

AMNESTY INTERNATIONAL

RECOMMENDATIONS TO PARTIES TO THE UNFCCC FOR HUMAN RIGHTS CONSISTENT CLIMATE ACTION IN 2022

The climate crisis is a human rights crisis.¹ The window of opportunity to limit the increase of global average temperatures within 1.5°C is rapidly closing.² At COP26 in 2021, states failed once again to act with the urgency and ambition required by their human rights obligations. However, they also made some important commitments that must now be delivered in full.³ The recent increase in fossil fuel prices should not divert their implementation and accelerate a just and human rights consistent transition to renewable energy, as well as other measures to enhance the efficiency of energy use and reduce energy demand. This briefing updates Amnesty's International's earlier May 2022 briefing.⁴

KEY HUMAN RIGHTS MESSAGES FOR CLIMATE ACTION

- **Protect 1.5!** Ensure that the Work Programme to Scale Mitigation Ambition and Implementation will effectively limit global warming to 1.5°C. All governments must review, and update as necessary, their 2030 emissions targets to ensure they are fully aligned with the 1.5°C imperative and reflect their respective historical responsibility for the climate crisis and their capacity.
- All states must commit to a **rapid and equitable fossil fuel phase out** rather than relying on carbon markets and carbon removal mechanisms that would in fact delay meaningful climate action and may also negatively impact on human rights.
- Wealthy states must present a clear plan that will **increase their contributions to climate finance** and collectively meet this year the goal of raising at least 100 billion USD annually, including meeting previous shortfalls, funded primarily through grant funding rather than loans.
- Ensure the Glasgow Dialogue leads to the speedy provision by wealthy countries of **new and additional finance to provide support and remedy** to people whose human rights have been negatively affected by loss and damage caused by the climate crisis.
- **Agree a concrete and human rights consistent work plan for the Glasgow Work Programme on Action for Climate Empowerment.** Wealthy states should also commit adequate support for developing countries to facilitate its implementation.
- **Protect civic space at COP27** for Egyptian and non-Egyptian NGOs and Indigenous peoples. All states must press for meaningful improvements in the human rights situation in Egypt ahead of the conference, to ensure that the human rights crisis within the country is not forgotten in the wake of COP27.

¹ Amnesty International, *Stop burning our rights! What governments and corporations must do to protect humanity from the climate crisis*, 7 June 2021, www.amnesty.org/en/documents/pol30/3476/2021/en/

² IPCC, *Climate Change 2022 - Climate Impacts, Adaptation and Vulnerability, Working Group II contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, Summary for Policymakers, www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf; IPCC, *Climate Change 2022 - Mitigation of Climate Change, Working Group III contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, Summary for Policymakers, report.ipcc.ch/ar6wg3/pdf/IPCC_AR6_WGIII_SummaryForPolicymakers.pdf

³ Amnesty International, *COP26 outcome: 12 months to take climate action that delivers on human rights*, 18 November 2021, www.amnesty.org/en/documents/ior40/4989/2021/en/

⁴ Amnesty International, Briefing to parties to UNFCCC on human rights consistent climate action in 2022

23 May 2022, Index Number: IOR 40/5604/2022, www.amnesty.org/en/documents/ior40/5604/2022/en/

ROOTING DECISIONS IN HUMAN RIGHTS LAW AND STANDARDS

While the Paris agreement and some of the following COP decisions include references to human rights law and standards, attention to human rights in COP discussions and decisions remains limited. For example, the COP26 decisions related to international carbon markets only included symbolic references to the preamble of the Paris Agreement that acknowledges that governments must respect, promote and consider their respective obligations on human rights when taking action to address climate change. Moreover, the decisions did not provide for concrete mechanisms to ensure that carbon offset projects and other non-market approaches for emission reductions do not violate the human rights of affected people.⁵

Rooting decisions taken within the UNFCCC in human rights law and standards should not be a cosmetic exercise. States' human rights obligations must guide all climate decisions. Human rights principles and standards help to clarify the steps that states must take to ensure not only that climate measures are effective to protect people from the worst impacts of climate change but also that they work for all persons, without discrimination, leading to an enhanced enjoyment of their rights and does not result in any reduction.

