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Report of the 2010 Social Forum (Geneva, 4-6 October 2010)

Chairperson-Rapporteur: Ms. Laura Dupuy Lasserre (Uruguay)

Summary

The present report contains a summary of discussions and recommendations of the 2010 Social Forum, which was held in Geneva from 4 to 6 October 2010, in accordance with Human Rights Council resolution 13/17.

Under the main theme of climate change and human rights, the 2010 Social Forum heard expert presentations, each complemented by interactive exchange of views, leading to recommendations in relation to the adverse effects of climate change on the full enjoyment of human rights, including the right to life and economic, social and cultural rights; measures and actions to address the impact of climate change on the full enjoyment of human rights at the local, national, regional and international levels, including on most vulnerable groups, particularly women and children; and international assistance and cooperation in addressing the human rights-related impact of climate change.

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I. Introduction

1. The Human Rights Council, in its resolution 6/13, decided to preserve the Social Forum as a vital space for dialogue between the representatives of Member States, civil society, including grass-roots organizations and intergovernmental organizations on issues linked with the promotion of the enjoyment of all human rights by all. Consequently, the Social Forum met twice - in 2008 and 2009.¹

2. In accordance with resolution 13/17 of the Council, the 2010 Social Forum was held in Geneva from 4 to 6 October 2010. The President of the Council appointed, in September 2010, Laura Dupuy Lasserre, Permanent Representative of Uruguay to the United Nations Office at Geneva, as the Chairperson-Rapporteur of the 2010 Social Forum.

3. The present report contains a summary of discussions held at the 2010 Social Forum, as well as its conclusions and recommendations.

II. Organization of the Social Forum

4. The Chairperson-Rapporteur opened the 2010 Social Forum, and the President of the Human Rights Council followed with opening remarks.² In his statement, the President emphasized that climate change had far-reaching implications on the enjoyment of human rights, especially for vulnerable groups, and noted the importance of looking at the human rights perspectives and applying a human rights-based approach when identifying and implementing measures and actions to address the adverse impacts of climate change.

5. On behalf of the Office of the United Nations High Commissioner for Human Rights (OHCHR), Anders Kompass, Director of the Field Operations and Technical Cooperation Division, delivered welcome remarks. He stressed the need to bring the human rights dimension of climate change to the centre of the climate change debate and the importance of ensuring that any reference to human rights included in an agreed outcome text of the sixteenth Conference of the Parties to the United Nations Framework Convention on Climate Change be consistent with the obligations contained in international human rights instruments.

6. The Chairperson-Rapporteur then addressed the Forum and reaffirmed that various human rights, including those related to safe drinking water, health, housing, land, livelihood, employment and development, were undermined as a direct or indirect effect of climate change circumstances. She regretted that there had been little or no presence of human rights considerations in the actual climate change discussions, including in the context of the United Nations Framework Convention on Climate Change. The Chairperson-Rapporteur underlined the important task ahead in formulating a human rights input to those discussions. She also referred to national efforts in Uruguay, highlighting the intersectoral and participatory national system of response to climate change and integral plan of action.

7. The Council, in its resolution 13/17, had requested that the discussions of the 2010 Social Forum focus on the adverse effects of climate change on the full enjoyment of human rights, including the right to life and economic, social and cultural rights; measures and actions to address the impact of climate change on the full enjoyment of human rights at the

¹ See A/HRC/10/65 and A/HRC/13/51 for the reports of the 2008 and 2009 Social Forum, respectively.

² The full texts of the statements and presentations made available to the Secretariat are posted on the OHCHR website at <http://www2.ohchr.org/english/issues/poverty/presentations2010.htm>.

local, national, regional and international levels, including on most vulnerable groups, particularly women and children; and international assistance and cooperation in addressing the human rights related impact of climate change. Accordingly, the programme of work³ was prepared under the guidance of the Chairperson-Rapporteur, taking into account the input received from Member States and other relevant stakeholders. The 2010 Social Forum held interactive debate involving 20 expert presentations on six different thematic panels and 10 micro-documentaries on issues relating to the theme under focus.

8. In addition to the provisional agenda (A/HRC/SF/2010/1; see annex I) and the programme of work mentioned above, the 2010 Social Forum had before it the background report (A/HRC/SF/2010/2) submitted by the United Nations High Commissioner for Human Rights pursuant to paragraph 7 of Council resolution 13/17 and the study prepared by OHCHR on the relationship between human rights and climate change (A/HRC/10/61).

III. Summary of proceedings

A. Setting the scene: the adverse effects of climate change on the full enjoyment of human rights, including the right to life and economic, social and cultural rights

1. Human rights and climate change

9. Craig Mokhiber, Officer-in-Charge of the Research and Right to Development Division of OHCHR, presented the background report of the High Commissioner for Human Rights (A/HRC/SF/2010/2) submitted at the request of the Human Rights Council as a contribution for the dialogues and debates during the Forum. The report summarized the contributions received from Member States and relevant stakeholders, and provided information on the activities undertaken by United Nations human rights mechanisms in addressing the impact of climate change on the enjoyment of human rights. In the context of the theme under consideration by the Forum, he also introduced the findings of the OHCHR study on climate change and human rights (A/HRC/10/61), which was prepared in response to a request by the Human Rights Council. He expressed hope that the OHCHR background report and study would provide a useful platform for constructive deliberations and lead to innovative recommendations by the Social Forum to the Council, with respect to reaffirming the relationship between human rights and climate change.

10. Liusha Zahir, the Deputy Permanent Representative of the Maldives to the United Nations in Geneva, referred to the Male' Declaration on the Human Dimension of Global Climate Change adopted by Small Island Developing States in November 2007, and noted that there was currently no doubt that climate change had a range of implications, both direct and indirect, for the full enjoyment of human rights. Although the question of whether climate change constituted a violation of human rights had largely been avoided by States, a number of developing countries had argued that responsibility for climate change-related harms could be established on the basis of both historical responsibility for global warming, and on the basis of the failure of many developed countries to abide by their international mitigation commitments under the United Nations Framework Convention on Climate Change. She recalled that the question of States' human rights obligations at the national and international levels pertaining to climate change generated the most discussion during the June 2009 Human Rights Council debate, and expressed the opinion that that question would remain the main point of discussion.

