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Human Rights and Climate Policies

The Human Rights Impacts of Climate Change and Mitigating Measures

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Human Rights and Climate Policies

The Human Rights Impacts of Climate Change and Mitigating Measures

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Abstract
This paper summarises and analyses the findings of studies conducted by six National Human Rights Institutions (independent state bodies) in Colombia, The Gambia, Honduras, Kenya, Namibia, and Sierra Leone. All of the six institutions have used the Climate Change and Human Rights Analytical framework with human rights indicators to review climate policies, plans and initiatives and for data collection through interviews with rights-holders.

The studies conclude that, despite significant national climate change and disaster policy developments and initiatives for adaptation and disaster risk reduction, climate change is harming the right to life and the full spectrum of economic, social and cultural rights with disproportionate impacts on the most climate vulnerable and marginalised groups. Significant gaps have been identified in the implementation of core obligations to fulfil economic, social and cultural rights under international law. The absence of effective and targeted adaptation, disaster preparedness and response measures undermine realization of rights. In some instances, climate change measures have also violated rights. Fulfilment of procedural rights remains low, with challenges varying from intimidation of environmental human rights defenders to inadequate access to participation and consultation processes.

The research by National Human Rights Institutions and their subsequent engagement with duty bearers to address gaps show the potential for aligning climate change policies and initiatives with human rights principles and standards, increasing accountability for climate change and human rights commitments, and improving access to remedy. This can ultimately contribute to more effective adaptation, risk reduction and fulfilment of rights in the context of climate change.

Key Words
Human Rights, Adaptation, Disaster risk reduction, Climate and public policies, NHRIs, vulnerable groups, Human rights-based approach.

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Droits humains et politiques publiques climat

Impacts du changement climatique sur les droits humains et mesures d'atténuation

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Résumé
Ce papier de recherche résume et analyse les conclusions d'études menées par six institutions nationales des droits de l'homme (organes étatiques indépendants) en Colombie, en Gambie, au Honduras, au Kenya, en Namibie et en Sierra Leone. Les six institutions ont utilisé un cadre analytique avec des indicateurs de droits humains pour mener une revue des politiques, plans et initiatives climatiques ainsi qu'une collecte de données par le biais d'entretiens avec les détenteurs de droits.
Ils constatent que, malgré les développements importants des politiques nationales en matière de changement climatique et de catastrophes et les initiatives pour l'adaptation et la réduction des risques de catastrophe, le changement climatique porte atteinte au droit à la vie et à l'ensemble du spectre des droits économique, sociaux et culturels avec des impacts disproportionnés sur de nombreux groupes vulnérables. Des lacunes importantes sont identifiées dans la mise en œuvre des obligations fondamentales de respecter les droits économiques, sociaux et culturels en vertu du droit international. L'absence de mesures d'adaptation, de préparation aux catastrophes et de réponse efficaces et ciblées sape la réalisation des droits. Dans certains cas, les mesures de changement climatique ont également violé des droits. Le respect des droits procéduraux reste faible, avec des défis allant de l'intimidation des défenseurs des droits humains environnementaux à un accès insuffisant aux processus de participation et de consultation. Les recherches menées par les institutions nationales des droits humains et leur engagement ultérieur auprès des débiteurs d'obligations pour combler les lacunes montrent le potentiel d'alignement des politiques et initiatives relatives au changement climatique sur les normes et standards en matière de droits humains. Cela augmente la redevabilité face au changement climatique et aux engagements en matière de droits humains, mais aussi pour améliorer l'accès aux réparations. Cela peut finalement contribuer à une adaptation plus efficace, à la réduction des risques et au respect des droits dans le contexte du changement climatique.

Mots-clés
Droits humains, Adaptation, Réduction des risques de catastrophe, Politiques publiques et politique publique climat, INDH, groupes vulnérables, Approche fondée sur les droits humains.

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Introduction

This paper presents a synthesis and analysis of studies conducted by six National Human Rights Institutions (NHRIs) of Colombia, The Gambia, Honduras, Kenya, Namibia, and Sierra Leone. Each NHRI has used the Climate Change and Human Rights Analytical Framework[1] (hereafter "the Framework), which contains human rights indicators, to assess climate change-related laws, policies and plans alongside data collection through interviews with rights holders. This has led to reports on the impacts of climate change on human rights and measures taken by States to respond to these impacts. The findings from these reports are examined in this paper. The engagement and follow up to the studies by the NHRIs show the important role they can play in integrating human rights within climate policies and measures.

The recognition of the climate crisis as a human rights crisis has grown significantly over the last decade as reflected in more than 15 Human Rights Council resolutions,[2] statements by the United Nations (UN) High Commissioner for Human Rights and reports by UN Special Rapporteurs (Morgera, E. 2024). In 2025, the International Court of Justice (ICJ) in its *Advisory Opinion on the Obligations of States in Respect of Climate Change* also recognized that climate change adversely affects the enjoyment of human rights (ICJ, 2025).

The ICJ confirmed what UN Treaty Bodies have expressed in various statements and general comments, namely that States have human rights obligations to mitigate and adapt to climate change under international human rights law.[3] The obligations on States in environmental matters hence stem from multiple sources of international law including the climate change legal regime (United Nations Framework Convention on Climate Change, Kyoto and Paris agreements), international customary law and international human rights law. The UN Human Rights Committee has further explained that the duty to protect life involves preparing for disasters and taking measures, when necessary, designed to ensure access to essential goods and services such as food, water, shelter, and health care.[4] Under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which is ratified by most countries in the world, State parties have legally binding obligations to respect, protect and fulfil rights that are threatened by climate change including the rights to food, water, and housing.[5] Each of these rights imply minimum core obligations on States which cannot be deferred. The obligations include progressively realizing these rights by allocating the maximum of available resources and through international cooperation and assistance.[6]

Climate change directly impacts enjoyment of rights through, for example, floods, storms, and wildfires which destroy lives, homes and livelihoods.[7] State responses to the climate crisis can either help realise rights or in some instances violate rights when not human rights compliant (OHCHR, 2025). An example of an action which is not human rights compliant is the eviction of communities for the sake of disaster preparedness or conservation, but without the necessary due process or provision of support.

The ICJ has explained that States must take human rights law into account when implementing climate change treaties,

[1] Available here: Climate Change and Human Rights Analytical Framework

[2] A list of these Human Rights Council Resolutions is available here: Human Rights Council resolutions on human rights and climate change | OHCHR

[3] See *Obligations of States in respect of Climate Change* (Advisory Opinion) ICJ, 23 July 2025, para 403.

[4] Human Rights Committee, *General Comment 36, Article 6: Right to life* (3 September 2019) CCPR/C/GC/36, para 26.

[5] International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

[6] ICESCR, article 2(1).

[7] See OHCHR Reports on the impacts of climate change on human rights, available here: Reports on human rights and climate change | OHCHR.

environmental treaties and customary international law. The Paris Agreement preamble also underlines the commitment by States to "respect, promote and consider their respective obligations on human rights" when taking action to address climate change.[8] UN treaty bodies have likewise emphasized that States must also respect, protect and fulfil the rights of all in the design and implementation of climate policies.[9]

International and regional human rights standards provide benchmarks for the enjoyment of rights, for example, for the availability, accessibility, acceptability and quality of goods and services, equality and non-discrimination and access to information, public participation and justice in the climate response. These standards are elaborated in, for example, general comments and recommendations by UN treaty bodies and regional human rights bodies responsible for delivering authoritative interpretations of State human rights obligations. Hence, in order to contribute effectively to human rights enjoyment, climate change-related laws, policies and measures should be aligned with these human rights standards. The design, implementation and monitoring of climate measures should be guided by human rights principles of access to information, participation, non-discrimination, accountability, transparency and access to remedy thereby adopting the human rights-based approach.

The Intergovernmental Panel on Climate Change (IPCC) finds that adaptation actions that prioritise equity and inclusive and participatory decision-making processes lead to more sustainable outcomes, support transformative change and reinforce climate resilient development (IPCC, 2023).[10] Hence, a human rights-based approach to climate action is not only an obligation but can also lead to more legitimate and effective climate initiatives that respond to the needs of those in the most vulnerable situations with the least access to decision-making and resources.

Based on the premise that climate change is a human rights concern, the Danish Institute for Human Rights, along with AFD, NHRIs, and external experts, developed the Climate Change and Human Rights Analytical Framework in 2024. The Framework is grounded in international human rights law and supports the capacity development of users and the generation of evidence. The analysis and reports resulting from its use form a basis for national engagement and recommendations on how to adopt a human rights-based approach to climate action and to align measures with human rights obligations. The Framework was initially applied in 6 countries by state-mandated independent National Human Rights Institutions who conducted research and produced reports which are the basis for this paper.

The following section (section 2) explains and reflects on the background and methodology of the Framework and its use and adaptation by the NHRIs. Section 3 highlights key findings from the NHRI reports on the impacts of climate change on specific rights and on issues related to State responses to climate change. The paper then reflects on potential future uses and impacts of the Framework (section 4) and highlights recommendations on adopting a human rights-based approach to climate action and addressing the impacts of climate change on human rights (section 5).

[8] Paris Agreement to the United Nations Framework Convention on Climate Change, (12 December 2015).

[9] See, for example, Committee on the Elimination of Discrimination against Women, Committee on Economic, Social and Cultural Rights, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities, *Joint Statement on Climate Change* (14 May 2020) HRI/2019/1.

[10] For example, para C.1.2, C.3.6 and C.6.5.

1. Methodology

1.1. Background to the climate change analytical framework

The Framework consists of human rights indicators and questionnaires for data collection which can support systematic monitoring of how climate change is impacting the rights realisation of groups in vulnerable situations and how well climate change-related laws, policies and measures are aligned with human rights standards. [11] It can be applied by various actors including in government, civil society, and academia.

As a National Human Rights Institutions (NHRI), the Danish Institute for Human Rights often works with other NHRIs. Due to their unique mandates to promote and protect human rights, NHRIs often have direct access to governments and can make authoritative assessments of human rights compliance and issue binding recommendations to duty bearers. The Framework was designed to enhance the capacity of actors using it on the application of State obligations and human rights standards in the context of climate change. When applied systematically, the framework can contribute to developing an evidence-base for promoting a human rights-based approach to climate action[12].

What are National Human Rights Institutions?

NHRIs, like the Danish Institute for Human Rights and the six NHRIs (listed in section 1.5), are independent State bodies established with a constitutional and/or legislative mandate to protect and promote human rights.

Developed by NHRIs in 1991 and adopted by the UN General Assembly in 1993, the Paris Principles set out internationally agreed minimum standards that NHRIs must meet to be considered credible. They require NHRIs to be independent in law, membership, operations, policy and control of resources.

NHRIs monitor and report on the human right situation in their country; provide advice on implementation of international human rights obligations at the national level; investigate human rights violations and support victims to seek justice and redress; conduct human rights education; and cooperate with partners at the national level and engage with the international human rights system.

Prior to the development of the framework, NHRIs through their global alliance, GANHRI, had jointly committed to promoting human rights-based action on climate change.[13] Despite this commitment and agreement on the relevance of the topic of climate change to the mandate of NHRIs, surveys and discussions with NHRIs indicated that many had not had an opportunity to apply their mandate in this sector due to lack of technical expertise, resources, and specific tools to guide the work.

The lack of engagement of NHRIs on the topic of climate change in many countries had meant that climate change laws and policies were developed without a human rights lens. Also, while some UN treaty bodies are asking State Parties to report on adaptation and mitigation measures, they rarely receive input from NHRIs on this topic in the form of shadow reports. NHRI shadow reporting supplies treaty bodies with important information as a basis for their recommendations to State Parties. Also, in the absence of human rights education and outreach, many climate-vulnerable communities are

[11] The framework is available here: Climate change and human rights analytical framework | The Danish Institute for Human Rights.
[12] "Climate action" is understood as measures to mitigate, prepare for, adapt to and respond to the adverse impacts of climate change.
[13] GANHRI Annual Conference Statement "Climate Change: The role of National Human Rights Institutions" (2020), available here: https://ganhri.org/wp-content/uploads/2021/02/EN_AC_Statement_for_consultation.pdf.

not aware of climate change as a global phenomenon, their rights in this context and that NHRIs are mandated to monitor and support the protection of their rights in the context of climate change.

The analytical framework was designed to help address these gaps and enable NHRIs to adequately contribute to climate change policy development, monitor and report on rights fulfilment, advise the government on how to implement human rights obligations, conduct human rights education and help provide access to remedy for victims of human rights violations in the context of climate change and climate change measures.

1.2. Design collaboration with NHRIs and external experts

To develop the framework, AFD and the Danish Institute for Human Rights established an external expert reference group which consisted of representatives from NHRIs (Colombia, Honduras, Kenya and Sierra Leone) and the Network of African National Human Rights Institutions (NANHRI), Office of the United Nations High Commissioner for Human Rights, Norad and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and civil society including the Centre for International Environmental Law. This reference group was consulted from the outset on the structure of the framework and the initial draft of indicators and questions.

The four NHRIs that contributed to the development of the framework were also the first ones to pilot it in practice and provide feedback on its application. Based on the feedback and the input from the reference group the analytical framework was finalised. It remains a living framework open to further refinement in light of emerging developments including relevant jurisprudence.

1.3. Methodology for developing the Framework

The methodology used to develop the analytical framework takes inspiration from the Office of the High Commissioner of Human Rights (OHCHR) methodology for developing human rights indicators (OHCHR, 2012). This method involves identifying the relevant human rights and State obligations to be monitored systematically through indicators.

To identify the relevant rights and obligations in the context of climate change, international human rights treaties were reviewed along with the authoritative interpretations by UN treaty bodies in their General Comments and Recommendations. Inspiration was also taken from the thematic reports of UN Special Rapporteurs and relevant jurisprudence.

Based on a mapping of rights and related obligations, a decision was taken to structure the many obligations under three headings: 1) general obligations encompassing cross-cutting obligations not only relevant for one specific right, 2) specific substantive rights affected by climate change (such as the right to water, food and housing), 3) and procedural rights specifically focused on access to information, participation, and remedy for rights-holders in the context of climate policy design, implementation and monitoring. This structure is reflected in the NHRI reports and in section 3 of this paper.

