

Submission: Views from Parties and non-Party stakeholders on the elements for the consideration of outputs component of the first Global Stocktake - September 2023

Elements for a Global Stocktake Decision that Enhances Human Rights-based Climate Action



This submission was prepared and endorsed by Amnesty International, BioVision Africa, CambiaMO, CBM Global, Center for International Environmental Law (CIEL), Diben Association for Environmental Development, EarthRights International, Egyptian Commission for Rights and Freedoms (ECRF), FIAN International, GI-ESCR, Global Witness, Heinrich Böll Stiftung Washington DC, IBON International, Indigenous Environmental Network (IEN), International Disability Alliance (IDA), International Working Group for Indigenous Affairs (IWGIA), Interamerican Association for Environmental Defense (AIDA), Minority Rights Group International, National Indigenous Disabled Women Association Nepal (NIDWAN), Natural Justice, Nuestra América Verde, One Ocean Hub, Soka Gakkai International (SGI), SwedWatch, WE-Women from Indigenous Nationalities (WE-WIN), and Quaker United Nations Office (QUNO), all members of the Human Rights and Climate Change Working Group.

Context

Effectively integrating human rights into the Global Stocktake and the consideration of its outputs is essential, because all Parties to the Paris Agreement have international human rights obligations and have reaffirmed in the Paris Agreement to respect, promote and consider those in the context of climate action. Additionally, human rights-based climate action is more effective. The IPCC confirms in its Summary for Policymakers of the Synthesis Report of the 6th assessment cycle (AR6, SYR, SPM) that “adaptation and mitigation actions that prioritize equity, social justice, climate justice, rights-based approaches, and inclusivity, lead to more sustainable outcomes, reduce trade-offs, support transformative change and advance climate resilient development.” (C.2.5).

Up to date, Parties have failed to effectively implement their obligations in this regard. Of particular concern are the following elements:

- **The failure to take ambitious climate action in line with human rights obligations resulting in significant and extensive human rights harms from both the impacts of the climate crisis and the continued reliance on fossil fuels.** The changing climate is already triggering profound and irreversible losses and damages, impacting global health and food security, displacing communities, impeding poverty reduction and gender equality progress for women and girls in all their diversity, enhancing exclusion and denial of basic rights of persons with disabilities, undermining livelihoods, and causing loss of life. Moreover, fossil fuel projects directly contribute to human rights violations often leading to land seizures, with higher negative impacts on women and girls in all their diversity, forced evictions, adverse human health effects, including the adverse effects on women’s reproductive health, extensive air, land and water contamination, and biodiversity destruction.
- **The failure to effectively integrate human rights in the preparation, content, and implementation of Nationally Determined Contributions is hampering ambitious and just policies.** Although there is an increase in explicit references to the importance of human rights between INDCs and updated NDCs, the majority of these NDCs provide little to no information about how human rights have informed the planning of the NDC and its content - including the setting of ambition levels in line with human rights obligations - and how human rights will inform its implementation¹. For example, only 19 per cent of NDCs mentioned persons with disabilities by the end of 2022, the strong majority of which failing to include any details on how they are planning to ensure inclusion of persons with disabilities in their climate action².
- **The failure to effectively address the violence against environmental defenders on the frontlines of the climate crisis is having devastating impacts on individuals and communities and in the ability of defenders to carry out their work in safety.** According to Global Witness’ most recent data, at least 1,910 land and environmental defenders globally have lost their lives since the organisation started documenting killings in 2012. Of these, at least 1,390 took place between the adoption of the Paris Agreement on 12 December 2015 and 31 December 2022. Beyond killings, around the world environmental defenders working on climate justice are increasingly targeted with violence, harassment, and criminalization. Most of these attacks are related to land conflicts involving

¹ OHCHR and CIEL (2022). [Integrating Human Rights in Nationally Determined Contributions. A Toolkit for Practitioners.](#)

² Sébastien Jodoin, et al., [Disability Rights in National Climate Policies: Status Report](#) (Centre for Human Rights & Legal Pluralism & International Disability Alliance, November 2022).

climate-damaging industries - from deforestation by agribusinesses to mining - yet corporate accountability for such harm is lacking. To achieve real climate justice we need to protect the rights of defenders – whether communities or individuals – to demand climate action without fear of reprisal.