³ Available from http://www2.ohchr.org/english/issues/poverty/docs/sforum/pow_2010.doc.

11. Stephen Humphreys, of the London School of Economics and Political Science, identified five causes for concern, namely that: (a) climate change was not being effectively addressed; (b) even before climate change was taken into account economic, social and cultural rights were not being adequately addressed; (c) climate change would exacerbate these rights failures; (d) the space for development had been largely used up; and finally, (e) there were complex and insidious linkages between all these phenomena, connecting economic growth, rising emissions and excessive energy use, on one hand, and poverty, vulnerability to climate change and food and water scarcity, on the other. He emphasized an apparent paradox in that the fulfilment of economic, social and cultural rights required development, that development fuelled climate change, and that climate change would in turn worsen human rights. Having queried whether a dedicated human rights special procedure would be a good idea, Mr. Humphreys proposed engaging with climate change law and policy in the context of the United Nations Framework Convention on Climate Change as there were numerous principles which could be mobilized to human rights ends, such as the principle of common but differentiated responsibilities, the elaboration of adaptation strategies and the principle of technology transfer. He argued that the right to development should be rethought: what kind of right do humans have to development, and how should it be distributed.

12. Yves Lador, of Earthjustice, emphasized the well accepted human rights dimension to climate change, and that discussions should move beyond that to how to deal with the adverse effects. Legal cases brought before regional mechanisms such as the Inter-American Commission on Human Rights, the work of United Nations human rights machinery (e.g. special procedures on housing, food, health, and extreme poverty, the Committee on Economic, Social and Cultural Rights, the universal periodic review) and of international development and humanitarian organizations, including on migration, food and drought, were essential in providing affected individuals and those working in that field with better tools and understanding of the consequences of climate change. He also highlighted that the national and international responsibilities could not be separated, and that international responsibility was not simply supplementary: it was directly called for at the front line of the protection of human rights. Mr. Lador supported the idea of establishing a special procedure with the view to ensuring the follow-up in integrating human rights into climate change discussions.

13. In the ensuing interactive debate, Cuba, Nord-Sud XXI and the World Council of Churches made interventions. It was reaffirmed that climate change was one of the most serious challenges and that it had negative effects on human rights, in particular on the right to life and food and the right to self-determination. Further, climate change was deemed to exacerbate national disasters with regard to the impact on life, water, health, property and housing, and had a disproportionate effect on the vulnerable, especially women, children and persons with disabilities. In that regard, the importance of local, national, regional and international measures and actions were noted, as was North-South and South-South cooperation. The debate also highlighted the challenges in integrating human rights language in any texts under climate change negotiations, and the crucial angle of gender issues in looking at climate change.

2. Human rights concerns of specific vulnerable groups, in particular indigenous communities, women, children and internally displaced persons, with a special focus on economic, social and cultural rights

14. Ariranga Govindasamy Pillay, a member of the Committee on Economic, Social and Cultural Rights, gave an overview of the activities of the Committee in addressing the negative impact of climate change on human rights including with reference to general comments No. 12 (1999) on the right to food; No. 7 (1997) on the right to adequate housing: forced evictions; No. 14 (2000) on the right to the highest attainable standard of health

(para. 4, also referring to the United Nations Framework Convention on Climate Change); and No. 15 (2002) on the right to water (para. 28). In his view, the legal obligations of States parties under the International Covenant on Economic, Social and Cultural Rights could provide effective protection to the vulnerable individuals or groups whose rights were particularly affected by climate change or by measures taken to respond to climate change. Those obligations included taking measures towards the full realization of economic, social and cultural rights to the maximum extent of their available resources, and specific obligations which required immediate implementation. In particular, States parties had a core obligation to ensure, at the very least, minimum essential levels of each right contained in the Covenant, even in situations of conflict, emergency and natural disaster, which they were then required to improve over time. In that regard, the Committee had underlined the fact that it was particularly incumbent on all those in a position to assist, including developed States and international organizations, to provide international assistance and cooperation, especially economic and technical, to enable developing countries to fulfil their core obligations. Human rights standards and principles should inform and strengthen policy measures in the area of climate change to ensure: the effective participation of individuals and communities in all the relevant decision-making processes affecting their lives; that accountability mechanisms were in place; and that access to administrative and judicial remedies in cases of human rights violations was provided (see para. 14 of the Statement on Poverty adopted by the Committee in May 2001).

15. Pramila Patten, a member of the Committee on the Elimination of Discrimination against Women, noted that women made up a large number of the poor in communities that were highly dependent on local natural resources for their livelihood, and were disproportionately vulnerable to and affected by climate change. Women's limited access to resources and decision-making processes increased their vulnerability to climate change, and climate change magnified existing patterns of discrimination and inequality, including gender inequality. Women and men should have equal access to information, training, financial instruments and mechanisms, and equal access to commercial approaches to climate change. Ms. Patten regretted that the United Nations Framework Convention on Climate Change and the other two major multilateral environmental agreements (namely, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa) did not have a strong gender approach. She stated that the exclusion of women from climate change decision-making processes silenced the voices of half the world's population, denied women their rights, failed to uphold human rights principles and deprived society of many skills, experiences and capacities unique to women. She presented the work of the Committee on the Elimination of Discrimination against Women as a powerful tool to achieve gender justice in climate change policies, and referred to the statement on "gender and climate change" adopted by the Committee at its forty-fourth session in August 2009.

16. Philippe Boncour, the Head of the International Dialogue on Migration Division in the Migration Policy and Research Department of the International Organization for Migration, welcomed the OHCHR efforts to situate the climate change debate in a human rights framework, and mentioned the right to life, development, property, health, food and water as being of particular concern. He stressed that all migration could not and should not be stopped: one should be prepared for the possibility of migration as a legitimate adaptation strategy, and that possibility should be incorporated into climate change adaptation plans. He referred to research which indicated that the largest proportion of environmental migration would take place within national borders, and noted that the 1998 Guiding Principles on Internal Displacement, a non-binding instrument, had proved effective in those situations. Such a non-binding, yet effective instrument was also an option for climate change discussions. By contrast, cross-border movements would constitute a

relatively small proportion of the overall environmentally induced population flows. He pointed to the legal gaps with regard to those kinds of movements, especially as it was clear that the Convention relating to the Status of Refugees (1951) would not apply, and the need to fill those gaps.

