



HUMAN RIGHTS, CLIMATE CHANGE AND BUSINESS

Key Messages



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INTRODUCTION

Climate change directly and indirectly interferes with the enjoyment of all human rights, including the rights to life, housing, water and sanitation, food, health, development, security of person and an adequate standard of living. Furthermore, the impacts of climate change exacerbate inequalities disproportionately affecting persons, groups and peoples already in vulnerable situations including children, indigenous peoples, and persons with disabilities.

Effective responses to prevent, mitigate, and adapt to climate change must be anchored in international human rights and environmental standards and principles such as solidarity, cooperation, transparency, access to information, participation, equality, equity, accountability and the polluter pays and precautionary principles.

Business plays a central role in climate change. Much of the CO₂ emissions causing climate change come from business-driven economic activity. However, business activities can also contribute to innovation and solutions to prevent, mitigate and adapt to climate change and its adverse impacts on the planet and its people. To avert future climate harms and ensure climate justice, business enterprises must be part of the solution.

The [UN Guiding Principles on Business and Human Rights \(UNGPs\)](#) provide the authoritative global framework to prevent and address negative human rights impacts related to business, which include business-related human rights impacts from climate change. The UNGPs reflect core elements of international human rights law. Any legal or policy responses to the human rights implications of climate change that involve business should be aligned with the UNGPs as well as with relevant international standards and their current interpretation.

This document explores the main legal and policy implications of the UNGPs for States and businesses with regard to human rights and climate change (Section I) and concludes with some of OHCHR's key advocacy messages on this issue (Section II).

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CLIMATE CHANGE AND THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS



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PILLAR I : The State Duty to Protect Human Rights

States must protect against climate change-related human rights abuse by business: All States have a duty to protect against human rights abuse by business within their territory and/or jurisdiction, including with respect to climate change.

States should adopt “a smart mix of measures” to make business respect human rights in the context of climate change: In discharging their duty to protect human rights, States should set out clearly the expectation that all business enterprises respect human rights throughout their operations and prevent and mitigate adverse impacts related to climate change. To do so, States should adopt and enforce a smart mix of laws, regulations and policies that encourage or oblige business to reduce emissions and to take other measures to prevent adverse human rights impacts resulting from climate change. This may include [requiring companies to exercise human rights due diligence](#), conduct environmental and climate impact assessments, and/or disclose greenhouse gas emissions and climate change impacts. States should also consider measures to encourage business to prioritize low-carbon and zero-carbon investments.

Address the State/business nexus: States should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State, or that receive substantial support and services from State agencies, including in the context of climate change. For instance, States and State-owned enterprises could employ strict sustainability requirements in their procurement contracts.

Ensure policy coherence: National policy commitments, such as those made through [National Action Plans on Business and Human Rights](#) or through Nationally Determined Contributions under the UNFCCC, can and should address the role of business with respect to climate change and its adverse impacts on human rights.



PILLAR II : The Corporate Responsibility to Respect Human Rights

Business enterprises should respect human rights in the context of climate change: The baseline responsibility of all business enterprises is to respect all internationally recognized human rights, including in the context of climate change. This means that they should avoid infringing on human rights by taking proactive steps to identify, prevent, mitigate and address adverse impacts with which they are involved, including impacts resulting from climate change.

Go beyond legal compliance: The responsibility to respect human rights is a global standard of expected conduct that applies even in the absence of clear domestic climate obligations. The responsibility exists independently of States' ability and/or willingness to respect, protect and fulfil human rights including in the context of climate change. Moreover, it exists over and beyond compliance with applicable laws (such as domestic laws regulating companies' environmental impacts).

