

OHCHR Expert Meeting on Climate Change and Human Rights

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Panel presentation and dialogue on human rights, migration, and displacement related to the adverse impacts of climate change

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I would like to provide four **key messages** for this discussion based on IOM's experience and work on migration and climate change with states and migrants (and migrant communities) and climate change:

1. **Emphasize that the human rights framework and application is key along the whole migration cycle for all types of migration** (not only forced forms of migration such as displacement due to natural events or trafficking of persons) in the context of climate change:
 - In particular our experience at both policy level and operational levels on the ground, shows that the use of complementary forms of protection is significant for climate related migration:
 - expanding the use of temporary protection measures by rendering these forms of protection less discretionary
 - leveraging the obligations derived from the principle of non-refoulement (which is a customary law principle, applicable to all States irrespective of whether they have signed the relevant treaties or not) and particularly the prohibition of sending someone back to a country where he/she would be submitted to "degrading treatments".
 - Rights framework is also key for voluntary migration, and applicable all around the migration cycle. For instance, bilateral and regional policy instruments facilitating migration ensure labour migrants rights, or the urban international agenda calls upon the promotion of migrants rights.

- The Atlas of Environmental Migration provides analyses, maps and visuals on rights based approaches to human mobility and climate change.

2. **Highlight the momentum: we are at a special moment at international level regarding migration in 2016; and awareness at migration level:**

- You can read the interest of states in the question by looking at IOMs institutional evolution as a barometer: interest in environmental migration since early 90s, increased attention around IPCC reports and COP15 around 2007/ 2008, request of members states to deal with this issue every year since 2011 in IOM's governance structures and establishment of the first ever Migration, environment and climate change division in 2015.
- from lack of visibility and interest to over exposure of environmental and climate migrants
- related risks and opportunities: no one cared, no everyone cares, so dilution : everyone's business is no one's business; media exposure leading to stereotyping ; competition for resources among international actors, confusion at national levels, difficulty to move from "talking" to acting;
- Difficulty of allocating responsibility in the context of human rights and climate change, given that the ones directly responsible for protecting rights (States on whose territory the affected people are) are usually not the ones who are primarily responsible for climate change. The loss and damage system under UNFCCC could provide at least a partial solution to this, including with regard to various forms of human mobility.
- The development of two Global Compacts on refugees and migrants is also a key policy process offering a new chance for climate change, human rights and human mobility to be addressed together.

3. **Underscore the cross cutting nature of migration policy (in general) touching upon all policy domains (hence all range of human rights) but it is a migration policy issue**

- We do speak of climate policy, of DRR, of development, of human rights, of humanitarian policy...
- But we are also speaking here of the **importance of migration policy** (understanding what is migration policy, the national migration management, the governance of

migration, migrants caught in crisis, addressing counter trafficking and smuggling, prevention of forced migration and facilitation of voluntary, regular, dignified, safe migration etc.).

- A rights-sensitive approach to policy and programming requires that migrants are provided with sufficient and relevant information and are able to participate in processes and frameworks that implicate them.

4. The Way forward

- We do not see much chance that new binding documents are adopted in a close future on climate change and migration, but we see a clear interest of States in being supported to address this complex issue.
- As an intergovernmental organization we see the role of the international community is to provide this support by developing guidelines and collecting good practices and build States capacity to implement such practices
 - a) Ex. **The Migrants in Countries in Crisis (MICIC) Initiative**, a government-led effort co-chaired by the Governments of the United States and the Philippines, aims to improve the protection of crisis-affected migrants when the countries in which they live, work, study, transit, or travel experience a conflict or natural disaster.
 - When conflicts or natural disasters erupt, migrants may require targeted assistance. Yet migrants are too often invisible – or simply not accounted for -- in preparedness and emergency response, and even less so in recovery and reconstruction efforts.
 - The Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster” (15 guidelines) provide concrete and practical guidance to stakeholders (at the local, national, regional, and international levels) on how to prepare for and respond to crises in ways that protect migrants, leverage their capacities, and help migrants and communities recover from crises.
 - The Guidelines are based on 10 Principles that should inform and guide actions by all stakeholders to protect migrants. They urge all stakeholders, to save lives first and to protect migrants’ rights at all times, irrespective of immigration status. This means that all actions relating to crisis preparedness, emergency response, and post-crisis should be undertaken in a manner consistent with the human rights of migrants.

- To address this gap, the MICIC Initiative engaged in a broad and inclusive consultative process (with States, International Organizations, Civil Society and the private sector) and developed
- The 15 Guidelines are targeted suggestions, organized by theme and phase of a crisis to identify in broad terms the actions needed to better protect migrants. This includes for instance incorporating migrants in preparedness and emergency response systems and setting up effective communication channels with migrants, so stakeholders know how to reach migrant populations when a crisis hits.
- On the human rights-based approach of the Guidelines: Effectively protecting migrants' human rights requires understanding of how discrimination and differences, including those based on immigration status, gender, age, disability, sexual orientation, race, nationality, or other characteristics can constrain access to resources and safety.

b) MECC CAPACITY BUILDING PROGRAMME

- A standardized *Migration, Environment and Climate Change: Training Manual (Facilitator's Guide)* as part of IOM's response. The Training Manual is developed with the financial support of the European Union and the IOM Development Fund, whose wider support to the development of capacity on this issue is to be recognized.
- The modules are designed specifically for policymakers from across the spectrum of ministries and agencies having a 'stake' in environmental migration, including but not limited to: environment, climate change, development, disaster management, home affairs/migration, foreign affairs, agriculture, land management and planning.
- A module is devoted to human rights and legal frameworks and approaches.
- The Training has already been delivered at regional and national levels reaching out to over 300 policy makers from over 40 countries.

To conclude:

- The focus on migrants, their communities and human rights, can help bridging the gap among policy silos, as migration is about all policy domains, brings the individuals, their needs and aspirations to the center of the attention.