17. José Riera, Special Adviser to the Director of International Protection, Climate Change Focal Point, Office of the United Nations High Commissioner for Refugees (UNHCR) noted that since the 1990s, UNHCR had been proactive in seeking to mitigate the environmental impact in areas hosting large concentrations of refugees and other persons of concern. Urgent investment was needed to reduce the impact of natural hazards by mitigating vulnerabilities, enhancing resilience and strengthening adaptation measures, and focusing on people at a grass-roots level. Experience showed that refugees, internally displaced persons and stateless people were already congregating in areas of the planet which were considered “high risk” areas for climate change impacts. He emphasized that there were serious legal gaps relating to potential cross-border movement linked to environmental factors and climate change, and referred to UNHCR work to generate innovative approaches on how to fill those gaps. Natural disasters exacerbated existing gender inequalities and pre-existing vulnerabilities, in particular those of children, after a major disaster. Mr. Riera made an appeal to place the rights of the most vulnerable at the centre of needs assessments, planning, project implementation and evaluation, and to improve the resilience and capacity of governments and host communities, by ensuring that local authorities and communities are at the centre of actions taken.

18. During the ensuing interactive debate, interventions were made by representatives of ATD Fourth World and Mr. Lador of Earthjustice. The impacts of climate change on people living in extreme poverty were emphasized, as such persons had fewer resources with which to respond to the events and yet were often not reached by aid programmes. Crucially, the poor endured the loss of the social networks which helped them to survive, and were often excluded from decision-making processes on how to prevent, mitigate and adjust to climate change. It was recommended that people living in extreme poverty should be at the centre of strategies to monitor, mitigate and adjust to climate change, which included active and meaningful involvement in the development of these strategies; and that climate change should be taken into account in the consultations on the draft guiding principles on extreme poverty and human rights. The gender aspect of climate change was emphasized, while it was suggested that when looking at vulnerabilities, the concept of the universality of rights should not be forgotten: climate change would eventually affect everyone and all populations should be protected, not just those deemed vulnerable. It was also noted that there was a risk in speaking about adaptation and not mitigation, as it could lead to a form of “giving up”. Mitigation remained crucial and both adaptation and mitigation policies and measures should be undertaken.

B. Measures and actions: addressing the impact of climate change on the full enjoyment of human rights, including on most vulnerable groups, particularly women and children

1. National level measures and actions

19. Saida Agrebi, President of the Tunisian Mothers’ Organization, presented findings on climate change trends in Tunisia and discussed how a human rights-based approach with regard to women, youth and children’s rights was needed to address climate change. She emphasized that children were central actors in promoting behaviour change required to mitigate the effects of global warming, and that education on environmental matters was crucial. Further, the Convention on the Rights of the Child specifically required States to take action with regard to measures to safeguard children’s right to life, survival and

development through, inter alia, addressing problems of environmental pollution and degradation. She also reported on the International Solidarity Conference on Climate Change Strategies for Africa and Mediterranean Regions held in Tunis in November 2007, and its declaration, which stressed the role of civil society in implementing adaptation measures, eradicating poverty and promoting development in the most vulnerable countries. Further, the Tunis declaration consolidated the national commitment to a human rights-based approach to climate change, and confirmed the commitment of Tunisia to the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development.

20. Angie Dazé, a representative of CARE International, noted that CARE focused on community-based adaptation, which incorporated the promotion of climate-resilient livelihoods, disaster risk reduction strategies, capacity development for local civil society and governmental institutions, and advocacy, social mobilization and empowerment to address the underlying causes of vulnerability. She emphasized the importance of gender aspects in adaptation, noting that gender inequality was an underlying cause of vulnerability to climate change, and that adaptive capacity was strongly influenced by roles, rights, power relations and access to/control over resources. CARE supported women and men in accessing the resources, rights and opportunities they needed for adaptation, empowered vulnerable women to build their adaptive capacity, and promoted gender equality as a long-term goal. Experience had shown that women were central to finding solutions, and that women had important knowledge for adaptation but often lacked the resources or power to use it. Ms. Dazé reported on an activity in Bangladesh which addressed livelihoods security and power issues, and where women reported more confidence in speaking out in public, and negotiating with their husbands on household decisions. In Ghana, adaptation was integrated into local planning processes, while women received training and mentoring to take on leadership roles in the community and to participate in the designing and implementation of the policies by addressing gender-based discrimination in the society.

21. Alice Thomas, Climate Displacement Program Manager of Refugees International, centred her intervention on a recent mission to Pakistan, examining the impacts of the floods on displacement which had affected an estimated 20 million Pakistanis and damaged or destroyed an estimated 1.8 million homes. She stressed the importance of putting in place mechanisms and procedures to ensure the protection of human rights of affected populations when disaster strikes, in addition to investing in disaster risk reduction planning. Governments were likely to need significant support from the humanitarian community in responding to disasters of that scale, which must be prepared to quickly and effectively respond to requests for assistance. She highlighted the challenge that the sheer magnitude of displacement across Pakistan presented to ensuring the rights of affected populations to voluntary return and resettlement. The floods also demonstrated how natural disasters could lead to secondary emergencies that also affected human rights, for example impact on agriculture and the threat of an impending food crisis. They were also a reminder of the impacts of climate change on the human rights of the most vulnerable groups, including tenant farmers, women who faced difficulties in accessing assistance, Afghan refugees and IDPs who had recently returned to rebuild their lives. Climate change threatened to exacerbate conflict and insecurity, and led to increased migration.

22. The above presentations were followed by an interactive debate with interventions by representatives of China, Cuba, the Philippines and Nepal, by representatives of the Center for International Environmental Law, Nord-Sud XXI, International Disability Alliance, International Movement ATD Fourth World, and by Mr. Pillay. The adverse impacts of climate change on human rights were reaffirmed, as was the fact that women and persons with disabilities were more vulnerable. Article 11 of the Convention on the Rights of Persons with Disabilities was a new guidepost in these situations, serving as a link between humanitarian and human rights issues in requiring that persons with disabilities be

included in all mainstream services and programmes, and at all phases of preparation, response, post-disaster recovery and development. The particular vulnerabilities of people living in extreme poverty were also highlighted, as was the importance of addressing their needs in national policies. Speakers shared national initiatives to mitigate the adverse effects of climate change, including the introduction of energy saving measures, better management of waters, more regulations on building construction, forest management, the strengthening and monitoring of building construction, risk reduction strategies and reforestation measures, and the relocation of informal settlers to higher and safer ground. It was vital that national efforts in that regard be supported by international solidarity and knowledge transfer, in particular for the most vulnerable countries. Some stressed that more resources were needed to address the impact of climate change in developing countries, and that funding and technology transfer was required. The particular vulnerability of island States and mountainous countries was highlighted.