Conduct human rights due diligence to identify, prevent and mitigate climate-related human rights impacts: In order to meet their responsibility to respect human rights, business enterprises should conduct human rights due diligence that addresses the adverse climate change-related human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships. On an ongoing basis, business enterprises should:

- **Identify and assess any actual or potential adverse human rights impacts:** In the context of climate change, business enterprises should continuously assess how their environmental and climate impacts may lead to human rights harms. Impact assessments should prioritise the most severe human rights risks and focus on the impacts on individuals and groups at heightened risk of vulnerability and marginalization. This process should include meaningful consultation with potentially affected stakeholders, including indigenous peoples and local communities. If it is not possible to sufficiently engage with all relevant stakeholders, businesses should consider reasonable alternatives such as consulting credible, independent expert resources, including environmental human rights defenders and civil society.
- **Integrate the findings, and take appropriate action to prevent and mitigate impacts:** Businesses should take the necessary steps across their activities and supply chains to cease or prevent any contribution they make to human rights harms as a result of climate change. Further, they should use (and seek to increase) leverage to influence businesses with which they have relationships to prevent or mitigate any climate change-related harms (for instance to ensure compliance with climate and environmental standards).
- **Track the effectiveness of their response:** Tracking should draw on a range of expert sources so businesses can understand whether climate change-related human rights impacts are being properly addressed.
- **Communicate how they address their human rights impacts externally:** Businesses should publicly provide information that is sufficient to evaluate the adequacy of their response to climate change-related human rights harms.

Ensure policy coherence throughout business activities: Businesses should strive for coherence between their responsibility to respect human rights and policies and procedures that govern their wider business activities and relations, including as they relate to climate change. This should include, for example, climate change dimensions of policies and procedures that set financial and other performance incentives for personnel; procurement practices; and lobbying activities where climate change-related human rights issues are implicated.

PILLAR III : Access to Remedy

When climate change-related human rights harms occur, all those affected must have access to effective remedies: States must take appropriate steps to [ensure access to effective remedies for human rights harms linked to climate change](#). This includes providing effective judicial and non-judicial mechanisms, such as environmental tribunals, national human rights institutions and OECD National Contact Points. Alongside these State-based mechanisms, States should consider ways to facilitate access to effective non-State-based grievance mechanisms.

The role of business in remedy: To meet their responsibility to respect human rights, businesses must address the climate-related human rights harms with which they are involved. They should establish or participate in effective operational-level grievance mechanisms that can remediate climate and environmental concerns raised by affected persons. Business enterprises should participate in good faith, and not undermine, proceedings before legal or non-legal tribunals that promote accountability for climate harms. In the context of climate change, particularly where businesses have contributed to severe impacts (such as large businesses involved in the generation of electricity and heat, transportation, industrial agriculture, and other high emitting sectors), each business should provide for remediation appropriate to its share in responsibility for the harm.

All forms of retaliation and reprisal must be prevented: All those seeking to access or interact with grievance mechanisms should be able to do so without fear of reprisal.



ADVOCATING A RIGHTS-BASED APPROACH TO BUSINESS ACTIVITIES RELATED TO CLIMATE CHANGE



A NUMBER OF MEASURES HAVE PARTICULAR RELEVANCE IN THE CONTEXT OF CLIMATE CHANGE, BUSINESS AND HUMAN RIGHTS. IN ADDITION TO THE BASELINE EXPECTATIONS SET OUT IN THE UNGPS OUTLINED ABOVE AND TO ENSURE BETTER RESPECT FOR HUMAN RIGHTS, STATES AND BUSINESSES SHOULD STRIVE TO:

01

Prevent climate-related human rights harms through enhanced ambition for rights-based climate action

Prevention starts with reducing and eliminating greenhouse gas emissions. States should enhance their ambition for climate action by, inter alia, ensuring that their business activities, including activities conducted in partnership with the private sector, contribute to mitigating and adapting to climate change while respecting human rights. They should work individually and collectively to mobilize the maximum available resources for rights-based climate action including by aligning public procurement with climate commitments. Businesses should set science-based targets throughout their operations to align with limiting global warming to well below 2°C above pre-industrial levels and pursuing efforts towards 1.5°C, with efforts towards net-zero greenhouse gas emissions by 2050, as indicated in the Paris Agreement.