The value of systematic monitoring against human rights indicators is that the data and analysis can be used to highlight strengths, weaknesses, and opportunities in the implementation of legally binding State obligations. This provides a solid basis for improving the implementation of human rights obligations and aligning policies with human rights principles and standards.

The rights and related obligations included in the Framework

General human rights obligations
Obligation to take steps to realise rights, including through legislative measures (such as adaptation, disaster risk reduction and mitigation). Obligations to conduct due diligence and to mobilise maximum available resources for rights realisation in the context of climate change and ensure equality and non-discrimination in climate action.

Substantive human rights
The right to life, health, water, food, housing, work and to favourable conditions of work, social security, the right to a clean, healthy and sustainable environment, education, cultural rights, land rights for Indigenous Peoples and peasants, right to peaceful assembly, liberty and security of person.

Procedural human rights
The right to participation, information, Free Prior and Informed consent of Indigenous Peoples, and the right to remedy.

As climate change is impacting the full spectrum of human rights, the rights and related obligations included in the framework are many. After identifying the relevant human rights, key obligations in the context of climate change were mapped. For example, a key obligation under the right to life is the obligation to design disaster management plans to increase preparedness and thereby protect the right to life.[14] Indicators were then identified to assess whether the State is meeting these obligations through structure, process and outcome indicators and related questions. Most of the indicators were developed based on the key obligations and alignment was sought with established indicators, mainly Sustainable Development Goal (SDG) Indicators, where feasible. The relevant indicators for the abovementioned obligation under the right to life are shown in the example below:

Structure indicators	Process indicators	Outcome indicators
Structural indicators help capture the acceptance, intent and **commitment** of the State to undertake measures in keeping with its human rights obligations.	Process indicators help assess a State's **efforts,** through its **implementation** of policy measures and programmes, to transform its human rights commitments into the desired results.	Outcome indicators help assess the **results of State efforts** in furthering the **enjoyment of human rights**
For example, the "existence of a national disaster risk reduction strategy".	For example, the "implementation of initiatives and programmes to address climate disaster-related risks and impacts for groups in vulnerable situations".	For example, the "number of deaths, missing and directly affected persons attributed to climate-related disasters per 100,000 population" (this is also SDG Indicator 1.5.1. and 11.5.1 and 13.1.1)

[14] Human Rights Committee, *General Comment 36, Article 6: Right to life* (3 September 2019) CCPR/C/GC/36, para 26.

The Framework consists of 21 structure indicators which are to be answered primarily through a desk review of laws and policies, 12 process indicators which are to be answered primarily based on an analysis of information on public initiatives and programmes, and 29 outcome indicators to be answered primarily by analysing data from rights-holders obtained through interviews. The Framework can be applied in its entirety (all 62 indicators), or a selection of indicators can be made based on relevance to country context and expert time available to undertake the analysis.
The indicators and related questionnaires to be used in data collection are split up into two assessments:

- The national assessment focuses on climate change-related laws, policies and measures and their compliance with human rights obligations
- The rights holder assessment is used in interviews with rights holders to capture the level of rights-enjoyment in practice.

Combining the assessments enables a comprehensive human rights analysis of State commitments, implementation and outcomes in terms of rights enjoyment.

1.4. How the framework has been adapted and used

The framework is not prescriptive about how it must be applied. This allows for the scope and methods to be adapted to the particular context of the user. The different approaches used by the NHRIs that applied the framework are set out below. This is followed by a discussion of some of the challenges and limitations encountered.

The NHRIs generally combined the assessment of climate change-related laws, policies, plans and initiatives (using the national assessment framework) with interviews with rights holders (using the rights holder assessment) to identify strengths and weaknesses in human rights implementation and realisation across structure, process and outcome indicators. The scope of the data collection for the rights holder assessment varied as did the resources available for the data collection. This was determined by, for example, the costs associated with travelling to communities in remote regions and the size of the countries (for example Kenya is 52 times bigger than The Gambia). All of the NHRIs developed criteria for selection of communities, and some used national disaster data to identify climate vulnerable communities for engagement.

In Sierra Leone and Namibia, the NHRIs interviewed more than 400 people, yet none of the NHRIs reached statistical representation, which was also not the intention. Instead, the data was meant to provide qualitative insights into rights realisation and particular challenges of the communities concerned. In the countries where data from many communities was generated, it was possible to see trends across communities and regions based on data aggregation and visualisation.

In both Sierra Leone and The Gambia, the NHRIs aimed for wide regional representation and visited communities across all provinces/regions of the countries (27 and 25 communities in total). The Sierra Leone approach involved data collection through bigger community meetings whereas The Gambia approach involved more targeted selection of respondents. The Namibia Ombudsman took a targeted approach to visiting 22 Indigenous minority communities in 9 regions (out of 14) including the San, Ovatjimba, Ovatue, Ovahimba, and Topnaar peoples. The NHRI report is mainly based on the rights holder assessment indicators and questions.

In Kenya, the NHRI selected five counties (out of 47) based on criteria related to vulnerabilities to climate change and the presence of climate change interventions, and diverse vulnerable and marginalized groups, such as Internally Displaced Persons, pastoralist communities, and Indigenous Peoples. The NHRI conducted 10 focus group discussions, 16 key informant interviews and shared questionnaires with

40 strategic institutions including State and non-State actors for feedback. There was strong emphasis on institutional buy-in and policy dialogue with county governments and actors.

Similarly, the NHRI of Honduras visited five regions (out of 18) based on criteria related to climate vulnerability but also accessibility. The approach combined a national-level assessment of laws and policies with community-based focus groups involving diverse rights holders and engagement with relevant public institutions. In Colombia, the scope of the data collection was limited to the territories of the Islas del Rosario and Playa Blanca community councils in Cartagena on the Caribbean coast. These were selected based on criteria related to under-researched climate urgency in non-Amazon regions (whereas the Amazon often receives focus), high vulnerability and risks including loss of ecosystems such as mangroves and coral reefs that act as natural barriers against climate change and a recognized constitutional protection gap regarding Afro-descendent communities. The NHRI led a workshop to collect data from the rights-holders, ensuring a gender and ethnic lens. The methods included a mapping of climate change impacts on human rights and interviews with 34 rights holders followed by engagement with sub-regional authorities.

Reflection on data disaggregation

All of the NHRIs strived to apply a human rights-based approach to data collection emphasising principles of participation, accountability, transparency and do no harm.[15] Most of the NHRIs conducted focus group discussions using semi-structured questionnaires. This approach was chosen as it enabled rights awareness-raising and joint identification of challenges and solutions in addition to data collection. This approach also had practical advantages as it enabled broad reach within the community with many members gathered in one meeting (of typically 2-4 hours duration).

While this approach has benefits beyond data collection, it proved challenging to collect disaggregated data for individual respondents based on prohibited grounds of discrimination such as gender, age, and disability. To capture some information based on individual respondent characteristics, the questions were designed to probe about different groups within the community, for instance by asking: *"Has anyone in your community been disproportionately impacted by this?"* or *"Did everyone in your community receive support? Who did, and who did not?"*. Respondents were able to identify categories of people (e.g. women, men, children, persons with disabilities, older persons etc). The NHRIs did not insist on disclosure of personal characteristics such as LGBT+ status. This is in line with a *do no harm* approach - considering both the public setting (data privacy) and the context (e.g. criminalisation of same sex relations in several of the countries).

Most of the reports present data on which groups were disproportionately impacted, but the explanations of why are sometimes not clearly elaborated in the reports. One possible reason for this is that the NHRIs had to capture a wealth of information on many topics and related questions, and this affected the granularity of information collected on sub-groups within the groups.

The challenges and limitations in using the analytical framework encountered by the NHRIs varied. Some of the common challenges are set out below.

[15] For a description of this approach see: OHCHR *A Human Rights-Based Approach to Data: Leaving No One Behind in the 2030 Agenda for Sustainable Development* (2018), available at: https://www.ohchr.org/sites/default/files/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf

The most challenging indicators to gather data for proved to be the process indicators. The process indicators typically seek to investigate the implementation of government initiatives to address human rights challenges in the context of climate change, for example food insecurity or increased disease burden. Most NHRIs found it difficult to obtain information and get an overview of government initiatives and the progress in implementing these. The Colombian NHRI found it challenging to get information on how the current initiatives take into consideration the most vulnerable groups, including women, children, and ethnic communities. Several NHRIs found that even when available, data on "beneficiaries" in public programme was often not disaggregated which made it difficult to conclude on whether different segments of society were reached. The NHRI of Kenya had comparatively more information on process indicators stemming from its engagement with county government actors through multiple workshops and outreach to State and non-State institutions through tailored questionnaires.

When the entire framework is applied, it presents data across 62 indicators and many rights areas. This leads to comprehensive and often lengthy reports which are not easily summarized, which can be a challenge to the "uptake" by, for example, policy makers. Achieving impact requires dedicated follow up by the NHRIs with specific government agencies based on their mandates and on the recommendations specifically targeted at them.

There is a limit to how 'deep' an analysis can go, when the scope is broad. For example, rather than also analysing all relevant sectoral policies in depth (too big a task), the NHRIs mainly focused on climate change-related policies and the extent to which they address the impacts on, for example, the right to health. To investigate a rights issue in greater depth with rights-holders may also require additional questions and dedicated time during interviews. The advantage of the broad scope is that the NHRIs can point to the greatest challenges as well as needs for further research and follow up.

The framework is designed to be climate change specific, meaning that it considers climate change impacts and climate change measures. The framework is not designed to also analyse broader environmental policies or to document impacts of environmental degradation caused by, for example, mining activities, deforestation or pollution. This choice was made to make the analytical task manageable and to build capacity on the topic of climate change and human rights. In practice, however, communities experience the compounded impacts of climate change and environmental degradation caused by other factors. To avoid ignoring these other challenges and related violations, the NHRIs will often have to broaden their documentation scope and follow-up on a wider set of issues identified in communities. For example, in Sierra Leone widespread mining activities adversely impact the environment and rights realisation for many people. The impacts were documented by the NHRI alongside the focus on climate change impacts and the follow up focuses on both types of impacts and necessary measures. Generally, working with the framework can build an understanding of how human rights realization is dependent on and impacted by the quality of environment in a wider sense.

Another limitation is that NHRIs typically do not have climate scientific expertise in-house and yet an important aspect of the Framework is to assess climate change impacts. Hence, both the Danish Institute for Human Rights when developing the Framework and the NHRIs when using it relied on climate science, including IPCC reports and reports by meteorological agencies in countries. These reports describe the types of climate impacts already seen and likely to become more frequent and severe. The survey findings on climate change impacts by the NHRIs are consistent with the projections and regional analysis by the IPCC and reports by national meteorological agencies. However, in many instances it cannot be concluded with certainty that a particular incident, for example flooding, is caused by climate change. Often, climate change will be a contributing factor. To fill this gap in expertise, several of the NHRIs have developed partnerships with national meteorological agencies (Sierra Leone and Kenya) to bring in the climate science perspective and to validate the findings in

their reports. In Colombia and Honduras, the NHRIs issued specific information requests to competent authorities to assess whether specific incidents are related to climate change.

1.5. What is the research paper based on?

The paper summarises key findings and lessons learned from research conducted by independent National Human Rights Institutions (NHRIs) in 6 countries in Latin America and Africa in the period 2024 and 2025. Hence, the analysis is based on six separate NHRI reports as well as insights into the data collection processes gained through partnerships between the Danish Institute for Human Rights (DIHR) and the following six NHRIs:

- Comisionado Nacional de los Derechos Humanos en **Honduras** (CONADEH, 2025).
- Defensoría del Pueblo de **Colombia**[16] (Defensoria del Pueblo, 2025).
- Human Rights Commission of **Sierra Leone** (HRCSL, 2025).
- **Kenya** National Commission on Human Rights (KNCHR, 2025).
- National Human Rights Commission of **The Gambia** (NHRC, 2025).
- Ombudsman **Namibia** (Office of the Ombudsman, 2025).

For the purposes of this paper, these institutions will be referred to as the "NHRI of" Honduras, Colombia, Sierra Leone, Kenya, The Gambia or Namibia.

The fact that all of the six NHRIs have used or taken inspiration from the Climate Change and Human Rights Analytical Framework makes these reports comparable in terms of structure and content despite different methodological choices (outlined above). The NHRIs validated their findings through workshops with a wide range of stakeholders in their countries including government ministries, departments and agencies and civil society. Importantly, the findings and recommendations in this report are based on the assessments of these independent NHRIs and do not necessarily reflect the views of other actors, including governments and partners.

[16] The Colombia report is not publically available.

2. Key Findings

The Framework is organised in three main sections according to 1) general obligations of States, 2) substantive rights, 3) procedural rights. Following this structure, this section summarises the key findings under the headings of the Framework. Under each heading there will be a brief explanation of the human rights obligations being monitored in the Framework, and this will be followed by a discussion of findings on that category of obligations on the basis of the NHRI reports.

2.1. General Obligations

General obligations refer to obligations of States that do not fit exclusively under one right but rather cut across. These include the obligations to prevent harm to human rights by taking adaptation measures,[17] to allocate maximum available resources for rights realisation in the context of climate change and to ensure rights to equality and non-discrimination in climate plans and efforts.[18] The Framework also considers requirements for conducting human rights due diligence of climate change measures.

Focus on adaptation based on principle of common but differentiated responsibilities and respective capabilities

International climate law specifically recognises that all States have obligations to mitigate climate change impacts by reducing emissions. However, States are not equally responsible for the climate crisis. The principle of common but differentiated responsibilities and respective capabilities recognises the need to consider differing circumstances, particularly each State's contribution to the creation of an environmental problem, and each State's ability to prevent, reduce and control the threat. Due to these "differentiated responsibilities and respective capabilities" of States, some indicators in the analytical framework, including those regarding mitigation and provision of international assistance to other countries, are more relevant for historically high emitters and high-income countries. For this reason, the six NHRIs chose to not analyse the mitigation-related policies from a human rights perspective but instead focused on adaptation. Had the framework been applied in high-income, high-emitting countries, an analysis of compliance with mitigation-related obligations would have been highly relevant from a human rights perspective.