23. In concluding remarks, Ms. Dazé emphasized that the rights-based approach was fundamental to adaptation strategies and their implementation. Often those with the least ability to secure their rights were also the most vulnerable to the impacts of climate change. For effective adaptation, the underlying causes of vulnerability to climate change must be addressed, and that included issues related to human rights. Ms. Thomas added that it was imperative for human rights issues to be addressed as early as possible in a disaster situation, while acknowledging that there was a great challenge to developing solutions to address underlying human rights concerns and implementing a human rights-based approach, especially in emergency situations. Mr. Pillay concurred that an essential ingredient to a human rights-based approach to climate change was the effective participation of vulnerable groups. Human rights standards and principles should inform and strengthen policies and measures to address climate change. A human rights-based approach demanded accountability and also required administrative and judiciary measures where rights had been violated. On the importance of international cooperation, accountability required duty-bearers, both State and non-State actors, national human rights institutions, international organizations and private sector actors to be held accountable for their conduct. The mechanism for accountability should be transparent and accessible.

2. Measures and actions at the regional and international levels

24. Cheryl Rosebush, a representative of the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD Programme), provided an overview of REDD+ and the UN-REDD Programme. Reducing emissions from deforestation and forest degradation in developing countries (REDD) was aimed at creating a financial value for the carbon stored in standing forests, and encouraging industrialized countries to make financial transfers (carbon offsets) to developing countries to compensate them for avoiding deforestation, while REDD+ included the role of conservation, sustainable management of forests and enhancement of forest carbon stocks and was currently being negotiated under the United Nations Framework Convention on Climate Change. She highlighted the programme's interaction with stakeholders, and in particular indigenous peoples, and the concerns that they had raised with regard to REDD+. Engagement was structured by the Operational Guidance on Engagement with Indigenous Peoples and Other Forest Dependent Communities, followed a human rights-based approach and must adhere to the United Nations Declaration on the Rights of Indigenous Peoples and to free, prior and informed consent, ensuring broad representation of indigenous peoples at all stages of its activities. Ms. Rosebush noted that both civil society and indigenous peoples were represented on the UN-REDD Programme Policy Board, including the Chair of the Permanent Forum on Indigenous Issues. Reference was made to the Independent Advisory Group on Rights, Forests and Climate Change,

which was established to provide independent advice and guidance to the UN-REDD Programme.

25. Carlo Scaramella, Climate Change and Disaster Risk Reduction Coordinator, World Food Programme (WFP), stressed that climate change was a hunger risk multiplier, as climate change would lead to more frequent, intense and erratic climate and weather-related disasters, deteriorating land and environmental conditions, and decreased food production and availability in various parts of the world and among people and communities that were already experiencing situations of poverty and food insecurity. For WFP, climate change was about people, and in particular vulnerable people, and posed an unprecedented challenge to eradicating hunger and poverty (Millennium Development Goal 1). It was noted that the WFP Strategic Plan emphasized interventions that were “responsive to the principles related to the right to food” and aimed at addressing “the root causes of hunger and vulnerability, including (...) protection causes”. WFP adopted pro-poor, inclusive and equitable adaptation and development policies, and viewed strengthened social protection systems and enhanced productive safety nets as part of climate adaptation approaches. The approach called for local solutions and the empowerment of local actors, with a focus on increasing local resilience. Mr. Scaramella provided examples of the use of Safe Access to Firewood and Alternative Energy (SAFE) stoves, as experienced in Uganda and Sudan, which provide, as a co-benefit, a protection element for women who often experience violence when they fetch wood outside of the refugee camps and which reduce the need to cut down wood for fuel. He also described the Managing Environmental Resources (MERET) programme in Ethiopia, which had successfully contributed to rehabilitating and regenerating degraded land for local communities, benefiting about one million people and providing an interesting and replicable model of resilience-building interventions that were Government owned and community based.

26. Niels Scott, a representative of the Office for the Coordination of Humanitarian Affairs, placed the climate change debate within the humanitarian framework, noting that the humanitarian community had consistently raised twin concepts of concern: increasing risk, and increasing vulnerability because of climate change. He noted that the draft climate change negotiating texts included disaster preparedness, early warning systems, emergency response and early recovery, disaster risk reduction and the Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters, migration and displacement, health impacts, food security, gender-sensitive approaches and the need to prioritize help to the most vulnerable communities and countries. A significant part of the way forward on climate change adaptation was through supporting activities at the regional and national levels. In this regard, Mr. Scott gave a number of examples of adaptation activities⁴ in five key areas, namely: (a) integrating climate change knowledge and research into programmes; (b) developing new partnerships; (c) policies, scope of work and capacity-building; (d) advocacy, especially of national adaptation programmes of action or national action plans on disaster risk reduction; and (e) programmes, projects and tools.

27. Ioana Creitaru, a representative of the United Nations Development Programme (UNDP), provided information on the Adaptation Learning Mechanism⁵, a United Nations inter-agency global knowledge platform on climate change adaptation. The UNDP Global Environment Facility was implementing the project in partnership with the World Bank, the Climate Change Secretariat and the United Nations Environment Programme. The

⁴ Available in World Food Programme, International Federation of Red Cross and Red Crescent Societies, OCHA, *Addressing the Humanitarian Challenges of Climate Change: Regional and National Perspectives - Preliminary Findings from the IASC Regional and National Level Consultations*, (2009), pp. 10-11.

⁵ See www.adaptationlearning.net.