02

Guarantee access to information and transparency including through climate disclosure and reporting processes

States have the obligation to guarantee all persons the right to access to information, including climate-related information. This is critical for transparent, accountable and rights-based climate action. States should set out mandatory climate disclosure and reporting obligations for businesses operating within their territories and/or jurisdictions through environmental, securities, corporate governance and other laws and regulations, as appropriate. Businesses should ensure adequate and accurate disclosure and reporting of their climate impacts in an accessible manner.

03

Ensure transparency and align lobbying activities related to carbon-intensive activities with the responsibility to respect human rights

Corporate disclosure and reporting should include information about corporate lobbying related to climate policies. Further, businesses should refrain from supporting public information campaigns based on inaccurate, misleading and unfounded assertions which harm the ability of States and the public to make informed decisions regarding climate change.

04

Ensure meaningful, informed and effective public participation in climate related decisions and actions

States are obligated to guarantee all persons the right to meaningful and informed participation in public affairs, including in environmental decision-making processes. Businesses have the responsibility to respect the right to participation and avoid negatively affecting participation in public affairs, and should conduct appropriate and adequate consultation on their own decisions and actions likely to have climate-related human rights impacts. For example, climate-related actions that risk impacting indigenous peoples' rights must not be taken without their free, prior, and informed consent.

05

Protect environmental human rights defenders and civic space

Environmental human rights defenders are essential allies in climate action. Limitations on civic space undermine the crucial advocacy of defenders, which in turn can pave the way for short-sighted and harmful actions. The work of the press, civil society, and other human rights defenders should not be obstructed, and they should be empowered and protected from threats, reprisals and harassment by business. Particular care should be taken to prevent strategic lawsuits against public participation and to provide a safe and enabling environment for initiatives by young people and children to defend human rights relating to the environment.

06

Ensure the right of all persons to benefit from science and its applications

States have an obligation to ensure all persons the right to benefit from scientific progress and its applications. To meet this obligation, States should create an enabling environment for investment in technologies that support a climate resilient future while ensuring that the benefits of these technologies are physically available, economically affordable and widely deployable without discrimination. Consistent with their international obligations, States must take steps to ensure that intellectual property regimes do not obstruct the development and deployment of new technological solutions to climate change and ensure that intellectual assets are protected in a manner conducive to providing affordable access to technologies needed for environmental sustainability for all. Businesses should also respect the right of all persons to benefit from science and its applications.

07

Ensure policy coherence and support a just transition to a decarbonized and climate resilient economy

In order for States to comply with their human rights obligations and climate commitments, they must discontinue financial incentives for fossil fuels, including subsidies and other forms of public finance, through effective policies designed to avoid negative impacts on the poor and marginalized. Moreover, they must ensure that investments are consistent with human rights and pathways towards a just transition to a decarbonized and climate resilient future. States, working in tandem with business and other stakeholders, should align their climate actions with efforts to achieve the Sustainable Development Goals, including those to protect the environment, human health, jobs and livelihoods, as well as the commitment to leave no one behind. Businesses should contribute to the achievement of the Sustainable Development Goals and seek to prevent and mitigate impacts on assets and job losses resulting from climate change. This should include supporting social protection, respecting the right to decent working conditions and sustainable livelihoods, and discontinuing activities with potentially adverse climate change-related human rights impacts.

08

Ensure justice and equity in climate action

States are required to take action on climate change on the basis of justice and equity and in accordance with their common but differentiated responsibilities and respective capabilities. Just and equitable climate action should benefit people in developing countries, as well as individuals and communities in vulnerable situations, such as people living in poverty, indigenous peoples, women, and children, as well as future generations. The principles of equity and fair sharing of benefits and burdens embedded in the UNFCCC and the Declaration on the Right to Development call for high-emitting developed countries to take the lead in reducing greenhouse gas emissions and to provide financial resources and technical assistance to developing countries. Businesses should also take steps to implement fair and just policies and programs to address the adverse effects of climate change, in solidarity with those affected, including persons in Small Island Developing States and other highly affected regions, as well as future generations.