"Dignity, Freedom, and Justice for All"

Climate Change and Human Rights Nexus: Experiences from the Ground and Policy Narratives

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Establishing Nexus: Human Rights and Climate Change

Climate Change

DELAYED Actions and INSUFFICIENT Support

GHGs Emission → Global Warming

Climate Change Impacts
Sudden and Slow Onsets

Human rights violation in the IMPACT CHAIN: BEYOND the scopes of ADAPTATION

PRIMARY and SECONDARY

Primary Risk/Impacts:
Floods, Cyclone, River Bank Erosion
Loss and damages of assets, livelihoods etc.

Secondary Risk Level: Extended & Residual Impacts;
Unemployment, Drop-out from School, Child labor, Child marriage,

Tertiary Risk Level: Residual Impacts:
Involuntary migration, Gender-based violence, Human Rights Violation, Poverty, Inequality

ECONOMIC L&D

NON-ECONOMIC L&D → Disrespect to HR

CLIMATE IMPACTS	CONSEQUENCES	HUMAN IMPACTS	IMPLICATIONS TO HUMAN RIGHTS
Sea Level Rise	• Flooding • Erosion • Salinity of land and water • Sea surges	• Loss of land • Drowning, injury • Lack of clean water, disease • Damage to costal infrastructure, homes and property • Loss of agricultural lands • Threat to tourism, lost beaches	• Self-determination [ICCPR; ICECR, 1] • Life [ICCPR, 6] • Health [ICESCR, 12] • Means of subsistence [ICESCR, 1] • Standard of living [ICESCR, 12] • Adequate housing [ICESCR, 12] • Culture [ICCPR, 27] • Property [UDHR, 17]
Temperature Increase	• Change in disease vectors • Coral bleaching • Impact on fisheries	• Spread of disease • Changes in traditional fishing, livelihood and commercial fishing • Threat to tourism, lost coral and fish diversity	• Life [ICCPR, 6] • Health [ICESCR, 12] • Means of subsistence [ICESCR, 1] • Adequate standard of living [ICESCR, 12]
Extreme Weather Events	• Higher intensity storms • Sea surges • Drought • Dense fog	• Dislocation of populations • Contamination of water supply • Damage to infrastructure: delays in medical treatment, food crisis • Psychological distress • Increased transmission of disease • Damage to agricultural lands • Disruption of educational services • Damage to tourism sector • Massive property damage	• Life [ICCPR, 6] • Health [ICESCR, 12] • Water [CEDAW, 14; ICRC 24] • Means of subsistence [ICESCR, 1] • Adequate standard of living [ICESCR, 12] • Adequate and secure housing [ICESCR, 12] • Education [ICESCR, 13] • Property [UDHR, 17]
Change in Precipitation	• Change in disease vectors • Erosion	• Outbreak of disease • Depletion of agricultural soils	• Life [ICCPR, 6] • Health [ICESCR, 12] • Means of subsistence [ICESCR, 1]

Source: Yale, 2013

Climate Change & Human Rights Violation:
Literature Review

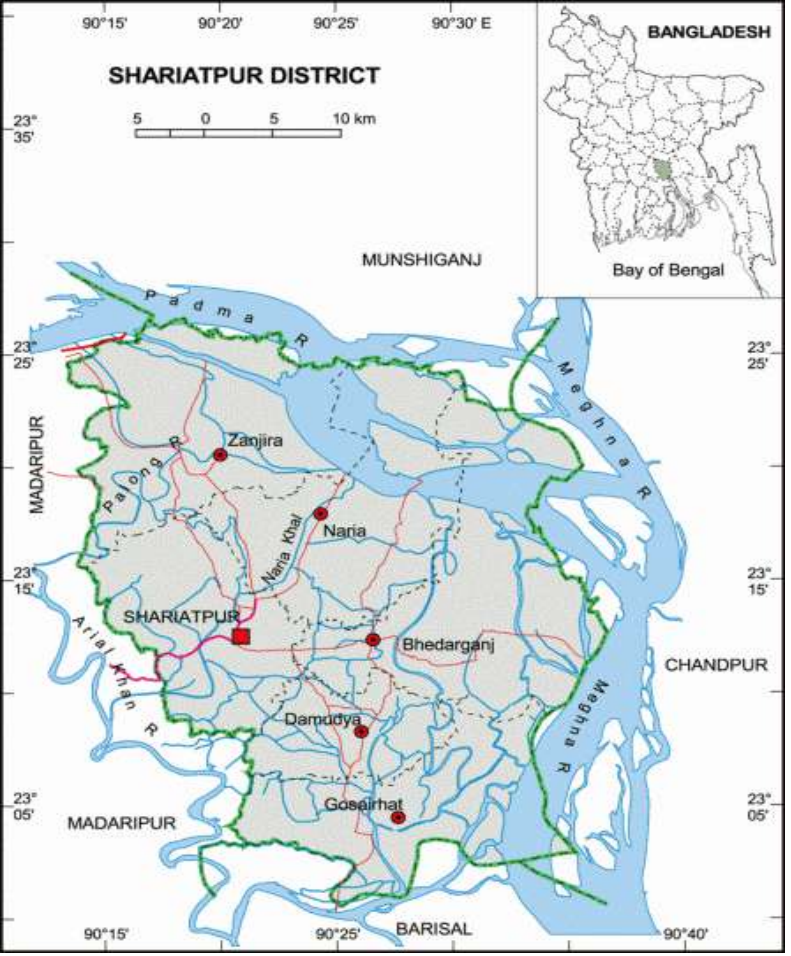
The right to life is universally recognized as a fundamental human right, yet, every year,**150,000 premature deaths** are being linked to the climate crisis —a number set to increase with rising temperatures.