Mechanism responded to knowledge needs expressed by developing country Governments for a greater focus on sharing and reviewing good practice, practical resources and tools to foster continued knowledge sharing and learning among stakeholders. She explained that the objectives of the Mechanism were: to capture the state of knowledge on climate change adaptation, with a particular focus on operational aspects; to promote the integration of climate change adaptation aspects into development planning, policies, programmes and projects; and to accelerate learning by sharing lessons on good adaptation practices and operational guidance via a global adaptation network and community of practice. In order to deliver on its mandate, the Mechanism targeted development practitioners and sought to create partnerships across agencies, sectors and levels, and work with existing climate networks.

28. The above presentations were followed by interventions from representatives of the Plurinational State of Bolivia and Egypt; representatives of the Center for International Environmental Law, FIAN International, Associazione Comunità Papa Giovanni XXIII, Nord-Sud XXI, Greenpeace International, Association of World Citizens; and Shyami Puvimanasinghe and Jennifer Mohamed-Katerere, independent participants with expertise in the subject matter. Reference was made to a study on the relationship between the right to development and the Clean Development Mechanism of the Kyoto Protocol submitted to the high-level task force on the implementation of the right to development, and the OHCHR 2009 study discussion of extraterritorial obligations.

29. Reference was also made to the World People's Conference on Climate Change and the Rights of Mother Earth, held in April 2010, and its Peoples Agreement, which was subsequently submitted by the Plurinational State of Bolivia to the Climate Change Secretariat in March 2010. It was argued that the model of development based on unlimited growth went against human dignity and was destroying nature. It was suggested that a human rights-based approach to climate change, the building up of the principle of international solidarity as an individual and a collective right and the implementation of the right to development were all instruments that could contribute to solutions to climate change. The human rights approach should be focused on ensuring fair and equitable access to resources. The access to justice component was often missing in responses to climate change, and should be understood in a broader context both in the formal (judicial) and informal settings (mechanisms of prevention and dispute resolution). Similarly, legal awareness programmes with a human rights focus should be developed so that people were made aware of their rights, including of the concepts of free, prior and informed consent.

30. Concerns were raised with regard to the UN-REDD Programme, which for some participants made the environment a commodity, while others objected to placing a monetary value on the environment. REDD was described as not allowing for honest consultation with those who opposed it on a principled basis, including indigenous peoples, and that REDD would not save the forests even by the most optimistic estimates. It was queried whether the UN-REDD programme should create a legal redress programme to empower indigenous peoples to have access to justice and to provide support for organizations and peoples who were affected by the programme. Scepticism was expressed about the Clean Development Mechanism as a means by which developed countries transferred responsibility to developing countries without assisting with their development. One representative queried how the UN-REDD Programme measured whether participation from indigenous peoples was meaningful and consistent with other human rights obligations, and more broadly suggested that specific indicators should be developed to measure whether human rights obligations were being fulfilled.

31. In concluding remarks, Ms. Rosebush welcomed the critical thinking linked to REDD as the UN-REDD Programme was currently working with countries and stakeholders to design what the programme would look like. She also suggested that

indicators of success would be developed in due course. Mr. Scott emphasized the importance of addressing the root causes of climate change and the vulnerabilities of certain groups, as climate change would increase humanitarian risk as a result of increased frequency and intensity of natural hazards and increasing human vulnerability. The most vulnerable people already had fewer resources to adapt and were likely to be the last to benefit from any new adaptation measures. Countries with poor governance might therefore face a spiral of increasing vulnerability and instability, exacerbated by insufficient organization or resources to face the negative consequences of climate change. In Mr. Scott's view, that required: (a) making sure humanitarian concerns and systems are integral to the global climate change strategy; (b) that the humanitarian implications of climate change are understood and quantified to the extent possible; and (c) that support is offered to help develop the capacity of people, communities and authorities to prepare for and adapt to climate-related life-threatening hazards.

C. The way forward: rights-based approach to climate change

1. Social dimension and good governance aspects of climate change negotiations

32. Marek Harsdorff, a member of the High-level Committee on Programmes Working Group on Climate Change, presented the work of the task team on social dimensions of climate change in which a number of United Nations agencies and programmes participated.⁶ He explained that "social dimensions of climate change" referred to a people-based approach that embraced socio-economic, cultural and scientific knowledge and practice, aiming overall to ensure that societal needs played a part in developing practices towards mitigation and adaptation, for the short- and long-term benefit of all. The aim was to shift the focus in the United Nations Framework Convention on Climate Change negotiations and put people first, by highlighting the socio-economic benefits of addressing climate change and ensuring a focus on the most vulnerable in the framework of sustainable development. In practical terms, Mr. Harsdorff explained that the task team worked on health, employment, incomes and livelihood, gender, education, housing, food and poverty. It addressed the needs of particular vulnerable groups (children, women, indigenous peoples and the poor), and the opportunities in addressing climate change. The task team aimed to understand and address the interlinkages between climate change and development in a coherent and coordinated manner, to achieve climate-resilient sustainable development.

33. Richard Newfarmer, the World Bank Special Representative to the United Nations and the World Trade Organization, presented the World Bank's view of the social dimensions of climate change as an issue of social justice. He observed that the causes and consequences of climate change were deeply intertwined with global patterns of inequality, and that climate change acted as a multiplier of existing vulnerabilities which threatened to reverse hard-earned development gains. A dual-track approach was needed: both aggressive mitigation through curbing of greenhouse gas emissions, and pro-poor adaptation. There was an inverse relation between those countries emitting and those countries adversely affected, although newly industrializing countries, especially those with larger economies, were likely to constitute the great bulk of emissions moving forward. In his view, there was a joint responsibility throughout the world to deal with that issue. He also noted the chain of causation running from expected impacts of climate change through to possible human

⁶ Food and Agriculture Organization of the United Nations, International Labour Organization, OHCHR, Joint United Nations Programme on HIV/AIDS (UNAIDS), Department of Economic and Social Affairs, UNDP, United Nations Population Fund (UNFPA), United Nations Human Settlements Programme (UN-Habitat), United Nations Children's Fund (UNICEF), United Nations Development Fund for Women (UNIFEM), World Bank, WFP and the World Health Organization.

rights and other implications. Examples of the World Bank's work on social dimensions of climate change included: first, local institutions and climate adaptation, where evidence suggested irrigation and investments in dry lands were likely to bring more socially inclusive and sustainable results (Yemen and Ethiopia); and second, heavy investments which had been made in cyclone shelters in Bangladesh but were often under-utilized for social and gender reasons, moreover. early warning and preparedness were found to be much more effective when gender dimensions are included. Reference was made to the World Bank's Social Dimensions of Climate Change Practice Group, which was aimed at realizing "climate-smart policies and operations in client countries that advance the interests of those who are the most vulnerable to climate change". The World Bank's Legal Department was finalizing a legal literature survey on links between human rights and climate change, explicitly avoiding supporting particular political and legal outcomes. The World Bank was also considering the "value-added" of a human rights perspective in the context of its work on climate change, focusing on most vulnerable people, on critical thresholds, and on procedural standards.

