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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Trafficking in persons, especially women and children

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally, in accordance with Human Rights Council resolution [44/4](#).

* [A/77/150](#).



Report of the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally

Addressing the gender dimensions of trafficking in persons in the context of climate change, displacement and disaster risk reduction

Summary

The heightened risks of trafficking in the context of climate change are rooted in existing and persistent inequalities, in poverty, in racism, and in discrimination. These heightened risks and vulnerability to exploitation are not inevitable or fixed, nor are they inherent in the human condition. They arise from policy failures, failures of political will and failures of international cooperation and solidarity. Recognizing these risks is essential to ensuring effective prevention of trafficking and to ensuring that the gender dimensions of such risks are recognized. In the present report, the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally, analyses how gender shapes the experiences of climate-related disasters, displacement and migration and highlights how the negative impact of climate change, and of both sudden and slow-onset disasters, is shaped by gendered inequalities and systemic discrimination. Such inequalities overlap with and reinforce existing experiences of discrimination, including on the grounds of disability, race and ethnicity, migration status, age and religion. Taking seriously the obligations concerning prevention of trafficking in persons requires systemic and urgent law and policy reforms, rooted in international human rights law, addressing climate change, environmental degradation and loss of biodiversity. It also requires implementation and effective enforcement of the principle of non-discrimination, a core principle of international human rights law, and realization of the objective of expanding safe, orderly and regular migration, underpinned by the protection of human rights.

I. Introduction

1. Submissions received by the Special Rapporteur on trafficking in persons, especially women and children, in preparing this report, and consultations with communities affected by the devastating impact of climate change, bring into sharp relief the urgency of addressing the serious human rights violations that are occurring and likely to increase as a consequence of climate change.¹ These human rights violations include increased risks of trafficking in persons, particularly in the context of climate-related displacement and migration and climate-related disasters. In concluding the Paris Agreement, States recognized climate change as an urgent threat to humanity. In the preamble to the Agreement, it is acknowledged that climate change is a common concern of humankind, and States parties are called upon, when taking action to address climate change, to “respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.” In paragraph 85 of the Glasgow Climate Pact, States parties are called upon to “ensure just transitions that promote sustainable development and eradication of poverty, and the creation of decent work and quality jobs.” The Special Rapporteur has repeatedly emphasized the necessity of ensuring that measures to combat trafficking in persons are integrated into actions to combat racial injustice and promote disability rights, gender equality and the rights of the child. Similarly, law and policy reforms that are based in international human rights law and are effective in preventing trafficking in persons must be incorporated into responses to the climate crisis and measures to ensure just transitions.

2. Much of the attention to date on disaster risk reduction and displacement has focused on the more visible sudden-onset disasters. The moment of crisis requires immediate attention, mobilization and response. The work of humanitarian actors comes to the fore, and in such contexts those most affected are often positioned only as victims, with limited opportunities to participate in the design and delivery of policies and programmes to combat the risks arising or to ensure sustained, just transitions.²

3. The Special Rapporteur is concerned that less attention has been given to how slow-onset disasters may contribute to increased risks of trafficking in persons arising from loss of livelihoods, displacement, migration and increased poverty. People living in poverty are more negatively affected by climate change. They have access to “fewer resources to mitigate the effects; and get less support from social safety nets or the financial system to prevent or recover from the impact”.³ Addressing the everyday, less dramatic consequences of climate change and environmental degradation requires structural policy changes and sustained attention to the requirements of a just transition, including respect for fundamental labour rights and principles, expanded social protection, implementation of socioeconomic rights, and effective protection of human rights law, without discrimination.

¹ The Special Rapporteur is grateful to the International Human Rights Law Clinic at Duke University School of Law for the background research provided for the present report. Submissions received from States, civil society and academia are published at <https://owncloud.unog.ch/s/kFQa8RmZP4mSGn9>.

² Office of the United Nations High Commissioner for Human Rights (OHCHR) and Platform on Disaster Displacement, “The slow onset effects of climate change and human rights protection for cross-border migrants” (A/HRC/37/CRP.4), para. 2.

³ Report of the Special Rapporteur on extreme poverty and human rights on climate change and poverty (A/HRC/41/39), para. 12.

II. International human rights law: the obligations of prevention, protection and due diligence

4. The increased risks of trafficking in persons arising as a result of sudden-onset disasters, including climate-related disasters and resulting displacement, have been acknowledged. United Nations entities have addressed trafficking in humanitarian responses to specific disasters, with examples including the response of the Office of the United Nations High Commissioner for Refugees to floods in Pakistan in 2010⁴ and International Organization for Migration initiatives implemented following Cyclone Aila in Bangladesh in 2009,⁵ Typhoon Haiyan in the Philippines in 2013,⁶ flooding and landslides in Myanmar in 2015⁷ and Hurricane Matthew in Haiti in 2016.⁸

5. Despite such acknowledgment, however, there is as yet little explicit attention given to prevention measures specifically relating to trafficking in persons or to the international human rights law obligations of assistance, protection, partnership and accountability. States do not explicitly or comprehensively address trafficking in persons in their responses to climate change. For example, a review of 35 national adaptation plans,⁹ and 194 first and second nationally determined contributions under the Paris Agreement,¹⁰ revealed no references to trafficking in persons.

6. The obligations arising for States under international human rights law in the context of climate change include “procedural, substantive, and special obligations towards those in vulnerable situations.”¹¹ States are required to ensure that adaptation measures taken to address climate change protect and fulfil the rights of all persons, particularly those most endangered by the negative impacts of climate change.¹² Furthermore, State obligations concerning climate change specifically include the obligation to regulate the actions of non-State actors. States are required to ensure that all responses to climate change are “designed and implemented to avoid threatening or violating human rights”¹³ and ensure effective protection against climate change-related human rights violations by businesses.¹⁴

⁴ Guy S. Goodwin-Gill and Jane McAdam, “Climate Change, Disasters and Displacement” (Office of the United Nations High Commissioner for Refugees, 2017), p. 12. Available at <https://www.unhcr.org/596f25467.pdf>.

⁵ International Organization for Migration, “The Climate Change-Human Trafficking Nexus” (2016), p. 10. Available at https://publications.iom.int/system/files/pdf/mecc_infosheet_climate_change_nexus.pdf.

⁶ *Ibid.*, p. 11.

⁷ International Organization for Migration (IOM), “IOM Operations on Internal Displacement” (2017), pp. 31–32. Available at https://reliefweb.int/sites/reliefweb.int/files/resources/iom_intdisplacement_country_summaries_2017__0.pdf.

⁸ *Ibid.*, pp. 24–25.

⁹ United Nations Framework Convention for Climate Change, “National adaptation plans: NAPs from developing countries”. Available at <https://www4.unfccc.int/sites/NAPC/Pages/national-adaptation-plans.aspx>.

¹⁰ The most current nationally determined contribution document for each State Party was examined. See United Nations Framework Convention for Climate Change, “Nationally Determined Contributions”, available at <https://unfccc.int/process-and-meetings/the-paris-agreement/nationally-determined-contributions-ndcs/nationally-determined-contributions-ndcs>, and United Nations Framework Convention for Climate Change, “NDC Registry”, available at <https://www4.unfccc.int/sites/NDCStaging/Pages/All.aspx>.

¹¹ Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/74/161), para. 63.

¹² See Goodwin-Gill and McAdam, “Climate Change, Disasters and Displacement”, p. 4.

¹³ Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/74/161), para. 69.

¹⁴ OHCHR fact sheet No. 38, *Frequently Asked Questions on Human Rights and Climate Change* (New York and Geneva, 2021), p. 34.

7. The Special Rapporteur highlights the obligation of due diligence to prevent trafficking in persons and restates the requirement that States take “action to address the wider, more systemic processes or root causes that contribute to trafficking in persons.”¹⁵ Given growing evidence of the links between climate change and an increased risk of trafficking in persons, States are obliged to exercise due diligence, address climate change in actions to prevent trafficking and ensure the protection of trafficked persons and persons at risk of trafficking. In particular, this requires addressing the gender and child rights dimensions of climate change in the context of heightened risks of trafficking arising from climate-related displacement and disasters.

