



## The business and human rights dimension of climate change: addressing access to remedy

COP 25 Side event  
9 December 2019, 10.30 am – 12.00 pm  
EU Pavilion (Room Brussels)

### Concept note

#### Organisers

UN Office of the High Commissioner for Human Rights (OHCHR) and  
Organisation for Economic Co-operation and Development (OECD)

#### Background

Climate change and environmental degradation directly and indirectly interfere with the enjoyment of all human rights, including the rights to life, housing, water and sanitation, food, health, development, and an adequate standard of living. Ensuring sustainable development for all requires effectively addressing climate change through an internationally coordinated response based on common human rights and environmental principles such as solidarity, transparency, participation, access to information, accountability, remedies, the precautionary principle, equality, and equity.

The implementation of the Paris Agreement and the 2030 Agenda for Sustainable Development, combined with the increasing engagement of the Human Rights Council, its special procedures mechanisms and the treaty-bodies dealing with environmental issues present a unique opportunity for developing and implementing ambitious public policies and business practices that integrate both human rights and environmental considerations at the national and international level.

All business enterprises have a responsibility to prevent and address negative impacts of their actions on the environment. It is widely accepted that the business responsibility to respect human rights and environmental rights includes the responsibility to identify, prevent, mitigate, and account for impacts related to climate change, in line with the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises. Similarly, States should ensure that their own business activities, including activities conducted in partnership with the private sector, contribute to mitigating climate change while respecting human rights, and ensuring effective remedies for climate and human rights harms.

This session will explore what this responsibility means in practice for corporate due diligence as well as for the State duty to protect against human rights harms by businesses. An important tool to promote business accountability is access to remedy. The discussion will address various judicial and non-judicial mechanisms employed in recent years to hold corporations accountable for climate change-related human rights harms, e.g., the [RWE](#) and [Gloucester](#) cases, the [case brought before the Dutch National Contact Point](#), and the [climate change inquiry undertaken by the Commission on Human Rights of the Philippines](#).

## **Objectives**

This session aims to discuss:

- 1) the role of States in providing effective access to remedy to achieve a transition to a low/zero carbon economy and ensuring that their own business-related activities address both human rights and climate change impacts;
- 2) recent efforts in using judicial and non-judicial mechanisms to promote corporate accountability for climate change;
- 3) how the use of these mechanisms has led to increased engagement by business and investors in addressing climate change.

## **Speakers**

### **Opening remarks:**

- Ms Michelle Bachelet, UN High Commissioner for Human Rights
- Mr Angel Gurría, OECD Secretary General (video message)

### **Moderator:**

- Ms Cristina Tébar Less, Acting Head, OECD Centre for Responsible Business Conduct

### **Panellists:**

- Ms. Elina Bardram, Head of the International Unit, DG CLIMA, European Commission
- Mr. Roberto Cadiz, Commissioner, Commission on Human Rights of the Philippines
- Mr. Dante Pesce, Member, UN Working Group on Business and Human Rights
- Mr. Pierre C. Rousseau, Senior Strategic Adviser for Sustainable Business, BNP Paribas
- Mr. Bertram Zagema, Climate Justice Policy Advisor, OxFam