



Working draft

Human Rights Council

Resolution 48/XX. Mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change

The Human Rights Council,

PP1 *Guided* by the purposes and principles of the Charter of the United Nations,

PP2 *Reaffirming* that States have the obligation and the primary responsibility to respect, protect and fulfill human rights and fundamental freedoms, in accordance with the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all relevant international human rights instruments,

PP3 *Bearing in mind* the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, the 2030 Agenda for Sustainable Development, the Sendai Framework for Disaster Risk Reduction 2015-2030, the Malé Declaration on the Human Dimension of Global Climate Change, the Small Island Developing States Accelerated Modalities of Action (S.A.M.O.A Pathway), the Vienna Programme of Action for Landlocked Developing Countries, as well as other relevant international and regional instruments addressing the adverse impact on climate change on human rights,

PP4 *Recalling* further all previous resolutions adopted by the Human Rights Council on human rights and climate change, the most recent being Council resolution 47/24 of 14 July 2021, in which the Council encourages the continued discussions among States and relevant stakeholders on the possible creation of a new special procedure addressing the adverse impact of climate change on the full and effective enjoyment of human rights,

PP5 *Recognizing* the leadership of the Climate Vulnerable Forum in advancing discussions on human rights and climate change and noting with appreciation the establishment and work of initiatives such as the Geneva Pledge for Human Rights in Climate Action,

PP6 *Conscious* that change in the Earth's climate and the ensuing adverse effects can lead to economic, social and environmental consequences and have negative implications, both direct and indirect, for the effective promotion and protection of all human rights,

PP7 *Recognizing* that the protection of the environment and measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse impact contribute to human well-being and to the better enjoyment of all human rights, as well as to sustainable development,

PP8 *Recognizing further* that, while the human rights implications of the adverse impact of climate change are felt by individuals and communities around the world, the consequences



are felt most acutely by women, children, persons with disabilities, indigenous peoples, older persons, migrants, refugees and internally displaced persons, those living in conflict areas and those already in vulnerable situations, and also recognizing their agency,

PP9 *Recalling its* resolution 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for special procedures mandate holders of the Council and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

PP10 Recalling also that article 2, paragraph 2, of the Paris Agreement states that the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances, while stressing that the principle does not apply to States' human rights obligations,

PP11 *Reaffirming* Human Rights Council resolution 40/11, in which the Council recognized the contribution of human rights defenders, including woman human rights defenders, working in environmental matters, referred to as environmental human rights defenders, to the enjoyment of human rights, environmental protection and sustainable development, and urging all States to take all measures necessary to ensure the protection of the rights and safety of all persons, including environmental human rights defenders, and underscoring the responsibility of all business enterprises, both transnational and others, in accordance with the Guiding Principles on Business and Human Rights, to respect human rights, including the rights to life, liberty and security of human rights defenders, including environmental human rights defenders,

PP12 *Considering* that the impact of climate change, the unsustainable management and use of natural resources, the pollution of air, land and water, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights, and that, henceforth, these issues require a comprehensive, cross-sectoral, global and intersectional approach and should be dealt with in coordination by the Special rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, in addition to any other new mandate holder,

OP 1 Decides to appoint, for a period of three years, a "Special Rapporteur on the promotion and protection of human rights in the context of climate change", with the following mandate:

- a) to study and identify the adverse impacts of climate change, including sudden and slow onset disasters, on the full and effective enjoyment of all human rights, and to make recommendations on how to address and prevent these adverse impacts, particularly in ways of how to strengthen the integration of human rights concerns in policy making addressing climate change;



- b) to identify existing challenges in States' efforts to promote and protect human rights while addressing adverse effects of climate change and to make human rights-based recommendations to their mitigation and adaptation policies, practices, investments and other projects;
- c) to synthesize knowledge, including indigenous and local traditional knowledge, and identify good practices, strategies and policies that address climate change, and how these efforts contribute to the promotion and protection of all human rights;
- d) to promote and exchange views on lessons learned and best practices related to the adoption of a human rights-based, gender-responsive, age-sensitive and disability-inclusive approach to climate change adaptation and mitigation policies, consistent with the UNFCCC, that could help the realization of the Sustainable Development Goals, in particular of Goal 13, to address the economic, cultural and social challenges that climate change poses for the full enjoyment of human rights for all, and particularly to support the resilience and adaptive capacities of people in vulnerable situations, to respond to the adverse impact of climate change;
- e) to raise awareness on the human rights impacted by climate change, especially of persons living in countries particularly vulnerable to climate change, such as Least Developed Countries, Small Island Developing States and Landlocked Developing States;
- f) to seek views and contributions from States and other relevant stakeholders, including international organizations, United Nations institutions, agencies, programmes and funds, regional economic commissions, international and regional financial institutions, regional human rights mechanisms, national human rights institutions, civil society, indigenous peoples, and other people working in rural areas, academia, scientific institutions and non-governmental organizations in the discharge of the mandate, and to develop a regular dialogue and consultation on measures at the domestic and international levels on effective and sustainable climate action that respect, promote and protect human rights;
- g) to facilitate and contribute to the exchange of technical assistance, capacity-building and international cooperation in support of national efforts, actions and measures to address the adverse impacts of climate change on the enjoyment of human rights, in collaboration with Governments, international organizations, civil society, the technical and academic communities, the private sector and all relevant stakeholders, including by using new and emerging digital technologies;
- h) to work in close coordination while avoiding duplication, with the Office of the United Nations High Commissioner for Human Rights, other special procedures and other human rights mechanisms of the Human Rights Council, the treaty bodies and other relevant United Nations agencies, programmes and funds;
- i) to conduct country visits and to respond promptly to invitations from States;



- j) to participate in and contribute a human rights perspective to relevant international conferences and events with the aim of promoting a systematic and coherent approach on issues pertaining to the mandate;
- k) to integrate a gender equal, age-sensitive and social inclusion perspective throughout the work of the mandate;
- l) to work closely with States and relevant stakeholders, including all business enterprises, both transnational and others, to adopt human rights perspective in accordance with the United Nations Guiding Principles on Business and Human Rights to mitigate potential adverse impacts of their activities, including investment projects, on human rights”;
- m) to closely coordinate with the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and to consider every possibility to coordinate his or her work with these mandates in the most effective way, including through joint undertakings;
- n) to report annually to the Human Rights Council, starting from its fifty-third session, and to the General Assembly;

OP2 *Calls upon* all States and all stakeholders to cooperate fully with the Special Rapporteur in the performance of the mandate, including by providing all necessary information requested in the Special Rapporteur’s communications and to react promptly to the Special Rapporteur’s urgent appeals, to give serious consideration to responding favourably to the Special Rapporteur’s requests for country visits and to consider implementing the recommendations in reports delivered under the mandate;

OP3 *Encourages* all relevant stakeholders, including United Nations agencies, programmes and funds, human rights mechanisms, national human rights institutions, national independent monitoring frameworks, civil society, the private sector, donors and development agencies to cooperate fully with the Special Rapporteur to enable the mandate holder to fulfil the mandate;

OP4 *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial resources necessary for the effective fulfilment of the mandate;

OP5 *Emphasizes* that whilst taking steps to respond to climate change, states must ensure that they meet their human rights obligations;

OP6 Decides to remain seized of the matter.