III. Climate change: migration and displacement

8. Climate change is now recognized as a key factor in and driver of migration and displacement.¹⁶ The increased risks of human rights violations in the context of climate-related displacement and migration are also recognized,¹⁷ including risks of trafficking in persons.¹⁸

9. The Special Rapporteur stresses the importance of ensuring that laws and policies on internal displacement and migration specifically address the obligations of States to prevent trafficking in persons, especially women and children, and to provide assistance to trafficked persons. Most importantly, it is essential that prevention programmes recognize and address climate change as a cause of displacement and migration and as contributing to increased risks of trafficking. Currently, this recognition is missing in policies to combat climate change and trafficking in persons.

10. The obligation to prevent trafficking in persons and protect persons at risk of trafficking requires States to ensure effective protection of displaced persons, including persons forced to migrate as a consequence of climate change. These obligations directly engage States’ laws and policies on migration, as well as international protection. The obligations of prevention and protection further require States to take effective action to protect both displaced persons and host communities, who may experience increased pressures on livelihoods, housing, access to social protection and employment, with consequent increased vulnerability to exploitation.

11. The Special Rapporteur has repeatedly called upon States to expand opportunities for safe, orderly and regular migration, including through the provision of humanitarian visas, family reunification, access to international protection and safe, regular routes for migration, residence and pathways to citizenship for migrant workers and their families. Unplanned, unsafe and irregular migration, displacement arising from climate change-related slow- and sudden-onset disasters and related conflicts all carry the possibility of increasing the risk of trafficking.¹⁹ Where individuals are subject to

¹⁵ Report of the Special Rapporteur on trafficking in persons, especially women and children (A/70/260, para. 48).

¹⁶ See United Nations Network on Migration, “Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability”, guidance note, July 2021 and Ritu Bharadwaj et al., “Climate-induced migration and modern slavery: a toolkit for policy-makers” (Anti-Slavery International and International Institute for Environment and Development, 2021), p. 7. Available at <https://pubs.iied.org/sites/default/files/pdfs/2021-09/20441G.pdf>.

¹⁷ See report of the Office of the United Nations High Commissioner for Human Rights on the situation of migrants in transit (A/HRC/31/35), paras. 10–11.

¹⁸ See Mikaila V. Smith, “Applying the United Nations Trafficking Protocol in the Context of Climate Change”, *Chicago Journal of International Law*, vol. 22, No. 1 (2021).

¹⁹ See, for example, Institute for Economics and Peace, *Ecological Threat Report 2021* (October 2021), p. 7, available at <https://www.visionofhumanity.org/wp-content/uploads/2021/10/ETR-2021-web-131021.pdf> and report of the Special Rapporteur on trafficking in persons, especially women and children (A/71/303), paras. 17–38.

trafficking in persons under these circumstances, they “must be provided with full protection and respect for their human rights in the context of ... trafficking.”²⁰

12. The negative impacts of climate change result from both sudden-onset disasters such as storms and cyclones and slow-onset disasters including sea-level rise, salinization, drought and desertification.²¹ Each of these has potential effects on migration, with sudden-onset disasters estimated to have caused the displacement of 30.7 million people in 2020 alone.²² Slow-onset disasters “may negatively impact people’s rights, livelihoods and their wider socio-economic situation, necessitating adaptive behaviour that may include seasonal, short- or longer term, as well as permanent migration.”²³ Displacement resulting from “the increasing frequency and intensity of extreme weather events and environmental degradation resulting from climate change” includes migration both within States and across borders.²⁴ The World Bank has estimated that the number of internal climate migrants could reach more than 143 million by 2050, noting that “the poorest people and the poorest countries are the hardest hit.”²⁵

13. During the consultations for this report, it was highlighted that in the Sahel region, people migrating as a result of climate change impacts often move under conditions that make them particularly susceptible to trafficking, as they lack regular migration status or face legal or practical barriers to obtaining access to assistance and protection and the loss of community and family support networks.²⁶ Particular risks arising in the context of rural to urban migration in Mali for adolescents and youth, who often seasonally migrate from rural areas to cities to engage in domestic labour, were highlighted as an example. This practice is reported to be increasing, owing to diminishing agricultural yields. As a result, young people may be at risk of exploitation, and concerns arise regarding the “lack of law, policy, or programmes to offer them protection.”²⁷

14. The Special Rapporteur highlights that those who move in irregular situations in response to the impact of climate change are particularly at risk of exploitation, including trafficking.²⁸ Furthermore, traffickers may be more likely to target areas where livelihoods are affected by slow-onset climate change impacts.²⁹ In the context of rural to urban migration, urban destinations and settlements of internally displaced persons may be targeted. Owing to loss of livelihoods and community and family support networks and to limited social protection and access to decent work, displaced persons have limited bargaining power to assert their rights and are particularly at risk of exploitation.

²⁰ A/HRC/37/CRP.4, para. 66.

²¹ Ibid, para. 2.

²² Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2021: Internal Displacement in a Changing Climate* (2021), p. 11. Available at https://www.internal-displacement.org/sites/default/files/publications/documents/grid2021_idmc.pdf.

²³ United Nations Network on Migration, “Regular pathways for Admission and Stay for Migrants in Situations of Vulnerability”.

²⁴ Committee on the Elimination of Discrimination against Women, general recommendation No. 37 on gender-related dimensions of disaster risk reduction in the context of climate change (CEDAW/C/GC/37), para. 73.

²⁵ Estimated: approximately 86 million in Sub-Saharan Africa, 40 million in South Asia and 17 million in Latin America. Kanta Kumari Rigaud et al, *Groundswell: Preparing for Internal Climate Migration* (Washington, D.C., World Bank, 2018), p. xxi. Available at <https://www.worldbank.org/en/news/infographic/2018/03/19/groundswell---preparing-for-internal-climate-migration>.

²⁶ See also *Human Rights, Climate Change and Migration in the Sahel* (United Nations publication, 2021).

²⁷ Ibid., p. 22.

²⁸ See generally Ritu Bharadwaj et al., “Climate-induced migration and modern slavery”.

²⁹ See A/HRC/41/39.

IV. Protection of human rights in the context of migration and displacement

15. Of continuing urgent concern is the absence of a general right of admission for people who are forcibly displaced as a result of climate change. The Special Rapporteur is concerned that, while international law and policy frameworks explicitly refer to people crossing borders and migrating as a consequence of climate change, there is not, as yet, any comprehensive response to address climate-related migration or ensure the protection of persons at risk in the context of climate-related migration or displacement.³⁰

16. The Special Rapporteur highlights the limited attention given to preventing trafficking or to ensuring effective access to assistance and protection of trafficked persons in situations of internal displacement. The report of the High-level Panel on Internal Displacement specifically highlights the risks of child trafficking where children lose access to formal education and become “more vulnerable to recruitment by gangs or armed groups, ... trafficking and negative coping strategies.”³¹

17. The state-led Platform on Disaster Displacement has highlighted the weaknesses of international legal provisions to protect displaced persons in the context of disasters and the adverse effects of climate change (for example, on admission and conditions for return).³² However, while the Platform acknowledges the protection gap, it has agreed that efforts will focus on better implementation of existing standards and legal instruments and on future standard-setting activities at the national and regional levels, rather than on advocacy for new legally binding standards. This is perhaps a recognition of the likely failure of any such attempts. At the same time, the continuing protection gaps constitute a serious concern and are likely only to increase the risks of exploitation of displaced persons. The protection gaps are highlighted in the litigation leading to the decision of the Human Rights Committee in *Teitiota v. New Zealand*. The Special Rapporteur highlights the importance of using international and regional human rights law standards to ensure protection in the context of climate change for displaced persons, migrants and refugees.³³

18. The Special Rapporteur, in her statement delivered at the International Migration Review Forum in 2022, highlighted the obligations of States to prevent

³⁰ OHCHR, “Climate Change: Protecting the Rights of Migrants”, available at <https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/materials/2PMigrationLight.pdf>.