This submission aims to demonstrate the important interlinkages between climate action and human rights, and especially how the first Global Stocktake has an important role in enhancing and strengthening the effective mainstreaming of human rights obligations into future climate action. It does so by:

1. Identifying the **key political messages** for strengthening climate action and cooperation (one of the [guiding questions](#) proposed by the SB chairs, which we deem most relevant in the context of the ongoing discussions).
2. Proposing **changes to the indicative draft structure** for the GST1 CMA5 decision discussed during the Bonn climate negotiations in June 2023 (SB58). The proposed changes are the following:
 - a. adding a subsection ‘C.6. Cross-cutting considerations’
 - b. adding ‘just transition’ to ‘C.5. Matters related to response measures’.
3. Proposing multiple **entry points for integrating human rights and gender-transformative solutions** into the proposed structure. This is not meant to be an exhaustive proposal for a decision, but aims to focus on human rights-related elements for a strong and effective GST decision, and relates to guiding questions 2 and 3 as shared by the SB chairs.

Key political messages

The key political message of this submission is a **call for enhancement of the efforts and commitments by Parties** to:

- Put in place urgent, effective, and equitable climate action to transform our energy, economic and agriculture sectors, including a **full and equitable phase-out of all fossil fuels** in line with the objective to keep warming to below 1.5°C and fulfilling Parties’ human rights obligations, and excluding any reference that opens the door for dangerous technologies that directly or indirectly prolong dependence on fossil fuels, are unproven, bet on overshoot, rely on offsets, or come with high human rights or environmental risks.
- **Respect, protect, and fulfill human rights obligations, including the rights of Indigenous Peoples, and adopt intersectional approaches** in the planning, design, implementation and monitoring and evaluation of all relevant policies, commitments and processes related to the implementation of the Paris Agreement, including Nationally Determined Contributions (NDCs).
- Ensure **meaningful and effective public participation of all groups of society** in the planning, design, implementation and monitoring and evaluation of all relevant policies, commitments and processes related to the implementation of the Paris Agreement including by ensuring access to relevant information for all.
- Enhance the **protection of environmental human rights defenders** in the context of climate action.

Indicative draft structure for GST1 CMA5 decision

A. Preamble

The Conference of the Parties,

1. *Acknowledging* that climate change is a common concern of humankind and that Parties should, when taking action to address climate change, respect, protect and fulfill their respective obligations on human rights, including the right to a clean, healthy and sustainable environment, the right to health, the rights of Indigenous Peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,

2. *Noting* that the first Global Stocktake under the Paris Agreement is concluding concurrently with the commemoration of the 75th anniversary of the adoption of the Universal Declaration of Human Rights (UDHR), and recognizing the significance of these simultaneous milestones in reaffirming the interconnectedness of climate action and the promotion and protection of human rights.

3. *Welcoming* the universal recognition of the Right to a Clean, Healthy and Sustainable Environment by the UN General Assembly (A/RES/76/300).

B. Context

4. *Recognizing* that the IPCC confirms that adaptation and mitigation actions that prioritize equity, social justice, climate justice, rights-based approaches, and inclusivity, lead to more sustainable outcomes, reduce trade-offs, support transformative change and advance climate resilient development (IPCC AR6, SYR SPM, C.2.5).

5. *Welcoming* the synthesis report of the technical dialogue of the first Global Stocktake, which recognizes that a focus on inclusion and equity, including human rights, can increase ambition in climate action and support, that approaches to climate action that are aligned with a country's human rights obligations would make marginalized groups part of the solutions, and that those most affected by climate impacts should be involved in crafting solutions.

6. *Recognizing* that such affected and marginalized groups include but are not limited to women and girls in all their diversity, Indigenous Peoples, children and youth, persons with disabilities, peasants and other small-scale food producers including fishers, pastoralists, and forest people, workers, local communities, people living in poverty, LGBTQI+ people, and migrants.