In practice, the general obligations proved more challenging for the NHRIs to report on compared to the substantive rights sections and some decided to skip indicators in this section. It was challenging to get an overview of adaptation funding and initiatives and to separate these from other sectoral initiatives in a meaningful way. The NHRIs generally found that the reach and adequacy of public initiatives could be monitored more effectively under the different substantive rights indicators (see section 3.2). It also proved challenging to obtain and assess impact assessments of climate initiatives specifically. However, the review of due diligence requirements in general provided some important insights which can be extended to climate specific initiatives. Highlights of the findings on general obligations related to climate change adaptation and human rights due diligence are set out below.

Regarding the obligation to adapt to climate change to protect against human rights harms, all of the NHRIs noted existence of national adaptation plans. In Honduras, the NHRI commends that the plan

[17] The legal basis for this obligation has been clarified by the ICJ in its advisory opinion of July 2025 and by UN treaty bodies including in joint statements such as "Five UN human rights treaty bodies issue a joint statement on human rights and climate change" from 16 September 2019.

[18] The legal basis for these obligations of maximum available resources, equality and non-discrimination is ICESCR, article 2.

establishes "human rights" as a key pillar and outlines a commitment to respect and progressively fulfil human rights and ensure action based on human rights principles.[19] The NHRI of Kenya commends that the national adaptation plan is based on vulnerability assessments and outlines adaptation initiatives targeted groups in vulnerable situations. The NHRI of Sierra Leone criticises that the current adaptation plan does not include an analysis of how groups in the country are differently affected and vulnerable to the impacts of climate change. The NHRI notes that this makes it more difficult to design and monitor targeted measures. The NHRI of Colombia noted that the adaptation plan does not incorporate a gender approach.

Most of the NHRIs find that their States have taken steps to raise funds for adaptation including through international climate finance and cooperation. For example, the Colombian State has requested international cooperation funds, especially from the Global Environment Facility and the Green Climate Fund for adaptation initiatives. While commending efforts to channel funding to county government for adaptation purposes, the NHRI of Kenya criticises that funding is highly politicized, which violates non-discrimination and equality rights and principles of good governance. All six NHRIs found gaps in public initiatives in terms of reaching the most vulnerable communities and highlight violations of core obligations to fulfil economic, social and cultural rights (see section 3.2 on substantive rights).

All six NHRIs reported that there are no mandatory human rights due diligence requirements before the approval of new projects and programmes, such as conservation or energy projects. Globally, very few countries have adopted such mandatory human rights due diligence requirements (Holly Gabrielle et al, 2025)[20]. Yet many countries, including the six covered by the NHRI research, have requirements to undertake environmental impact assessments (EIA) for certain types of projects. The NHRIs noted that although EIAs may identify and address some human rights risks (such as those related to the right to a clean, healthy and sustainable environment) and may also incorporate social aspects, they typically do not identify and address all relevant human rights risks. They note that this creates a gap in identifying, mitigating and remedying human rights risks and reporting transparently on these. The NHRI of Colombia highlights efforts by the government to incorporate a human rights-based approach to the environmental licensing process.

The NHRIs noted gaps in the follow-up and enforcement to EIAs. In Kenya, the NHRI notes that enforcement is weak, particularly when it comes to holding actors accountable for activities that pollute water or degrade land. Similarly, the NHRI in Namibia notes that regulations to ensure effective monitoring, investigation, and accountability mechanisms for enforcing EIA regulations are not in place.

Overall, the NHRIs report a mixed picture when it comes to compliance with general obligations. All six countries have relevant policy responses in the form of adaptation plans, yet the findings point to a need for clearer vulnerability assessments and targeted initiatives, although more research is needed on adaptation funding and reach in the countries. The conduct of human rights due diligence and effective enforcement appear to be a gap in all six countries. The effort to take a human rights-based approach to environmental licensing in Colombia is emerging as a promising practice.

[19] Plan Nacional de Adaptación al Cambio Climático Honduras 2018-2023, p. 33
[20] See also trackers such as Human Rights Due Diligence legislation tracker | Ethical Trading Initiative

2.2. Substantive Rights

2.2.1. Right to life

The Human Rights Committee has noted that States have a duty to protect the right to life by adopting contingency and disaster management plans to address natural and man-made disasters. [21] The duty to protect life also implies that States parties should ensure access to essential goods and services such as food, water, shelter.[22]

The indicators in the analytical framework investigate the existence of disaster risk reduction strategies, the implementation of initiatives addressing climate disaster-related risks and impacts for groups in vulnerable situations, their access to this type of support, and outcomes in terms of loss of lives in climate-related disasters

All six NHRIs found compliance with the obligation to have disaster risk reduction strategies and plans. For example, the NHRIs of Sierra Leone and Kenya note the availability of disaster management, preparedness and response policies and plans and commend the establishment of relevant institutions and structures to improve management of disaster risks. However, all the NHRI assessments show significant gaps in the implementation of disaster preparedness and response measures. Lack of access to effective early warning systems was a challenge identified in all countries. In Honduras, for example, communities living close to water bodies are compensating for the lack of early warning by staying awake at night or sleeping with an arm or leg out of bed to be able to feel if water levels are rising. The communities explained how this constant vigilance causes immense mental stress.

Recent research shows the significance of early warning and disaster preparedness for reducing mortality in disasters, which supports the view that prevention is possible and necessary to protect lives (Cael, B.B., 2025). Despite this, all six NHRIs presented data documenting losses of lives linked to climate-related disasters. This highlights the severe impacts of climate change on the right to life and the failures of all the six States to prevent harm in this context. For example, in 2020 the hurricanes Eta and Iota affected 4.5 million people in Honduras and led to serious human and material losses. In Colombia, official statistics on loss of lives due to climate change-related disasters cited by the NHRI show 78 deaths in the period January to July 2024 alone. However, the NHRI noted significant gaps in accurate record-keeping. According to the Sierra Leone Emergency Events Database, more than 320,000 people were affected by climate change-related disasters between 2000 to 2022. In 2017, 1,100 people died as a result of mudslides in Freetown after heavy rainfall. In the 27 communities visited by the NHRI, 24 (89%) had experienced disaster incidents and 6 communities reported deaths related to climate impacts in 2023/2024 alone. In Kenya, in Nakuru County, the floods in 2024 in Mai Mahiu claimed at least 50 lives.

Delayed government support after disasters and inconsistent and inadequate support are trends in all countries. In Sierra Leone, the rights-holder assessment showed that only 8 out of the 24 communities that had experienced disasters had received support, and they all reported that the support was insufficient. In four of these communities, the support did not reach all affected groups. The NHRI concludes that vulnerable groups, such as women, children, older persons and persons with disabilities, do not appear to be sufficiently prioritized in government support in the aftermath of disasters. In Honduras, the NHRI comments that the lack of effective prevention and relocation policies in the face of natural disasters exposes many people to high-risk conditions. In Kenya, the

[21] Human Rights Committee, *General Comment 36, Article 6: Right to life* (3 September 2019) CCPR/C/GC/36, para 26.
[22] Ibid.

NHRI describes how already vulnerable and marginalised groups struggle to access timely medical care, essential supplies and safe shelter after disasters occur. The NHRI notes that the absence of targeted, accessible emergency interventions further entrenches existing inequalities. The NHRI of Sierra Leone documented instances where only those with "the right political connections" received support. Politicisation of disaster relief and compensation violates the rights to equality and non-discrimination.

Spotlight on findings in the Namibia report

The Namibian NHRI notes that disaster-risk governance structures have minimal presence at the community level and documents several examples of loss of lives in climate-related disasters. One third of the respondents reported that their communities had experienced loss of lives in climate-related emergencies in the last five years. The data shows low coverage of early warning systems. 77% of respondents reported not having access to early warning systems otherwise critical to avoid loss of lives. 63% reported not having received emergency support after disasters. 77% reported that the post-climate-related disaster support did not reach all groups. It is a recurring theme across communities interviewed that government support arrived late and was inadequate. The NHRI concludes that the data reveals gaps in disaster preparedness and unequal distribution of support after disasters.

Disproportionate impacts on specific groups

Women: The NHRI of Kenya documents heightened risks of sexual and gender-based violence in disaster aftermaths. The NHRIs of Sierra Leone, Kenya and Namibia highlight disparities in assistance received by women and other groups in the aftermaths of disasters such as floods.

Indigenous Peoples: The NHRI of Namibia documented that all the 22 Indigenous communities visited had experienced climate-related disasters, yet the majority lacked emergency support and access to early warning.

Persons with disabilities (PWD): The NHRIs of Sierra Leone and Namibia note that PWDs are disproportionately affected by the impacts of climate change and are not sufficiently prioritized in accessing government support in the aftermath of disasters. They point to indirect discrimination in relief efforts.

Children: The NHRI of The Gambia documented loss of lives among children during flash floods e.g. in June 2025. The NHRI of Sierra Leone highlights that children, alongside other groups, do not appear to be sufficiently prioritized in accessing government support in the aftermath of disasters. The Kenya NHRI notes as a positive element that the climate action plans aim to enhance protection and the role of children and youth in disaster risk management.

Older persons: The NHRI of Kenya points out that climate change will increase heat-related deaths among the elderly. The Sierra Leone and Namibia NHRIs note that elderly people, alongside other vulnerable groups, often do not access disaster support. The NHRIs point to indirect discrimination in relief efforts.

Other Groups: In Kenya, the NHRI highlights a dire situation for internally displaced persons in transit camps who lack access to basic services and points out that the absence of targeted, accessible emergency interventions further entrenches existing inequalities.

2.2.2. Right to water

The human right to water is an integral part of the right to an adequate standard of living.[23] The right is comprised of:

Availability: The water supply for each person must be sufficient and continuous for personal and domestic uses.

Accessibility: Water and water facilities and services have to be accessible to everyone without discrimination. Accessibility has four overlapping dimensions: physical accessibility, economic accessibility (affordability), non-discrimination and information accessibility.

Quality: The water required for each personal or domestic use must be safe and of an acceptable colour, odour and taste for each personal or domestic use. [24]

The analytical framework looks at the existence of climate change-related laws and policies that address foreseeable harms to the right to water, implementation of initiatives and programmes to ensure the accessibility, quality, and affordability of safe and clean drinking water and the enjoyment of the right to water in the context of climate change.

Despite general recognition of the challenges posed by climate change to water access and availability in climate and sectoral policies and plans, all six NHRIs documented severe failures of States to fulfil minimum obligations related to securing access to safe and clean water.

In The Gambia and Colombia, the NHRIs find gaps in terms of policies and plans adequately addressing impacts on water access for different groups and a lack of alignment with human rights standards for the availability, accessibility and quality of water. The NHRI in Kenya finds that national climate policies acknowledge the vulnerability of communities, particularly women and children, to water scarcity and its associated impacts. The policies outline various measures to improve water access, efficiency, and resilience to climate change, including infrastructure development, water quality monitoring, and public awareness campaigns. However, the NHRI notes that the full implementation of these policies remains a significant challenge. Other NHRIs find similar gaps in the implementation of policies and note that the coverage of relevant interventions leaves many groups unserved.

The majority of the rights holders interviewed in all six countries have experienced shortages of water or poor-quality water in recent years. Reasons given include government failure to provide water infrastructure, destruction of water infrastructure, contamination due to frequent flooding, and water resources drying up due to increasingly frequent and intense drought. While it is challenging to confirm whether the drying up of water sources or poor-quality water experienced by the communities is caused by climate change, the observations are consistent with scientific research on the impacts of climate change and water resources in the regions[25].

In Sierra Leone and Namibia**,** access to safe and clean water is already a major and acute challenge. In Sierra Leone, 58% of the population have no access to basic water services despite some progress in recent years (according to UNICEF figures cited by the NHRI). In Namibia, 35% of rural households must travel over 30 minutes to fetch water, often from unreliable sources according to the national statistical agency. In Namibia, more intense drought and increased temperatures are negatively affecting an already dire water situation in rural areas. The NHRI's own research in 22 indigenous settlements showed that 76% of respondents experienced water shortages or poor-quality water

[23] Art. 25 UDHR and Art. 11 ICESCR

[24] See CESCR General Comment No. 15: The Right to Water (Arts. 11 and 12 of the ICESCR).

[25] For data on climate change impacts on water see for example: Water – at the center of the climate crisis | United Nations

linked to climate change in the last five years. Lack of access to water resources and drought were the most frequently cited reasons.

In Sierra Leone, shifting rainfall patterns create water supply problems with stream flows decreasing and streams and ponds drying up due to more frequent droughts. Out of the 27 communities visited by the NHRI, 85% had experienced water shortages in recent years. Similarly, in The Gambia, 77% of respondents had experienced water shortages or poor quality of water in the last five years due to a combination of factors including damage to water infrastructure caused by extreme weather events. More than half of the respondents reported that they had not benefited from public initiatives to ensure accessible, quality and affordable safe and clean drinking water. Similarly, in Colombia the two communities visited reported increased water scarcity due to increasingly prolonged drought periods and saltwater intrusion due to sea level rise. The communities were not aware of, or benefitting from, government initiatives and programs to guarantee the accessibility, quality or affordability of safe and clean drinking water.

The NHRI in Namibia calls the lack of access to water a symptom of administrative abandonment, infrastructural negligence and economic exclusion of the Indigenous minority communities in rural areas. The NHRI also finds that the punitive practice of cutting off water for those who cannot pay for water supply is a violation of the State's minimum human rights obligations to provide affordable access. The disconnection of water supplies is effectively leading to forced displacement and fragmentation of Indigenous minority communities from their territories. The NHRI argues that this can be perceived as a policy-induced destruction of community identity and cultural continuity.