The climate crisis threatens the right to water and sanitation, contributing to water crises. At 2°C, **100 million** more people are forecasted to face water insecurity.

The climate emergency also violates the right to health, (premature deaths through increased incidences of respiratory and cardiovascular disease, malnutrition, stunting, wasting, allergies, injuries and mental illness).

the climate crisis is the biggest global health threat of the twenty-first century and could reverse five decades of progress in global health, particularly as it endangers the right to food.

Rising sea levels, coastal erosion, storm surges, salinization and other climate impacts displaced people. It is estimated that by 2050, 150 million people or more could be displaced by the impacts of the climate crisis.



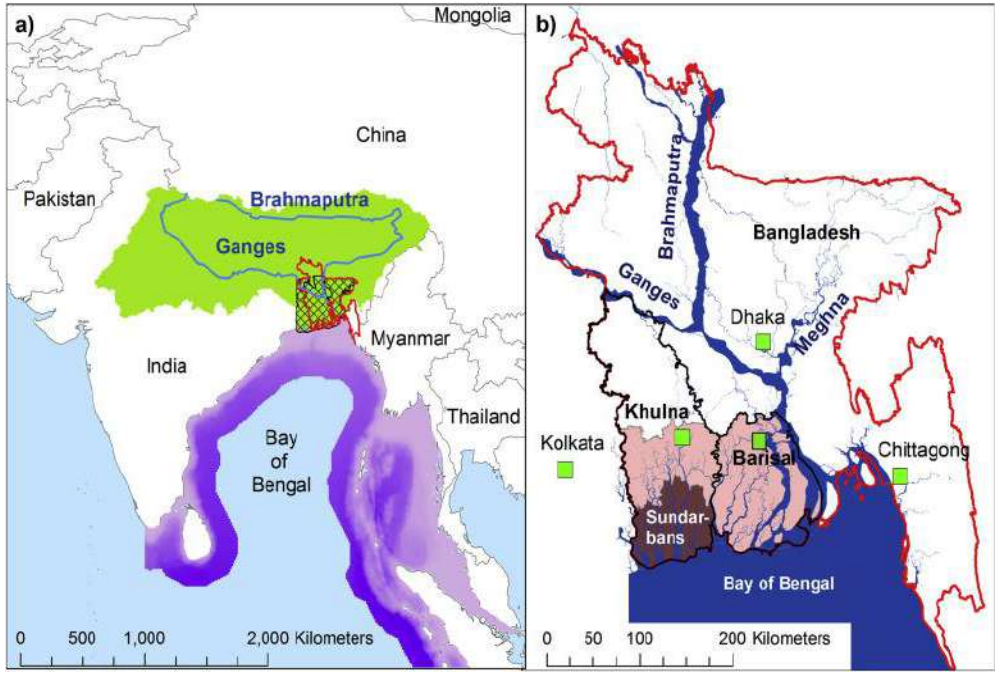


Experiences and Evidences Change and Human Rights violation in the context of Climate Change

Study of the Erosion Displaced People in Shariatpur District



WE tried to understand **Human Rights Violation** from of a sudden onset: **River Erosion in 2018**





- **The Padma (the downward confluence of Ganges-Brahamputra-Meghna-GBM River Basin) devoured 13 Sq Km areas in the past seven years in Naria Upazila**
- **Engulfed at least 500 businesses and shops, making more than 5000 people displaced from their homes**
- **Since 2016, the erosion rate has been steadily increasing to 1.33 Sq Km per year**

