

# Climate Change, Displacement and Human Rights

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The impacts of climate change, such as desertification, rising sea levels and more frequent and severe weather events undermine the enjoyment of human rights – including the rights to life, water and sanitation, food, health and adequate housing. The adverse effects of climate change contribute to vulnerability, human mobility and displacement and pose increased risk to the human rights of displaced persons, many of whom live in countries most affected by climate change.

Displacement in climate change-fuelled crises is already a global reality – a reality that reflects and amplifies the deep inequalities and injustices in our world today. Countries and communities that have contributed the least to global warming are bearing the brunt of its negative impact.

## Impacts of climate change on the enjoyment of human rights

In 2021, [the Human Rights Council \(HRC\) recognised the human right to a clean, healthy and sustainable environment](#) in its resolution 48/13, which acknowledges the damage inflicted by climate change and environmental degradation on millions of people across the world, in particular, persons and groups in vulnerable situations.

Extreme weather events, such as cyclones, are becoming more frequent and intense under global warming, and can cause extensive flooding and infrastructure damage, which may undermine the right to life and the right to adequate standards of living.

Meanwhile, slow-onset processes such as sea-level rise can result in loss of coastal and agricultural land, endangering the rights to food and adequate housing for entire populations.

Given their strong connection to nature, some 400 million indigenous peoples face threats to their rights to culture as well as their collective rights to development and self-determination.

The effects of climate change are felt disproportionately by segments of the population that are already marginalized or in vulnerable situations owing to geography, gender, sexual orientation, age, indigenous or minority status, disability, or living in situations of conflict, violence, or displacement, as noted in HRC resolution 48/14 establishing a Special Rapporteur on the promotion and protection of human rights in the context of climate change.

## Heightened consequences on the rights of displaced persons

The climate crisis is already amplifying vulnerability and driving displacement, which impacts a broad array of human rights, including the rights to education, adequate standard of living and health of those displaced.

Highly climate vulnerable countries host 40% of refugees and are home to 70% of people internally displaced by conflict or violence. While these populations are often highly exposed and vulnerable to climate-related shocks, they have fewer resources and support to adapt to an increasingly hostile environment. This raises concerns about the right to equality and non-discrimination.

At the same time, human mobility can protect people and their human rights. This may be through well-prepared and timely emergency evacuations, assisting communities to plan for relocation to safer settlement areas as a measure of last resort, or facilitating safe, orderly and regular migration through regular pathways to prevent displacement from occurring. The freedom and capacity to move is part of upholding human rights and can contribute to climate change adaptation.

Extreme weather, which is becoming more frequent and intense with climate change, greatly impacts displaced persons. Recent floods in Sudan were some of the worst observed in decades. Alganana refugee camp in Sudan's White Nile State was submerged by flood waters in November 2021, leaving 35,000 South Sudanese refugees in need of urgent assistance.



South Sudanese refugee Nyawiga Toch points to the location where her house stood before Alganaa camp flooded.

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## The international legal framework for the protection of people displaced in the context of climate change and disasters

Most people displaced in the context of climate change and disasters remain inside their own country and are internally displaced. In these cases, the state remains obligated to protect,

displaced people within their territory without discrimination. For those displaced across borders, international refugee law may be relevant in some circumstances, and for those who do not meet the refugee criteria, international human rights law may be applicable based on the principle of non-refoulement, which is the prohibition not to return a person to a country where they have a real risk of serious or irreparable harm upon return, including torture, ill-treatment and other serious human rights violations. Moreover, a wide range of

policy tools for the admission and stay of people displaced across borders due to climate change have been adopted and implemented, including humanitarian protection and bilateral or regional agreements on the free movement of persons. Under international human rights law, States are also bound to uphold the human rights of any person under their jurisdiction, which includes people displaced in the context of climate change. Pursuant to its supervisory role concerning the implementation of the international refugee instruments, UNHCR issued in October 2020 [“Legal Considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters”](#).