In both Kenya and Honduras, the NHRIs describe how water scarcity, exacerbated by prolonged droughts and erratic flooding, intensifies conflicts between some communities. Interventions such as community water projects and irrigation schemes have provided pockets of relief in Kenya. However, the Kenya NHRI notes that these successes are overshadowed by ongoing issues of untreated water, gaps in equitable access, and lack of prioritisation for vulnerable and marginalised groups in water governance.

All NHRIs point to an urgent need to invest significantly in water infrastructure, protection and improved management of water resources[26]. Against the scale of the challenges, government interventions appear to be small, insufficiently aligned with human rights standards and insignificant despite the States' core obligations to ensure fulfilment of the right and to allocate the maximum of available resources to do so.

Spotlight on findings in the Honduras report

In Honduras, the NHRI describes how access to drinking water has been significantly reduced due to prolonged droughts and contamination of water sources. In rural communities, families must walk long distances to access safe water. The lack of effective policies for water management has allowed the overexploitation of aquifers affecting the availability of water resources for both human consumption and agriculture. Uncontrolled urban growth and deforestation have also affected water sources negatively. Scarcity generates conflicts between communities who depend on water for their subsistence and productive activities. The NHRI concludes that despite the State's efforts to improve access to water, investment in water infrastructure remains insufficient.

[26] The NRHI recommendations (see later) and findings mirror those of IPCC assessment reports Chapter 4: Water | Climate Change 2022: Impacts, Adaptation and Vulnerability

Disproportionate impacts on specific groups

Women: All six NHRIs document the impact of climate change on women's right to water. Several link this vulnerability to women's role as principal water gatherers. In Kenya, longer walks to gather water expose women to other risks including gender-based violence and wildlife attacks (Samburu County) and also lead to missed educational opportunities for girls. For girls and displaced populations residing in transit camps in particular, the hygiene challenges arising from water scarcity are acute with profound implications for dignity, school attendance, and health.

Indigenous peoples: The Namibian NHRI argues that the State's underinvestment in water infrastructure alongside the punitive practice of cutting off water supply for those who cannot pay, effectively contribute to forced displacement of Indigenous minority communities, leading to migration and fragmentation of communities. The NHRI notes that for Indigenous minority communities, water is not only a survival need, but a matter of cultural identity and territorial continuity. The NHRI of Honduras notes that droughts have reduced the availability of drinking water, particularly affecting Indigenous communities.

Persons with disabilities and older persons: Several NHRIs point to the specific challenges that persons with disabilities and older persons face when it comes to accessing increasingly scarce water resources and exposure to waterborne illnesses with few means to recover and access health services. In Namibia, the NHRI comments that the fact that older persons have to undertake lengthy journeys for life-sustaining water is a sign of human rights failure.

Children: The NHRI of Kenya highlights that children have to spend more time fetching water, meaning that they often miss school, and the risk of dropping out of school increases, especially for girls. As most of the water sources remain untreated, vulnerable children remain exposed to waterborne diseases and chronic health risks, and they are also some of the least able to access treatment or recover from illness. The Namibia NHRI documents how the lack of safe potable water places children at immediate risk of illness and malnutrition and it prevents schools from functioning, thereby also impacting children's right to education and future opportunities.

Other groups: The Colombian NHRI indicates that water scarcity mainly affects people in rural areas.

2.2.3. Right to the highest attainable standard of health

The right to the enjoyment of the highest attainable standard of physical and mental health is a legally binding human right.[27] The right entails a right to enjoy a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health. Public health-care facilities, goods and services as well as programmes must be available in sufficient quantity, accessible to everyone without discrimination, acceptable and culturally appropriate, and of good quality. [28]

The analytical framework looks at the existence of climate change-related laws and policies that address foreseeable harms to the right health, the implementation of initiatives and programmes to ensure the highest attainable standard of health in the context of climate change, and the prevalence of disease or health disorders with a possible link to changing climate conditions.

All of the six NHRIs document and highlight short-term and long-term harms to the right to health

[27] ICESCR Article 12 (1)

[28] CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), 2000

from the adverse impacts of climate change (OHCHR, 2016); (The lancet 2025) [29]. Both the data collection by the NHRIs and the research referenced by the NHRIs show an increase in waterborne diseases (such as cholera after floods) and vector borne diseases (such as malaria, dengue, Zika, and chikungunya). In communities across all six countries, floods and landslides destroy health infrastructure and contaminate drinking water sources, increasing the spread of gastrointestinal diseases and skin infections. Exposure to extreme temperatures has also increased the risks of dehydration and heat stroke, mainly affecting vulnerable populations such as older persons and outdoor workers. In addition, air pollution from forest fires has aggravated respiratory diseases in Honduras. Severe mental health impacts associated with exposure to climate disasters and the imminent fear of disasters such as flooding and drought are also observed across the six countries. For example, in Colombia some communities reported experiencing high levels of stress and anxiety as a climate change related impact.

In settings where communities are already underserved by health facilities, and where these facilities are understaffed or have insufficient stock of medicines, climate-related disasters further hinder access to healthcare for rightsholders. In addition, communities, including those in Sierra Leone, reported that government health facilities are far away from the villages and even when they are available, rights-holders cannot afford medication. Communities therefore rely largely on herbal and traditional medicine for care and treatment. This points to significant gaps in the implementation of State obligations related to the right to health.

Some countries including Kenya, The Gambia and Sierra Leone have instituted policies and mechanisms responding to the challenges such as a climate health unit in Sierra Leone. In Kenya, the NHRI points to commendable progress including targeted interventions in counties such as cash transfers and improved healthcare outreach. However, the situation documented by these NHRIs shows that the implementation of these interventions is far from effective and that rights are regularly harmed. For example, the NHRI of Kenya notes that the reach of public interventions remains limited and uneven, and a substantial proportion of the population continues to be underserved. In Sierra Leone, the NHRI finds that funding is low, ad hoc and reliant on donor support.

Generally, the NHRIs report severe gaps when it comes to the fulfilment of State obligations to ensure access to facilities, goods and services and conditions necessary for the realisation of the highest attainable standard of health in the context of climate change. The NHRIs conclude that the lack of public health programs adapted to new climate risks constitutes an insufficient response.

Spotlight on findings in the Namibia report

In Namibia, the NHRI's data collection showed that Indigenous Minority communities are severely affected by health challenges exacerbated by climate change such as malnutrition, heat-related stress, and poor mental well-being associated with hunger and drought and the inability to work during the hottest season. In terms of access to healthcare, the research showed that of the 22 surveyed communities, less than a third have access to permanent clinics or consistent outreach services, while almost half rely on irregular mobile visits and have no nearby health facility. During climate events such as floods or droughts, more than half of the communities reported being unable to reach health facilities mainly due to road damage or flooding. Over half of the communities also experience irregular supplies or stock-

[29] Their findings are in line with the observations in the OHCHR report A/HRC/32/23 and academic research published by The Lancet (see references in the bibliography).

outs of medicine. Furthermore, one third of the communities reported not having seen a health worker in months, indicating significant gaps in personnel presence and supply chain stability. The NHRI concludes that climate change is undermining the availability and accessibility of health care in Indigenous settlements. The NHRI argues that the absence of functional clinics, long travel distances, and increased disease outbreaks reflect a systemic failure to fulfil the right to health.

Disproportionate impacts on specific groups

Women: The Gambia, Namibia, and Kenya NHRIs all document disproportionate impacts on women's right to health, identifying them as among the most vulnerable to climate-related illnesses.

Indigenous peoples: The NHRI of Namibia finds that the impacts on Indigenous peoples' health are magnified by geographic isolation, poverty, and weak health infrastructure. This NHRI highlights that health services are unevenly distributed, disproportionately neglecting Indigenous community settlements.

Persons with disabilities: In The Gambia, Kenya and Namibia, the NHRIs highlight that climate change disproportionately impacts health outcomes of persons with disabilities.

Children: Most of the NHRIs point to data indicating that children are disproportionately impacted by, for example, heat-stress, respiratory diseases due to dust pollution during dry spells and smoke from fires, vector and waterborne diseases, and long-term risks associated with malnutrition.

Older persons: Several of the NHRIs highlight the vulnerability of older persons to heat stress, risk of dehydration, and respiratory and cardiovascular diseases due to pollution from dust and smoke. In Namibia, the NHRI calls it a human rights failure that older persons must walk long distances to access water.

Other groups: In Kenya, the NHRI documents specific challenges related to the minimal psychosocial and livelihood support for displaced families and the lack of access to basic services including health and sanitation services in transit camps. In Colombia, climate change is undermining the primary livelihood of small-scale fishers as rising temperatures force fish into deeper water. This shift not only threatens their right to food but also erodes cultural practices and identities deeply rooted in traditional fishing activities.

2.2.4 Right to adequate food

The right to adequate food[30] implies the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture. Availability refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems. Accessibility encompasses both economic and physical accessibility. The meaning of "adequacy" is determined by prevailing social, economic, cultural, climatic, ecological and other conditions, while "sustainability" incorporates the notion of long-term availability and accessibility.[31]

The analytical framework looks at whether climate change-related laws and policies address foreseeable harms to the right to food; the implementation of initiatives and programmes to ensure

[30] Art. 11 of CESCR

[31] CESCR General Comment No. 12: The Right to Adequate Food (Art. 11), 1999

adequacy and sustainability of food availability and access in the context of climate change; and the enjoyment of the right to adequate food in practice.

All six NHRIs document the severe impact that climate change is already having on food security and describe how these impacts undermine progress in realizing the right to adequate food (OHCHR, 2024) [32]. Food insecurity is already a serious issue in all the countries with disproportionate impacts on marginalised communities in rural areas that have limited or no access to services and high dependence on increasingly unreliable rain-fed subsistence farming, fishing or pastoralism.

There are varying degrees of legal protection of the right to food in the six countries, but all the NHRIs found climate policies or plans that address food insecurity indicating a high level of recognition of the problem. The Women's Act 2010 in The Gambia is a good example of legal recognition of the right to adequate food for all women in a national law. Similarly, the climate change plan for the agricultural sector in Colombia outlines a gender-responsive approach to promoting the leadership and participation of women. All the NHRIs note the existence of initiatives aimed at boosting agricultural production through, for example, climate resilient farming often supported by donors such as FAO.

Despite some recognition and legal protection of the right to food, the available data from UN agencies and national statistical offices, combined with the research by the NHRIs in marginalised communities, shows severe levels of food insecurity. World Food Programme data from Sierra Leone shows that 77% of people are already food insecure and that 26.2% of children are stunted. Sierra Leone's high dependence on agriculture and poor infrastructure worsens the country's vulnerability to climate change. All of the 27 communities visited by the NHRI had experienced food shortages in recent years. The reasons given were reduction in crop yields as a result of either extreme temperatures or extreme rainfall leading to flooding and destruction of crops. Small-scale fishers are experiencing depletion of fish stocks and the submersion of their homes and fishing landing areas on islands off the coast affected by sea level rise.

Similarly, in Namibia 91% of the respondents reported having experienced food shortage or other issues related to availability, accessibility and quality of food within the last five years. The main reasons reported were drought (86%), reduction in crop yields (57%), and extreme temperatures (43%). In The Gambia, 75% of the respondents had experienced food shortage, low yields, and limited availability and accessibility of food within the last five years. Communities pointed to extreme rainfall, flooding, reduction in yield, drought, damage caused by storms, and new pests and diseases as the main reasons. In Honduras, the community of Intibucá reported that new pests, diseases and extreme temperatures are leading to loss of crops. In Colombia, the communities on the Caribbean coast reported that their primary economic activity – fisheries, has been impacted by climate change as the fish migrate to deeper waters due to warmer temperatures. Also, agricultural crops no longer grow as they used to and have been affected by pests.

Hence in all six countries, there is evidence of how climate change exacerbates food insecurity as flooding and drought destroys crops and grazing areas and as ocean temperatures change fish habitats and migration patterns. These findings are consistent with scientific research (Sparling Morrows, T. et al, 2024). Despite these harms to the right to food, the communities interviewed by the NHRIs had received little support. In Colombia, the two communities had not benefited from public programs. In The Gambia, the majority of respondents (65%) stated that they had not received public support to ensure food availability and access. In Namibia, when asked about support for food production or farming, only 24% of respondents reported that they had received support, 38% reported that they had received some support, and 38% reported that they had not received support. The NHRI

[32] These findings are in line with UN human rights reports on the topic: The impact of climate change on the right to food | OHCHR

of Honduras criticizes the lack of State support for small farmers and rural communities in the context of climate change. The NHRI of Namibia concludes that while climate change is causing direct harm, the inability of the State to implement timely and effective mitigating measures converts the climate-induced harm into a human rights violation. Several of the NHRIs call out systemic failures in the States' duties to protect, respect, and fulfil the right to food under international human rights law.

Spotlight on findings in the Kenya report

In all five counties visited, the NHRI found that the right to adequate food is under sustained threat as climate change impacts intensify. Increasingly unpredictable weather patterns, extreme climatic events and deteriorating agricultural conditions are undermining the ability of individuals and communities to secure sufficient safe and nutritious food. The Samburu County faces an acute food crisis fuelled by drought. Repeated crop failures and decimation of livestock herds have left households, including Indigenous communities, in a dire situation forcing families to ration food stringently and to resort to harmful coping strategies such as child marriage and cattle rustling.

The NHRI notes that climate change plans outline measures to address food insecurity. Adaptation and resilience measures such as the distribution of drought-resistant seeds, seedlings, irrigation support, and soil conservation have been introduced in all five counties. However, the NHRI finds that these initiatives often fail to explicitly target or benefit the most at-risk groups, and weak monitoring and reporting mechanisms mean that the scale and distribution of their impact remain unclear.

Disproportionate impacts on specific groups

Women: The NHRI of The Gambia observes that women, as primary caretakers of children, bear the most difficult burden during food shortages. The NHRI of Kenya notes that disasters constrain women small-scale farmers' ability to transport harvest and access markets. The longstanding exclusion of women from land ownership limits their ability to recover or adapt. In Namibia, increased food insecurity pushes women into precarious labour, exposing them to exploitation or abuse. In Honduras, food insecurity has compelled many women to migrate.