³¹ High-level Panel on Internal Displacement, *Shining a Light on Internal Displacement: A Vision for the Future*, p. 3.

³² Platform on Disaster Displacement, “Platform on Disaster Displacement (PDD) Strategy 2019–2022”, p. 5. Available at <https://disasterdisplacement.org/resources>.

³³ See: Human Rights Committee, *Teitiota v. New Zealand*, views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2728/2016 (CCPR/C/127/D/2728/2016). See also International Law Commission, draft articles on the protection of persons in the event of disasters (2016); African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, articles 1, 4, 5, 11 and 12; OAU Convention Governing the Specific Aspects of Refugee Problems in Africa; and the Cartagena Declaration on Refugees adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama (1984). In the thirty-second preambular paragraph of the Brazil Declaration and Plan of Action of 3 December 2014, the challenges posed by climate change and natural disasters, as well as by the displacement of persons across borders, are recognized. See also UNHCR, “Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters”, 1 October 2020, available at <https://www.refworld.org/docid/5f75f2734.html>.

trafficking in persons in the context of climate change.³⁴ The Global Compact for Safe, Orderly and Regular Migration includes objectives explicitly related to preventing trafficking in persons in the context of migration (objective 10, “Prevent, combat and eradicate trafficking in persons in the context of international migration”) and to climate change as a root cause of migration (objective 2, “Minimize the adverse drivers and structural factors that compel people to leave their country of origin”). However, it does not explicitly link the two phenomena. The need for states to “develop coherent approaches to address the challenges of migration movements in the context of sudden-onset and slow-onset natural disasters” is stressed in the Global Compact.³⁵

19. Despite limited progress made in some regions,³⁶ however, we continue to see restrictions imposed on migration, pushing people into more precarious journeys and dangerous entry attempts. These restrictions include the construction of barriers to entry and policies and practices such as the use of violence, pushbacks, dangerous interceptions, the erection of fences, restricted access to international protection and limited rights of residence or pathways to citizenship. Such policies and practices do not expand safe migration routes or prevent trafficking in persons but rather contribute to migration emergencies. Furthermore, many such practices are incompatible with international human rights law and contribute to further risks, vulnerability to trafficking in persons and the re-trafficking of persons on return or in transit.

20. The Special Rapporteur is concerned that, as a result of failures to develop a human rights-based response to climate-related migration, people may be compelled to move in circumstances where they lack safe migration opportunities or legal protections, putting them “at greater risk of human rights violations throughout their migration”³⁷ and rendering them unable or unwilling to return to their country of origin.³⁸

V. Gendered risks of trafficking in persons in the context of displacement and migration

21. Trafficking in the context of climate change-related migration and displacement also has a gendered dimension, with women and women-headed households often being more vulnerable to trafficking,³⁹ owing to gendered inequalities and discrimination. They may also be at risk of specifically gendered forms of trafficking, such as trafficking for the purposes of forced marriage, sexual exploitation, forced labour or domestic servitude. These risks apply at various stages of the migration process, including in transit, in camps, at borders and in destination countries.⁴⁰

22. An analysis of climate-related displacement and migration highlights examples of situations where internal or cross-border migration in the context of climate change

³⁴ See Siobhán Mullally, Special Rapporteur on Trafficking in Persons, especially women and children, statement delivered at the International Migration Review Forum (round table 2), New York, 17 May 2022. Available at <https://www.ohchr.org/sites/default/files/2022-06/IMRF-May-17-2022.pdf>.

³⁵ Paras. 18 (h)–(l).

³⁶ See International Migration Review Forum, “Summaries of the plenary, round tables and policy debate”, p. 3. Available at https://migrationnetwork.un.org/system/files/resources_files/IMRF%20final%20summary%20report.pdf.

³⁷ OHCHR and Global Migration Group, *Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations* (2018), p. 6.

³⁸ *Ibid.*

³⁹ International Organization for Migration, “The Climate Change-Human Trafficking Nexus”, p. 5.

⁴⁰ CEDAW/C/GC/37, paras. 74–75.

has led to increased risks of trafficking in persons, including gendered risks. Rural women frequently bear the primary burden of the negative impact of climate change, leading to migration to urban areas or to travel abroad to seek employment. The absence of decent work and safe opportunities for migration and employment increases risks of trafficking for purposes of sexual exploitation and forced labour.⁴¹ For example, in its concluding observations on the sixth periodic report of Cambodia, the Committee on the Elimination of Discrimination against Women expressed concern that women living in rural areas “are excluded from participation in the formulation and implementation of policies and action plans on climate change and disaster risk reduction, even though they are disproportionately affected by the effects of climate change and disasters, as women in the State party are more likely to depend on agriculture than men” (CEDAW/C/KHM/CO/6, para. 42). Research highlights that in Ghana, young women and men migrating from the drought-stricken north to urban centres in the south reportedly leads to increased risks of trafficking for purposes of labour and sexual exploitation, with young female migrants who work as *kayayie* particularly at risk of debt bondage and trafficking.⁴² The Commission on Human Rights of the Philippines has highlighted that “climate change disproportionately affects women especially those from rural areas.”⁴³ This disproportionate impact may lead to increases in female overseas migration. Without expanded safe and regular opportunities for migration, women and girls from affected rural communities, in particular – given their more limited education and employment opportunities – may be at risk of trafficking.⁴⁴ Reports indicate that, in the Sundarbans region of South Asia, many people are forced into taking dangerous and irregular routes to cross borders and seek employment and safety owing to the impact of repeated climate-related disasters and resulting displacement.⁴⁵ Widows and women-headed households are often targeted and at particular risk of exploitation, owing to their more limited access to resources and livelihoods and the prevalence of gender-based discrimination. Migrant workers leaving the region to seek employment may also be at risk of trafficking for forced labour and sexual exploitation, with children, particularly girls in disaster-affected families, at risk.⁴⁶

VI. Gender inequality and the rights of women and girls

23. The impact of climate change may contribute to increased risks of trafficking in persons, including for purposes of child, early and forced marriages. These risks are frequently linked to climate-related displacement and migration and arise at different stages, including during and following climate-related disasters.⁴⁷ The Special

⁴¹ Asian-Pacific Resource and Research Centre for Women, response to the questionnaire in relation to Human Rights Council resolution 38/4, 2018, p. 4. Available at <https://www.ohchr.org/en/climate-change/gender-responsive-climate-action>.

⁴² Ritu Bharadwaj et al., “Climate-induced migration and modern slavery”, p. 22. *Kayayie* are women head-porters who carry heavy loads for a fee (Ibrahim Wallee, “African ingenuity and resilience of the ‘Kayayie’ in the streets of Accra”, *African Thinker*, 2 November 2021. Available at <https://africanthinker.com/2021/11/african-ingenuity-and-resilience-of-the-kayayie-in-the-streets-of-accra/>).

⁴³ Commission On Human Rights of the Philippines, response to the questionnaire in relation to Human Rights Council resolution 38/4, 30 December 2018, para. 4. Available at https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/GenderResponsive/HRC_Philippines.pdf.

⁴⁴ Ibid.

⁴⁵ Ritu Bharadwaj et al., “Climate-induced migration and modern slavery”, p. 26.

⁴⁶ Ibid.

⁴⁷ United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), “Tackling Violence Against Women and Girls in the Context of Climate Change”, 2022, p. 3. Available at <https://www.unwomen.org/en/digital-library/publications/2022/03/tackling-violence-against-women-and-girls-in-the-context-of-climate-change>.

Rapporteur stresses the need for greater understanding of the gendered risks of trafficking in persons in the context of climate change that, in particular, goes beyond focusing on the potential vulnerabilities of women and girls and recognizes that such vulnerabilities arise from failures to remedy systemic gender inequality and discrimination.

24. The Special Rapporteur highlights and welcomes the agreed conclusions of the sixty-sixth session of the Commission on the Status of Women, in which the Commission urged governments at all levels, United Nations entities and other organizations to take actions to address trafficking in persons, which it stated might be exacerbated in contexts of climate change, environmental degradation and disasters (E/CN.6/2022/L.7, para. 62 (mm)).