Study Methodology

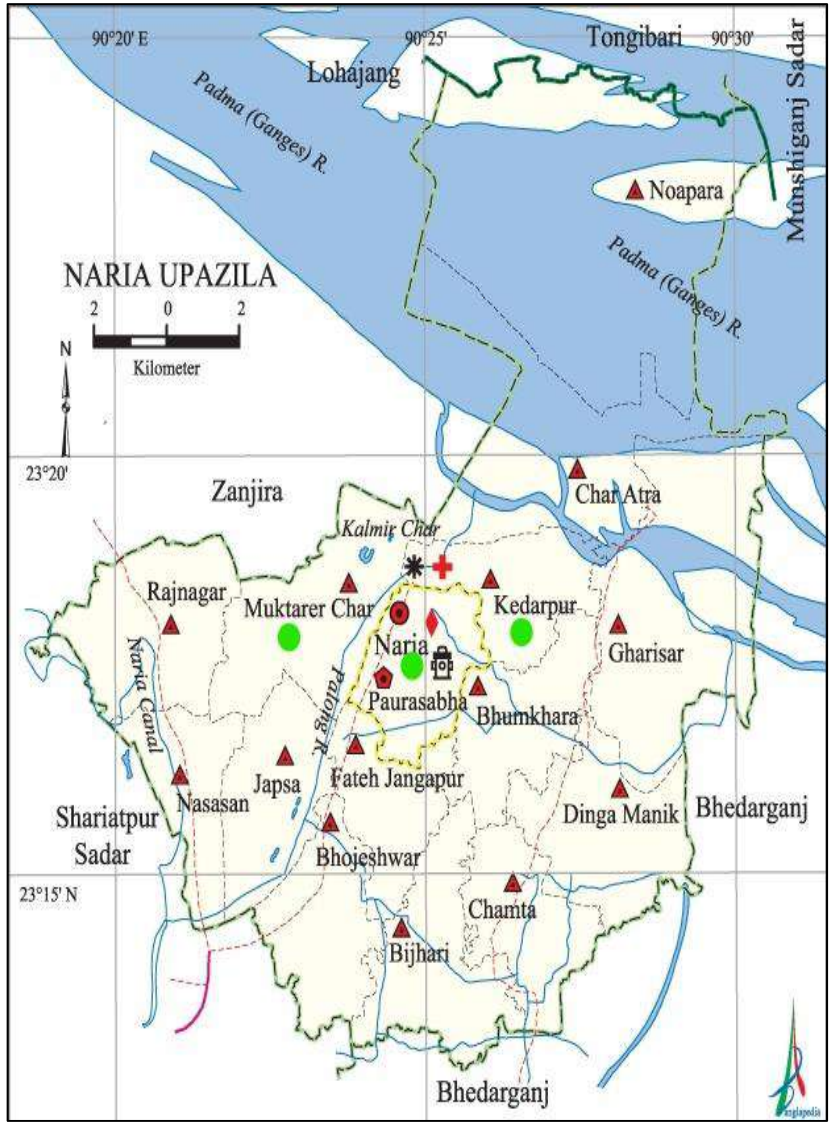
Questionnaire survey on 150 displaced/migrants Families