C. Collective progress towards achieving the purpose and long-term goals of the Paris Agreement, including under Article 2, paragraph 1 (a-c), in the light of equity and the best available science, and informing Parties in updating and enhancing, in a nationally determined manner, action and support

C.1. Mitigation

7. *Stressing* that the IPCC warns that exceeding 1.5°C warming (overshoot) has dangerous and irreversible consequences, even if temperatures are eventually brought back below that level, and that a rapid fossil fuel phaseout and rollout of renewable energies alongside energy efficiency and demand-side measures remain the clearest and most certain path to avoid overshoot.

8. *Stressing* that the IPCC warns of the risks of poorly designed mitigation options, with adverse socio-economic and environmental impacts, including on biodiversity, food and water security, local livelihoods and on the rights of Indigenous Peoples (IPCC AR6, WGIII SPM, C.11.2) and that the IPCC calls for an integrated climate mitigation that considers the conservation, protection, and restoration of terrestrial, freshwater, and ocean ecosystems (IPCC AR6, SYR SPM, A24, C.35).

9. *Recognizing* that the IPCC confirms the central role that Indigenous Peoples, farmers, and local communities play in ecosystem-based mitigation (IPCC AR6, SYR SPM, C.9.5) and that effective and inclusive decision-making, with Indigenous Peoples and peasants and other small-scale food producers and local communities, as well as recognition of the inherent rights of Indigenous Peoples, is integral to successful mitigation across forests and other ecosystems.

10. *Stressing* that reliance on ineffective, dangerous or unproven geoengineering technologies, such as carbon capture and storage (CCS) and other large-scale carbon dioxide removals (CDR) mechanisms, and solar radiation management (SDR), should be avoided to avoid directly or indirectly prolonging dependence on fossil fuels, as these are unproven, or ineffective, rely on offsets, or come with high human rights and environmental risks which means their deployment would breach international human rights and environmental law³.

11. *Urging* all Parties to commit to a full, rapid and equitable phaseout of the production and use of all fossil fuels in line with the best available science, the objective to keep warming to below 1.5°C, and Parties' human rights obligations.

12. *Urging* all Parties to include human rights-based approaches, including respect for the rights of Indigenous Peoples and those of other groups in marginalized situations, and measures to enhance social equity, in the context of mitigation strategies.

C.2. Adaptation

13. *Emphasizing* that the IPCC recognizes that adaptation outcomes for the most vulnerable within and across countries and regions are enhanced through approaches focusing on equity, inclusivity and rights-based approaches, and that vulnerability is exacerbated by inequity and marginalization linked to e.g. gender, ethnicity, low incomes, informal settlements, disability, age, and historical and ongoing patterns of inequity

³ Impact of new technologies intended for climate protection on the enjoyment of human rights. Report of the Human Rights Council Advisory Committee. A/HRC/54/47. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/141/86/PDF/G2314186.pdf?OpenElement>

such as colonialism, especially for many Indigenous Peoples and local communities (IPCC AR6, SYR SPM, C.5.3).

14. *Emphasizing* that the IPCC recognizes the importance of meaningful participation and inclusive planning, informed by cultural values, knowledge and science of Indigenous Peoples to help address adaptation gaps and avoid maladaptation (IPCC, AR6, SYR, Longer Report, p.101). *Stressing* that such Indigenous knowledge should only be accessed with their Free, Prior and Informed Consent.

15. *Emphasizing* that the IPCC confirms that maladaptive outcomes can be avoided by securing tenure and access rights to natural resources and territories for all people depending on the ocean, and by supporting decision-making processes that are just, participatory and equitable (IPCC AR6, WGII, Ch.3 Ocean & Coastal Ecosystems, p.469).

16. *Urging* all Parties to strengthen equity, inclusivity, participation and rights-based approaches, including securing tenure and access rights, in adaptation planning, including in the context of the NAP review planned for 2024, to enhance adaptation outcomes for the most vulnerable, in line with the best available science and knowledge of Indigenous Peoples, peasants and other small-scale food producers, and local communities.