Indigenous peoples: In Namibia, the NHRI research shows that 90% of Indigenous respondents have experienced food shortage and other issues related to availability, accessibility and quality of food in recent years.

Persons with disabilities and older persons: Several NHRIs note impacts on the right to food for older persons and persons with disabilities. For example, restricted mobility further reduces their ability to access food, markets, and relief after disasters. A lack of access to land and services further compounds food insecurity for persons with disabilities.

Children: Several NHRIs note the specific impact that malnutrition has on children in terms of stunting and long-term health impacts. In Kenya, stunting rates have risen alarmingly in Samburu and Nakuru Counties. In Namibia, there are examples of children dying from hunger and malnutrition in the communities visited.

Displaced persons: In Kenya, the NHRI notes that displaced persons face even greater challenges, as climate shocks limit their access to productive land and essential resources, deepening their food insecurity.

2.2.5. Right to adequate housing

The right to adequate housing[33] is a universal human right. The Committee on Economic Social and Cultural Rights has clarified that the right should not be interpreted in a narrow sense as 'shelter', but as 'the right to live somewhere in security, peace and dignity'.[34] The human rights standard for adequate housing includes: Legal security of tenure for all types of tenure and legal protection against eviction; Availability of services, materials, facilities and infrastructure essential for health, security, comfort and nutrition; Affordability; Habitability with adequate space and protection from cold, damp, heat, rain, wind or other threats to health; Accessibility, also for persons with disabilities; Location with access to employment options, health-care services, schools; and Cultural adequacy to enable the expression of cultural identity[35].

The analytical framework looks at the existence of climate change-related laws and policies that address foreseeable harms to the right to housing and implementation of initiatives and programmes to protect the right to housing of those affected by climate change. It investigates the enjoyment of the right to adequate housing in the context of climate change, tenure security and incidents of dispossession, displacement or relocation due to climate change measures and projects, and consultation with rights holders in this regard.

Several NHRIs found gaps in climate policy frameworks and initiatives addressing harms to the right to housing, despite the severe impacts. Although Gambia's National Climate Change Policy 2016-2024, mentions promoting climate-resilient and sustainable human settlements through participatory planning, management and governance, neither the laws, the Long-Term Climate Strategy 2050- nor the National Development Plan 2023-2027 adequately address impacts of climate change on housing for different groups or reflect human rights standards.

All six NHRIs noted severe impacts of climate-related disasters on the right to housing. Their research findings are supported by official data on damage to housing due to climate-related disasters and reports by the UN Special Rapporteur on adequate housing (Rolnik, Raquel, 2009). For example, Honduras faces intense hurricanes, recurrent floods, landslides, and droughts, which severely affect housing infrastructure and human settlements, especially in low-income communities. In recent years, Hurricane's Eta and Iota and the tropical storm Sara destroyed thousands of homes and affected hundreds of thousands of people according to national official data. In The Gambia, 59% of the respondents in the NHRI survey indicated that their homes had been negatively affected or made unliveable due to weather-related conditions or events in the past 5 years. 74% reported that their housing provides no protection or only partial protection against cold, damp, heat, rain, wind or other threats to health. Similarly, in Namibia, over half of the Indigenous minority communities (52%) reported that their homes had been negatively affected or made unliveable due to weather-related conditions or events in the past 5 years. 81% reported that they do not have adequate protection from the elements and threats to health. The failure to ensure habitability - a core element of the right to adequate housing - is criticised by the NHRI.

Generally, the NHRIs found that despite the impacts on the right to housing, initiatives aimed at climate-proofing human settlements and ensuring human rights compliant relocation are lacking. For example, in Colombia, the NHRI could not find information on the progress of programmes supporting the adaptation and improvements of housing to respond to climatic events. No information on initiatives to increase housing resilience were found although houses in the communities visited were not prepared to face extreme weather events. Similarly, the NHRI of The Gambia did not find

[33] Article 11 of ICESCR

[34] CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), para 7

[35] Ibid.

information about initiatives to address climate risks to housing. 87% of respondents stated that they did not benefit from support for adaptation and improvements to increase the resilience of their homes to extreme weather events. Also, among communities who were displaced, only 30% indicated that their new homes have suitable access to employment options, health-care services, schools, childcare centres and other social facilities. This indicates gaps in adherence to human rights standards.

Most of the NHRIs documented displacement due to climate change impacts. In Sierra Leone, 63% (17 of 27) of the communities interviewed had experienced displacement due to climate impacts such as heavy rainfall, floods, storms, rising water levels, and drought. In the Gambia, 44% of respondents had experienced displacement due to climate impacts. In Kenya, the NHRI notes that climate-induced disasters such as floods, droughts, and wildfires contribute significantly to the loss of homes, properties, and land, disproportionately affecting vulnerable populations and residents of informal settlements.

The NHRIs of Sierra Leone and Honduras note the trend of people settling in high-risk areas which exposes them to floods and landslides leading to loss of lives and property. They call for risk-informed planning and human rights compliant relocation. Relocation as a disaster prevention measure and a necessity after disasters has emerged as a critical issue in several of the countries. Several NHRIs point to the urgent need to align relocation processes with the human rights standards for the right to housing.

The NHRI of Honduras points to the relocation policy by the Municipal Mayor's Office of the Central District as a good example of integration of human rights standards. At the same time, the NHRI criticises the absence of adequate infrastructure and relocation policies for at-risk communities in other parts of the country. In Kenya, the NHRI notes a problematic practice where disaster preparedness and climate mitigation measures are being used to justify forced evictions and demolitions of informal settlements without adequate compensation or provision of alternative housing. For example, in 2024, severe flooding led to government-authorized demolitions of informal settlements such as Mathare, Mukuru Kwa Reuben, Gwa Kairu, and Kiamaiko. These demolitions were later declared unconstitutional by the court[36].

In several countries, there were instances of communities not being consulted in connection with planned relocation (Kenya, Namibia, Gambia, Sierra Leone). In Namibia, 81% of rights-holders who experienced relocation reported that they had not been consulted prior to relocation. This contradicts obligations to ensure free, prior and informed consent in connection with relocation of Indigenous communities. 86% of respondents did not have legally recognised documents that recognise their rights to land, property or natural resources, which can contribute to actual and perceived insecurity of tenure.

Spotlight on findings in the Sierra Leone report

17 out of 27 communities interviewed by the NHRI had experienced displacement from land and property due to heavy rainfall, flooding, rising water levels and coastal erosion. Among the 17 affected communities, only 5 reported that they received support from either a government agency

[36] For more information about these cases see: https://www.amnestykenya.org/solidarity-statement-on-the-recent-evictions-in-nairobi-informal-settlements/
https://khrc.or.ke/wp-content/uploads/2024/05/Order-PET-E245-2024.pdf?utm_source=chatgpt.com

directly or from humanitarian NGOs. In the 5 communities that received support, only 2 reported that the support reached and benefitted all those who required assistance.

The NHRI documented direct discrimination in relocation support for mudslide victims at Kamayama and Moetomeh in 2017. Over 600 people lost their lives the community and 19,826 people were directly affected and registered for relocation. Only 64 households benefited from the housing provided for the relocation. Communities alleged that most of the 64 beneficiaries were those who had connections to the public officials in charge. The distribution of goods and services along political lines or to specific individuals violates State obligations to ensure equality and non-discrimination and humanitarian principles.

Despite progressive resettlement policy frameworks, the NHRI finds that implementation remains a huge gap. Among the 5 communities that had experienced relocations, 4 reported that the conditions at the relocation sites did not comply with the human rights standards in terms of access to employment options, health-care services, schools and more.

Disproportionate impacts on specific groups

Women: In Kenya, the NHRI noted the increased risk of sexual violence and psychological distress that women and girls face when displaced due to disasters and the low security of tenure due to exclusion of women from land ownership. In Sierra Leone, the NHRI noted low participation of women in consultation processes related to displacement, eviction or resettlement.

Indigenous Peoples: The Namibia NHRI data shows harms to the right to housing for Indigenous minorities with more than half of the communities (52%) affected by climate impacts on housing while the vast majority (90%) did not benefit from support. They documented significant gaps in terms of compliance with free, prior and informed consent obligations and low levels of security of tenure. The Kenya NHRI pointed to rights violations in green energy projects and carbon credit schemes that have resulted in forced evictions and the displacement of communities including Indigenous Peoples. The NHRI of Honduras describes how environmental degradation affects the housing of Indigenous Peoples.

Persons with disabilities: The Kenya NHRI documents that the loss of permanent homes and infrastructure caused by the floods in Taita Taveta (2023) have amplified the cycle of vulnerability, particularly for those already marginalised by poverty, disability, or gender.

2.2.6. Rights to land and natural resources for Indigenous peoples and peasants and other people living in rural areas

While legal security of tenure is a core aspect of the right to housing, which is a universal right, Indigenous Peoples and peasants[37] have specific rights to land and natural resources in international human rights law. Indigenous Peoples' collective right to the lands, territories, waters and coastal seas and other resources they have traditionally owned, occupied or otherwise used or acquired are key provisions of the legally binding ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples. [38] As per the UN Declaration on the Rights of Peasants and Other People

[37] A "peasant" in UNDROP is defined very broad as any person who engages in small-scale, subsistence agricultural production and who has a special dependency on and attachment to the land, to persons engaging in livestock raising, pastoralism, fishing, forestry, hunting or gathering, and handicrafts related to agriculture or a related occupation in a rural area, their dependent family members, and the landless, including workers. For full definition see: United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas 2018, Article 1.

[38] UN Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007, Indigenous and Tribal Peoples Convention (No. 169) 1989

living in rural areas, peasants have a right to land, and to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein.[39] There is scientific evidence that increasing recognition and legal security of tenure for Indigenous peoples contributes to halting degradation and preserving biodiversity and carbon sinks. [40]

The legal protection of the rights to land and natural resources for Indigenous peoples and peasants vary in the countries. Good constitutional protections are highlighted by the NHRIs of Namibia, Colombia and Kenya. Several NHRIs point to the existence of progressive land laws. For example, both Sierra Leone and Kenya have instituted land laws, such as the Community Land Act of 2016 in Kenya and the Customary Land Rights Act 2022 in Sierra Leone aiming to secure customary tenure rights for communities. Sierra Leone has adopted the standard of free, prior and informed consent for all land-owning and land-using communities. This is a high standard normally only applied where Indigenous peoples land and resources are concerned.[41]

All of the NHRIs reflect on the importance of security of tenure and respect for land and natural resource rights in the context of climate change. They note that Indigenous peoples and peasants are custodians of land and natural resources that often play a central role in government carbon budgets (conservation for carbon credits) or economic strategies (mining for minerals including those required for the green transition). This puts community land rights at risk, especially where protection of customary tenure rights is low and pressure on land is high.

A major challenge documented in Kenya, The Gambia, Namibia, Sierra Leone and Honduras relates to the registration of land and the implementation of progressive land laws. Lengthy, bureaucratic, expensive and complicated registration processes and inadequate government allocation for land registration hinder community access to documentation of their rights to land and natural resources. Gender norms and discrimination continue to undermine women's equal access to and use of land and natural resources despite policy attempts to secure equal rights. This puts Indigenous and other communities, and women in particular, more at risk of losing land to conservation, energy, mining and other projects that require land.

In Honduras, the dispossession of land for the expansion of mining, urban and agro-industrial projects has reduced the livelihood opportunities for Indigenous peoples, sometimes causing displacement and migration. The lack of legal certainty regarding their rights to land, territories and natural resources has prevented the enjoyment of other rights such as free, prior and informed consent regarding projects that concern them. Similarly, in Namibia the survey by the NHRI exposed a disconnect between the communities' traditional custodianship and their current effective control over their resources. Over half of the responding communities reported negative impacts of conservation policies due to restrictions on hunting and harvest activities with implications for cultural practices and livelihoods.

Spotlight on the right to land in Colombia

Colombia has made notable progress in strengthening the rights of peasants and Indigenous Peoples to land and natural resources. Legislative Act No. 001 formally recognizes peasants as subjects of rights with special constitutional protection, reinforcing earlier Constitutional Court jurisprudence. This has supported greater inclusion of peasant communities in environmental

[39] United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas 2018, Article 5 and 17

[40] Prevent pandemics and halt climate change? Strengthen land rights for Indigenous peoples, Hernandez, Jessica et al. The Lancet Planetary Health, Volume 6, Issue 5, e381 - e382, see also: Why Securing Indigenous Land Rights Protects Biodiversity | World Resources Institute

[41] ILO C. 169 Art. 14 and UNDRIP Art. 26

governance and highlighted the need to align climate-change measures with their rights to land, water, and food. Indigenous territorial and natural-resource rights are also firmly established in the Constitution and ILO Convention 169, enabling stronger participation in climate and biodiversity policies.

Despite these positive steps, the NHRI notes that rural Afro-descendant communities—such as those interviewed in Playa Blanca—continue to face barriers due to the absence of collective land titles, limiting their control over coastal areas and access to traditional water bodies. Community councils report impacts on forests, fisheries, and culturally rooted livelihoods, as well as growing risks from ecosystem degradation, including the loss of mangroves and coral reefs. These cases highlight the need to accelerate implementation of existing policies to secure land tenure, protect cultural rights, and strengthen community-based stewardship of natural and marine resources.

Spotlight on eviction of Indigenous peoples in Kenya due to climate measures without free, prior and informed consent

The NHRI in Kenya points to examples of green energy and carbon credit projects that have resulted in forced evictions and the displacement of communities including Indigenous Peoples. For example, the NHRI highlights that in Nakuru County, conservation projects aimed at protecting the Mau catchment have forcibly removed Indigenous Peoples from ancestral lands. Similarly, in Samburu County, Indigenous people continue to experience cyclical displacement and recurrent forced evictions as a result of conservation measures undertaken without their free, prior, and informed consent. The NHRI comments that this reflects ongoing breaches of Kenya's obligations under the African Charter on Human and Peoples' Rights, despite rulings against Kenya by the African Commission on Human and Peoples Rights upholding Indigenous peoples' land rights and calling for compensation and non-repetition of violations. [42]

Disproportionate impacts on specific groups

Women: Several NHRIs document the specific challenges that women face concerning access to and control over land. Cultural norms in The Gambia, Sierra Leone and Kenya have limited women's formal ownership of land and their security of tenure despite progressive policies. This has consequences for women's ability to adapt to climate change, recover from disasters, access input and services, and participate in decision-making at household and community levels.