RECOMMENDATIONS

Ahead of COP27, Amnesty International calls on all parties to the UNFCCC to:

- Put people and their human rights, including labour rights and the rights of Indigenous peoples, at the centre of all COP27 negotiations and decisions. All decisions, including the final outcome document, must reference relevant human rights law, principles and standards, and ensure the promotion, respect, protection and fulfilment of human rights.
- Ensure that the references to human rights included in the COP26 decisions are translated into effective measures to respect, protect and fulfil human rights in climate action, particularly in the implementation of the Glasgow work programme on Action for Climate Empowerment and in other decisions related to international carbon markets and other non-market approaches for emission reductions (see relevant sections below).
- Include and fully consult experts in human rights, gender and Indigenous peoples' rights in all parties' delegations to UNFCCC meetings.
- Facilitate the meaningful participation in, and full and equitable access to, COP27 for representatives of Indigenous peoples, youth, and civil society organizations, including human rights and social justice groups.

CLIMATE CHANGE MITIGATION AND A JUST ENERGY TRANSITION

The recent IPCC reports have made clear that the window to keep average global temperatures within 1.5°C is rapidly closing and that the impacts of not meeting that target would be catastrophic for the protection of human rights of people around the world, particularly for those already marginalized. Limiting global warming as much as possible and keeping the global temperature rise below 1.5°C remains the utmost priority. Yet, even if governments were to meet their own current emission reduction targets by 2030, global warming of 2.5°C would still result.⁶ Despite the COP26 Glasgow Climate Pact Decision requesting all states to strengthen their 2030 targets, only 20 countries have submitted updated pledges in 2022.⁷ In addition, most national policies that are currently being implemented are inadequate to meet countries' pledges.⁸

To keep temperatures below 1.5°C, a fast and human rights-consistent fossil fuel phase out is essential, as well as the adoption and implementation of adequate sectoral policies. A reliance on carbon markets and carbon removal

⁵ Amnesty International, COP26 outcome: 12 months to take climate action that delivers on human rights, 18 November 2021, www.amnesty.org/en/documents/ior40/4989/2021/en/

⁶ World Meteorological Organisation and others, United in Science 2022, page 17, https://library.wmo.int/index.php?lvl=notice_display&id=22128#.Yz8kNuzMLFg

⁷ Climate Action Tracker, Climate Target Update Tracker, <https://climateactiontracker.org/climate-target-update-tracker-2022/> (last accessed 15 October 2022)

⁸ World Meteorological Organisation and others, United in Science 2022, page 17, https://library.wmo.int/index.php?lvl=notice_display&id=22128#.Yz8kNuzMLFg

mechanisms would severely jeopardize the 1.5°C imperative, as this would risk delaying genuine emissions reductions and could lead to human rights violations on a massive scale, such as impacts on food security and on the right to a healthy environment, or dispossession of Indigenous peoples from their ancestral land and forced evictions of other communities.⁹

At the same time, the energy transition must be just and promote the rights of workers and affected communities. Renewable energy projects must be carried out with full respect for the human rights of Indigenous peoples and local communities. The batteries which power electric vehicles and allow for renewable energy storage must be produced in a manner consistent with human rights and environmental protection.¹⁰ With demand for renewable energy and batteries soaring, now is the time for a drastic overhaul of our energy sources to ensure that the protection of human rights and the environment is prioritized.

RECOMMENDATIONS

Ahead of COP27, Amnesty International calls on all parties to the UNFCCC to:

- Ensure that the Work Programme to Scale Mitigation Ambition and Implementation,¹¹ established at COP26, delivers decisions and actions which effectively close the emission and implementation gap, to keep the increase of global average temperatures below 1.5°C.¹² The Mitigation Work Programme should:
 - Ensure the implementation of each country's nationally determined contribution (NDC) promotes a just and human rights-consistent transition to zero-carbon economies for workers and communities. In particular, states must adopt and implement policies and measures to ensure a just transition for workers and access to clean, reliable, affordable energy produced in a manner consistent with human rights for all, avoiding energy projects and technologies that violate human rights.
 - Fully implement the COP26 recommendation requesting states to accelerate efforts towards the “phasedown of unabated coal power and phase-out of inefficient fossil fuel subsidies whilst also providing targeted support to the poorest and most vulnerable in line with national circumstances and recognizing the need for support towards a just transition”.¹³
 - Include a recommendation for all countries to rapidly phase out all fossil fuel use and production and all fossil fuel subsidies, while recognizing the obligation for wealthy industrialized countries to provide adequate climate finance to developing countries to achieve a managed, equitable and human rights-consistent phase out of existing coal, oil and gas production in all nations.
 - Include a recommendation for all countries to cease all new oil, gas, and coal exploration and development, with wealthy countries moving first and fastest.
 - Aim to enhance the implementation of states' sectoral decarbonization commitments, including sectoral commitments under the Glasgow Climate Pact and multilateral initiatives for just sectoral decarbonization made by states.¹⁴

⁹ Amnesty International, *COP26: States risk bulldozing human rights of people most affected by the climate crisis*, 11 November 2021, www.amnesty.org/en/documents/ior40/4981/2021/en/; Amnesty International, *The impact of new technologies for climate protection on the enjoyment of human rights – Submission to the Human Rights Council Advisory Committee*, April 2022, www.amnesty.org/en/documents/ior40/5520/2022/en/

¹⁰ Amnesty International, *Powering Change: Principles for Businesses and Governments in the Battery Value Chain*, 4 February 2021, www.amnesty.org/en/documents/act30/3544/2021/en/. The Principles, issued in February 2021, have been endorsed by over 70 organizations.