25. Additional factors that contribute to increased risks of gender-based violence, exploitation and trafficking, particularly of girls and women, in the aftermath of climate change-related disasters include “family fragmentation and stress, a loss of livelihoods and support networks, a disruption of social norms and controls, displacement into insecure disaster relief camps, and heightened physical and socio-economic precarity.”⁴⁸ Submissions received by the Special Rapporteur and consultations for this report highlight the risks arising from displacement and breakdowns in social and security structures, as well as increases in gender-based violence related to conflict over resources, loss of livelihoods, situations of environmental degradation and climate-related emergencies, all of which can contribute to increased risks of trafficking in persons.⁴⁹

26. The Special Rapporteur highlights the multiple and intersecting forms of discrimination that may exacerbate gendered vulnerabilities to trafficking in the context of climate change. Climate-induced loss of livelihoods, income reduction or deterioration of working conditions in the agricultural sector have particular implications for rural women. At the same time, the socioeconomic inequalities experienced by some women can be compounded as a result of intersecting dynamics such as discrimination, including on the grounds of race or ethnicity or migrant or disability status, worsening conditions for women living in poverty, women with disabilities, older women and girls.⁵⁰ The challenges experienced by women and girls may be increased by overlapping axes of discrimination arising from poverty and inequalities in decision-making and control over land and resources. The Special Rapporteur has previously expressed concern that policymaking and programmes on climate-smart agriculture too often fail to address gender inequality in security of land tenure and control over natural resources, reinforcing disadvantages faced by rural women, increasing risks of exploitation and limiting the effectiveness of policies to combat trafficking.⁵¹

⁴⁸ Naomi Molinari, “Intensifying Insecurities: The impact of climate change on vulnerability to human trafficking in the Indian Sundarbans”, *Anti-Trafficking Review*, No. 8, 2017, p. 50.

⁴⁹ OHCHR, United Nations Environment Programme and UN-Women, “Human Rights, the Environment and Gender Equality: Key messages”, 2021, p. 6. Available at https://www.ohchr.org/Documents/Issues/ClimateChange/materials/Final_HumanRightsEnvironmentGenderEqualityKM.pdf.

⁵⁰ SA/HRC/37/CRP.4, para. 54; see also International Labour Organization (ILO), “Gender, Labour and a Just Transition Towards Environmentally Sustainable Economies and Societies for All”, 7 November 2017, p. 3. Available at <https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/GenderResponsive/ILO.pdf>.

⁵¹ Report of the Special Rapporteur on Trafficking in Persons, especially women and children, on trafficking in persons in the agriculture sector: human rights due diligence and sustainable development (A/HRC/50/33), para. 5.

VII. Rights of the child

27. It is estimated that more than 500 million children live in areas, mostly in Asia, that have extremely high likelihoods of flooding, and approximately 115 million live in zones of high or extremely high risk of tropical cyclones.⁵² The Special Rapporteur highlights that while all children are exceptionally vulnerable to climate change, children with disabilities, migrant and refugee children, children living in poverty, children separated from their families and the youngest children are most at risk.⁵³ Children may be particularly at risk as a result of climate-related displacement and disasters, owing to separation from families and communities and the breakdown of child protection services.

28. The Special Rapporteur highlights the ongoing work of the Committee on the Rights of the Child in preparation for its general comment No. 26 on children's rights and the environment with a special focus on climate change. The Special Rapporteur highlights the recent decision of the Committee indicating that failure to take measures to prevent foreseeable harm to human rights caused by climate change, or to regulate activities contributing to such harm, could constitute a violation of States' human rights obligations.⁵⁴ The Special Rapporteur highlights that in accordance with the principle of common but differentiated responsibilities, as reflected in the Paris Agreement, "the collective nature of the causation of climate change does not absolve the State party of its individual responsibility".⁵⁵ In order to acknowledge foreseeable harm and fulfil their obligation of due diligence, States are required to take action to prevent heightened risks of child trafficking, particularly in the context of climate-related displacement and migration. These obligations apply also in the context of the slow-onset disasters, increased risks of poverty and loss of livelihoods arising from climate change.

29. The Special Rapporteur is concerned that global frameworks addressing the impact of climate-driven migration and displacement do not adequately address the rights of the child or States' heightened obligations towards children.⁵⁶ The Special Rapporteur highlights the obligations arising under the Convention on the Rights of the Child, towards all children, to ensure full respect for the principles of non-discrimination and best interests of the child throughout the entire migratory process. The specific vulnerable circumstances that may increase the risks of trafficking of children in the context of climate-related displacement and migration include those related to gender and to factors such as poverty, racism, disability, religion, sexual orientation and gender identity, among others.

⁵² Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/HRC/37/58), para. 24.

⁵³ Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration (CMW/C/GC/3-CRC/C/GC/22), para. 42.

⁵⁴ Decision adopted by the Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in respect of Communication No. 104/2019 (CRC/C/88/D/104/2019). See also preamble to the Convention on the Rights of the Child; report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/HRC/31/52); and Committee on the Rights of the Child, "Report of the 2016 Day of General Discussion: Children's Rights and the Environment", p. 23, available at: <https://www.ohchr.org/en/hrbodies/crc/pages/discussion2016.aspx>.

⁵⁵ CRC/C/88/D/104/2019, para. 10.10.

⁵⁶ See for example the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (for drylands); the Small Island Developing States Accelerated Modalities of Action (SAMOA) Pathway (for low-lying coastal areas); and the New Urban Agenda (for urban areas).

30. The Special Rapporteur stresses the importance of guaranteeing that the rights of the child and the participation of children and young people are ensured in decision-making on all climate change policies, in recognition of the urgent claims arising from the requirements of climate justice and intergenerational equity. The Special Rapporteur highlights the intervention submitted to the European Court of Human Rights by the Council of Europe Commissioner for Human Rights in the case brought by Cláudia Duarte Agostinho and others against Portugal and 32 other States,⁵⁷ which highlights the extent to which “young people’s present and future rights are in jeopardy” and emphasizes States’ legal commitments to intergenerational equity.⁵⁸

31. The Special Rapporteur also highlights and agrees with the resolution adopted by the Working Group on Children’s Rights and Climate Change of the African Committee of Experts on the Rights and Welfare of the Child, in which the Working Group calls upon States to “incorporate a child-rights-based approach to climate action, ensuring that the specific risks faced by children are taken into account in the development and implementation of climate policies and programmes, paying particular attention to the needs of those children who are most vulnerable to the effects of climate change, such as girls, indigenous groups and children with disabilities”.⁵⁹

32. The Special Rapporteur highlights also the obligation to ensure the best interests of the child and to ensure children’s right to participate in decision-making. The Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Trafficking in Persons, while not specifically addressing climate-related displacement or disasters, highlight the specific obligations of States towards children, including in the context of emergencies.⁶⁰

VIII. Intersectional approaches to trafficking in persons in the context of climate change

33. The Special Rapporteur stresses the necessity of recognizing the intersections of discrimination and exclusion that exacerbate the negative impact of climate change. Specific groups experiencing both intersectional discrimination and heightened risks of trafficking in the context of climate change include, among others, indigenous women,⁶¹ women and girls with disabilities and women and girls of

⁵⁷ European Court of Justice, *Duarte Agostinho and Others v. Portugal and Others*, Application No. 39371/20.

⁵⁸ See the third party intervention by the Council of Europe Commissioner for Human Rights under article 36, paragraph 3, of the European Convention on Human Rights, in *Duarte Agostinho and Others v. Portugal and Others*. Available at <https://www.coe.int/en/web/commissioner/-/commissioner-publishes-observations-on-the-human-rights-impact-of-climate-change>.

⁵⁹ Resolution No. 18/2022 of the Working Group on Children’s Rights and Climate Change of the African Committee of Experts on the Rights and Welfare of the Child. Available at <https://www.acerwc.africa/wp-content/uploads/2022/04/Resolution-No-182022-on-Integrating-a-Child-Rights-Based-Approach-to-Climate-Change-Responses.pdf>.