34. Ms. Mohamed-Katerere, an independent expert on human rights and environmental law and policy, spoke of the value of a human rights approach to governance for strengthening resilience, defined as the ability of communities and individuals to respond to the challenges of climate change and to maintain essential levels of well-being. Recognizing and strengthening human rights in governance helped level the playing field and ensure more equitable outcomes, which was consistent with the right to development. Human rights provided a benchmark for making choices and encouraging equity and non-discrimination in outcomes, including in the distribution of costs and benefits. For example, at the national level the human rights-based approach provided a method for weighing climate mitigation and adaptation choices against impacts on the right to food, life and to a clean, healthy environment. Further, human rights thinking helped clarify rights, roles and responsibilities by distinguishing between (a) rights holders and stakeholders, and (b) beneficiaries and facilitators; and it enhanced the legitimacy and sustainability of choices and decisions, by increasing local support for globally agreed measures. Incorporating human rights strengthened coherence between different levels and sectors by emphasizing cooperation based on fundamental principles and encouraging long-term perspectives, and made vulnerabilities visible by disaggregating data which helped to reduce the likelihood of rights derogations.

35. Ms. Mohamed-Katerere suggested that establishing an effective climate governance regime required incorporating human rights into institutional and governance arrangements for financing, mitigation, adaptation, capacity-building and technology transfer. Where governance was weak or ambiguous, international human rights law provided binding obligations that ensured that decisions were made in ways that supported and did not adversely affect vulnerable or marginalized communities. Human rights governance approaches should be adopted currently in the United Nations Framework Convention on Climate Change negotiations, in other multilateral and bilateral agreements, as well as in future agreements and actions. In particular, measures to strengthen the voice of the most vulnerable should be taken, by building collaborative networks for adaptation and disaster risk management; establishing windows for their genuine and effective engagement in the development and implementation of policies that affect them; decentralizing policy determination; strengthening opportunities for participation of indigenous peoples, forest-dependent communities, and other communities whose rights are affected by climate change.

36. Ms. Mohamed-Katerere deemed that establishing a system for allocating both benefits and costs was important to strengthen mitigation and adaptation. Such a system should be based on the principles of equity and fairness, including paying attention to the common but differentiated obligations of actors at global and national levels. Further,

strengthening and extending free, prior and informed consent to all whose rights are adversely affected should be considered. Human rights derogations should be avoided by establishing a rigorous safeguard system that goes beyond “do not harm”. Establishing systems for preventing and resolving conflicts over access, use and ownership, and the distribution of costs and benefits arising from climate change, mitigation and adaptation actions was important for long-term sustainability.

37. In the ensuing interactive debate, representatives of the International Environment Forum, World Vision International, International Movement ATD Fourth World, Nord-Sud XXI and Ms. Puvimanasinghe took the floor. The Social Forum should look not only at the human rights of those affected by climate change, but also the physical, financial, social and ethical challenges that such massive movements of populations represented for those communities receiving the displaced persons. A human rights educational approach was deemed essential to ensure respect for the human rights of the migrants. Others highlighted the specific plight of children and in particular the impact of climate change on their right to health, and the need to reduce vulnerabilities and mainstream child-rights adaptation into development programming. It was argued that a human rights approach to climate change was not a market-based approach centred on making the environment a commodity. It was based on an imperative of action to protect individuals’ and peoples’ fundamental human rights.

38. In concluding remarks, Mr. Harsdorff noted that both issues of migration and children were covered by the task team on social dimensions of climate change, through the participation of the International Organization for Migration and the United Nations Children’s Fund (UNICEF). While pricing the environment might not be the perfect solution, it was still a solution and should not be disregarded because it was a market-based approach. Mr. Newfarmer noted the World Bank’s engagement with local stakeholders at early stages of project development, and confirmed the overlap and intersection of the normative concerns of the human rights community and the development community in improving health, livelihoods, eliminating disease, etc. He emphasized that pricing the cost of environmental degradation correctly was crucial in order to ensure that polluters paid, as was taking such pricing into account in policy framework development and project evaluation. There could be a trade-off at the margin between economic growth and the environment, and policies must be developed to accommodate that trade-off.

39. Ms. Mohamed-Katerere welcomed the focus on migration in the interventions, which were indicative of the much larger problem that all actions had costs. The crucial issue was how to distribute those costs and what the responsibilities of the various parties were, and how to begin a dialogue on the issue between the development and human rights communities, and States and citizens. Using human rights was an important tool not only for claiming the rights of vulnerable peoples but also for building consensus and understanding. Civil society actors should develop ways to build a human rights culture at the local level. One participant queried whether a global climate tribunal would be a viable legal mechanism to implement human rights obligations related to climate change. There was also support for the development of an international climate change tribunal, particularly with regard to past and future responsibilities at the global level, while avoiding the risk of a proliferation of tribunals. Regional and local mechanisms, including indigenous conflict resolution mechanisms, were also crucial.

2. Green economy and technology transfer

40. Baskut Tuncak, a representative of the Center for International Environmental Law, considered that technology transfer offered one solution to the paradox of development, climate change and human rights. Noting studies that showed that 80 per cent of clean-energy patents were owned by six countries, he stressed that there were legal obligations for

the international transfer of technologies to foster sustainable development and avoid human rights violations. Certain climate change mitigation technologies, where appropriate, might provide a path to low-carbon development; however, the implications of those technologies for human rights and the environment, beyond just climate change, must also be considered. The human rights implicated by climate change emphasized the need for the international transfer of particular technologies for adaptation, such as: technologies of advance warning in the case of impending natural disasters and natural disaster prevention/remediation technologies (linked to the right to life); building technologies for resistance to extreme weather events (linked to the right to adequate housing); water saving, capture, desalination and re-use technologies (linked to the right to water); medicines, vaccines, pest-control measures, sanitary products and processes including technologies related to potable water (linked to the right to health); and integrated, sustainable forest management techniques and agricultural practices (linked to availability and accessibility of the right to food). In addition, when and where appropriate, genetically modified organisms and pest-control measures might also be linked to the right to food. Mr. Tuncak noted that intellectual property rights could be a barrier to the transfer of several technologies, in particular with relation to technologies related to climate change adaptation, such as medicines and genetically modified organisms. The application of a rights-based approach to technology transfer in the context of climate change presented many opportunities, including prioritizing which technologies should be targeted for development and transfer, based upon human rights implications; helping to identify the most pressing barriers that intellectual property and other economic legal regimes posed to sustainable development; and helping to improve governance, in taking a holistic approach to the effectiveness of interventions for the mitigation of and adaptation to climate change.