¹¹ UNFCCC, Decision 1/CMA.3 Glasgow Climate Pact, para 28, UN Doc. FCCC/PA/CMA/2021/10/Add.1

¹² For more detailed recommendations on what the Work Programme should deliver, see Climate Action Network, *Ideas on a work programme for urgent scaling up mitigation ambition and implementation*, September 2022, climatenetwork.org/wp-content/uploads/2022/10/CAN_MWP_PositionPaper_Sept2022.pdf

¹³ UNFCCC, Report of the Conference of the Parties on its twenty-sixth session, held in Glasgow from 31 October to 13 November 2021, Addendum Part two: Action taken by the Conference of the Parties at its twenty-sixth session, Decision 1/CP.26 Glasgow Climate Pact, para 20, UN Doc. FCCC/CP/2021/12/Add.1.

¹⁴ For examples of multilateral sectoral commitments made by states at COP26 see Climate Action Tracker, Glasgow sectoral initiatives currently close the 2030 emission gap by 9%, November 2021, climateactiontracker.org/documents/1002/CAT_2021-11-11_Briefing_GlasgowSectorInitiatives.pdf ; Carbon Brief, Key outcomes agreed at the UN climate talks in Glasgow, 15 November 2021, <https://www.carbonbrief.org/cop26-key-outcomes-agreed-at-the-un-climate-talks-in-glasgow/>

- Review their 2030 emission reduction targets and ensure they are fully aligned with the 1.5°C imperative.
 - States which have not yet communicated new or updated nationally determined contributions (NDCs) since the first round of commitments should do so as soon as possible in advance of COP27, as requested by the Glasgow Climate Pact Decision.¹⁵
 - All other state parties must revisit and strengthen the 2030 targets in their NDCs as necessary to reflect their highest possible ambition and align with the 1.5°C imperative by the end of 2022, as requested by the Glasgow Climate Pact Decision.¹⁶
 - Wealthy industrialized states¹⁷ must also decarbonize their economies more quickly than others, including by adopting ambitious emission reduction targets that reflect their historical responsibility for the climate crisis and their higher level of resources, and that would enable them to reduce greenhouse gas (GHG) emissions by 50% well before 2030 and reach zero carbon emissions by 2030 or as soon as feasible after then.
 - Developing countries with greater capacity¹⁸ must set emission reduction targets that would enable them to reduce GHG emissions by at least 45% from 2010 levels by 2030 or as soon as possible after that, and to reach zero by 2050, as the IPCC stated that these emission reduction targets at global level are needed to limit global warming to 1.5°C.
 - Other developing countries should aim to reduce their emissions by levels consistent with the 1.5°C target as soon as possible in line with their own respective capacity and all available international financial and technical support provided for climate action.
 - All countries must urgently implement their updated commitments, reduce emissions in all sectors, and close the current gap between the national policies currently in place and the pledges made.¹⁹
- Rapidly phase out the production and use of all fossil fuels – coal, oil and gas - in a way that delivers a just and human rights-consistent transition for workers and communities, with the full participation of the most affected groups. In particular:
 - Adopt and implement new domestic targets related to phasing down and stopping the expansion of fossil fuels and related international commitments such as joining the Beyond Oil and Gas Alliance and Powering Past Coal Alliance, if not already a member, and endorsing the call to adopt and implement a Fossil Fuel Non-Proliferation Treaty.
 - Adopt a recommendation at COP27 calling on all countries to legally require all businesses, including those playing a role in the energy transition such as mining and processing operations, to respect human rights and the environment and to undertake human rights and environmental due diligence of their operations, services and products and on their business relationships throughout their value chains.
 - Adopt a recommendation at COP27 calling on all countries to ensure a just transition for workers and communities, particularly by prioritizing creation of decent work opportunities in affected areas and communities through appropriate investment, reskilling, training and other assistance for job seekers, as well

¹⁵ UN Doc. FCCC/PA/CMA/2021/10/Add.1, Para 28 (previously cited).