⁶⁰ Resolution 04/19 approved by the Inter-American Commission on Human Rights on December 7, 2019. See also Inter-American Court of Human Rights, *Rights and guarantees of children in the context of migration and/or in need of international protection*, Advisory Opinion OC-21/14 of 19 August 2014.

⁶¹ ILO, *Indigenous peoples and climate change: From victims to change agents through decent work* (Geneva, 2017), p. 16. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_551189.pdf.

African descent.⁶² Indigenous women and girls are at increased risks of trafficking arising from climate-related disasters and displacement.⁶³

34. The United Nations Working Group of Experts on People of African Descent dedicated its 2021 annual session to the topic of environmental justice, the climate crisis and people of African descent. The Special Rapporteur highlights the report on the session, in which the Working Group stressed that people of African descent “continue to be subjected to environmental racism and are disproportionately affected by the climate crisis”⁶⁴ and that “climate change is a byproduct of an economic system that is heavily reliant on extraction, exploitation and accumulation through dispossession.”⁶⁵ The Special Rapporteur highlights that this exploitation includes trafficking for purposes of forced labour, servitude and sexual exploitation, among other purposes.

IX. Rights of persons with disabilities

35. The Special Rapporteur is concerned that as a result of discrimination, harmful stereotypes and failures to ensure reasonable accommodation, people with disabilities, in particular women and girls, are at heightened risk of violence, including trafficking in persons, during climate-related disasters and emergencies, especially in emergency shelters. Constraints imposed on decision-making and situations of dependency may limit mobility, including opportunities for migration, planned relocation or resettlement, and increase risks of harm and human rights violations, including trafficking in persons.⁶⁶ Discrimination and stereotyping may also limit the participation of persons with disabilities in decision-making and policy planning in relation to climate change and disaster resilience and responses.

X. Rights of lesbian, gay, bisexual and trans persons and persons of diverse gender identities

36. As with gendered vulnerabilities of men and boys to trafficking in persons in the context of climate change, further attention and analysis is needed to understand the specific vulnerabilities of lesbian, gay, bisexual and trans persons and persons of diverse gender identities arising from the linked experiences of discrimination, violence and poverty. In the context of extreme weather events and climate-related disasters and displacement, lesbian, gay, bisexual and trans persons may be particularly vulnerable, owing to stigmatization and discrimination. Experiences of discrimination include being excluded from recovery, relief and response efforts and lack of access to emergency shelters and services. Increased risks arise for lesbian, gay, bisexual and trans persons in the context of displacement and migration, where

⁶² National Birth Equity Collaborative, response to the questionnaire in relation to Human Rights Council resolution 47/24 on human rights and climate change, 2021, pp. 1–2. Available at <https://www.ohchr.org/en/climate-change/impact-climate-change-rights-people-vulnerable-situations>.

⁶³ See also the joint written statement submitted by International Organization for the Elimination of All Forms of Racial Discrimination, Association Ma’onah for Human Rights and Immigration, International-Lawyers.Org, Union of Arab Jurists, United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster (A/HRC/45/NGO/152), p. 3.

⁶⁴ A/HRC/48/78, para. 55.

⁶⁵ Ibid., para. 66.

⁶⁶ See, for example, OHCHR, analytical study on the promotion and protection of the rights of persons with disabilities in the context of climate change (A/HRC/44/30), para. 12.

support networks may no longer be available.⁶⁷ Groups that were already marginalized prior to displacement – for example, lesbian, gay, bisexual and trans persons or persons of diverse gender identities – often face further stigma and exclusion.

XI. Rights of indigenous peoples

37. The Special Rapporteur is concerned that, as a result of climate change, indigenous peoples may be forced to migrate or may be forcibly displaced, in precarious conditions, thus becoming at risk from forms of exploitation that include debt bondage, domestic servitude, forced labour and trafficking in persons.⁶⁸

38. The combined impacts of dependency on natural resources, climate change and environmental degradation (including loss of biodiversity) are increasingly forcing indigenous peoples to seek alternative sources of livelihoods. In the context of climate-related displacement or migration, indigenous peoples are at increased risk of exploitation, owing to discrimination and other social, economic and environmental risks, as compared to other groups.⁶⁹ They may face multiple and intersecting forms of discrimination as both migrants and as indigenous peoples. Limited regular migration opportunities and more limited access to information and opportunities for safe, regular migration, particularly in the context of sudden-onset disasters, may increase the risks of exploitation.⁷⁰ Discrimination may limit access to planned relocation or resettlement opportunities.

39. In the consultations for this report, one example given of increased risks of trafficking in persons for indigenous peoples is that of the Sundarbans region of West Bengal, where climate change is having a negative impact and there is a high incidence of trafficking in persons, with indigenous peoples recognized as being particularly at risk.⁷¹ In its gender strategy and action plan for the period 2019–2023, the Indigenous Peoples of Africa Coordinating Committee highlights the gendered impact of climate change on indigenous women arising from structured inequalities in control over natural resources and land use and tenure, as well as caring roles and household management.⁷² The Special Rapporteur also highlights the particular risks faced by indigenous children, including in situations arising from actions taken to mitigate climate change. Projects related to the production of biofuel or hydroelectric power, for example, have on some occasions resulted in the displacement of indigenous communities, including children, without their free, prior and informed consent.⁷³

⁶⁷ Special Procedures of the Human Rights Council, “Forcibly displaced LGBT persons face major challenges in search of safe haven”, statement delivered on the International Day against Homophobia, Transphobia and Biphobia, 17 May 2022. Available at <https://www.ohchr.org/en/statements/2022/05/forcibly-displaced-lgbt-persons-face-major-challenges-search-safe-haven>.

⁶⁸ Chris O’Connell, “From a vicious to a virtuous cycle: Addressing climate change, environmental destruction and contemporary slavery” (Anti-Slavery International, 2020), p. 7. Available at www.antislavery.org/wp-content/uploads/2021/04/ASI_ViciousCycle_Report_web2.pdf.

⁶⁹ ILO, *Indigenous peoples and climate change*, p. 14.

⁷⁰ United Nations, Department of Economic and Social Affairs, “Climate Change”. Available at <https://www.un.org/development/desa/indigenouspeoples/climate-change.html>.

⁷¹ Molinari, “Intensifying Insecurities”, p. 60.

⁷² See Indigenous Peoples of Africa Coordinating Committee, *Gender Strategy and Action Plan 2019–2023*, pp. 4–6. Available at <https://www.ipacc.org.za/publications/>.

⁷³ OHCHR, analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child (A/HRC/35/13), para. 23.

40. The Special Rapporteur recalls that, in its general recommendation No. 34 (2016), the Committee on the Elimination of Discrimination against Women underscores the importance of indigenous women's rights to land and collective ownership, natural resources, water, seeds, forests and fisheries (CEDAW/C/GC/34, para. 56). The Committee, in its draft general recommendation on indigenous women, points out that the lack of harmonization of laws and their ineffective implementation at the national and local levels hinder the effective implementation of those rights, increasing the risks of exploitation of indigenous women.

XII. Climate change, business and human rights

41. The Special Rapporteur highlights that the sectors recognized as having a negative impact on climate change and causing environmental degradation and loss of biodiversity are also high-risk sectors where trafficking for the purposes of forced labour and other forms of exploitation frequently occur. The importance of taking decent work into account in action to combat climate change, in order to ensure just transitions and sustainable development, is explicitly highlighted in paragraph 85 of the Glasgow Climate Pact. Much work remains to be done to achieve this objective. The Special Rapporteur stresses the continuing reliance on the exploited labour of victims of trafficking in sectors that, owing to limited regulation and intensive and often violent working conditions, have a negative impact on climate change.