C.3. [Alt 1 C.3 Finance flows and means of implementation and support; Alt 2 C.3 Means of implementation and support, including finance flows; Alt.3 C.3 Means of implementation and support; Alt.4 C.3 Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate resilient development, C.3bis Means of implementation and support]

17. *Noting* with great concern that developed countries have not yet delivered on the collective commitment to provide US\$100 billion per year in new and additional support for adaptation and mitigation action in developing countries.

18. *Recognizing* the importance of respecting, protecting and fulfilling human rights in project planning, implementation, and evaluation of climate finance, including by prioritizing transparency, participation, and accountability.

19. *Recognizing* that most of the current climate finance provided is not based on comprehensive human-rights and gender assessments, or recognizing the intersectionality of multiple discriminations and exclusions, and thus fails to adequately take the needs and priorities of differentially affected and often marginalized communities and people, including women and diverse gender groups, Indigenous Peoples, youth and people living with disability into account in the design, implementation and monitoring and evaluation of funded climate actions.

20. *Requesting* developed country Parties to provide a comprehensive and transparent plan and full accountability for the rapid fulfillment of their commitment to provide US\$100 billion per year in support for adaptation and mitigation action in developing countries, including making up for the collective shortfall in delivery since 2020.

21. *Urging* Parties to increase the scale of climate finance provided through simplified and enhanced direct access modalities to directly affected communities and people at the forefront of climate change, by

multiplying and expanding financial mechanisms prioritizing localized small-grants approaches to address their needs and priorities and empower particularly affected population groups including women, Indigenous Peoples, youth and people living with disability, to meaningfully engage in local climate finance decision-making.

C.4. Efforts related to loss and damage

22. *Emphasizing* that the adverse effects of climate change have a range of implications, both direct and indirect, that increase with greater global warming, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination, the rights to safe drinking water and sanitation, the right to work and the right to development, and recalling that in no case may a people be deprived of its own means of subsistence (A/HRC/53/6).

23. *Stressing* that peoples and communities who face human rights harms are entitled to remedies, including in the context of climate-related loss and damage⁴.

24. *Stressing* that meaningful and effective participation of affected communities and particularly marginalized groups (as referred to in §6.), is essential in the design and implementation of loss and damage responses and that where applicable the right to Free, Prior and Informed Consent of Indigenous Peoples must be obtained.

25. *Urging* developed country Parties to deliver new and additional, public and grants-based resources at scale, to meaningfully address and redress human rights harms in the context of loss and damage, in particular for groups that have been made vulnerable through historic marginalization, and also *inviting* other Parties in a position to do so to contribute.

26. *Urging* Parties to ensure that all responses to loss and damage, including but not limited to the operationalization of the loss and damage fund and the funding arrangements and the Santiago Network for loss and damage, are in line with the purposes and principles of the United Nations Charter and international human rights law.

27. *Calling* for all mechanisms and policies to address loss and damage under the UNFCCC and at the national level to contribute to bringing remedy to affected communities; be subject to the UNFCCC and Paris Agreement and their principles of equity and Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC); reflect the highest level of accountability and compliance with these core principles and the polluter pays principle; ensure meaningful and effective participation of affected communities and civil society; implement inclusive and needs-based activities; reach those in the most vulnerable situations; and not contribute to debt.

C.5. Efforts related to response measures and just transition

28. *Acknowledging* the numerous references to the concept of just transition in the synthesis report by the

⁴ See, for example, the Committee on the Rights of the Child's General comment No. 26 (2023) on children's rights and the environment with a special focus on climate change, §106.

<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-26-2023-childrens-rights-and>

co-facilitators on the technical dialogue of the first global stocktake, particularly the findings highlighting the critical role of just transition in supporting a ‘more robust and equitable mitigation outcomes’.

29. *Recognizing* the evolving nature of the concept of just transition within the climate change regime, as exemplified by the recent decisions of the Conference of the Parties (COP) and the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA), which have expanded its scope to encompass ‘energy, socioeconomic, workforce and other dimensions’.