¹⁶ UN Doc. FCCC/PA/CMA/2021/10/Add.1 Para 29 (previously cited)

¹⁷ Amnesty International uses the term “wealthy industrialized countries” to refer to countries included in Annex 1 of the UN Framework Convention on Climate Change.

¹⁸ Amnesty International considers countries classified by the World Bank as “upper middle income” and which are also part of the G20 as “developing countries with greater capacity”. These are China, South Africa, Argentina, Brazil, Mexico, South Korea, Indonesia.

¹⁹ In the report published in April 2022, the IPCC stated that “policies implemented by the end of 2020 are projected to result in higher global GHG emissions than those implied by NDCs, indicating an implementation gap” See IPCC, Climate Change 2022 – Mitigation of Climate Change, Working Group III contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, Summary for Policymakers, para B.6.1, www.ipcc.ch/report/sixth-assessment-report-working-group-3/

as ensuring that social protection measures are sufficient both in terms of coverage and level of support to mitigate the negative impacts on local communities.

CLIMATE FINANCE

Climate finance currently includes funds for mitigation (i.e. reducing climate change) and adaptation. The provision of adequate finance to lower-income countries is not just a humanitarian issue but is a human rights obligation as part of states' duties to provide international assistance and cooperation to others to enable them to meet their own rights commitments. Providing adequate climate finance to lower-income countries is also essential to ensure that global average temperatures are kept below 1.5°C, as poorer countries need a sufficient level of resources to carry out just and human rights consistent transitions to zero carbon economies and resilient societies in the quickest time frame possible. Wealthy countries have so far failed to meet their commitment - first made at COP15 and repeated at COP21 - to deliver 100 billion USD climate finance annually from 2020 till 2025 to developing countries - an amount which, in any case, falls far below what is actually needed.²⁰

RECOMMENDATIONS

Ahead of COP27, Amnesty International calls on all parties the UNFCCC to:

- Reaffirm the need to provide adequate, scaled-up finance that is additional to prior commitments, matches the scale of needs and prioritizes countries and communities who need it the most.
- Agree on clear and human rights-consistent principles²¹ to guide the adoption, by 2024, of a new higher annual quantified goal for international climate finance from 2025 onwards.²² At COP27, states should also adopt a decision that clarifies that the new goal will cover not just mitigation and adaptation measures, but also loss and damage.

Amnesty International further calls on wealthier states to:

- Present a clear plan to achieve and surpass the goal set at COP26 to at least double adaptation finance from 2019 levels by 2025,²³ taking into account that a doubling of 2019 adaptation finance would still be insufficient to enable developing countries to adequately support people to adapt to climate change.
 - Individual wealthier states should back up the plan with concrete adaptation finance commitments.
- Commit new and additional climate finance to less-wealthy countries for human rights-consistent mitigation and adaptation measures in order to reach the 100 billion USD annual goal this year and provide the cumulative amount of 600 billion USD over the period 2020-2025 to make up for earlier gaps.
- Make a clear commitment at COP27 to provide climate finance to low-income countries primarily in the form of grants, not loans, to ensure that climate finance does not force them into fiscally unsustainable debt levels.
- Implement previous climate finance pledges, including those made at COP26 to the Green Climate Fund (GCF), by signing contribution agreements as soon as possible.

²⁰ According to information compiled by the UNFCCC's Standing Committee on Finance, 78 of 153 NDCs have costed needs, and these amount to USD 5.8–5.9 trillion up until 2030. Only 11% of the costed needs specify whether finance has to be domestic or international; of these USD 502 billion is identified as needs requiring international sources of finance. See UNFCCC Standing Committee on Finance, *First report on the determination of the needs of developing country Parties related to implementing the Convention and the Paris Agreement, 2021*, para. 16, unfccc.int/topics/climate-finance/workstreams/needs-report. These figures were as of 31 May 2021.

²¹ For an analysis of states human rights obligations and principles related to international climate finance see Amnesty International, *Stop burning our rights! What governments and corporations must do to protect humanity from the climate crisis*, 7 June 2021, pages 112-115, www.amnesty.org/en/documents/pol30/3476/2021/en/. For a list of principles that must underpin the adoption of the new collective quantified goal, see Climate Action Network, *Submission: Principles on the aims of the new collective quantified goal*, February 2022, climatenetwork.org/wp-content/uploads/2022/03/CAN-Submission_NCGQ_February2022.pdf

²² At COP26, states established an ad-hoc work programme for 2022-2024 to set a new collective quantified finance goal by 2024. See UNFCCC, Decision 9/CMA.3, New Collective Goal on Climate Finance, FCCC/PA/CMA/2021/10/Add.3

²³ UN Doc. FCCC/PA/CMA/2021/10/Add.1, para 18 (previously cited).