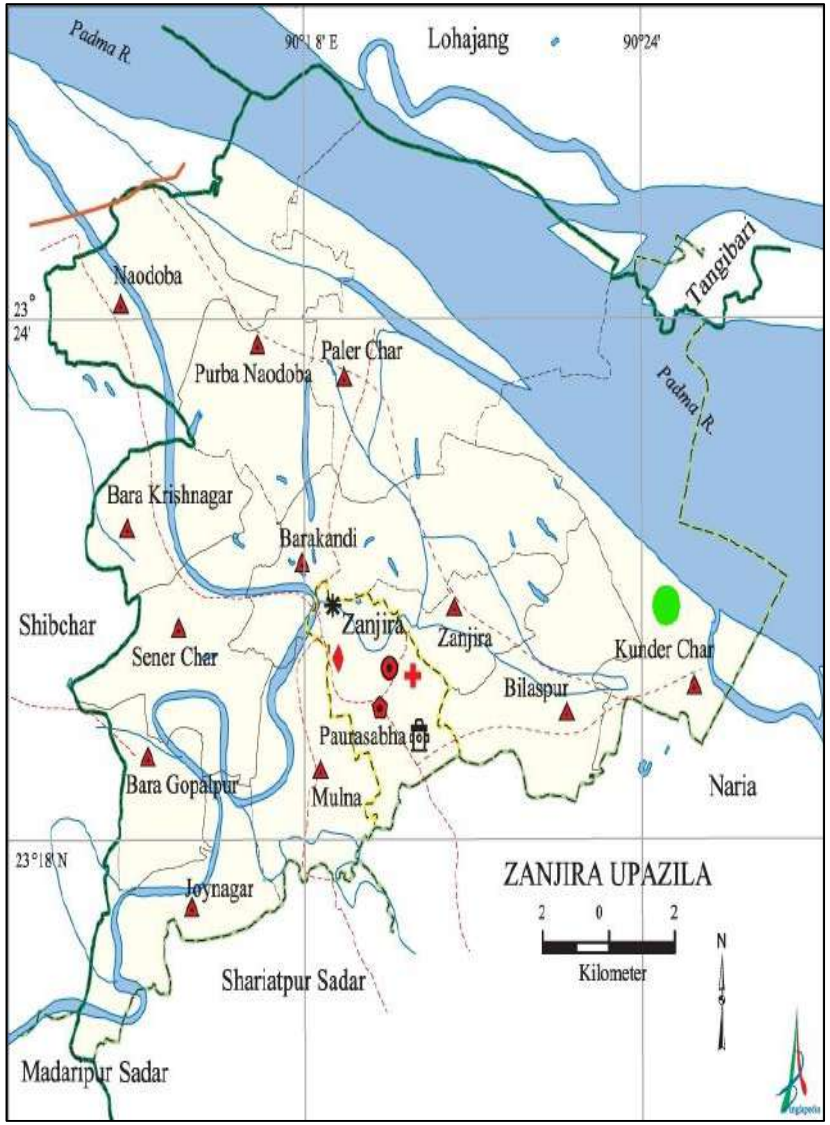
10 key informants interview

10 FGDs

15 Case Stories

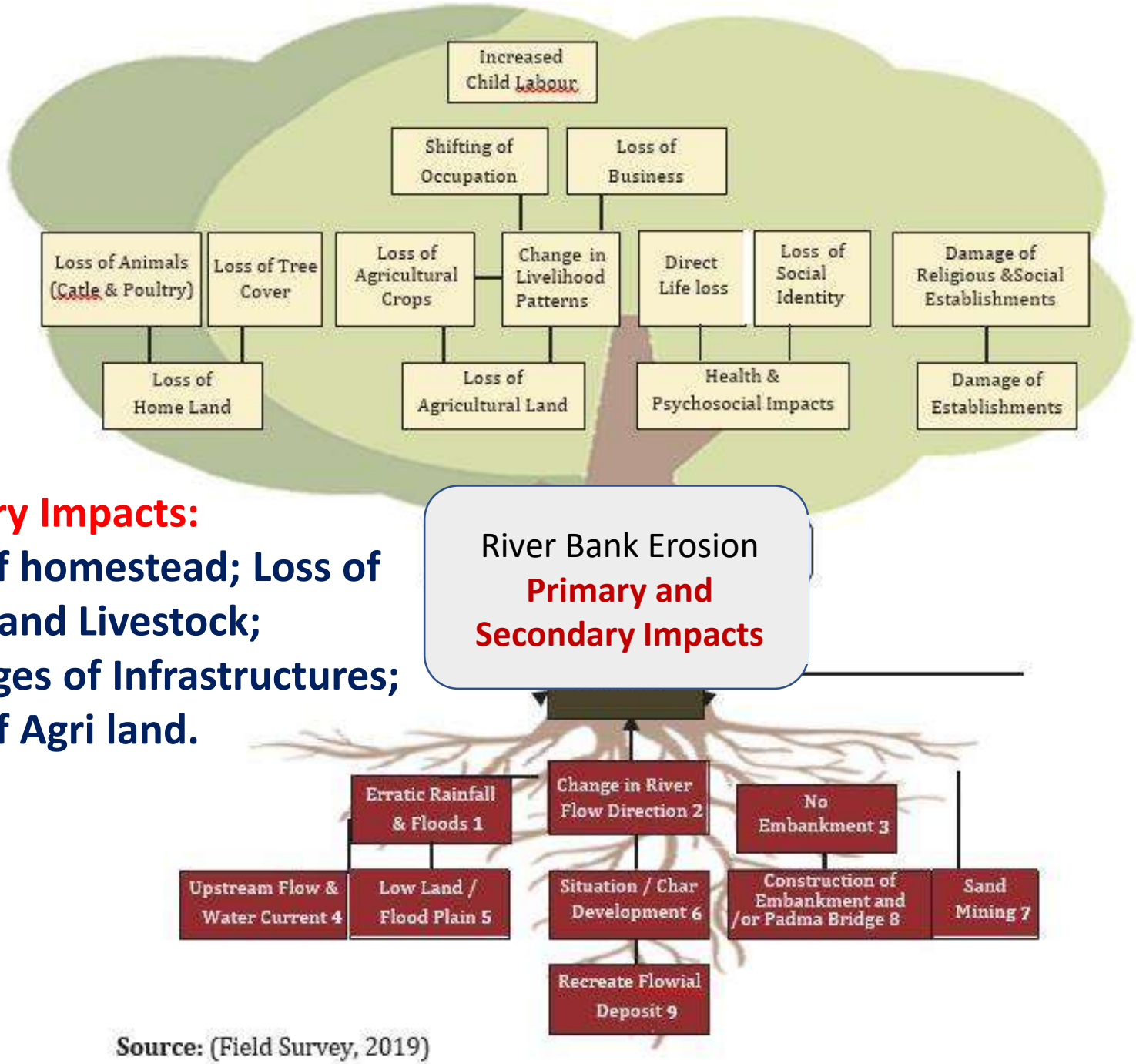
***Green dots represent study 4 unions in 2 Upazillas*





Naria Upazilla: Area: 203.58 sq. Km
More than **5000 displaced** families live mainly in Naria municipality, Kedarpur union and Muktarer Char union

Zajira upazilla: Area: 246.21 sq. Km; **575 displaced** families live in Kunder Char union



Source: (Field Survey, 2019)

Primary Impacts:

Loss of homestead; Loss of Crops and Livestock; Damages of Infrastructures; Loss of Agri land.

Secondary and Tertiary Impacts

Shifting to undignified Occupation (e.g. Rikshaw pulling, House-maid, Begging and other undignified jobs)