42. Several special procedures of the United Nations have highlighted the links between climate change and violations of the human rights of workers and communities in poorer States.⁷⁴ The serious human rights violations occurring in the context of such global extractivism include trafficking in persons, usually for purposes of forced labour and often combined with increased risks of sexual exploitation and trafficking of children. The Working Group on the issue of human rights and transnational corporations and other business enterprises has highlighted particular sectors at risk in Italy, stating that “migrant workers, including from African and Asian countries, working in sectors such as agriculture, garment and logistics, are trapped in a cycle of exploitation, debt bondage and human rights abuses that must be broken.”⁷⁵ Extractive industries and intensive farming activities attract significant rural-rural migrants in Western Africa and increase environmental pressures on host communities as well as the risks of exploitation of children.⁷⁶ ILO, in the preamble to the Durban Call to Action, expresses alarm that “in the 2016–2020 period, child labour increased by 8.9 million, entirely among children aged 5–11.” In her recent report on trafficking in persons in the agriculture sector: human rights due diligence and sustainable development (A/HRC/50/33), the Special Rapporteur

⁷⁴ As has been highlighted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in her report on global extractivism and racial equality, “powerful States and their transnational corporations, and the political elites of weaker States that are territories of extraction, emerge as the clear winners” (A/HRC/41/54, para. 5). The Special Rapporteur on the right to food has highlighted the power and lack of accountability that transnational corporations have in respect of communities and workers, which contribute to increases in human rights abuses in global supply chains (A/76/237).

⁷⁵ Working Group on Business and Human Rights, “Italy: Government must break cycle of exploitation of workers, hold businesses accountable”, press release, 6 October 2021. Available at <https://www.ohchr.org/en/press-releases/2021/10/italy-government-must-break-cycle-exploitation-workers-hold-businesses>.

⁷⁶ Save the Children, “Walking into the Eye of the Storm: How the climate crisis is driving child migration and displacement”, October 2021, p. 58. Available at <https://resourcecentre.savethechildren.net/document/walking-into-the-eye-of-the-storm-how-the-climate-crisis-is-driving-child-migration-and-displacement/>.

stresses the increased risks of trafficking of children in the context of weak regulation and intensive agribusiness work practices.

43. Intensive fishing contributes negatively to climate change and is also highly reliant on the labour of trafficked persons.⁷⁷ The specific risks of trafficking of refugees and asylum seekers, in particular of persons from Rohingya communities in Myanmar, for purposes of forced labour in the fishing sector and palm oil plantations of Malaysia has been highlighted by the mandate of the Special Rapporteur on trafficking in persons, especially women and children.⁷⁸ Trafficking for purposes of forced labour in the construction sector in Serbia, including the role of transnational corporations, has also been highlighted by the Special Rapporteur.⁷⁹ The construction sector, in a context of limited regulation and enforcement of environmental and labour standards, may contribute negatively both to human rights violations and to climate change.

44. The Special Rapporteur also highlights the findings of treaty bodies. In its concluding observations on the combined fourth to eights reports of Thailand, the Committee on the Elimination of Racial Discrimination expressed concerns about trafficking in persons, including in relation to child labour, forced labour practices and sexual and labour exploitation of victims of trafficking, particularly in the fishing, agriculture and tourism sectors, which are all sectors that have an impact on climate change (CERD/C/THA/CO/4-8, para. 29). In its concluding observations on the second periodic report of Turkmenistan, the Committee on Economic, Social and Cultural Rights expressed concern about the reported continued “widespread use of forced labour among workers and students under threat of penalties during the cotton harvest” (E/C.12/TKM/CO/2, para. 23). With regard to the Democratic Republic of the Congo, the Committee has expressed concern at the absence of information on the application of social and environmental responsibility measures to mining and logging businesses and a lack of due diligence in respect of human rights. The Committee has also specifically highlighted concerns in relation to climate change impacts in these sectors (E/C.12/COD/CO/6, paras. 18–20).

45. Concerns have also been expressed by civil society in relation to the trafficking of children for purposes of forced labour in cobalt mines linked to extractive industries developing new green technologies.⁸⁰ The Human Rights Council, in paragraph 9 of its resolution 45/20 on the situation of human rights in the Bolivarian Republic of Venezuela, expressed, “deep concern at the human rights and environmental situation in the Arco Minero del Orinoco region, which is the site of labour exploitation of miners, including child labour, trafficking in persons and forced prostitution, and expresses particular concern about the violations of the rights of indigenous peoples in the region”.

⁷⁷ See the report of the Special Rapporteur on the right to food (A/HRC/40/56).

⁷⁸ Report of the Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro, on her mission to Malaysia in 2015 (A/HRC/29/38/Add.1). See also letter to Ireland (OL IRL 1/2019) and selected communications, including the communication addressed to Guatemala by Special Rapporteurs of 9 November 2020 (JAL GTM 3/2020).

⁷⁹ See communication addressed to Serbia by Special Rapporteurs of 18 January 2022 (JUA SRB 1/2022).

⁸⁰ See Rights and Accountability in Development (RAID) and Centre d’Aide Juridico-Judiciaire, “The Road to Ruin: Electric vehicles and workers’ rights abuses at DR Congo’s industrial cobalt mines”, November 2021. Available at https://www.raid-uk.org/sites/default/files/report_road_to_ruin_evs_cobalt_workers_nov_2021.pdf.

XIII. Human rights and environmental due diligence: prevention of trafficking in persons

46. The Special Rapporteur highlights that mandatory human rights due diligence laws can ensure that corporations address the human rights implications of climate change and trafficking in persons. Due diligence obligations, including mandatory obligations for businesses, play a critical role in preventing the human rights violations associated with trafficking in persons and in addressing and remedying such violations when they do occur. In the context of climate change, there has been some recognition of the potential value of mandatory human rights due diligence laws that cover environmental harms, which are commonly recognized as including climate change.⁸¹ In practice, however, when “environmental impacts, including climate change” are covered in corporate due diligence practices, “human rights and climate change processes often take place in ‘silos.’”⁸²

47. The Special Rapporteur stresses that efforts to combat trafficking for forced labour in global supply chains will continue to be inadequate if they do not extend beyond immediate suppliers to include actors operating at all levels, and particularly those further upstream in global supply chains. As has been well documented, trafficking in persons is a “whole-of-supply-chain problem.”⁸³ Current proposals for enhanced corporate due diligence obligations are welcome, but they fail to ensure that the human rights of trafficked persons are effectively protected or that effective prevention action is taken to combat trafficking in persons, in particular for forced labour. The failure to specifically address gender equality in human rights and environmental due diligence measures is a serious concern.⁸⁴ Law and policy measures to ensure mandatory human rights and environmental due diligence are essential to effective prevention of trafficking in persons in the context of climate change, and to the prevention of trafficking and of further negative climate impacts.⁸⁵

XIV. Disaster risk reduction: prevention, protection and partnership

48. The Special Rapporteur highlights the disproportionate impact of climate-related disasters on women and girls and on persons with disabilities. Increased loss of livelihoods, and the consequent disruption to physical, social, economic and

⁸¹ See, for example, Lise Smit and Ivano Alogna, eds., *Human Rights Due Diligence for Climate Change Impacts: Webinar Series Report* (British Institute of International and Comparative Law, January 2021), pp. 48–68. Available at https://www.biiicl.org/documents/125_hrdd_for_climate_change_impacts_webinar_series_report_8_jan_2020.pdf.

⁸² European Commission, Directorate-General for Justice and Consumers, *Study on Due Diligence Requirements Through the Supply Chain: final report* (Publications Office of the European Union, 2020), p. 16. See also World Benchmarking Alliance, “Corporate Human Rights Benchmark: 2020 Key Findings” (November 2020), p. 14. Available at <https://assets.worldbenchmarkingalliance.org/app/uploads/2020/11/WBA-2020-CHRB-Key-Findings-Report.pdf>.

⁸³ ILO, Organisation for Economic Co-operation and Development (OECD), IOM and United Nations Children’s Fund (UNICEF), *Ending Child Labour, Forced Labour and Human Trafficking in Global Supply Chains* (Geneva, 2019), p. 16.

⁸⁴ Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (A/HRC/17/31, annex). See also communication addressed to the European Union by the Special Rapporteur on trafficking in persons, especially women and children, ref.: OL OTH 49/2022. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27363>.