LOSS AND DAMAGE

At COP26, wealthy states opposed the proposal from developing countries to set up a financial facility or other mechanisms to provide new and additional finance, separate from those committed for climate change mitigation and adaptation and beyond insurance, to support people in lower-income countries affected by loss and damage caused by the climate crisis. As a consequence, the COP26 outcome document only established a two-year dialogue (the “Glasgow Dialogue”) to “discuss the arrangements” for funding activities related to loss and damage.²⁴ The provision of funding for loss and damage is consistent with states’ human rights obligations.²⁵

The Glasgow Dialogue should not be allowed to become another lengthy process with limited results, but must lead to the provision of adequate, new and additional finances for loss and damage to developing countries, separate from those committed for climate change mitigation and adaptation and beyond insurance.²⁶ Moreover, the process is being further undermined by the fact that the Santiago Network for Loss and Damage (SNLD), a technical advisory body established at COP25 to provide scientific and technical advice to countries being affected by loss and damage, is not yet fully operational, as state negotiations on its institutional arrangements have yet to be finalized.

RECOMMENDATIONS

Amnesty International calls on all parties to the UNFCCC to:

- Establish a standing agenda item on loss and damage finance as a sub-item of “Matters relating to finance”.
- Establish a Loss and Damage Finance Facility at COP27 as a ‘third pillar’ of the Financial Mechanism of the UNFCCC, alongside Mitigation and Adaptation.
- Reach an agreement on the process and concrete milestones for each year to ensure that by the end of the Glasgow Dialogue, in 2024, the Finance Facility is fully operational and will provide new, additional, grants-based and adequate loss and damage finance to provide support and remedy to people whose human rights are negatively affected by loss and damage caused by the climate crisis.
- Ensure the Glasgow Dialogue’s outcomes also provide a pathway for equitable and direct access to timely means, support and remedy, for people and communities, including Indigenous peoples, whose human rights have been negatively affected as the result of loss and damage caused by the climate crisis, particularly in climate-vulnerable countries.
- Ensure the Santiago Network on Loss and Damage can become fully operational and that its terms of reference, governance and activities are guided by human rights law, principles and standards. In particular, adopt institutional arrangements - including the establishment of a representative and inclusive Advisory Body - that will lead to the meaningful participation of most impacted people, as well as simplified and facilitated direct access for those most marginalized.

ACTION FOR CLIMATE EMPOWERMENT

Enhancing climate change education, training, public awareness, public participation, and public access to information is an important part of the UNFCCC and the Paris Agreement and is required by states’ human rights obligations. Ensuring that all persons, and particularly those most affected by climate change and climate measures, have access to information, are able to participate in decision-making and to exercise their rights to freedom of expression, association

²⁴ UN Doc. FCCC/PA/CMA/2021/10/Add.1, para 73 (previously cited).

²⁵ UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, Report, 26 July 2022, UN Doc. A/77/226; OHCHR, “Five UN human rights treaty bodies issue a joint statement on human rights and climate change”, 16 September 2019, [ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998&LangID=E](https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998&LangID=E). For an analysis of states’ human rights obligations in relation to loss and damage, see Amnesty International, *Stop burning our rights! What governments and corporations must do to protect humanity from the climate crisis*, 7 June 2021, www.amnesty.org/en/documents/pol30/3476/2021/en/

²⁶ For more detailed recommendations on what the Glasgow Dialogue should deliver, see Climate Action Network, *Briefing: May Ministerial and Ministerial on Climate Action*, May 2022, climatenetwork.org/resource/can-briefing-may-ministerial-ministerial-on-climate-action/; and

and peaceful assembly is also key to achieve effective and ambitious climate action. While COP26 adopted the new 10-year Glasgow Work Programme on Action for Climate Empowerment (ACE) to enhance climate change education, training, public awareness, public participation, public access to information and international cooperation, it failed to root this work programme in human rights law, principles and standards. Nevertheless, the COP26 overarching decision urges states to respect, promote and consider their respective obligations on human rights, as well as gender equality and empowerment of women, in the implementation of the Work Programme.²⁷

At COP27, states are due to adopt a new ACE Action Plan which will include a set of activities at the national and international level to implement the Glasgow Work Programme on ACE. Despite a number of statements on the importance of a human rights approach to ACE made by parties during the June 2022 UN Climate Change Conference subsidiary bodies session (SB56), all references to human rights law, principles and standards are still under negotiation.²⁸