Drop-out from school, linked to increased Child Labor and Child Marriage

Psychological trauma

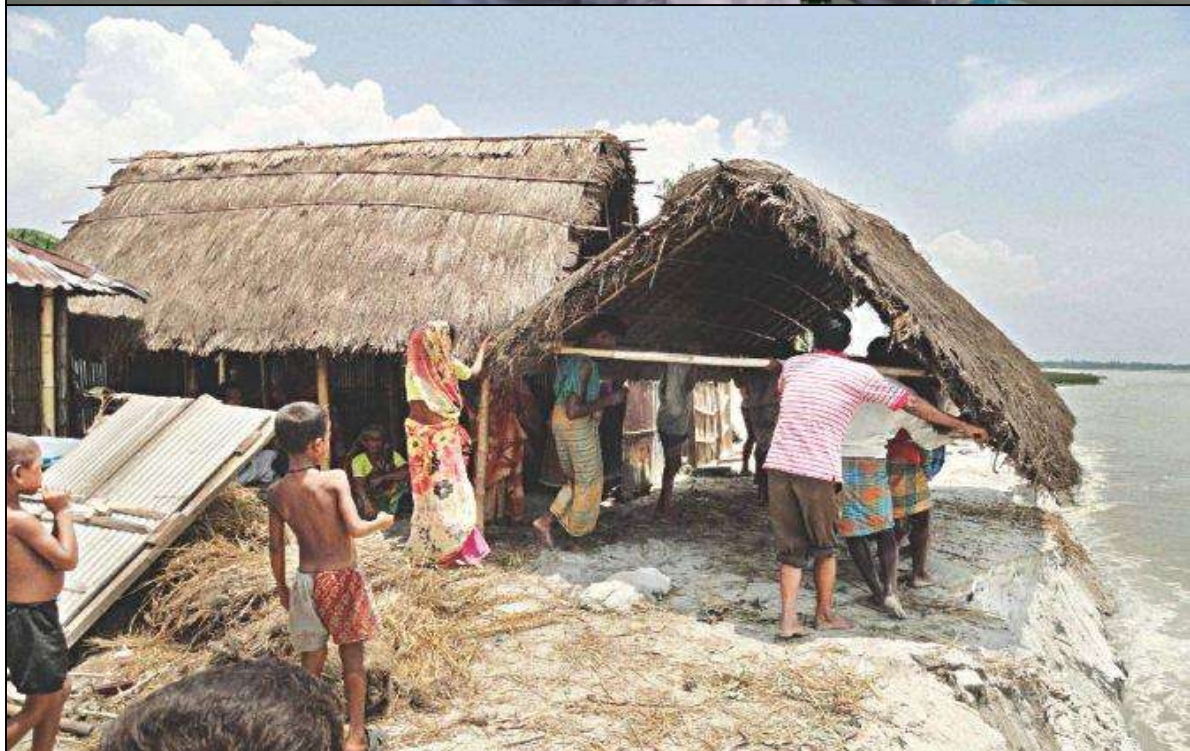
Loss of Social Identity

Damage of Religious and Social Infrastructure

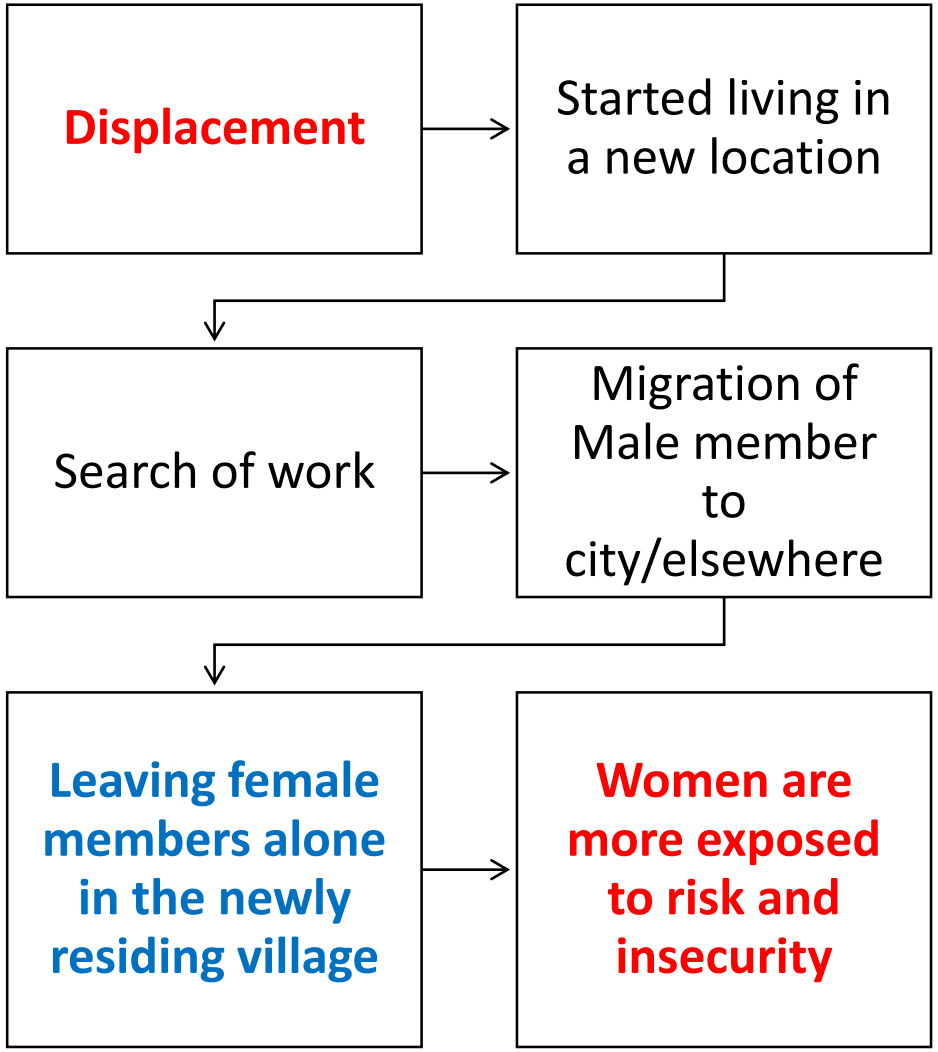
Displacement

- Most of the Respondents faced displacement for several times.
- Each time they chose **nearby place** after displacement.
- Respondents were displaced due to river bank erosion for **2-15 times**.
- Some families were found who were even displaced for **27 times**.
- They faced the last displacement **4 months** ago.
- They are in **fear of further displacement** due to **riverbank erosion** and **eviction**.