Indigenous peoples: In Namibia, the majority of Indigenous minority rights-holders responded that they lack legal security of tenure and are concerned about losing land. Testimonies also reveal displacement and a lack of free prior and informed consent. The NHRI finds that some State conservation policies have restricted cultural practices such as hunting and gathering. The Kenya NHRI reports forced evictions of Indigenous communities in Samburu and Nakuru Counties.

Persons with disabilities: In Kenya, the NHRI notes that for persons with disabilities, exclusion from land inheritance further marginalizes them by preventing meaningful engagement in climate-resilient activities and entrenching cycles of dependence and vulnerability.

[42] See for example the "Ogiek case": *African Commission on Human and Peoples' Rights v. Republic of Kenya* (Application No. 006/2012): African Court on Human and Peoples' Rights issues new orders to Kenya over non-compliance in the Ogiek case - African Court on Human and Peoples' Rights

2.2.7. Other economic social and cultural rights covered in the analytical framework

The analytical framework covers other economic, social and cultural rights beyond those reviewed above. Short summaries of key findings under these additional rights-areas are presented below. Overall, it appears that cultural rights and the rights to work and to just and favourable conditions of work are poorly recognized, analysed and addressed in climate change policies and plans in the countries. This could be due to impacts not being well understood or documented, or because these rights receive lower priority in climate policy responses. The NHRIs documented significant gaps in access to social security, despite its importance for the ability to withstand and recover from disasters and changing conditions.

Cultural rights

The NHRIs found a relatively low level of recognition in climate change-related policies and plans of how climate change is impacting cultural rights. Compared to other rights, impacts on cultural heritage (tangible and intangible) seem to be less analysed and addressed. Several NHRIs noted the absence of measures to protect cultural rights, and this picture was confirmed by rights-holders. Harms to cultural rights resulting from both climate change and climate change measures were documented in all countries. In Kenya and Sierra Leone, forest conservation has restricted traditional cultural practices including the performance of rituals and access to sacred places. Communities' places of worship are also impacted and destroyed in floods. Communities reported that biodiversity loss and changes to ecosystems undermine traditional occupations (including fishing, hunting and gathering), as well as traditional and spiritual practices, including those of Indigenous Peoples in Kenya, Namibia, Honduras and afro-descendent communities in Colombia. In Colombia, for example, climate change is undermining artisanal fishing resulting in loss of ancestral knowledge about the eco-system and fishing technical and cultural identify. Some initiatives like participatory mangrove restoration demonstrate the capacity of community stewardship to restore ecosystems and maintain cultural practices.

Rights to work and to just and favourable conditions of work

The NHRIs found a low level of recognition of the impacts of climate change on the right to work and to just and favourable conditions of work in climate change policies and noted an absence of strategies to address harms. In Kenya, the national adaptation plan does recognise the need to enhance the adaptive capacity of the labour force and mentions support for green job creation, yet the NHRI notes that the plan falls short of outlining concrete strategies. The NHRI also points out that protections for workers in climate impacted sectors, such as agriculture and tourism, are missing. The NHRIs of Kenya, Colombia, The Gambia and Namibia all document the impacts of climate change on the conditions of work particularly for small-scale farmers, fishers and pastoralists, as well as impacts on traditional occupations including hunting and gathering in Namibia. For example, in Kenya, flooding of mining sites increases the risk of injury and death due to collapse of mines. In Colombia, some commercial premises have had to close due to sea level rise. The NHRIs of Namibia, Kenya and Honduras note increases in climate-related migration including youth seeking work in urban areas in Kenya, women migrating in Honduras, and Indigenous minorities in Namibia leaving their traditional lands to move into congested settlements.

Right to social security

The research by the NHRIs of The Gambia, Namibia and Kenya showed that despite the presence of social security policies and cash transfer programmes, there are significant gaps in access and availability to social protection for climate vulnerable and marginalized groups. In The Gambia, 76% of

the respondents stated that they did not access any relevant social protection programmes and those who received social security explained that the support was inadequate. In Namibia, around half of the communities had access to social security schemes but also pointed to the inadequacy of the support and gaps in coverage for all those eligible. In Kenya, the vulnerable and marginalised groups highlighted fragmented delivery, intermittent coverage, and persistent exclusion. Administrative barriers such as the inability to produce the necessary national documents and distance from service points were some of the reasons given for low access.

Right to a clean, healthy and sustainable environment

The right to a clean healthy and sustainable environment has been recognised internationally as a human right and both Africa and Latin America have the right enshrined in legally binding regional treaties namely the African Charter on Human and People's Rights and the Escazú agreement.[43] In addition, several of the countries have the right enshrined in their constitutions. A "safe climate" has been outlined as one of the elements of this right by the UN Special Rapporteur on the human right to a healthy environment (Boyd, David R., 2019).

Most of the NHRIs did not cover this right explicitly in their research. Partly because the consequences of an "unsafe climate" is well covered in their analysis of the impacts on economic, social and cultural rights. Also, they chose a focus on adaptation and disaster risk reduction as opposed to mitigation which other contributes to "a safe climate". There were also practical reasons as a comprehensive inclusion of the right might have widened the scope of the policy review significantly by including a range of environmental policies that intersect with, but are not, climate change specific.

The NHRI of Kenya notes that despite constitutional protection of the right and several climate change and environmental policies being enacted, deforestation, land degradation, and pollution continue to exacerbate the effects of climate change for the communities interviewed. Furthermore, the enforcement of environmental laws often faces institutional and resource constraints, limiting their effectiveness.

Right to education

The right to education was added to the analytical framework after its initial development based on suggestions from NHRI partners. Only the NHRI of Kenya included it in its review. The NHRI found good constitutional protection of the right and human rights compliant education-related laws, policies and initiatives including the creation of the National Council for Nomadic Education to address the unique needs of pastoralist communities. Despite these efforts, climate change continues to threaten the right to education in Kenya, both directly and indirectly. Water scarcity, food insecurity, and recurring climate disasters have heightened barriers to access schooling, especially for children in vulnerable and marginalized communities. The NHRI comments that this means a generation of children—particularly girls and those from marginalized groups—are losing their right to education. The NHRI of Kenya reflects on how impacts of climate change create a vicious cycle of interrupted schooling, destruction of school infrastructure, early marriage, child labour, and greater exposure to violence and exploitation.

[43] Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean "Escazú", 2018, Article 4, African Charter on Human and People's Rights, 1981, Article 24.

2.3. Procedural rights and the environment for defending rights

What are procedural rights?

Procedural rights concern fairness, equality, transparency and justice in legal and administrative processes, particularly where those processes are necessary for the enjoyment of other human rights. Rights such as access to information, public participation and access to remedy describe the standards for the process of rights-holders accessing information from public sources, participating in shaping decisions that affect them and accessing justice in case of violations of their rights.

In Latin America, the Escazú agreement is legally binding for States that have ratified it and it provides detailed standards on the right to access environmental information, the right to participation in environmental matters, and the protection of environmental human rights defenders.

Although the right to peaceful assembly and to liberty and security of person do not strictly fall within the procedural rights category they are analysed here as they help complete the picture of the enabling environment for rights holders and human rights defenders.

The six NHRIs present a mixed yet overall challenging picture of the environment for rights-holders to defend rights and influence environmental decision-making more broadly at both community and national level.

While none of the NHRIs documented suppression of freedom of assembly related to protesting climate change-related initiatives, the NHRIs of Honduras, Kenya, Namibia and The Gambia noted restrictions on the right to peaceful assembly in general and cited examples of violations of the rights of environmental human rights defenders. For example, the NHRIs of Kenya and Namibia note that despite strong constitutional and legal protections, individuals and groups defending their rights in the context of environmental matters often face repression, intimidation, and threats. This creates a chilling effect on activism and undermines the critical role of civil society in promoting accountability and participation in environmental governance.

The situation is particularly severe in Honduras and Colombia, where the NHRIs note an increase in the targeting of people who are defending their territories from mining and exploitation of natural resources, including an increase in murder of environmental defenders. The NHRI of Honduras describes how criminalization of Indigenous and Afro-descendant leaders, who defend their territories and natural resources, has increased in recent years, especially with arbitrary detentions and judicial persecution. Between 2023 and 2024, the NHRI of Colombia registered 89 complaints related to threats and risks to environmental human rights defenders (76.4% regarding men and 23.6% regarding women) and identified 29 murders of environmental defenders between 2016 and September 2024.[44] This has generated a climate of fear and repression, ultimately weakening participation of communities, their leaders and organisations.

[44] The NHRI refers to own data. Source cited: "la Defensoría del Pueblo a través de la Dirección Nacional de Atención, Trámites y Quejas-ATQ 2023-2024"

Spotlight on climate change as security risk multiplier

Another aspect to the right to liberty and security of person is brought forward by the NHRI of Kenya. In all counties visited, the intersection between climate-induced displacement, resource scarcity, and systemic social inequalities exacerbates existing gender inequalities, exposing women and girls to violence that ranges from sexual and gender-based violence in transit camps to coercive child marriages. The loss of livelihoods and increased desperation as a result also increases opportunistic attacks and theft and the loss of habitats bring wildlife in closer contact with humans. The NHRI reflects on how climate change impacts indirectly increase insecurity and protection concerns.

2.3.5. Access to information

The right to seek, receive and impart information is a fundamental human right (ICCPR Article 19) and a pre-condition for effective participation. The Human Rights Committee has indicated that to give effect to the right of access to information, States parties should proactively put in the public domain government information of public interest (HRC General Comment no. 34). The UN Special Rapporteur on the promotion and protection of human rights in the context of climate change has outlined State obligations to fulfil the access to information on climate change and human rights in a report from 2024 (Morgera, E., 2024). The indicators in the analytical framework concern the recognition of the right of access to environmental information in national legislation and availability and accessibility of information on climate laws, policies, measures and impacts.

The analyses by the NHRIs show that despite existence of legal frameworks protecting the right of access to information, there is a need to put these into effect and rights-holders still face many practical barriers to accessing information about laws, policies, initiatives, projects, environmental impact assessments and importantly also climate information in the form of early warning and weather advisories.

Access to information is protected in legislation in Colombia, Sierra Leone, The Gambia, and Namibia with varying degrees of detail on environmental information. However, the barriers to accessing environmental information as documented by the NHRIs are many. Often information is not proactively shared by public authorities, not easily accessible, not in relevant languages, or not provided in a timely or low-cost manner upon request. In all countries, the NHRIs found challenges related to accessing environmental impact assessments.

In Colombia and Sierra Leone, the NHRIs found that communities did not know where to look for environmental information. In Colombia, communities also reported that information was not always easily and conveniently found, not shared in a timely manner, and not available at a low-cost, all of which conflict with the standards and obligations of the State under the Escazu agreement. Similarly, in Kenya, the NHRI found that climate and environmental laws, policies, and technical documents are often inaccessible, that formal requests are required to obtain them, and that simplified versions for low-literacy or visually impaired groups are missing. This creates substantial barriers to the information needed for the public to meaningfully participate in climate governance. Vulnerable and marginalized groups face higher barriers to accessing environmental information. In Kenya, the NHRI notes that in all counties examined, digital divides and the lack of accessible and user-friendly information prevent weather advisories and early warnings from reaching the groups who need them the most.

In Honduras, the NHRI itself experienced firsthand not being able to access environmental information and not receiving responses to official requests sent to the public authorities about actions taken by the State to address climate change including information on permits and licenses for projects in

areas with peasant and Indigenous communities. In Namibia, the NHRI argues that the State is engaged in institutional obstruction and exclusion of rights holders, due to a failure to publish and disseminate information and decisions impacting rights holders, all of which leave a vacuum in terms of accountability for climate-related decisions.

2.3.2. Right to participation

The right to participation is a universal human right.[45] Some of its key elements include prior consultation, giving sufficient time for information to be provided and understood and full disclosure of information about both potential positive and negative impacts of a policy measures or project[46].

The analytical framework indicators on the right to participation focus on recognition in national legislation of the State duty to consult with Indigenous Peoples before adopting measures that may affect them; procedures or mechanisms consultation with rights-holders; and meaningful participation of rights-holders in the design, implementation and monitoring of climate change-related measures.

The analyses by the six NHRIs show a good level of recognition of right to participate in public affairs in general and in climate policies. Colombia has ratified the Escazú agreement which lays a strong legal foundation for the right to participate in environmental matters while Honduras has not. Honduras does, however, have specific laws on citizen participation and environmental management. The Kenyan Constitution also contains strong provisions on public participation and encourages public participation in environmental governance. In Namibia, climate plans and environmental laws include commitments to ensure participation and free, prior and informed consent for Indigenous Peoples. The NHRI of Namibia highlights the National Gender Equality and Equity Policy 2025-2035 which aims to promote equal access to decision making structures and processes of environmental management bodies by women, men, girls, boys and persons with disabilities and marginalized communities, Indigenous minorities.

The NHRIs note that, despite good intentions in policies and plans, rights holders at "grassroots level" are generally not consulted or involved in developing or updating policies but instead are only informed during implementation or enforcement. The Colombian NHRI found that participation in relation to climate change laws, policies, plans, and projects was almost non-existent. The NHRI in Sierra Leone finds that there are no clear procedures or mechanisms laid out by the State to ensure the realization of this right. The NHRI points to the lack of genuine participation as one of the key reasons why many projects (including conservation projects) fail due to a lack of buy-in and ownership by communities.

In Kenya, there are structures in place at county level such as County Climate Change Steering Committees, County Climate Change Planning Committees, and Ward Climate Change Planning Committees, with reserved seats for vulnerable and marginalised groups. However, the NHRI notes that technocrats and politicians often control the process, and marginalised groups are included without a real voice or substantive role. Procedures for their participation remain ambiguous or inconsistently applied across counties, and the lack of clear guidelines means that even when represented, their voices and perspectives are rarely meaningfully incorporated into decision-making.