RECOMMENDATIONS

Amnesty International calls on all parties to the UNFCCC:

- Adopt a robust action plan for the Glasgow Work Programme on Action for Climate Empowerment, with concrete activities, responsibilities, timelines and deliverables, promoting all six elements of ACE.
 - Wealthy states should also commit to providing adequate support for developing countries to facilitate its implementation.
- Ensure the action plan contains clear references to each state's human rights obligations, as well as specific activities contributing to their fulfilment, including the rights to education; access to information; participation in public affairs; freedoms of expression, association, and peaceful assembly; as well as the right of Indigenous peoples to free, prior and informed consent.
- Ensure the action plan recognizes the role of environmental human rights defenders in promoting effective and ambitious climate action and includes concrete measures to protect them in line with the UN Declaration on Human Rights Defenders.
- Ensure that all activities under the action plan facilitate the participation of civil society and Indigenous peoples' organizations, children and youth, including by providing information in accessible formats.
- Ensure provisions for regular and effective reporting obligations from parties on the implementation of the Work Programme and the action plan, with progress being measured by appropriate human rights indicators, targets and benchmarks.

CARBON MARKETS AND NON-MARKET COOPERATIVE APPROACHES

At COP26, states adopted three decisions on the implementation of Article 6 of the Paris agreement on cooperative approaches to emission reductions, including carbon markets. However, these documents only included symbolic references to the preamble of the Paris Agreement that acknowledges that governments must respect, promote and consider their respective obligations on human rights when taking action to address climate change.²⁹ Concrete mechanisms to ensure that carbon offset projects and other non-market approaches for emission reductions do not violate the human rights of affected people were not provided for in the decisions. While the final adopted text indicates

²⁷ UN Doc. FCCC/PA/CMA/2021/10/Add.1, para 91 (previously cited).

²⁸ Informal note by the co-facilitators on SBI 56 agenda item 18 "Matters related to Action for Climate Empowerment", 14 June 2022, unfccc.int/sites/default/files/resource/ACE_sbi56_i18_CF_note.pdf

²⁹ UNFCCC, Decision 2/CMA.3, Guidance on cooperative approaches referred to in Article 6, paragraph 2, of the Paris Agreement, preamble, para 18(h)(ii) and para 22(g); Decision 3/CMA.3, Guidance on cooperative approaches referred to in Article 6, paragraph 2, of the Paris Agreement, preamble, para 24(a)(ix;x); Decision 4/CMA.3: Work programme under the framework for non-market approaches referred to in Article 6, paragraph 8, of the Paris Agreement, preamble and para 3(e), UN Doc. FCCC/CP/2021/12/Add.1.

that grievances related to carbon offset projects “can be addressed by an independent grievance process”, the details of this mechanism remain to be agreed upon.³⁰

The decisions on Article 6 also allowed for some loopholes that could undermine the ambition to keep temperature rise below 1.5°C. For example, the adopted rules for the implementation of Article 6 of the Paris Agreement permit the use of emissions reduction credits ‘earned’ in the past under the expired Kyoto Protocol to count towards emissions reductions under states’ NDCs.³¹ It also includes loopholes for unauthorized credits to flood in, including new credits based on false climate solutions.³² Overall, the rules for implementation of carbon markets allow scope for states to delay real emission reductions in favour of offsets and illusory emissions reductions relying on unproven technology. Moreover, because carbon offset projects often require the use of large tracts of land, the multiplication of carbon offset projects around the world from states and companies could result in Indigenous peoples and other local communities being dispossessed of their ancestral land, as well as other communities being forcibly evicted in the name of climate mitigation projects, many of which – such as bioenergy or hydroelectric dams – have also dubious or limited impact in reducing emissions.

RECOMMENDATIONS

Ahead of COP27 Amnesty calls on all Parties to the UNFCCC to:

- Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent, accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.
- Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.

GLOBAL STOCKTAKE

At COP28 in 2023, states will undertake the first “global stocktake” to assess progress towards achieving the objectives of the Paris Agreement in terms of mitigation, adaptation, and finance, and “in the light of equity and best available science”, as mandated by Article 14 of the Paris Agreement. This process, due to repeat every five years, was conceived to prompt enhanced commitments from states and to inform the preparation of future NDCs. While the first global stocktake will conclude at COP28, the process started at COP26. This year, parties and non-state actors, including civil society, are encouraged to present submissions that will inform the global stocktake at COP28. At the June 2022 UN Climate Change Conference subsidiary bodies session (SB56), states started a series of technical dialogues that will continue at COP27 and conclude in June 2023.³³