Male are Escaped, Women are TRAPPED and EXPOSED to more vulnerable situation



- Usually, male migrate to the urban areas leaving female ALONE
- WORK-LOAD on women/ girls greatly increased for affording food and collecting water
- Use common latrines (used by 3-4 families) often located a distance of 100 meters;
- This exposed them to the RISK of sexual harassment and increased mental stress
- In absence of male member, pressure for rent payment, loan repayment, risk of sexual harassment etc. have increased mental stress on women

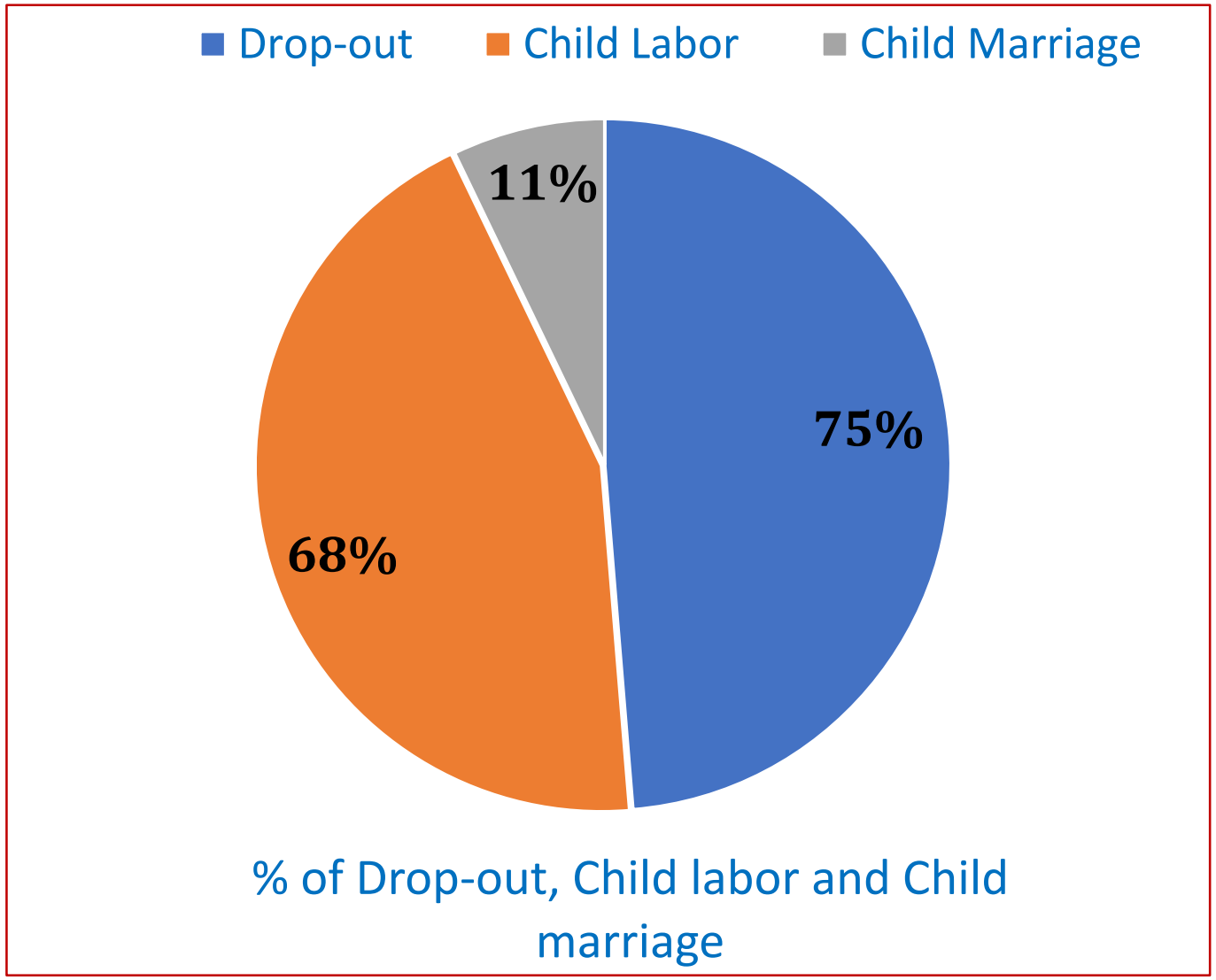




Social and Work-related Inequality and Harassment

- Women/adolescent are often being misbehaved while collecting drinking water,
- The permanent residents disregard displaced people by calling '**Nodivanga**'/ '**Rohingya**'. They are excluded and are not invited to social events
- Exploitation of women/adolescents with extra work and low-wage is a common
- Displaced people/women in general are denied accessing to social safety nets supports like old age allowances, widow allowances;

Drop-out from School ❯ Child labor ❯ child marriage



% of Drop-out, Child labor and Child marriage

75 % respondents confirmed increase of drop-out from the primary and secondary level education

68 % respondent confirmed increase of child labor, especially in the risk jobs in the Brick-kiln and house-hold works

11 % respondent confirmed increase of Child Marriage (with confirmed cases)

Multiple Responses are Considered

Child Marriage: Transferring risk OR Risking life



GIRL CHILD
perceived as a family
BURDEN and RISK

People, particularly in the disaster prone areas, consider Child Marriage as an option of Transferring RISK

