

THE ROLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS IN BRIDGING THE ACCOUNTABILITY GAP IN THE CLIMATE EMERGENCY



NHRI COP26 Symposium Webinar 3-4-5 November, 2021

Concept note
(draft)

Purpose

This paper explains the aims and contents on the NHRI symposium to be held on the side-lines of COP26 and which is co-organised by the Stirling University and the Global Alliance National Human Rights Institutions (GANHRI) in collaboration with the European Network of National Human Rights Institutions (ENNHRI), the Scottish Human Rights Commission (SHRC). The UN Environmental Program (UNEP) and the Office of the UN High Commissioner on Human Rights (OHCHR) are also partners and co-sponsors of this event.

Background

The [Intergovernmental Panel on Climate Change](#) has confirmed that climate change is both real and primarily driven by human activities. At the same time, the United Nations (UN) Human Rights Council has recognised that "climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights",¹ such as the right to life, water and sanitation, food, health, housing, self-determination, culture and development, among others. The UN Secretary General 2020 [Call to Action for Human Rights](#) highlighted the need to "increase United Nations support to Member States at field level for laws and policies that regulate and promote the right to a safe, clean, healthy and sustainable environment, and for effective individual access to justice and effective remedies for environment-related concerns." The Call to Action in the Chapter on Rights of Future Generations specifically refers to "Enhance partnership with National Human Rights Institutions."

The UN Human Rights Council, Special Procedures and Treaty Bodies have increasingly emphasised the links between human rights and climate change, including the importance of climate justice. This link is recognised in the preamble to the Paris Agreement, which was adopted in December 2015 to advance international cooperation to combat climate change and bring the world to a path to net zero greenhouse gas emissions. At the same time, the UN General Assembly unanimously adopted the 2030 Agenda for Sustainable Development (2030 Agenda) as "a plan of action for people, planet and prosperity" and SDG 13 highlights the need to "[t]ake urgent action to combat climate change and its impacts". The UN General Assembly specifically encouraged NHRIs to participate in and contribute to discussions on the implementation of the 2030 Agenda (A/70/163). At the GANHRI Annual Conference in 2020, NHRIs adopted an outcome statement on climate change and human rights.²

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Accountability is a gap left by the Paris Agreement where human rights institutions can play a key role in holding governments and private actors to account. In exercising this role NHRIs need to understand the progress, monitoring and the implementation of the climate regime, including the Conference of the Parties (COP).

NHRIs' work in climate change is not new. In 2015 the Commonwealth Forum of National Human Rights Institutions adopted the St. Julian's Declaration on the role of NHRIs on climate justice and in 2016 the Commission on Human Rights of the Philippines conducted a landmark inquiry into the impacts of climate change on the human rights of the Filipino people. Several NHRIs around the world have already taken action by promoting and protecting the rights of those affected by climate change, but also by measures to tackle climate change.³

In 2019, the German Institute for Human Rights (GIHR) proposed the establishment of a ENNHRI group on climate crisis in 2019, which became official in 2021. In 2020 CIEL and the GIHR published the handbook 'Climate Change and Human Rights. The Contributions of National Human Rights Institutions'. In 2020, the Norwegian Human Rights Institution (NIM) published the report "Climate and Human Rights" and intervened as a third party in a climate case concerning oil exploration licenses before the Supreme Court of Norway.⁴ In 2021 ENNHRI published the paper 'Climate Change and Human Rights in the European Context' and submitted a third-party intervention to the European Court of Human Rights in a climate complaint against Switzerland.

Besides, drawing from the wide interest of its NHRI members and in order to tackle this challenge, GANHRI has against this backdrop integrated in its [Strategic Plan for 2020-2022](#), Climate Change as one of its main thematic priorities.

Furthermore, GANHRI has undertaken a comprehensive, participatory and consultative engagement process at the global, regional and national level in order to ensure the most comprehensive involvement in the promotion of climate justice and inclusive human rights based approach that resulted in its [Annual Conference](#) in December 2020.

The conference [outcome statement](#) – Climate Change: The Role of National Human Rights Institutions – sets out the practical ways that NHRIs will work for climate justice at the national and international level by monitoring and reporting as well as working collaboratively, encouraging "the UN system in particular our partners at OHCHR, UNDP and UNEP to support NHRIs, GANHRI and regional networks in implementing this Statement, including through coordinated capacity building support to NHRIs, recognizing the Secretary-General's Call to Action on Human Rights and commitment to supporting the rights of future generations".

GANHRI Outcome Statement also includes deciding on the establishment of a GANHRI Caucus⁵, to focus on Human Rights and Climate Change to facilitate the exchange of knowledge, experiences and good practices among NHRIs across all regions.

Furthermore, GANHRI, in partnership with the UNEP has engaged in the development of a Practical Guidance Tool *for NHRIs on their role in monitoring and reporting on Human Rights and Climate Change and other Environmental Issues*, in collaboration with the NHRIs' Caucus and with UN partners (UNEP, OHCHR and UNDP). The guidance aims to be a methodological and tailored instrument that provides NHRIs a set of techniques and issues to be monitored and reported on Human Rights & Climate Change and other Environmental Issues. This Practical Guidance will be presented for the first time during this NHRI symposium.