It is essential that the global stocktake assesses the implementation of the Paris Agreement in its entirety and results in the urgent re-alignment of national targets and commitments to the imperative of keeping the rise of global average temperature below 1.5°C. To promote climate justice, the global stocktake must be an effective tool to protect people from the climate crisis, particularly by leading to a rapid phase out of greenhouse gas emissions, increased support for climate change adaptation and remedy for loss and damage. For this, states must ensure that the global stocktake reviews climate action in light of human rights law, principles and standards, including the rights of Indigenous peoples, public participation, gender equality, and a just transition for workers.³⁴

³⁰ UNFCCC, Decision 3/CMA3: Rules, modalities and procedures for the mechanism established by Article 6, paragraph 4, of the Paris Agreement, para 62, UN Doc. FCCC/CP/2021/12/Add.1.

³¹ UNFCCC, Decision 3/CMA3: Rules, modalities and procedures for the mechanism established by Article 6, paragraph 4, of the Paris Agreement, para 73, UN Doc. FCCC/CP/2021/12/Add.1.

³² Center for International Environmental Law, *At COP26, a Failure of Vision, Action, Equity and Urgency*, www.ciel.org/news/at-cop26-a-failure-of-vision-action-equity-and-urgency/

³³ For more information, see unfccc.int/topics/global-stocktake/global-stocktake#eq-2

³⁴ For an analysis of the importance of human rights in the Global Stocktake, see Center for International Environmental Law, *Briefing note: Promoting human rights in climate action - a global stocktake informed by human rights*, February 2022, www.ciel.org/wp-content/uploads/2022/02/2022_2_2_CIEL_Briefing_A-Global-Stocktake-Informed-by-Human-Rights-1.pdf

RECOMMENDATIONS

Amnesty International calls on all parties to the UNFCCC to:

- Present submissions to the UNFCCC Secretariat that, while responding to the prepared guiding questions, also reflect on how states' committed or undertaken climate measures are consistent with their human rights obligations.
- Ensure the whole global stocktake process, including the technical dialogues and negotiations, is fully inclusive for developing states' delegations, as well as for civil society organizations; human rights defenders; Indigenous peoples; children; youth; and local communities on the front line of the crisis. It should enable and facilitate the input of indigenous knowledge and local communities' practices that are sometimes transmitted in informal ways.
- At the technical dialogues, ensure that the following crucial issues are adequately considered:
 - mapping of existing financial flows for loss and damage and of the gaps that need to be filled;
 - mapping of non-financial needs to provide remedy for loss and damage to affected people;
 - progress made by parties in the phase-out of fossil fuel use and production and transition to sustainable renewable energy through a just and human rights-consistent transition, avoiding any reliance on false solutions such as carbon markets and carbon removal technologies;
 - integration of human rights law, principles and standards, including rights of Indigenous peoples, public participation, gender equality, and a just transition for workers in the design and implementation of NDCs and other national climate policies.
- Ensure that the global stocktake considers not only climate action by state actors but also by businesses and financial institutions, assessing their actions and commitments against their responsibility to respect human rights.

HUMAN RIGHTS CRISIS IN EGYPT AND PUBLIC PARTICIPATION AT COP27

The meaningful participation of a broad range of civil society actors and Indigenous peoples at UN climate conferences and the exercise of their rights to freedom of expression, association and peaceful assembly are crucial to ensure scrutiny of governmental action and to provide diverse inputs that can shape states' decisions. Free exercise of these rights is therefore essential to foster global efforts to address the climate crisis.

However, COP27 will take place amid an ongoing human rights crisis in Egypt, as the authorities have severely repressed the rights to freedom of expression, association, and peaceful assembly ever since President Abdel Fattah al-Sisi came to power.³⁵ They have effectively closed down civic space in the country and criminalized any form of peaceful dissent. Thousands languish in jail in cruel and inhuman conditions simply for peacefully exercising their human rights or following grossly unfair trials. The authorities have further failed to address discrimination and sexual and gender-based violence against women, girls and LGBTI people. Street protests – an integral part of previous UNFCCC COPs – have been eradicated through a gamut of repressive measures. Statements by Egypt's Minister of Foreign Affairs regarding government plans to designate a special facility in Sharm al-Sheikh where activists can protest and voice their opinions give rise to concerns that peaceful protests outside the designated area will not be tolerated.³⁶ Given this appalling track record in a climate of near total impunity for crimes under international law and other serious human rights violations