⁸⁵ Surya Deva, “Climate Change, Human Rights, and the UN Guiding Principles: Interlinkages and Red Flags”, in Smit and Alogna, *Human Rights Due Diligence for Climate Change Impact*, pp. 48–50.

environmental networks and support systems, disproportionately affect persons with disabilities and their families. Gender, and specifically gender inequality and discrimination, shape and determine the impact of climate-related disasters. Women experience greater loss of livelihoods as a result of the impact of disasters, have less control over resources and have more limited opportunities for migration or employment to mitigate the impact of disasters. These inequalities are not inevitable or unexpected. They arise from and are a consequence of gender discrimination and gendered inequalities.

49. The Special Rapporteur highlights the core provision of the Sendai Declaration and the Sendai Framework for Disaster Risk Reduction 2015–2030 on “building back better”. While the importance of integrating gender equality and the participation of women in the design and implementation of disaster preparedness and response policies is recognized, more action is needed to address the gendered risks arising from climate-related disasters. The Special Rapporteur stresses the obligation of States to strengthen partnerships with civil society and women human rights defenders, in order to achieve the objective of participatory disaster risk governance and to meet their obligations concerning the prevention of trafficking in persons for all purposes of exploitation.⁸⁶

XV. Climate change and conflict: women, peace and security

50. Climate change also contributes to increased risks of insecurity and to conflict, as communities compete for increasingly scarce resources and bear the burden of failures of international solidarity, international law and policymaking. It is recognized that conflict increases risks of trafficking in persons for all purposes of exploitation. Climate-related conflict is no exception, and the risks of serious human rights violations including trafficking in persons must be addressed in prevention and protection measures and through effective protection of human rights in all conflicts.⁸⁷

51. Several Security Council resolutions highlight the links between climate change, environmental degradation and risks of conflict and insecurity. Related concerns in relation to the prevalence of sexual violence in conflict are also highlighted, but without explicit attention being given to conflict related trafficking in persons. Women are at the front lines of both climate change and insecurity, “burdened with new economic responsibilities in ever degraded environments.”⁸⁸ Reports highlight the gendered impact of climate-related insecurity. Across the Sahel region, for example, the impacts on livelihoods of rising temperatures and unpredictable rainfall may lead to increased risks of intercommunal violence and are already leading to shifting migration patterns. In many communities, such as those in Northern Kordofan, in the Sudan, men are increasingly leaving villages in search of alternative livelihoods to farming, while herders migrate to search for grazing land in increasingly insecure environments. As noted earlier, indigenous women and girls are particularly at risk in the context of climate-related displacement, loss of livelihoods and food insecurity and increasing conflict over resources, as are rural women and girls.

52. The Special Rapporteur highlights the urgency of recognizing the linkages between gender, climate and security, and the need to ensure meaningful participation of women in policymaking and planning regarding the distribution of natural

⁸⁶ See General Assembly resolution [76/204](#), para. 28.

⁸⁷ See [A/HRC/41/39](#), para. 67.

⁸⁸ Report of the Secretary-General on women and peace and security ([S/2020/946](#)), para. 77.

resources in conflict-affected regions.⁸⁹ Implementation of obligations to prevent trafficking in persons, especially women and children, through systemic policy changes, must be integrated into policymaking processes to support nationally determined contributions, national adaptation plans, national climate change action plans, land tenure policies and the reduction of emissions from deforestation and forest degradation.

53. The Special Rapporteur is concerned that current measures to address the gender dimensions of climate insecurity and conflict, including in peacebuilding and peacekeeping transitions, do not take account of obligations to prevent trafficking in persons, or to ensure effective protection for victims of trafficking, and do not require strengthening of partnerships with civil society organizations, which are essential to women's empowerment and gender equality.

XVI. Promising practices

54. Some States have incorporated actions to combat trafficking in persons into climate change and disaster response policies. For example, Mozambique has issued updated standard operating procedures for provincial and district reference groups on better equipping officials to combat trafficking in the context of natural disasters. The Philippines has adopted and implemented emergency relief policies that include a number of provisions designed to address trafficking in the context of disasters and, in particular, to address trafficking risks faced by children.⁹⁰ It has also enacted the Children's Emergency Relief and Protection Act, "the first and only [law] in the world that protects children during emergencies and disaster situations", including "heightened surveillance against child trafficking, ... especially in the aftermath of disasters".⁹¹ The Government of Vanuatu has undertaken efforts to address trafficking in communities displaced by natural disasters, and its National Policy on Climate Change and Disaster-Induced Displacement links displacement resulting from climate change with trafficking and includes policies to address trafficking risks.⁹²

55. Several States address climate-related migration and displacement and the need for human rights-based responses. These include Bangladesh, whose National Strategy on the Management of Disaster and Climate Induced Internal Displacement recognizes the "multiple human rights challenges" faced by those displaced in climate change-related disasters.⁹³ Law No. 370 of 2013 of the Plurinational State of Bolivia "explicitly reference[s] climate change migration and the need to protect those migrating".⁹⁴ Italy has concluded "several bilateral agreements that could potentially

⁸⁹ See also report of the Secretary-General on women and peace and security (S/2021/827), para. 77.

⁹⁰ Report of the Office of the United Nations High Commissioner for Human Rights on the summary of the panel discussion on the adverse impact of climate change on States' efforts to realize the rights of the child and related policies, lessons learned and good practices (A/HRC/35/14), para. 38.

⁹¹ Inputs from the Philippines for the OHCHR analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child 2, 16 March 2017. Available at <https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/RightsChild/Philippines.pdf>.

⁹² Vanuatu, National Disaster Management Office, *National Policy on Climate Change and Disaster-Induced Displacement* (2018), pp. 10 and 32. Available at https://www.iom.int/sites/g/files/tmzbd1486/files/press_release/file/iom-vanuatu-policy-climate-change-disaster-induced-displacement-2018.pdf.

⁹³ Bangladesh, *National Strategy on the Management of Disaster and Climate Induced Internal Displacement* (2015), p. 5. Available at https://www.preventionweb.net/files/46732_nsmdciidfinalversion21sept2015withc.pdf.

⁹⁴ OHCHR, "Climate change: Protecting the rights of migrants", p. 2.

facilitate safe migration pathways as a climate change adaptation strategy”.⁹⁵ In Kenya, “the National Climate Change Action Plan calls for migration to be defined as a potential coping mechanism for climate change”.⁹⁶ In the National Climate Change Policy for Nigeria, it is recognized that “the consequences of climate change are likely to continue to generate gender-based violence and large-scale migration, which can potentially lead to various sorts of conflicts including group vs. group conflict” and that “forced migration often leaves women and girls to manage the ecosystem, without being actively involved in the discourse around home-grown solutions.”⁹⁷ The Policy includes measures to “integrate migration and human displacement issues in national climate change planning”.⁹⁸ The Peruvian Climate Change Act and its implementing regulations provide for the development of an action plan to prevent and address forced migration caused by the effects of climate change, under the shared responsibility of the Ministry of Women and Vulnerable Populations and the Ministry for the Environment.⁹⁹ The National Adaptation Plan of South Sudan includes a commitment to “develop [a] long-term research plan and related tracking indicators with institutional partnerships and funding streams to further understanding of the nexus between climate change, migration and conflict.”¹⁰⁰ Switzerland “takes account of environmental and socioeconomic situations to extend humanitarian protection to persons who would be endangered by a return to their country of origin.”¹⁰¹ The Africa Climate Mobility Initiative is a critically important regional programme to address climate-forced migration and displacement, and it will be essential to ensuring a human rights-based approach that prevents trafficking in persons. In article 16 of the 2021 Protocol on Free Movement of Persons in the Intergovernmental Authority on Development (IGAD) Region, IGAD member States are called upon to facilitate entry and stay for people who are moving in anticipation of, during or in the aftermath of a disaster. This is the first time that a free movement protocol has specifically addressed the needs of people affected by disasters.

XVII. Conclusion

56. Urgent action to combat climate change is essential to the protection of human rights and to ensuring that people are able to live their lives in dignity, without discrimination. Climate justice must be at the heart of anti-trafficking laws and policies, including in ensuring just transitions and protection of workers’ rights. Meaningful, urgent and ambitious action to prevent trafficking in persons must address the gendered impact of climate change, climate-related displacement and disasters. Recognizing the intersections of discrimination and inequality, measures to combat trafficking in persons must be integrated into actions to combat racial

⁹⁵ Ibid. These “agreements with climate vulnerable countries can facilitate safe migration provided such agreements are non-discriminatory and comply with international human rights obligations” (ibid.).