### [Human Rights Committee's Decision in the Case of Teitiota v New Zealand](#)

A UN Human Rights Committee decision in January 2020 noted that, under international human rights law, people displaced across borders in the context of climate change and disasters have the right not to be returned to a country where they would face a serious risk of irreparable harm to their right to life. The Committee noted that without robust national and international efforts, the effects of climate change may expose individuals to a violation of their rights such that other countries could not send them back.



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Families identified as vulnerable to monsoon and irrigation flooding are relocated in Kutupalong Camp, Bangladesh.

### Recommendations to protect the human rights of persons displaced in the context of climate change

- Ensure that all climate action is people-centred and adopts a human-rights based approach, ensuring the dignity, safety, and rights of those displaced in the context of the adverse effects of climate change.
- Apply existing refugee and human rights instruments where there may be need for international protection when cross border displacement occurs in the context of climate change and disasters.
- Facilitate regular pathways to contribute to climate change adaptation and prevent displacement.
- Increase action and support for measures to avert, minimize and address displacement, in particular in the most climate vulnerable countries and communities, based on their specific needs.
- Ensure that climate action reaches those living in unstable and hard to reach areas, including displaced persons and their host communities.
- Ensure human rights are upheld through meaningful and informed, voluntary participation in timely relocation schemes.
- Scale up adaptation financing and support to climate action in countries and host community areas where displaced people take refuge, or hope to safely return to following their displacement, by strengthening preparedness and building resilience to climate impacts.
- Keep the goals set out in the Paris Agreement within reach to avert the worst-case loss and damage scenarios by urgently increasing and implementing commitments to mitigate greenhouse gas emissions.
- Address data gaps through the collection of disaggregated data, while upholding the right to privacy and data protection.
- Cooperate internationally to ensure the protection of all those displaced in the context of climate change.

## Promising practice examples

### Innovative technologies for realising the right to water

Climate change has significant impacts on the enjoyment of the right to water and sanitation in camps and settlements. In 2017, amid a massive influx of people fleeing conflict in South Sudan, UNHCR's Uganda operation faced serious challenges to ensure the right to water was realized by all. As refugees were arriving in the remote and undeveloped northwest region of the country, the delivery of water was expensive and difficult to monitor, which posed difficulties in

accessible drinking water to meet the daily needs of refugees.<sup>1</sup> In response, a group of [UNHCR engineers developed a reliable and cost-effective monitoring system](#), which is now being used successfully in displacement camps in five different countries. It uses a series of smart water-level sensors that are installed in the tanks of water delivery trucks to provide real-time data on water deliveries and consumption. The system allows operations to address potential shortages before they happen, providing refugees with a reliable and easily accessible supply of clean water. These technologies have served as an important tool for ensuring that the refugees' rights to water and health are maintained. In addition, the technologies improved water accessibility, which contributes to reducing protection risks and safeguarding a broader range of human rights, as long distances to water points have been shown to put women and girls at risk of sexual violence and deprive children of critical education opportunities.

<sup>1</sup> The Committee on Economic, Social and Cultural Rights defined the right to water as the right of everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses.

### Facilitating regular migration pathways to prevent displacement and protect human rights

OHCHR has led [UN guidance to ensure human rights protection of migrants in vulnerable situations](#), including those [compelled to move due to the adverse impacts of climate change](#), to support states in designing [pathways for regular migration](#) in this context, and to [implement related-commitments in the Global Compact for Migration](#). For instance, the Office is [implementing a project in the Sahel region](#), focusing on Mauritania, Niger and Nigeria, identifying protection gaps faced by communities affected by climate change and migration and strengthening the capacity of local, national and regional stakeholders to identify measures that will fulfil their rights.

Based on the right to information and participation, findings from the project include that policies and projects should meaningfully involve local stakeholders and pay particular attention to those who may experience situations of vulnerability, including migrants, and should address human rights risks in a holistic manner. As an example, in the Maradi and Zinder regions of Niger, community-led tree planting was found to increase both livelihood opportunities and drought resilience, reducing food insecurity. This move towards tree planting was accompanied by efforts to build inclusive local governments and provide accommodations for the movements of pastoralists and their herds, contributing to greater community peace and stability.

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