³⁵ Amnesty International, *Egypt: COP27 should not overshadow human rights crisis in the country* (Index: MDE 12/5628/2022), 23 May 2022, [amnesty.org/en/documents/MDE12/5638/2022/en/](https://www.amnesty.org/en/documents/MDE12/5638/2022/en/). For additional information on efforts by the Egyptian authorities to cover-up the country's abysmal human rights record, see Amnesty International, *"Disconnected from Reality": Egypt's National Human Rights Strategy covers up crisis* (Index: MDE 12/6014/2022), 21 September 2022, [amnesty.org/en/documents/mde12/6014/2022/en/](https://www.amnesty.org/en/documents/mde12/6014/2022/en/)

³⁶ Amnesty International, *Egypt: Statements on COP27 imply restricting activism*, 12 July 2022, <https://www.amnesty.org/en/latest/news/2022/07/egypt-statements-on-cop27-imply-restricting-activism/>

committed by security forces, there are serious concerns about the safety of all COP27 civil society and Indigenous peoples participants, as well as of Egyptian human rights defenders, including environmental defenders, during and after COP27.

RECOMMENDATIONS

To ensure that all participants at COP27 are able to focus on addressing the climate crisis through safe and meaningful participation³⁷ without fear of intimidation or reprisals and that the event does not take place against a backdrop of continued repression, Amnesty International urges all parties to the UNFCCC, as well as international bodies and non-governmental organizations participating in the event, to call on the Egyptian authorities to:

- Immediately and unconditionally release all those arbitrarily detained solely for the peaceful exercise of their human rights or for reasons of discrimination on any grounds including religion, gender identity and sexual orientation;
- Take measures to ensure that prisoners are held in conditions that meet international standards and ensure that all those held have access to timely and adequate medical care, and their families and lawyers.
- End reprisals against human rights defenders and civil society workers including by:
 - closing the criminal investigations into the legitimate work of human rights NGOs, known as Case 173/2011;
 - lifting all arbitrary travel bans and asset freezes against civil society workers and human rights defenders;
 - guaranteeing a safe and enabling environment for human rights organizations including by amending Law No. 149/2019 on NGOs to bring it in line with international human rights law and standards on the right to freedom of association.
- Respect the right to freedom of peaceful assembly, and issue clear instructions to security forces to comply fully with Egypt's international obligations and international standards governing the use of force by law enforcement officials, as set out in the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Bring legislation in line with Egypt's obligations under international law, including by repealing or amending laws that criminalize the exercise of human rights and erode fair trial guarantees. These include Law No.58/2015 on counterterrorism, Law No.8/2015 on the Organization of Lists of Terrorist Entities and Terrorists, Law No.175/2018 on cybercrimes, Law No.180/2018 on Regulating the Press and Media; Law No.107/2013 on protests; Law No.10/1914 on assembly, Law No.150/1950 on Criminal Procedures and Law No.58/1937 known as the Penal Code which includes provisions criminalizing consensual sex between adults in private and restricting the right to freedom of thought, conscience and religion.
- End all forms of arbitrary censorship of online news, human rights and other websites and independent media.
- Ensure the meaningful participation of civil society and Indigenous peoples at and around COP27 without fear of reprisals by:
 - Facilitating the accreditation and participation of all independent Egyptian civil society organizations (CSOs) that want to attend COP27, including in the Green Zone;

³⁷ On 26 March, the Egyptian Minister of Environment, Yasmine Fouad, launched the first national dialogue on climate change in Sharm El-Sheikh bringing together Egyptian officials, media, civil society representatives, and social media influencers. Even though the minister stated that a participatory approach involving several parties was needed to tackle climate change, independent organizations were not invited. This demonstrates the challenges to meaningful participation in Egypt.

- Ensuring the timely provision of visas to all participants, and particularly those from the global south, requiring visas in advance to enter Egypt;
- Facilitating the organization of parallel events by CSOs and Indigenous peoples ahead and during COP27, both inside and outside the COP27 venue;
- Ensuring all persons can freely express themselves and peacefully demonstrate ahead, during and after COP27 inside and outside the COP27 venue; and
- Instructing security forces and other law enforcement bodies to refrain from any act of reprisal against members of Egyptian civil society for their engagement with COP27 or exercise of their rights to freedom of expression, association and peaceful assembly in relation to COP27, and hold accountable those violating these rights.

Amnesty International further calls on all parties to the UNFCCC and the UNFCCC Secretariat to:

- Provide adequate funding to subsidize hotel costs for those civil society and Indigenous peoples observers unable to afford them.
- Ensure physical access for Egyptian and non-Egyptian civil society and Indigenous peoples observers to the COP27 venue, including meeting rooms, plenary and negotiation rooms, as well as effective mechanisms for remote participation.