⁹⁶ Ibid.

⁹⁷ Nigeria, Federal Ministry of Environment, Department of Climate Change, *National Climate Change Policy for Nigeria 2021–2030* (2021), p. 36. Available at https://climatechange.gov.ng/wp-content/uploads/2021/08/NCCP_NIGERIA_REVISIED_2-JUNE-2021.pdf.

⁹⁸ Ibid.

⁹⁹ Peru, Ministerial Resolution No. 096-2021-MINAM and *National Climate Change Adaptation Plan of Peru: Input for the updating of the National Climate Change Strategy* (2021). Available at https://www4.unfccc.int/sites/NAPC/Documents/Parties/Per%c3%ba_NAP_Spanish.pdf.pdf.

¹⁰⁰ South Sudan, Ministry of Environment and Forestry, *First National Adaptation Plan for Climate Change* (2021), p. 87. Available at <https://unfccc.int/sites/default/files/resource/South-Sudan-First-NAP%20.pdf>.

¹⁰¹ OHCHR, “Climate Change: Protecting the Rights of Migrants”, p. 2.

injustice and to promote disability rights, gender equality and the rights of the child. Responses to the climate crisis and measures to ensure just transitions must incorporate law and policy reforms that are effective in preventing trafficking in persons, including through expanded pathways to safe and regular migration, rights of entry and stay and equal protection of rights. It is essential that meaningful actions to prevent trafficking in persons be integrated into all measures to promote gender equality and women's empowerment in peacebuilding and peacekeeping transitions, recognizing the increased risks of climate related conflict and insecurity.

XVIII. Recommendations

57. Pursuant to objective 10 of the Global Compact for Safe, Orderly and Regular Migration to prevent, combat and eradicate trafficking in persons, States should expand access to regular migration routes and pathways to residence and citizenship for victims of trafficking. To prevent trafficking in persons and protect victims of trafficking, States must ensure effective access to international protection, expanded resettlement opportunities, humanitarian visas and family reunification, without discrimination. States must ensure the effective implementation of the principle of non-refoulement, including in the context of climate-related disasters and climate change. States must cooperate to ensure an expansion of planned relocation opportunities, without discrimination and fully respecting human rights, ensuring the prevention of trafficking in persons in all actions to achieve realization of Sustainable Development Goal target 10.7.

58. States, both individually and in cooperation, must adopt human rights-based migration policies to respond to the protection needs of persons displaced owing to climate change. These policies should include the creation and expansion of human rights-based and humanitarian avenues for entry and stay for persons displaced as a result of climate change, in full recognition of the principle of non-discrimination in international human rights law.

59. States must strengthen measures to prevent the trafficking of children by enhancing the capacity of child protection systems, adopting poverty eradication measures and expanding free access to education and vocational training to include all children and young people, without discrimination, including in particular unaccompanied and separated children and young people.

60. Recognizing the urgent claims of climate justice and intergenerational equity, States must ensure the protection of the rights and best interests of all children, without discrimination, in particular in the context of climate-related migration and displacement, and planned relocation, and ensure the participation of children and young people in the design and implementation of prevention and protection measures on climate change, on climate-related disaster responses and on trafficking of children.

61. Recognizing the negative impact of climate change and climate-related disasters on persons with disabilities, States must ensure that the rights of persons with disabilities are effectively protected in all climate and disaster risk reduction and response policies; ensure non-discrimination, reasonable accommodation and disability inclusion in all anti-trafficking measures, including in the provision of information, assistance and protection, and in comprehensive prevention measures; and ensure the inclusion and participation of persons with disabilities in all decision-making related to climate action and resilience to disasters.

62. States must ensure that, in actions to combat trafficking in persons in the context of climate change, the increased risks of exploitation faced by internally displaced persons are recognized and effectively addressed through comprehensive prevention measures, and ensure effective protection for displaced persons and host communities.
63. States, United Nations entities and humanitarian actors must integrate responses to preventing and addressing trafficking in persons in human rights-based, gender-responsive, community-informed disaster risk reduction, prevention and response measures.
64. States must ensure that climate policies, including those on adaptation, mitigation and financing, address the rights of persons at risk of trafficking in the context of climate change, ensuring gender equality, the rights of the child, the rights of persons with disabilities, the rights of indigenous peoples, non-discrimination and racial justice.
65. States must, individually and through international cooperation, strengthen social protection systems and safety nets, and child protection systems, in order to reduce the risks of trafficking in persons and limit the adverse impacts of climate change.
66. States should ensure protection of livelihoods and provide meaningful alternatives in the face of environmental degradation, including by taking steps to transform systems of production and consumption in order to create a more sustainable relationship with nature.¹⁰² States must ensure effective protection of the rights of indigenous peoples, who are particularly affected by climate change and increased risks of exploitation, and fully implement the United Nations Declaration on the Rights of Indigenous Peoples.
67. States should integrate accountability and remedies for trafficking-related human rights violations and the right of redress for victims of trafficking in persons when addressing climate change-related loss and damage.
68. States must, individually and through international cooperation, protect against climate change-related human rights abuse by businesses, including those most associated with risks of trafficking. States should enact and enforce mandatory environmental and human rights due diligence obligations, regardless of the size of the company or employer, that require disclosure of harmful impacts identified in respect of the rights of workers, risks of forced labour and trafficking and environmental degradation, ensure that consultations are held with workers' representatives and affected communities, and require reporting on concrete and verifiable results achieved. States must ensure an enabling environment for trade unions and workers' organizations to support measures to combat climate change and ensure a just transition. Gender equality and women's empowerment must be ensured in all environmental and human rights due diligence measures.
69. States, United Nations entities and private actors, when financing or taking action to mitigate or adapt to climate change, should ensure that those actions are human rights-based¹⁰³ and do not aggravate trafficking risks.
70. States should ensure the full, equal and effective participation and leadership of women, as well as of persons with disabilities, in the design,

¹⁰² See, for example, General Assembly resolution 70/1, entitled "Transforming our world: the 2030 Agenda for Sustainable Development".

¹⁰³ Note by the Secretary-General on rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/74/161), para. 69.

management, resourcing and implementation of gender-responsive and disability-inclusive disaster risk reduction policies, plans and programmes.

71. States should ensure that gender equality and the rights of women are integrated into disaster risk reduction programmes and regional and national action plans, including, specifically, those concerning the implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030.

72. States should ensure the participation of migrant and displaced women in the development, implementation and monitoring of policies designed to prevent trafficking in persons in the context of climate-related displacement, migration and disasters.

73. United Nations entities should ensure that the gender dimensions of climate-related conflict and security risks are systematically addressed, including in peacebuilding and in peacekeeping transitions, and that the heightened risks of trafficking in persons, especially women and children, are recognized and addressed in comprehensive prevention and protection measures.

74. In action plans, programmes and measures relating to women, peace and security, measures to prevent trafficking in persons for all purposes of exploitation must be incorporated and the increased risks of trafficking arising in the context of climate change, displacement, disasters and conflict must be recognized. The participation of women, particularly women most affected by the negative impacts of climate change and climate insecurity, in the design and implementation of peacebuilding measures must be ensured.

75. With regard to climate financing, States and United Nations entities should ensure that gender equality and child rights perspectives are prioritized when making decisions and applying climate finance instruments and ensure women's participation in the allocation of financial resources, especially in crisis and conflict settings.

76. States must ensure that prevention, protection and partnership responses to trafficking in persons are informed and led by survivors of all forms of trafficking, and that civil society is enabled and supported to design, lead and implement comprehensive programmes to prevent trafficking in persons in the context of climate change and climate-related displacement and disasters.

77. The impact of environmental racism must be recognized and addressed in comprehensive measures to combat climate change and prevent trafficking in persons for all purposes of exploitation. Such measures must also ensure racial justice and non-discrimination.