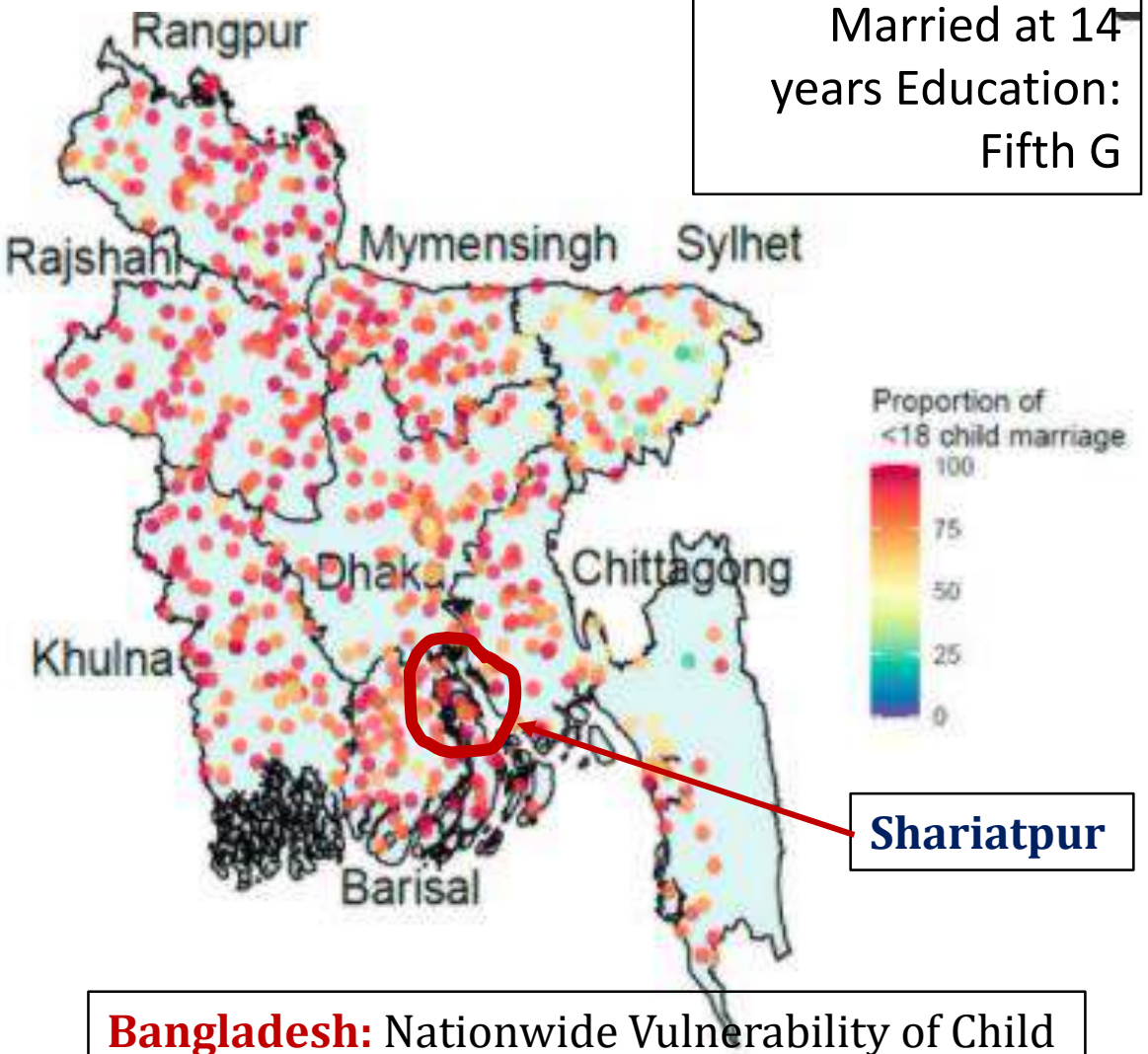


….. "no man shows any interest in marrying a girl whose family has lost everything……

…as said by a river eroded family

Child Marriage: on the ground evidence

Champa
Age: 20 years
Married at 14 years Education: Fifth G



Bangladesh: Nationwide Vulnerability of Child Marriage; Source/ Bhowmik, J. et.al 2021

Champa experienced her first riverbank erosion at her 5. The river grabbed their agricultural land and homestead worth BDT 2.0-2.5 million (around USD 25000 to 30000)

She dropped out from school, and the growing Champa underwent taunting and eve-teasing when her family migrated to a new location

She was being considered as an added burden and risk because of insecurity, social stigma and other social barriers

She married off at her 14. Now she is 20, mother of a child, According to Champa, river SWEPT her family wealth and the society SWEPT her dream

Rubi Alam
Age: 42, Education: B.Com.,
Location: Shuvogram, Naria

Tale of a displaced WIDOW and her Daughters: threatened to be abducted

Rubi Alam, a displaced widow of middle age, mother of two daughters, lost her husband in 2013.

- Rubi Alam used to **receive widow allowance** after more than 4 years of her husband's death, which again stopped after a year.
- In 2018 riverbank erosion grabbed her house. Homeless Rubi Alam shifted with her school going daughters to a new place and rented a shattered small room.
- At new place, Rubi Alam and her daughters are **stalked continuously by the local boys. Her elder daughter** was threatened to be abducted and even to be thrown acid on her.

