

Background Note on the Establishment of a UN Human Rights Council's Special Rapporteur on Human Rights and Climate Change

Introduction: The Human Rights Council is the United Nations body responsible for the promotion and protection of all human rights worldwide. It meets in Geneva at least three times a year to discuss thematic human rights issues and country situations that require its attention.

Climate change is a threat to the enjoyment of all human rights, with adverse effects being felt globally. Since 2008, the Council has been addressing the adverse impacts of climate change on human rights through various of its mechanisms and activities. Yet, and despite the urgency of the climate crisis, the Council has failed to address it in a comprehensive way, clarify the legal obligations of the States, or provide effective support to States and affected communities. There is an urgent need for the Council to strengthen its role in tackling climate change, protecting people from its adverse impacts, promoting the respect for and protection of human rights in all climate responses, and ensuring access to justice.

When a specific human rights issue requires an increased level of attention and remedies, the Council can establish various mechanisms called *Special Procedures* (in most cases, the nomination of a UN Special Rapporteur) to report and advise the Council from a thematic or country-specific perspective. Establishing new Special Procedures' mandates allows the Council to address certain topics in a more coherent, consolidated, and sustainable way as well as to act on individual cases and broader structural concerns by sending communications to States and corporations.

1. What is a Special Rapporteur?

A Special Rapporteur is one of the Council's Special Procedures. The Special Rapporteur is an independent expert appointed for her/his expertise by the Human Rights Council to address a specific human rights issue from a thematic or country-specific perspective. Their mandate is limited in time to a maximum of six years. Examples of such experts include the Special Rapporteur on the right to food or the Special Rapporteur on the situation of human rights in Eritrea. There are currently 38 Human Rights Council's Special Rapporteurs.

2. What does a Special Rapporteur do?

A Special Rapporteur is responsible for examining, monitoring, advising and publicly reporting on human rights situations relating to its specific mandate. The work of Special Rapporteurs includes:



Awareness-raising:

- Issuing public statements
- Writing annual reports on issues that are relevant to their mandate: *for example, the report of the Special Rapporteur on freedom of religion or belief addressing gender-based violence and discrimination in the name of religion or belief*



International cooperation:

- Sharing best practices by conducting studies and examining ways of overcoming challenges to the full realization of human rights obligations: *for example, the Special Rapporteur on human rights and the environment's report on good practices on the right to a safe, clean, healthy and sustainable environment.*



Mainstreaming rights' issues:

- Participating in intergovernmental conferences and meetings relevant to their mandate to promote the consideration of human rights issues by this forum: *for example, the Conference of the Parties under the United Nations Framework Convention on Climate Change (UNFCCC)*



Access to justice:

- Receiving allegations of human rights violations through individual communications and requesting responses and urgent actions from States and other actors to redress situations of abuse

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Monitoring:

- Carrying out country and institutional visits, meeting local authorities and civil society actors



Advising:

- Advising on technical cooperation at the country level

3. How are new Special Rapporteurs' mandates established?

The establishment of a new mandate for a UN Human Rights Council's Special Rapporteur is a political process. It is done through the adoption of a resolution, which refers specifically to the mandate to be assumed by the Special Rapporteur. This resolution requires sponsorship from a group of States and wider support from other members of the Council in Geneva. To ensure that recommendations and political guidance provided by a future Special Rapporteur on Human Rights and Climate Change are taken seriously by governments, it is crucial to galvanize as much support as possible by raising awareness at national and regional levels on the urgent need for such new Special Rapporteur and to build the case collectively for this in interactions with governments.

4. Where does the proposal for the establishment of a new Special Rapporteur on Human Rights and Climate Change come from?

During the 2019 Conference of the Parties under the UN Framework Convention on Climate Change (UNFCCC), the then President of the Marshall Islands, H.E. Hilda Heine called for the creation of a dedicated Special Rapporteur on climate change on behalf of the Climate Vulnerable Forum (CVF). This demand was reiterated by Bangladesh in its capacity as the 2020 Chair of CVF¹, the Marshall Islands and other developing states in July 2020², the Micronesian Pacific States in October 2020³, and the Pacific Islands Forum (PIF) Foreign Ministers in October 2020⁴.

These calls echoed a longstanding request formulated by an alliance of civil society organisations as early as 2010 at the Social Forum, following which the latter recommended that the Human Rights Council create a UN Special Rapporteur position to address the impacts of climate change on human rights and study the responsibilities of state and non-state actors in relation to climate change adaptation and mitigation.⁵

5. What would be the added value of a Special Rapporteur on Human Rights and Climate Change?

We believe that the creation of a new UN Special Rapporteur on Human Rights and Climate Change is needed to create a new link between communities impacted by climate change or climate responses and UN human rights institutions as well as contribute to the integration of human rights protection in climate action, in light of the urgent threat that the climate crisis poses to the realization of all human rights for present and future generations. A new Special Rapporteur on Human Rights and Climate Change could, inter alia:

¹ <https://thecvf.org/wp-content/uploads/2020/06/CVF-Presidency-Announcement-from-Bangladesh-Final.pdf>

² <https://www.docdroid.net/Q1a31FF/hrc44-jst-on-climate-short-check-against-delivery-pdf>

³ <https://drive.google.com/file/d/1SuuqxPljzXByz8q4LqI9j2RAQmGCO4K/view>

⁴ <https://www.ciel.org/news/ministers-of-the-pacific-islands-forum-join-the-growing-chorus-calling-for-a-new-un-special-rapporteur-on-human-rights-and-climate-change/>

⁵ <https://www.ohchr.org/EN/NewsEvents/Pages/2010SFClimatechangeaHR.aspx> and

<https://www.oikoumene.org/resources/documents/ngo-declaration-on-climate-change-human-rights>

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- further identify the impacts of climate change on the enjoyment of human rights and contribute to the protection of human rights in climate responses – including the rights of Indigenous Peoples;
- promote greater policy coherence between climate actions and human rights obligations, by providing technical advice to States and by engaging in the UNFCCC;
- serve as a focal point for dialogue on human rights and climate change between governments, civil society, international financial institutions, human rights mechanisms, and international organizations;
- build on the work of other Special Procedures, including the Special Rapporteur on human rights and the environment, to ensure that the work of the Council on climate change is not limited to the environmental dimension of the crisis but also addresses its economic, racial, gender, and social dimensions; and
- allow for affected communities to be better heard at the Human Rights Council and engage more effectively with the UNFCCC; and
- receive communications from individuals on human rights violations caused by the lack of adequate climate policies or by harmful mitigation and adaptation measures.