1007/s10584-013-0986-y>.

<sup>51</sup> OHCHR, “OHCHR response to request from BankTrack for advice regarding the application of the UN Guiding Principles on Business and Human Rights in the context of the banking sector”, pp. 11 and 12. Available at [www.ohchr.org/Documents/Issues/Business/InterpretationGuidingPrinciples.pdf](http://www.ohchr.org/Documents/Issues/Business/InterpretationGuidingPrinciples.pdf).

<sup>52</sup> See [A/HRC/44/32](#) and [A/HRC/44/32/Add.1](#) on non-State-based grievance mechanisms.

<sup>53</sup> Business and Human Rights Resource Centre, “Climate change litigation”. Available at [www.business-humanrights.org/en/corporate-legal-accountability/special-issues/climate-change-litigation](http://www.business-humanrights.org/en/corporate-legal-accountability/special-issues/climate-change-litigation).

## D. Role of national human rights institutions

63. National human rights institutions have a crucial role to play in addressing internal displacement in the context of the slow-onset adverse effects of climate change, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>54</sup> National human rights institutions can focus on monitoring and reporting on climate change-related displacement, including the gathering of disaggregated data. The monitoring by such institutions can also serve to provide an early warning for slow-onset disasters. They can handle complaints and promote the accountability of Governments and businesses in relation to their duties and responsibilities in the prevention of and response to climate change impacts, including internal displacement. For example, in a landmark case, the Commission on Human Rights of the Philippines addressed a petition requesting it to investigate and determine the impact of climate change on the human rights of the Filipino people and the role in climate change of the world's top fossil fuel producers. The Commission found that some companies played a clear role in climate change and could be held legally liable for its human rights impacts.<sup>55</sup>

64. National human rights institutions can also support States in preventing the conditions that might lead to displacement and responding to displacement in line with their human rights obligations. For example, they can advocate incorporating provisions on climate change-related internal displacement and the human rights of internally displaced persons into relevant national laws and policies, and can propose to parliaments the harmonization of national laws with international standards. National human rights institutions can also promote a human rights-based approach to sustainable development and the importance of the Sustainable Development Goals, including Goal 13, for climate change mitigation and adaptation measures that have the potential to minimize the risk of disaster displacement.

65. In the context of the COVID-19 pandemic, national human rights institutions can assess the impacts of the health and associated socioeconomic crisis and the measures taken by Governments in response to the pandemic, including declarations of states of emergency, on displacement patterns and the enjoyment of human rights by internally displaced persons and promote the need to build back better in the recovery from the COVID-19 crisis.

## V. Conclusions and recommendations

**66. Addressing internal displacement in the context of the slow-onset adverse effects of climate change, whether or not such displacement is linked to sudden-onset effects, requires a holistic approach to the complexities and multi-causality of human mobility in such contexts. It requires joint action by affected States and the international community, and a multi-stakeholder coordinated approach to climate action, disaster risk reduction, development and human rights protection, as well as the involvement of peace actors in settings in which the adverse effects of climate change interact with armed conflict.**

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<sup>54</sup> See also [A/HRC/41/40](#) and submissions to the Special Rapporteur, including for activities currently being carried out by national human rights institutions.

<sup>55</sup> Submission to the Special Rapporteur from the Commission on Human Rights of the Philippines; and Amnesty International "Philippines: landmark decision by Human Rights Commission paves way for climate litigation", 9 December 2019.

67. The Special Rapporteur therefore makes the following recommendations to relevant stakeholders and hopes that they are also taken into consideration by the High-level Panel on Internal Displacement in its work.

68. The Special Rapporteur calls upon the stakeholders indicated below to:

*States*

(a) Enhance climate change mitigation efforts and honour and increase commitments to reduce greenhouse gas emissions, to prevent human rights harms and the conditions leading to displacement associated with the adverse effects of climate change;

(b) Integrate climate change-related displacement into laws, policies and programmes on human mobility, and human mobility including disaster displacement into laws, policies and programmes on disaster risk reduction and climate change adaptation, adopting a human rights-based approach that ensures the meaningful and effective participation of affected communities and groups in decision-making, transparency and access to information, free, prior and informed consent, equality and non-discrimination, accountability and access to effective remedies, and addresses the disproportionate impacts on vulnerable groups and supports their agency;

(c) Adopt and allocate resources to comprehensive climate change mitigation, adaptation and risk reduction strategies implemented with respect for human rights, including policies on urban planning, rural development, land use, sustainable livelihoods and the provision of basic services, to reduce exposure and vulnerability to slow-onset events, ensuring a whole-of-government approach, and enhance the capacity of local authorities and communities in this connection;

(d) Ensure the collection of comprehensive data, including disaggregated data, and analysis on human mobility, including internal displacement in the context of the adverse effects of climate change, to inform prevention, preparedness, response, protection and solutions to disaster displacement, and development planning;

(e) Strengthen national and local capacity for data collection and analysis and risk modelling; adopt standardized methodology and indicators in line with the international recommendations on statistics relating to internally displaced persons, including the work of the Expert Group on Refugee and Internally Displaced Persons Statistics, and promote practices that aim for data to be interoperable, standardized, open and publicly available;

(f) Account for displacement and integrate durable solutions from the early stages of prevention, preparedness and response, as well as in disaster recovery, rehabilitation and reconstruction plans;

*International community and donors*

(g) Support efforts on climate change mitigation and adaptation, disaster risk reduction and sustainable development undertaken with respect for human rights, and programmes on protection, assistance and durable solutions for internally displaced persons, in countries and communities that are vulnerable to slow-onset processes, through financial, technical and development cooperation, including through funding, knowledge-sharing, technology transfer and capacity-building;

(h) Ensure that human rights-based climate action, environmental sustainability and resilience-building are mainstreamed in all efforts and programmes relating to internal displacement, and that funding and programmes are appropriate to long-term scenarios linked to slow-onset processes and integrate durable solutions from the outset;

(i) Engage in cooperation efforts at the global and regional levels, and the adoption and implementation of regional strategies and platforms addressing regional implications of the adverse effects of climate change and related displacement;

*Business enterprises*

(j) Incorporate human rights risks associated with climate change and disaster displacement in policy commitments and human rights due diligence processes and actively engage in the remediation of harm that the company has caused or to which it has contributed;

(k) Support rights-based efforts on climate change mitigation and adaptation, disaster risk reduction and sustainable development, and programmes for protection, assistance and durable solutions for persons internally displaced in the context of the adverse effects of climate change, through funding, development and sharing of new technology, and other means;

*National human rights institutions*

(l) Incorporate climate change-related internal displacement in human rights monitoring, including data collection and early warning systems, and complaint handling, and support States in the implementation of their human rights obligations in relation to climate change and associated internal displacement;

*Academia*

(m) With the support of research foundations, donors, the private sector and other funding bodies, conduct interdisciplinary research on the phenomenon of displacement in the context of the slow-onset adverse effects of climate change, the legal and policy responses at the national and subnational levels and how these are implemented in practice, taking into account the experiences of different groups, the distinctive features of displacement in different environments and the roles of various actors.

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