30. *Acknowledging* that a just transition encompasses the four pillars of the International Labor Organizations’ Decent Work Agenda – social dialogue, social protection, rights at work and employment. Furthermore it must align with the three elements of the right to sustainable development, including economic, social and environmental aspects, ensuring that needs of the present generation are met without compromising the ability of future generations to meet their own needs.

31. *Committing* to ensuring that a just transition to renewable energy sources, as a crucial response to climate change, does not infringe upon the human rights of affected communities. This commitment extends to the rights of Indigenous Peoples, including the right to Free, Prior and Informed Consent (FPIC), particularly in and around areas designated for the extraction of transition minerals or the development of renewable energy projects.

32. *Urging* all Parties to include objectives related to just transition in their NDCs, while formulating policies in alignment with these objectives. Additionally, there is a call to encourage both public and private stakeholders to adopt and implement such policies.

33. *Urging* all Parties to agree on the inclusion of just transition indicators in the first GST. These indicators should be designed to assess climate action by evaluating the measures taken to protect communities and ecosystems potentially affected by it, with a particular attention to the most vulnerable populations.

C.6. Cross-cutting considerations

34. *Noting* with concern that only approximately 41% of updated NDCs (sixty States⁵) explicitly mention the integration of human rights, and that there is an overall lack of clarification of how these considerations have been taken into account.

35. *Noting* with concern the increase in violence, harassment, and criminalization against environmental defenders on the frontlines of the climate crisis and *emphasizing* the need to ensure a safe environment for human rights defenders and civic space to thrive through the enactment and enforcement of laws that protect and recognize the rights of environmental human rights defenders and their communities.

36. *Stressing* that the IPCC confirms that inclusive decision making, with Indigenous Peoples and local communities, as well as recognition of inherent rights of Indigenous Peoples, is integral to successful adaptation and mitigation across forests and other ecosystems (IPCC AR6, SYR SPM, C.3.6).

⁵ These States are: Albania, Argentina, Brazil, Bulgaria, Canada, Chile, Colombia, Comoros, Costa Rica, the Democratic Republic of the Congo, Dominica, the Dominican Republic, El Salvador, Gambia, Iceland, Indonesia, Jordan, Kenya, Malawi, Marshall Islands, Mexico, the Federated States of Micronesia, Moldova, New Zealand, Norway, Panama, Papua New Guinea, the Philippines, the Republic of the Congo, South Sudan, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland, Vanuatu, and Venezuela, as well as the twenty-seven Member States of the European Union through their joint NDC.
https://www.ohchr.org/sites/default/files/documents/issues/climatechange/publications/2022-12-09/Integrating-Human-Rights-in-Nationally-Determined-Contributions_Toolkit-for-Practitioners.pdf

37. *Emphasizing* that small-scale fisheries livelihoods and jobs are the most vulnerable to climate-driven changes in marine resources and ecosystem services and that rebuilding overexploited or depleted fisheries reduces negative climate change impacts on fisheries and supports food security, biodiversity, human health and well-being (IPCC AR6, WGII, Ch.3 Oceans & Coastal Ecosystems, p.469; IPCC AR6, SYR SPM, C.36).

38. *Urging* all Parties to implement human rights-based and intersectional approaches in the planning, design, implementation and monitoring and evaluation of all relevant national policies, commitments and processes related to the implementation of the Paris Agreement, including their NDCs, ensuring participatory planning and implementation; aligning ambition and substance with human rights obligations; mainstreaming age, gender and disability considerations; respecting Indigenous Peoples' rights; building on traditional knowledge; ensuring transparency and access to information about climate action; strengthening tenure and access rights to land, territories and natural resources; and aligning with the imperative of a just transition; including by using existing guidance⁶ from, and increasing synergies with, human rights institutions and mechanisms.

39. *Urging* all Parties to commit to the enhanced protection of environmental human rights defenders, including reporting, investigating and seeking accountability and redress for reprisals against environmental human rights defenders, and public information about the actions taken to do so as well as public recognition of the importance of their work.