41. José María Díaz Batanero, the focal point for the Climate Change Programme of the International Telecommunication Union (ITU), outlined ways in which ITU was promoting the use of information and communication technologies (ICTs) to address climate change, for instance by: promoting new standards and regulations aimed at a reduction of energy consumption by ICT equipment; encouraging the industry to focus on energy efficiency and the use of renewable energy sources; addressing e-waste and recycling; and developing an e-environment toolkit to help countries assess the contribution that ICTs can make to reduce greenhouse gases. He reported that over 40 organizations worked with ITU to develop a methodology for measuring ICT carbon footprints, and a global online community was available to exchange best practices in the use of ICTs to promote sustainable development. ICTs should be included in national development plans, industrial sectors should be encouraged to adopt ICTs to reduce their carbon footprint, and open standards that use energy efficiency should be adopted as a key technical factor.

42. Representatives of the Plurinational State of Bolivia, Algeria, Ecuador and the Bolivarian Republic of Venezuela, and of Espace Afrique International, Nord-Sud XXI, Earthjustice, and International Movement ATD Fourth World/International Council of Women, WaterLex, and Ms. Puvinamasinghe intervened for interactive debate. It was stated that clean technologies to address climate change should be in the public domain and not subject to intellectual property rights. A change of paradigm to view nature as a global system where each part played a role was advocated, and special rapporteurs, in particular the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises should work on those issues. In response to questions raised, it was stated that biofuels could be appropriate, depending on the country, as they could increase greenhouse gases instead of reducing them and could have an impact on the right to food when food crops were used for biofuels. It was commented that the flexibilities of Trade-Related Aspects of Intellectual Property Rights (TRIPS) would allow some flexibility with regard to public health but had been eroded by free trade agreements.

Indigenous processes could be encouraged through the access and benefit sharing in the current negotiations under the Convention on Biological Diversity.

43. An NGO speaker presented to the Forum a Declaration on “Climate Change and Human Rights” endorsed by 28 NGOs. The Declaration contained a number of recommendations for the Human Rights Council, including the establishment of a new special procedure on the impact of climate change on the enjoyment of human rights and the presentation of a study on the responsibilities of states. Amongst all human rights, the right to development and the principle of international solidarity were highlighted as having specific value on the international level on global governance in relation to climate change.

IV. Conclusions and recommendations

44. **The conclusions and recommendations below emanated from presentations, statements and interactive dialogue during the Social Forum.**

A. Conclusions

45. **Many speakers, while recognizing the complexity and multi-dimensional nature of climate change issues, stressed the urgent need to look beyond the ecological and economic impacts of climate change, and to focus on the social dimension and human rights impact by putting people at the centre of the discussion, thus reinforcing the concept of sustainable development.**

46. **Discussions reaffirmed Human Rights Council resolution 10/4, in which the Council affirms “that human rights obligations and commitments have the potential to inform and strengthen international and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes”. A human rights approach is needed across the board at all levels.**

47. **While recognizing the primary responsibility of States to promote, fulfil and protect human rights, the global all-pervasive challenge of climate change undoubtedly requires a global solution, and clearly calls for international assistance and cooperation under the principles of international solidarity and of common but differentiated responsibilities. The right to development is central in promoting global good governance in relation to climate change.**

48. **Concerns were shared about heightened vulnerabilities to the adverse effects of climate change, related to geography, poverty, gender, age, disability, and migrant, refugee, internally displaced person, indigenous or minority status. The existing inequalities among and within countries were also highlighted as was the unequal impact of climate change, which affects even more the already disadvantaged communities and States.**

49. **The gender dimension of the adverse impact of climate change was specifically highlighted, in addition to the important positive role women can play in responding to these challenges. Empowering women and using a human rights-based approach to climate change measures and actions strengthen the response to climate change impact.**

50. **Similarly, the positive role to be played by indigenous communities in responding to climate change challenges was highlighted.**

51. **Movement of people, including cross-border movement, should be seen as a possible and legitimate adaptation strategy, among other options, if not the only one at**

a certain point, while the legal gap concerning cross-border movements linked to environmental factors and climate was recognized, as stressed by the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration.

52. Human rights mechanisms, including the treaty bodies, special procedures and the universal periodic review, were highlighted as an essential tool for early warning and facilitating the channelling of cooperation, therefore complementing the scientific calls to address the challenge of climate change.

53. The challenges of climate change to development and the threat to reverse the gains made towards the achievement of the Millennium Development Goals were highlighted, in particular with regard to Goal 1 on the eradication of extreme poverty and hunger and Goal 7 on environmental sustainability.

54. The right to education and the need for access to information, meaningful public participation, transparency and accountability were emphasized as a basis for the enjoyment of human rights, including the right to a sound environment or sustainable development.

55. The human rights-based approach calls for a focus on sound governance and accountability mechanisms, stressing both procedural and substantive rights. Accessible, transparent and effective accountability mechanisms should be in place, leading to effective remedies. The justiciability of economic, social and cultural rights was recalled, as was the fact that responsibility for achieving economic, social and cultural rights was not exclusively on the States concerned but also borne by non-State actors including the private sector, and other countries and the international community.

56. Transfer of technology, increased use of information and communication technologies, sharing and managing of knowledge, lessons learned and good practices, capacity-building and financial support can and must play a crucial role in addressing climate change, while promoting sustainable development and the achievement of human rights.