In Honduras, the NHRI criticizes the lack of transparency in planning combined with intimidation of community leaders, and a lack of protection for human rights defenders. The gap between State

[45] ICCPR Art 25

[46] For guidance on the human rights standard on participation in non-electoral contexts, see: Guidelines on the effective implementation on the right to participate in public affairs | OHCHR

commitments and participation in practice is found to be particularly deep for Indigenous and Afro-Honduran communities.

All NHRIs report gaps in terms of rights holder participation in EIA processes. In Namibia, the Environmental Management Act of 2007 requires prior consultation with affected communities and interested and affected parties. However, 18 out of 20 communities reported not having been involved in such processes. In The Gambia, 59% of respondents interviewed by the NHRI stated that they or their representatives were not consulted or had not participated in impact assessments for projects affecting them. In Sierra Leone, almost half (48%) responded that they had been involved in impact assessments indirectly as they were represented by their community leaders. It should be noted that the NHRI reports do not include detailed information about whether these communities have been affected by projects, including climate change related projects, where impact assessments were required and therefore should have been consulted. However, the fact that the majority of those consulted reported that they had not received the report or the outcomes of the EIA after, point to an accountability gap. In Namibia, the majority of those consulted (67%) had not seen the final impact assessment. In the Gambia, this figure was 54% and in Sierra Leone 77%.

2.3.3. Access to effective remedy

The right to remedy is a human right enshrined in binding human rights instruments (including ICCPR Article 2(3)) and includes equal and effective access to justice, adequate, effective and prompt reparation for harm suffered, and access to relevant information concerning violations and reparation mechanisms (HRC General Comment No. 31). If rights-holders experience violations due to a climate change measure, there must be access to remedy including redress, restitution and compensation.

The framework indicators investigate the possibility of taking legal action to litigate rights and seek remedies for infringement of rights due to climate change impacts and measures, barriers to appeal against government decisions regarding climate change related policies, plans or projects and incidents of court rulings that provide remedy for infringements of human rights in the context of climate change.

The legal protection and mechanisms available for accessing remedies for rights-holders vary in the countries. In Namibia, the NHRI finds that the Constitution provides a robust framework for the right to remedy and access to justice including administrative justice. In practice, however, the barriers to accessing justice are found to be unduly high. In The Gambia and Sierra Leone, the NHRIs find the lack of constitutional protection of economic, social and cultural rights a challenge to their justiciability in practice. Furthermore, the NHRI in Sierra Leone finds that there is no clear legislative framework that provides citizens with a right to appeal against government decisions on matters related to climate policies or plans. The NHRI itself is the only non-legal mechanism for accessing a remedy, but its mandate and limited funding pose a challenge to fulfilling that role effectively.

In Kenya, the NHRI finds that lack of transparency at county climate change planning and implementation level makes it challenging for communities to monitor and challenge decisions or to seek remedies when vulnerable and marginalized groups' rights are disregarded or violated. Enforcement mechanisms are weak which means that although environmental impact assessments are routinely conducted, actors who violate environmental regulations, for example by polluting the water or degrading land, are rarely held to account. The NHRI of Namibia also notes that perpetrators of rights harms are often found to avoid sanctions while victims receive little or no restitution or compensation. This can create a sense of disillusionment with the formal and informal justice system, contributing to fewer attempts at seeking remedy through available mechanisms.

Common barriers to accessing justice across countries include lack of information (including about decisions and impacts) and awareness of rights, financial resources, access to legal aid and distance from courts. Fear of repercussions when voicing concerns or complaining about violations of rights also contributes to silencing rightsholders even when their rights are violated. The recent murders of environmental human rights defenders in Honduras and Colombia highlight the urgency of creating safe environments for defenders to carry out their work without fear of retaliation and impunity of perpetrators. A good example of legal innovations and actions to counter this tendency in Honduras is the establishment of environmental courts in high conflict regions with the aim of prosecuting crimes against the environment, biological diversity, and cultural heritage, thereby ensuring effective remedies for affected communities. It is unclear from the NHRI report whether this has yet led to increased justice for communities and defenders. The practice seems to be a promising one, and in Kenya there are examples of several progressive judgments by similar environmental courts including in cases where communities are defending their rights to land in the context of conservation and green energy projects[47].

[47] See for example: the following court cases: John Ngimor and Ben Moilem & 552 Others And 1 Others Vs Northern Rangeland Trust; Masol Community Conservancy And 2 Others and Abdirahman Osman & 164 Others (Petition no. E0006 OF 2021); Lake Turkana Wind Power Limited v Kochale & 13 others (Civil Application E064 of 2023) [2023] KECA 1596 (KLR) (22 September 2023)

3. Potential future uses and impacts of the Framework

This section includes reflections on good practices and potentials in the use of the Framework by NHRIs and other actors. There is emerging evidence that the studies produced by the NHRIs and the follow up to their recommendations can achieve broader impact.

3.1. The generation of evidence

In terms of the findings on the impacts of climate change, the NHRI research is consistent with the findings of climate scientists in the IPCC assessment reports including the Sixth Assessment Report.[48] They document the human rights consequences of increased severity and frequency of droughts, erratic rainfall and flooding, coastal erosion and sea level rise, changes to biodiversity and ecosystems leading to increase in the disease-burden and the loss of flora and fauna with high importance for livelihoods and cultures.

As human rights experts, NHRIs can describe the specific harms that climate impacts cause on human rights and systematically assess gaps in relation to international human rights standards and obligations of the State to fulfil specific rights. This means that they are not only describing, for example, water shortage as a challenge to health or agriculture but also as a violation of the obligations that States have under international human rights law to ensure access to safe and sufficient water. Importantly, the NHRIs also document the adverse human rights impacts of certain measures undertaken in the name of climate change. This kind of documentation combined with legal analysis becomes *evidence* that can be used in advocacy for closing the gap between legal requirements and realities or as inspiration for strategic litigation holding governments to account.

3.2 Pointing to the human rights standards applicable

In addition to documenting human rights harms and violations in their reports, the NHRIs outline the applicable human rights standards based on international and regional treaties ratified by the country and present the authoritative interpretations of human rights by UN treaty bodies and regional mechanisms and courts such as the African Commission and Court on Human and People's rights and the Inter-American Commission and Court of Human Rights. Policymakers and civil society actors reading the reports therefore get an overview of relevant human rights standards and the obligations of the States and how they apply in the context of climate change. For audiences unfamiliar with human rights this might be the first time they see these standards systematically outlined and linked to the State's climate response. This can inspire civil society organisations and help them use human rights argumentation in their advocacy. Likewise, it can serve as important capacity building for policy makers and public servants on the content of States' human rights obligations.

3.3. Building capacity through the application of analytical framework

Conversations with the six NHRIs and observations of their work, indicate that the process of applying the framework has in itself contributed to capacity development of NHRIs on the topic of climate change, the interpretation and application of human rights law, and the human rights-based approach to climate policy and measures. In Kenya, Sierra Leone, The Gambia and Namibia, the Danish Institute for Human Rights co-facilitated capacity development workshops for NHRI Commissioners, directors and staff to lay the foundation for working with the analytical framework and the topic of

[48] Assessment reports available here: IPCC — Intergovernmental Panel on Climate Change

climate change and human rights. Several NHRIs describe how the training combined with data collection and analysis have enabled them to engage more confidently in climate-change related discussions with duty bearers and other actors. There are also signs that other State actors are starting to see the NHRIs as important actors in this thematic field, as evidenced by recent invitations to NHRIs to join climate change technical working groups and policy development processes in Sierra Leone, Honduras and Kenya.

3.4. NHRIs driving national change processes

The NHRIs have started using the analysis and documentation in evidence-based advocacy for more human rights compliant adaptation, mitigation and disaster risk reduction measures. For example, because of its research and engagement on the topic, the Human Rights Commission of Sierra Leone contributed to the revision of the State's Nationally Determined Contribution[49] as a new member of the technical working group. The Commission provided direct input to the submission, which serves as a national climate action plan, and it added a section and a proposal for a programme on a human rights-based approach to disaster preparedness and recovery. The Commission also obtained a commitment from the responsible government agency to collaborate on the development of a new climate policy and the agency committed to aligning it with human rights standards.

The NHRI of Kenya has been invited to contribute to the review of climate change policies by several counties after its engagement. The NHRI has issued guidance and specific technical advisories to the counties. The advice is now reflected in more inclusive participation processes and stronger alignment with human rights principles and standards in the climate policies. This can ultimately improve the effectiveness of the climate change measures and contribute to rights realisation for the most climate vulnerable and marginalised groups.

The NHRI of Honduras has started offering trainings for judges on the rights of Indigenous peoples and environmental human rights defenders to ensure more human rights compliant rulings. Hence, with enhanced capacity, NHRIs can help bring the fast-evolving legal standards set by regional human rights courts and the International Court of Justice on the obligations of States in the context of climate change and environmental degradation into the national courts.

The Colombian NHRI followed up on its findings and organized a dialogue with the sub-regional authorities, the District of Cartagena and the director of Cardique (the local branch of the environmental licensing agency), to support the community council of Islas del Rosario in climate change actions. This dialogue resulted in political commitments of sub-regional authorities to mitigate the effects of climate change.

Importantly, the reports by the NHRIs can also be used as evidence for how climate change is impacting the countries (documenting "loss and damage") which could help government delegations participating in global climate negotiations to advocate for climate financing. This could also inform government applications for climate change funding for adaptation. This approach, not yet explored by the NHRIs, could strengthen the collaboration between the NHRIs and the responsible duty bearers.

3.5. Reporting to international and regional human rights monitoring mechanisms

The information collected and analysed is being used in NHRI so-called "shadow" reports to international and regional human rights monitoring mechanisms. These reports point to strengths and

[49] Submission of climate plan under the UNFCCC in line with commitments in the Paris Agreement Article 4

gaps in the State implementation of human rights obligations under different treaties. For example, the Human Rights Commission of Sierra Leone used findings and recommendations from their climate report in a shadow report in connection with the Universal Periodic Review (UPR) of 2026 (a state peer-review mechanism assessing human rights compliance).

These NHRI shadow reports have typically not had content on climate change adaptation or mitigation, despite UN treaty bodies increasingly asking for evidence on state actors and impacts. Shadow reporting helps treaty bodies make relevant recommendations to states and contribute to the process of improving accountability for the implementation of human rights obligations. In the case of the UPR, there is on-going review and follow up on recommendations and state action to implement these. This contributes to making it an on-going accountability mechanism for holding state actors to account for their human rights obligations.

3.6. Increasing rights awareness and access to justice

The visits to communities for data collection purposes have also been used by several NHRIs as an opportunity to conduct awareness raising on rights in the context of climate change to enable rights holders to claim their rights. Several NHRIs prepared and delivered simplified messages on climate change and human rights which helped rights-holders understand that some of the changes they are experiencing are partly due to the global phenomenon of climate change (for example erratic rainfall, sea level rise, increased severity and frequency of drought) and that the State has certain obligations to help communities prepare, adapt to the changes and recover from disasters.

The NHRIs of Sierra Leone established focal points in the communities. When communities have met and established direct contact with the staff of NHRIs, they are able to, and more likely to bring complaints related to violations of rights. In turn, the NHRIs are better able to address these complaints competently based on the stronger understanding of the issues and the responsible duty bearers at local and national level. Hence, NHRIs can play an important role as avenues for accessing remedy, including in contexts where other legal avenues are out of reach or ineffective.

3.7. Potential for regional and global advocacy

The increased capacity and confidence of NHRIs to engage on the topic has translated into more active participation of some of the NHRIs in regional and global discussions to ensure a focus on human rights. For example, the NHRI of Kenya participated in the Africa Climate Summit 2025 as a panellist in a side event.

The Africa regional network of NHRIs, NANHRI, was part of the development of the analytical framework and sees potential in upscaling its use by more NHRIs. As the framework is based on human rights indicators, there is also untapped potential to aggregate data across countries using the same indicators to monitor how human rights are being harmed by climate change, impacts on different groups, and how responsive climate change measures are to the rights and needs of the most marginalised groups. This would require more uniform ways of collecting the data and hence less flexibility for each NHRI to define methods and scope, but the advantage would be data that can be aggregated and visualised for use in advocacy at regional and global level, for example by NANHRI and its members.

4. Recommendations

Each NHRI report contains targeted recommendations based on the findings in the reports and the specific duty bearers responsible. This section aims to summarise, at a high level, some of the recommendations including the general recommendation to adopt a human rights-based approach to climate action and the more specific recommendations to address the human rights impacts of climate change under the different rights headings (used in Section 3).

4.1. Adopting a human rights-based approach

The NHRIs recommend that States adopt a human rights-based approach to their climate response by aligning their interventions with human rights standards, ensuring due diligence, allocating maximum available resources for rights realisation in the context of climate change, and ensuring meaningful participation, non-discrimination, accountability and transparency in their interventions. This can be considered a central requirement for States to live up to their commitments under the Paris agreement on climate change and human rights law (as referenced in Section 1).

The human rights-based approach provides a framework for aligning climate change-related laws, policies and measures with human rights standards, ensuring meaningful participation of rightsholders, non-discrimination and equality, accountability and access to justice and transparency and access to information. The approach is explained in the figure below adapted to climate action.

A human rights-based approach to climate action

Alignment with human rights standards and mechanisms

Drawing on human rights standards when analysing risks and designing interventions so that they respect, protect and fulfil human rights. For example by integrating human rights standards on the right to housing in adaptation and relocation plans.

Meaningful and inclusive participation and access to decision-making processes

Ensuring the active, inclusive, free and meaningful participation of rights-holders in climate policy development. Putting affected rights-holders at the centre of adaptation and disaster preparedness action and ensuring an enabling environment to participate.

Non-discrimination and equality

Recognising and addressing patterns of inequality and discrimination and improving access to and control over resources, goods and services, including through targeted measures for groups that are marginalised and in vulnerable situations.