40. *Urging* all Parties to strengthen tenure and access rights to land, territories and natural resources, to further enhance the potential to strengthen climate ambition and enhance the effective protection and safeguarding of ecosystems and biodiversity (IPCC Special Report on land, SPM, C.1.2).

41. *Urging* all Parties to prioritize ecosystems-based (land and ocean) solutions that protect environmental integrity and human rights, including the right to a clean, healthy and sustainable environment, the rights of Indigenous Peoples, and the rights of peasants and other small-scale food producers, and that contribute to the implementation of other international environmental agreements (co-benefits for SDGs 2, 6 and 14-15).

42. *Urging* Parties for greater recognition and visibility for fisheries, particularly small-scale fisheries, in national and international climate policies and action (IPCC AR6, SYR, SPM, C.3.6). Small-scale fisheries employ more than 90 percent of the world's capture fishers and provide many local communities in the developing world with a source of food security, nutrition, and livelihoods, but they are lacking in resources to cope with climate change induced shocks⁷.

43. *Emphasizing* the need to promote companies' legal accountability and human rights due diligence and commits to developing, by 2025 at the latest, a concrete accountability framework for both Parties in relation to their NDCs that includes human rights and environmental impact assessments of proposed plans, and for non-state actors in relation to their net zero targets, taking into account the recommendations of the High-Level Expert Group on the Net Zero Emissions Commitments of Non-State Entities⁸.

⁶ See for example OHCHR and CIEL (2022). Integrating Human Rights in Nationally Determined Contributions. A Toolkit for Practitioners. https://www.ohchr.org/sites/default/files/documents/issues/climatechange/publications/2022-12-09/Integrating-Human-Rights-in-Nationally-Determined-Contributions_Toolkit-for-Practitioners.pdf

⁷ FAO (2015)

⁸ Report from the United Nations' High-Level Expert Group on the Net Zero Emissions Commitments for Non-State Entities. https://www.un.org/sites/un2.un.org/files/high-level_expert_group_n7b.pdf

D. Enhancing international cooperation for climate action

44. *Welcoming* the establishment of the mandate for a Special Rapporteur on the promotion and protection of human rights in the context of climate change by the Human Rights Council at its 48th session (RES/48/14), and welcomes the Special Rapporteur's reports on 'Promotion and protection of human rights in the context of climate change' (A/77/226) and 'Providing legal options to protect the human rights of persons displaced across international borders due to climate change' (A/HRC/53/34).

45. *Welcoming* the Committee of the Rights of the Child's General Comment No. 26 on children's rights and the environment with a special focus on climate change (CRC/C/GC/26).

46. *Committing* to enhance synergies with UN human rights organizations and institutions in the light of more ambitious, effective and equitable international, regional and national climate action.

47. *Reaffirming* its commitment to upholding the purposes and principles of the United Nations Charter and international human rights law and standards before, during and after UNFCCC sessions and mandated events, and to ensure that participants can exercise those human rights without fear of intimidation and repercussions, and that those events and sessions fulfill requirements of accessibility for persons with disabilities.

E. Guidance and way forward

48. *Inviting* all Parties to update their current NDC alongside the development of new NDCs in line with the GST recommendations.

49. *Urging* Parties to prioritize and integrate the following elements in their 2030 and 2035 NDCs:

- **A full, rapid and equitable phaseout of the production and use of all fossil fuels in line with the best available science, the objectives being to keep warming to below 1.5°C, and fulfill Parties' human rights obligations.**
- **A human rights-based and intersectional approach in the planning, design, implementation and monitoring and evaluation of NDCs, ensuring participatory planning and implementation; aligning ambition and substance with human rights obligations; mainstreaming age, gender and disability considerations; respecting Indigenous Peoples' rights; building on traditional knowledge; ensuring transparency and access to information about climate action; strengthening tenure and access rights to land, territories and natural resources; and aligning with the imperative of a just transition; including by using existing guidance from, and increasing synergies with, human rights institutions and mechanisms.**
- **Provisions on the enhanced protection of environmental human rights defenders, including reporting, investigating and seeking accountability and redress for reprisals against environmental human rights defenders, and public information about the actions taken to do so as well as public recognition of the importance of their work.**