57. The current market approach to finding solutions to climate change was viewed as not wholly appropriate or fair, especially towards the countries or communities that are dealing already with the negative impacts of climate change. Nevertheless, with the appropriate safeguards, “green economy” instruments could be a potential tool to make economic actors aware of the environmental impact of their activities and of the services provided by the ecosystems with a view to ensuring better social returns and ecological benefits.

58. Some concerns were expressed with regard to market-based mechanisms for climate change, such as the REDD+ mechanism, which could be seen as a commoditization of forests, ineffective in preserving global forest stocks (as it would likely apply to only half of current forests) and lacking the effective involvement of indigenous peoples and local communities in REDD+ development.

59. There was a call for a national and global system allocating benefits and costs, ensuring that polluters pay and ensuring equity and non-discrimination.

B. Recommendations

60. The 2010 Social Forum recommends that:

(a) The Human Rights Council establish a new mechanism, which could take the form of a special rapporteur or independent expert, dedicated to human rights and climate change. The mandate of this mechanism should include addressing the human rights aspects of climate change and elaborating a study on the responsibilities of States, and other actors, in the area of climate change adaptation, mitigation, technology transfer, technical cooperation and funding, vis-à-vis the urgent need for adaptation and commitments with sustainable development, bearing in mind the negative impacts of climate change on different human rights and its amplification in the case of vulnerable groups, including the reality of persons displaced as a result of climate change. It could lead to a non-binding instrument of guiding principles for human rights and climate change;

(b) The Human Rights Council continue holding an annual discussion with the view to tracking the rapidly evolving impacts of climate change on human rights;

(c) The sixteenth Conference of the Parties in Cancun be informed of the deliberations of the 2010 Social Forum with the view to: ensuring that the agreed outcome texts are consistent with the obligations contained in international human rights instruments; integrating social dimension, a gender perspective and the human rights-based approach in United Nations Framework Convention on Climate Change negotiations; respecting intergenerational equity, and addressing extraterritorial State obligations; ensuring that safeguards and measures are put in place to avoid side effects, such as trade protectionism; and ensuring that specific attention is paid to the situation of mountainous countries, small island States and other countries which are particularly exposed to the impact of climate change;

(d) Climate change be taken into account in the elaboration of the draft guiding principles on extreme poverty and human rights, and also in other human rights reports, such as those on water, food, health, housing or development.

(e) Governments involve local communities and organizations, including meaningful participation of vulnerable groups, in developing objectives, policies and strategies for the upcoming Cancun and following negotiations, as well as for ensuring the success of longer-term strategies.

(f) The situation of persons displaced as a result of climate change be addressed, and that national Governments in disaster-prone countries invest in disaster risk reduction planning, mechanisms and procedures, as well as in other adaptation measures in the face of the already present negative impacts of climate change, and that the members of the international community increase their efforts in responding to international disasters and in investing in preparedness, adaptation and mitigation through sustainable development options, which may imply the transfer of best available technologies. The gaps in the legal protection of those displaced across borders should be addressed, including through international law related to refugees.

(g) REDD and REDD+ programmes adopt a more rights-based approach, create legal awareness programmes along with other support programmes for indigenous peoples that may be affected by REDD programmes, and improve participatory and access-to-justice provisions. These programmes on avoiding deforestation need to be complemented with broader sustainable development programmes all over the world;

(h) A human rights-based approach be applied to intellectual property and technology transfer in order to facilitate adaptation and even mitigation efforts;

(i) A mechanism be put in place for measuring performance on climate change, which should include human rights indicators, in order to create awareness and promote sustainable development options.

Annexes

Annex I

Provisional agenda

1. Opening of the session.
2. Implementation of the mandate contained in Human Rights Council resolution 13\17.
3. Closure of the session.

Annex II

[English only]

List of participants

States members of the Human Rights Council

Bahrain, Bangladesh, Belgium, Brazil, China, Cuba, Ecuador, France, Guatemala, Hungary, Japan, Jordan, Malaysia, Mauritius, Mexico, Nigeria, Norway, Pakistan, Qatar, Republic of Moldova, Russian Federation, Switzerland, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

States Members of the United Nations represented by observers

Algeria, Bolivia (Plurinational State of), Costa Rica, Cyprus, Dominican Republic, Egypt, Greece, Honduras, Iran (Islamic Republic of), Italy, Lao People's Democratic Republic, Monaco, Netherlands, Oman, Panama, Philippines, Singapore, South Africa, Sweden, Trinidad and Tobago, Tunisia, Venezuela (Bolivarian Republic of), Viet Nam.

Non-Member States represented by observers

Holy See, Palestine.

Intergovernmental organizations

European Union, International Organization for Migration, International Organization of La Francophonie.

United Nations

United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, United Nations Development Programme, Office for the Coordination of Humanitarian Affairs, Office of the United Nations High Commissioner for Refugees.

Specialized agencies and related organizations

International Labour Organization, International Telecommunication Union, World Food Programme, United Nations Educational, Scientific and Cultural Organization, World Health Organization, World Bank.

Non-governmental organizations

Al-Hakim Foundation, Association of World Citizens, Associazione Comunità Papa Giovanni XXIII, CARE International, Center for International Environmental Law, Daughters of Charity, Defence for Children International, International Disability Alliance,

Earthjustice, Espace Afrique International, FIAN International, Fondations des Oeuvres pour la Solidarité et le Bien-être Social, Franciscans International, Greenpeace International, International Environment Forum, Kenya Alliance for Advancement of Children, Universal Esperanto Association, International Council of Women, International Movement ATD Fourth World, Nord-Sud XXI, Refugees International, Rencontre Africaine pour la Défense des Droits de l'Homme, Synergie Développement et Partenariat International, Social Service Agency of the Protestant Church of Germany, Transparency International, Tunisian Mothers' Organization, United Methodist Church, Union of non-governmental organizations of Democratic Republic of the Congo (Club UNESCO), WaterLex, World Council of Churches, World Vision International.

Academic institutions

London School of Economics and Political Science, Institute for Planetary Synthesis.

Independent experts

Mr. Ariranga Govindasamy Pillay, member of the Committee on Economic, Social and Cultural Rights, Ms. Pramila Patten, member of the Committee on the Elimination of Discrimination against Women, Ms. Jennifer Mohamed-Katerere, Ms. Shyami Puvimanasinghe.