The above activities focus on climate change and human rights and contribute to NHRIs' better understanding of this area. Yet, this work has only begun and NHRIs' potential to contribute to tackling the climate emergency remains underexploited. There

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is an urgent need to bolster NHRIs' capacity to deal with climate change and its impacts, by meaningfully engaging with climate law and policy making and its implementation, and by contributing to hold state and private actors to scrutiny for their action on climate change. NHRIs need to be equipped with the tools to engage in these activities, through awareness-raising, knowledge-sharing and capacity-building activities on climate change. The NHRI retreat is aimed to build NHRIs' capacities in this area.

NHRI COP26 Symposium

The overall aim of this symposium is to provide a greater understanding of the climate regime to facilitate NHRI work to promote and support human rights within climate policy and climate accountability. NHRIs will be able to support those affected by the impacts of climate change and response measures. NHRIs will be able to develop strategies to engage with the climate regime, including awareness of obligations and solutions as well as share best practices in the sessions.

In particular, the event will focus on three pillars to build NHRI capacity to meaningfully engage with the UN climate regime:

1. Develop NHRI understanding of the climate regime;
2. Understand the COP negotiation process; and
3. focus on accountability particularly on judicial remedies and policy impact.

The event will also be the occasion for NHRIs to discuss and consult on the monitoring and reporting tool on climate change and human rights, which is currently being developed by GANHRI. Participants and NHRIs will learn how the structure of the climate regime is set up and works.

Target audience: Representatives of NHRIs members of GANHRI and ENNHRI, in particular of the Caucus and the core group on climate change.

Format of the NHRI symposium:

The meeting will follow a highly interactive format that will allow and encourage contributions from all participants. Following the first day in plenary, participants will join break-out group sessions during day 2 and 3, where they will be encouraged to share their experiences and good practices. Interactive tools such as whiteboard, chats and polls will be used during all sessions to provide more opportunities for exchange among participants.

An event report and webcast will be housed on GANHRI website and made available to a global audience for knowledge transfer and capacity building.

The event will benefit from simultaneous interpretation into the four GANHRI working languages.

DRAFT AGENDA

Please note that all times indicated here are in Central European Time (CET)

Day 1: Wed 3 November 2021 (13:00-16:30 CET)

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Plenary session on Zoom

13:00 -13:30	Welcome and Introduction (Scottish Government (TBC) and SHRC)
13:30 - 13:50	A human rights-based approach to climate change and the role of NHRIs. Inspirational talk by David Boyd , UN Special Rapporteur on Human Rights and the Environment.
13:50 – 14:00	Q&A
14:15 – 14:50	Session 1: Introduction to the climate regime. Speaker: Dr. Annalisa Savaresi, University of Stirling
14:50 – 15:00	Break
15:00 – 15:35	Session 2: Human Rights at the COP and climate negotiations Speaker: Sebastien Duyck, Center for International Environmental Law
15:35 – 16:15	Q&A

Day 2: Thursday 4 November 2021 (13:00-16:30 CET)

Break-out groups' discussions

13:00 -13:05	Welcome and Introduction to the day
13:05 -13:35	Session 3: Influencing Policy Stream 1 in Virtual Room a. led by NHRI Stream 2 in Virtual Room b. led by NHRI
13:35 - 14:00	Q&A

14:00 – 14:15	<i>Break</i>
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Plenary Session

14:15 – 14:45	Session 4: <i>Remedies – non-judicial mechanism.</i> Inter-NHRI Inquiry Panel for climate change Speaker: led by NHRI
14:45 – 15:15	Discussion and Q&A

15:15 – 15:30	<i>Break</i>
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Break-out groups' discussions

15:30 – 16:00	Session 5. Remedies – judicial mechanisms Stream 1 in Virtual Room A: Judicial Mechanisms and the national and European courts Speaker: led by NHRI Stream 2 in Virtual Room B: NHRI Judicial mechanisms Speaker: led by NHRI
16:00 – 16:30	Discussion and Q&A

Day 3: Friday 5th November 2021 (13:00-16:30 CET)

Plenary

13:00 -13:05	Welcome and introduction to the day
13:05 - 13:35	Session 6: Monitoring and Reporting climate change: consultation on the Monitoring & Reporting Tool. Speakers: Peter Splinter and GANHRI.
13:35 – 14:00	Q&A

14:00 – 14:15 *Break*

Breakout groups' discussions

14:15 – 14:45	Session 7: NHRIs work on climate change: an interactive exhibition on diverse NHRI Practices Stream 1 in Virtual Room a. Speaker: led by NHRI. Stream 2 in Virtual Room b. Speaker: led by NHRI Stream 3 in Virtual Room c. Speaker: led by NHRI.
14:45 - 15:15	Discussion and Q&A

15:15 – 15:30 *Break*

Plenary

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15:30 – 16:00	Closing Remarks: Climate Change and Human Rights: Future agenda and the role of NHRIs. Led by GANHRI
16:00 - 16:30	Discussion and Q&A

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