Accountability and access to justice

Ensuring that rights-holders can claim their rights and seek justice, redress or compensation for violations through accountability mechanisms. This is especially relevant where climate change related initiatives have led to human rights violations.

Transparency and access to information

Making information on climate-related impacts, policies and interventions understandable and accessible to all stakeholders and respecting the right to freedom of information. Information is a precondition for effective participation.

4.2. Synthesis of specific NHRI recommendations

The recommendations are drawn from the different NHRI reports and are all directed at duty bearers in government. They have been combined where there were similar recommendations and mostly organized under the rights headings. Country specificities have been omitted to make them more broadly applicable.

Adaptation (as a general obligation)

- Conduct periodic vulnerability assessments as a basis for developing community specific adaptation strategies prioritising vulnerable and marginalised groups.
- Adequately resource climate change adaptation interventions with full transparency and accountability and without discrimination of vulnerable and marginalised groups.
- Investing in data collection including disaggregation of data to track impacts on and reach to vulnerable and marginalized groups.

Human rights due diligence

- Undertake periodic, systematic and comprehensive human rights due diligence to identify, mitigate, and address potential impacts on rights holders and the environment in compliance with human rights and environmental standards.
- Mandate human rights due diligence for businesses, aligning with the UN Guiding Principles on Business and Human Rights.
- Require businesses to publicly report on their human rights' due diligence.
- Strengthen follow-up to environmental impact assessments to ensure preventive and corrective measures to avoid or minimize harm to rights.
- Develop and enact clear guidelines and strengthen legislation to clarify responsibilities for monitoring and reporting.
- Support an independent authority with sufficient resources to oversee the impact assessments.

Right to life (in the context of disaster risk reduction)

- Include legitimate representatives of communities, including Indigenous leaders, women, youth and persons with disabilities in local disaster risk reduction committees and participatory hazard mapping.
- Upscale early warning in local languages and relevant formats designed to reach the most marginalised and vulnerable groups in a timely manner.
- Establish emergency funds with clear beneficiary criteria, and transparent and accountable disbursement.
- Mandate and enforce maximum delivery timeframes for emergency relief including food and non-food items, with clear accountability for delays.
- Collect and publish disaggregated data related to the distribution of disaster assistance.
- Undertake climate-risk informed scenario planning to avoid granting building approvals in areas identified as disaster-prone and in conservation zones to avoid increasing disaster risks.
- Increase efforts to stop deforestation and restore ecosystems following a human rights-based approach.

Right to the highest attainable standard of health

- Strengthen the public health system and preventive measures focusing on climate change-related diseases, air pollution, and contamination of water sources.

- Increase budgetary allocation to fund community health care and deploy mobile clinics for hard-to-reach communities.
- Stock essential medical supplies in sufficient quantities in community centres.
- Train community health volunteers in early detection of malnutrition and climate-sensitive diseases.
- Establish grievance mechanisms at community health centres to facilitate comprehensive and timely reporting.
- Monitor access equity using disaggregated indicators such as gender, age, disability, and indigeneity.

Right to water

- Invest maximum available resources domestically and through international assistance to improve water infrastructure to ensure availability, accessibility and quality in line with human rights standards.
- Ensure strict enforcement of rules and regulation to ensure responsible business conduct in extractives activities.
- Enhanced information sharing and coordination efforts to mitigate the effects of drought and strengthen technical support and funding to local governments for tailored adaptation interventions.
- Channel adequate resources to local committees and make processes more participatory.

Right to food

- Mobilize maximum available resources from domestic and international sources to invest in the agricultural, pastoral and small-scale fisheries sector to protect the livelihoods and food security of small-scale farmers, fishers, pastoralists and among them Indigenous peoples, women and persons with disabilities
- Local authorities to develop projects together with communities to promote food security drawing on Indigenous and traditional knowledge.
- Targeted focus on rural communities and smallholder farmers ensuring access to resilient technologies, adapted seeds, financing, technical assistance and rural infrastructure to reduce losses (e.g. feeder roads and warehouses for storage capacity).

Right to adequate housing

- Enact eviction and resettlement laws and policies to safeguard the right to adequate housing.
- Halt unlawful evictions and initiate fast-tracked, gender-responsive programmes to grant legally secure tenure (e.g., communal title, collective title, or title deeds).
- Create a transparent, accountable and independent mechanism to review all threatened evictions, ensuring compliance with all due process requirements.
- Apply a human rights-based approach to relocation programmes for at-risk communities and follow due process (including prior consultation) without discrimination in eviction and relocation processes.
- Allocate adequate budget for appropriate alternatives including proper compensation and support in rebuilding lives and livelihoods of people who have been relocated. Ensure any community relocated by the government is immediately provided with essential services.
- Take adequate measures to prevent harm to housing through sound and participatory urban and rural planning, building regulations and investments in climate proof infrastructure.

- In countries with Indigenous Peoples, enshrine the principle of FPIC in all legislation and policy governing climate adaptation projects, infrastructure development, and any resettlement plans.
- Mandate judicial and administrative training on the human rights standards to protect the right to adequate housing to embed a strong human rights culture and improve the application of international law in domestic courts.

Rights to land and natural resources

- Expedite and grant secure collective land tenure rights to Indigenous and Peasant communities who wish to obtain documentation of their legal rights.
- Increase legal recognition and respect for the collective rights of Indigenous peoples to their lands, territories, and natural resources with emphasis on obtaining FPIC.
- Ensure oversight over land to ensure equal control over land irrespective of the gender, domicile, marital or other status.
- Undertake a human rights-based review of conservation laws and policies to prevent violations of land rights (e.g. by restricting access to traditional resources for communities).

Rights to work and to just and favourable conditions of work

- Analyse and enhance protection for workers in climate change affected sectors such as agriculture and construction.
- Ensure access to natural resources (including pasture, water) and services to enable the continuation of traditional occupations and practices.
- Offer technical and vocational guidance and training to communities who wish to transition to other sectors or enhance and diversify their livelihoods to increase resilience.
- Implement green economy initiatives in a manner that creates equitable employment opportunities, fosters skills development for vulnerable and marginalised groups, and ensures fair and inclusive access to benefits derived from green investments, avoiding new forms of exclusion.

Right to social security

- Establish non-contributory social security programmes, including for workers in the informal economy.
- Create a dedicated climate change social protection fund (cash or in-kind) that is automatically triggered by declared emergencies (like drought or flooding).
- In collaboration with local governments, undertake assessment and mapping of groups susceptible to climate change impacts for targeted delivery of social protection programs and services.
- Enhance coordination of social protection interventions and services for prudent utilization of resources in partnership with local governments.
- Review and increase of social grant thresholds to reflect the true cost of living and the economic impact of climate-driven inflation and harm (ensuring adequacy).
- Eliminate administrative exclusion, for example by implementing mobile units for registering and obtaining national identification cards and ensure mobile grant payment points or partner with accessible community structures to proactively reach remote communities with services.

Cultural rights

- Take measures to protect cultural heritage from climate change impacts including adaptation plans that focus on mitigating the harm to Indigenous plants, critical cultural resources to protect traditional food sources, medicines and occupations key to cultural survival.
- Revise policies and plans to protect cultural rights and avoid arbitrarily preventing access to cultural sites and traditional resources in conservation or other initiatives.
- For countries with Indigenous peoples, mandate FPIC in all resource management policies and processes.
- Ensure approaches to adaptation and conservation that integrate Indigenous and ancestral knowledge into environmental governance.

Right to education

- Increase investment in climate-resilient education infrastructure especially in areas facing disaster risks.
- Guarantee continuous quality education for displaced children, including those in informal settlements, and ensure that school facilities are safe, physically accessible, and adequate, with secure access routes and reliable water and sanitation.

Access to information

- Proactively disseminate information on climate risks and projects, including timely and accurate climate information in local languages, using accessible media and formats that address comprehension difficulties.
- Promote education, training and public awareness on climate change, the environment and human rights.
- Operationalize access to information acts and impose sanctions for non-disclosure of environmental information.
- Ratify human rights and environmental treaties (including the Escazú Agreement in Latin America) and undertake legal reforms and procedural adjustments needed to align with the obligations in these.
- All agreements, licenses and impact assessments involving climate change finance and related activities must be made publicly available, detailing potential impacts and mitigation measures.

Right to participation

- Establish accessible and enforceable mechanisms that allow vulnerable groups to actively engage in and impact all aspects of climate governance.
- Create spaces for community participation within community councils for the design of climate-related policies, plans, and programs.
- Mainstream and adequately resource participatory scenario planning and including vulnerable and marginalized groups in the design of early warning systems.
- Establish and implement participatory EIA procedures and operationalise FPIC protocols.
- Meaningfully engage rights holders and provide adequate information about the outcome of impact assessments.

Right to remedy

- Implement continuous training programmes for judges and justice system actors in international and regional human rights standards and their application in environmental matters.

- Promote the use of alternative dispute resolution mechanisms.
- Constitutional review to enhance justiciability of economic, social and cultural rights (where not already incorporated).
- Establish decentralised administrative tribunals with mandates to issue legally binding orders against the government and remove financial barriers for public climate litigation.
- Create environmental courts and units that serve rights holders when they want to appeal against government decisions on climate change policies and projects that impact their lives.

While many of these recommendations are broadly applicable, they still reflect the context and issues described in the NHRI report. They may not apply to all contexts and should be seen as indicative rather than exhaustive. They point to actions required to address climate change impacts on human rights and to implement a human rights-based approach to climate action. There is a body of recommendations from treaty bodies and UN Special Rapporteurs as well as regional human rights monitoring mechanisms to countries on the topic of climate change, which should be consulted when designing or monitoring climate interventions.[50]

[50] Recommendations from international human rights bodies can be accessed via this database filtered for "climate change": UNIVERSAL HUMAN RIGHTS INDEX - Human Rights Recommendations

Conclusion

The Danish Institute for Human Rights with AFD, NHRIs and external experts have developed an analytical framework that unpacks the human rights obligations of States to protect against human rights harms through mitigation, adaptation and disaster risk reduction. The Framework supports actors to conduct evidence-based analysis and make recommendations to inform climate action in their countries. As explained in section 1, the Framework is grounded in international human rights law and authoritative interpretations of state obligations from UN treaty bodies. It explores general obligations, substantive rights and procedural rights through structure, process and outcome indicators and related survey questions.

The Framework was used by six NHRIs in Colombia, The Gambia, Honduras, Kenya, Namibia, and Sierra Leone to guide policy review and data collection and this paper synthesise findings from the six NHRI reports (section 2). As the paper demonstrates, the NHRIs found concerning human rights impacts from climate change on the full spectrum of human rights, including life, food, water, and housing, and affecting many different groups including Indigenous peoples, women, children, older persons, and persons with disabilities. Importantly, the NHRIs noted how the absence of effective adaptation and disaster preparedness and response measures undermine the rights fulfilment and dignity of some of the most climate vulnerable and marginalised groups. They documented examples of climate measures which violated rights to housing and land, among others, pointing to the need to align these measures with human rights standards. Regarding procedural rights, the NHRIs documented challenges in all countries in ensuring meaningful participation of rightsholders in climate change policy development, planning and implementation and in impact assessments for climate-related projects. They pointed to concerning tendencies of deliberate intimidation and killing of environmental human rights defenders in Colombia and Honduras and the exclusion of already marginalised groups as a result of ineffective or non-existent mechanisms for participation in Kenya, Sierra Leone, The Gambia and Namibia.

NHRIs have an important role to play in integrating human rights within climate policies and measures and ensuring that States use a human rights-based approach. The potential for progress is clear from the way some of the NHRIs have used the Framework to build an evidence base and to foster new relationships with climate change and environment ministries, departments and agencies in their governments. The NHRIs are carving out a space for themselves in decision-making processes related to climate and environment policies and plans. Their active engagement with communities and direct role in resolving complaints can help increase access to remedy for marginalised groups in the context of climate change and ensure that the needs of these groups are taken into account in relevant policies and plans. There is potential for joint regional and global advocacy based on a common evidence-base if the use of the Framework is scaled up, for example among African NHRIs, and used more stringently to enable data aggregation (section 3).

Based on some of the challenges and limitations encountered by the NHRIs (see section 1), future users should carefully consider their approaches to assessing the general obligations, evaluating the effectiveness of government climate change initiatives, and to ensuring granular disaggregated data on the situation for particular marginalised groups. In particular they should consider limiting the scope of rights if a deeper analysis is necessary and investing in relationship building with public authorities (including for example environmental protection and meteorological agencies) to gain access to information and to validate information.

The recommendations from the NHRIs point to a need to change how States approach climate change mitigation and adaptation and disaster risk reduction through fully adopting a human rights-based approach in line with their commitments. This involves aligning policies and processes with human rights standards to ensure meaningful participation and avoid maladaptation and rights violations. This would not only make climate action more compliant with human rights, but it would also contribute to more effective climate mitigation, adaptation and disaster risk reduction with greater public support.

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List of abbreviations

CESCR: (UN) Committee on Economic Social and Cultural Rights

CONADEH : Comisionado Nacional de los Derechos Humanos en Honduras

DIHR: Danish Institute for Human Rights

EIA: Environmental Impact Assessment

FPIC: Free, Prior and Informed Consent

GANHRI: Global Alliance of National Human Rights Institutions

HRBA: Human Rights Based Approach

HRCS: Human Rights Commission of Sierra Leone

ICESCR: International Covenant on Economic Social and Cultural Rights

ICCPR: International Covenant on Civil and Political Rights

ICJ: International Court of Justice

IPCC: Intergovernmental Panel on Climate Change-

KNCHR: Kenya National Commission on Human Rights

NANHRI: Network of African National Human Rights Institutions

NHRC: National Human Rights Commission of The Gambia

NHRI: National Human Rights Institutions

OHCHR: Office of the United Nations High Commissioner for Human Rights

UDHR: Universal Declaration of Human Rights

UN: United Nations

UNDRIP: UN Declaration on the Rights of Indigenous Peoples

UNDROP: Declaration on the Rights of Peasants and Other People Living in Rural Areas

UPR: Universal Periodic Review

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