Climate Change-Induced Violation of Human Rights

- **Covenants of Human Rights**: International Covenant on Economic, Social and Cultural Rights (**ICESCR**), Universal Declaration of Human Rights (**UDHR**), International Covenant on Civil and Political Rights (ICCPR), and Convention on the Elimination of All Forms of Discrimination Against Women (**CEDAW**)

- **Rights being violated by climate change induced L&Ds**:
  - Right to life and security (Art. 3, UDHR; Art. 6, ICCPR)
  - Right to self-determination (Art. 1, ICCPR, ICESCR)
  - Right to means of subsistence (Art. 1, ICESCR, ICCPR)
  - Right to health (Art. 12, ICESCR)
  - (Women's) Right to water (Art. 14(2(h)), CEDAW)
  - Right to standard of living including adequate houses, food, water, sanitation (Art. 11, ICESCR; Art. 25, UDHR; Art. 14, CEDAW))
  - Right to education (Art. 13, ICESCR; Art. 10, CEDAW)

Climate Change-Induced Violation of Human Rights

- Right to social security (Art. 22, UDHR)
- Right to cultural life (Art. 15, ICESCR; Art. 27, UDHR; Art. 27, ICCPR)
- Right to property (Art. 17, UDHR)
- Right to work (Art. 6, ICESCR)
- Right to free choice of profession and employment (Art. 11, CEDAW)
- Right of to the enjoyment of just and favorable conditions of work (Art. 7, ICESCR)
- Right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction (Art. 11, CEDAW)
- Right to deny forced labor (Art. 8.3(a), ICCPR)
- Right to freely choose a spouse and to enter into marriage only with free and full consent (Art. 16, CEDAW)

Human Rights in the Paris Agreement



CONTEXT
OHCHR Report in 2009

The **Office of the High Commissioner for Human Rights (OHCHR)** report in 2009 discussed specific examples of human rights violation by climate change impacts.

The Report reminds the countries on their obligations of protecting human rights under the Universal Declaration of Human Rights **(UDHR)**, the International Covenant on Civil and Political Rights (**ICCPR)** and the International Covenant on Economic, Social and Cultural Rights (**ICESCR**),

The report highlighted predominantly **negative effects on ecosystems across the globe, on the goods and services** they provide and their implication on the basic human rights, including

the rights to **life, food, water, health, housing, and self-determination** with detrimental effects on the already disadvantaged groups e.g. women, children, and indigenous peoples.

Cancun Agreement (COP 16)
Paris Agreement (COP 21)

- Insertion of human-rights language into the Cancun Agreements (in 2010)

  Paragraph 8 of the Cancun Agreements "emphasize[s] that Parties should, **in all climate change related actions, fully respect human rights.**

- The Ad-Hoc Working Group on the Durban Platform in 2014 published an open letter calling for "**inclusion" of human rights in a new climate agreement**

The preamble to the Paris Agreement includes the Human Rights Obligations;

While Cancun Agreements hinted at obligations to "**respect**" these rights, the Paris Agreement recalls the positive obligations for states to "**promote and consider**" these rights through climate change actions.

Human Rights in the Paris Agreement

The Paris Agreement does not create any **self-standing human-rights-related obligations**,

It's the parties **to comply with their respective human-rights obligations when carrying out climate-change-related** actions under the Agreement

Two articles of the Paris Agreement acknowledge that adaptation action and capacity-building should be **gender responsive**

Article 2 of the Agreement emphasizes that climate action must be conducted "in a manner that **does not threaten food production**

Article 2 of the Paris Agreement mentions the aim of "strengthen[ing] the global response to the threat of climate change … in the context of **sustainable development and efforts to eradicate poverty**

PARIS AGREEMENT and POST PARIS SITUATIONS

Paris Agreement calls States, to *'respect, promote and consider their respective obligations on human rights'*

The post **post-Paris COPs didn't make expected progress** in integrating human rights into all aspects of climate change

COP 26 referred the Paris Agreement but no decision on mitigation action under Article 6

COP 27 (Sharm el-Sheikh Implementation Plan)

In the **title decision** of Sharm el-Sheikh Implementation Plan (Revised Advance Version) acknowledged:

- Climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider:
  - ✓ *their respective obligations on **human rights**, 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*

Glasgow–Sharm el-Sheikh work programme on the global goal on adaptation referred to in decision 7/CMA.3

Cross-cutting considerations:

- country-driven, gender-responsive, participatory and fully transparent approaches, **human rights approaches**,
- **intergenerational equity and social justice**, taking into consideration vulnerable groups, communities and ecosystems, and
- traditional knowledge, knowledge of indigenous peoples and local knowledge systems, ecosystem-based adaptation, nature-based solutions, community-based adaptation, disaster risk reduction and intersectional approaches with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions.

Two different perspective of Human Rights Violation;

First, rights violation in the context of climate change induced L&Ds and associated involuntary migration;

Second, rights violation in the context of both adaptation and mitigation actions e.g. Large Infrastructure, Plantation, Hydro-dams etc.

- Currently, no international legal instrument to safeguard the rights of the climate victims.

- Developing country Parties should argue for a new legal and institutional framework under the UNFCCC







THANKS FOR YOUR PATIENCE

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