

# Christian Aid submission to the OHCHR consultation on human rights and climate change

## Introduction

Christian Aid's recent report, [Getting Down to Business: putting human rights at the heart of a just and equitable energy transition](#) finds that the renewable energy transition presents risks and opportunities for the realisation of human rights. A human-rights based approach is needed for a just, people-centred renewable energy transition. This approach centres around ensuring the respect, protection and fulfilment of fundamental rights and freedoms and stresses that participation, accountability, and transparency in decision-making processes are key.<sup>i</sup> Our report also finds that to minimise the risks of human rights abuses, it is imperative that effective mandatory regulation across supply chains of energy and related sectors and national borders is adopted and upheld effectively at the national and international level. It also provides concrete examples of how renewable energy technologies can be produced and deployed in ways that maximise the benefits for poorer countries and people living in poverty. We develop these points in our response to the two questions below.

### **1. Share examples and stories describing opportunities, best practices, actionable solutions, challenges, and barriers relevant to just transition and the full realization of human rights ....**

#### **Challenges in ensuring human rights compliance.**

Our report, *Getting Down to Business* and other recent research by CSOs demonstrate that the surge in mining of transition minerals and mineral and metal processing worldwide<sup>ii</sup> is a main contributing factor to human rights challenges related to the renewable energy transition. Our report tracks the global aluminium supply chain to expose how European electric car manufacturing is likely tied to human rights and environmental failings in the Brazilian Amazon. Drawing on evidence gathered from affected local communities by Brazilian civil organisations and researchers, the report documents the impact mining of bauxite ore in Oriximiná, in the state of Pará, used in many aluminium components for electric vehicles across Europe has had regarding deforestation of significant areas of tropical forest and on the rights of Indigenous people to access clean water and to their livelihoods.

The report also documents concerns communities in the municipality of Barcarena, in the Brazilian Amazon, have raised for decades regarding the human rights and environmental impacts of alumina production in this municipality. In 2021, an association representing a significant number of the affected communities in the Barcarena Municipality filed a group-action lawsuit in the Netherlands relating to these concerns. In October 2022, the Rotterdam

District Court in the Netherlands ruled that the case will proceed to a discussion of the merits before the same court.

A second significant source of challenges in protecting human rights in the emerging renewable energy sector relates to large-scale renewable energy projects, particularly solar and wind farms. Principal human rights and environmental risks of these projects concern land rights, Indigenous Peoples' rights, including their right to give, or deny 'free, prior, and informed consent' (FPIC), rights to water, livelihood and to a healthy and sustainable environment, as well as concerns that these do not necessarily meet the needs of marginalised communities while often being a significant drain on public resources.<sup>iii</sup> This last point is important, because access to energy is an essential public service and a prerequisite for many other human rights. It is essential therefore that limited public funds are used in the most effective way to bring affordable energy services to those most in need.

Our report and research by UN bodies indicate that a lack of mandatory regulations to protect human rights in transnational business operations;<sup>iv</sup> corporate practices that prioritise short-term profit maximisation;<sup>v</sup> and a lack of transparency in global supply chains<sup>vi</sup> are significantly contributing to human rights violations and environmental harms related to the extraction and processing of minerals and metals for renewable energy technologies, and large-scale renewable energy projects.

### **Renewable energy solutions that contribute to deliver multiple benefits to human rights realisation**

A truly just energy transition must enable the development and diffusion of sustainable technologies and services that support poverty reduction and build adaptive capacities and resilience to climate change. In relation to rights to health and rights to food, access to appropriate technologies falls short in many relevant areas such as food processing and storage, clean cooking, water purification, and home heating and cooling which are likely to be affected by climate change with disproportionate impacts on women and marginalised communities.

Decentralised renewable energy (DRE), in which power is generated close to the point of use, is often the most cost-effective way to reach energy-poor communities, providing opportunities for governments to make the best possible use of limited public funds.<sup>vii</sup> While extending national grids in remote areas can be expensive and may require subsidies to keep energy prices to end consumers under control,<sup>viii</sup> directing resources to subnational level to make DRE available may be a better approach.<sup>ix</sup> As our case study below illustrates, DRE can also have co-benefits for human rights, including for inclusive economic development and democratic decision making, and may also avoid human rights and environmental risks that more centrally planned approaches such as land extensive solar and wind farms may pose particularly for Indigenous Peoples whose land rights are collective and/or customary, by reducing the physical scale and power inequalities that characterize the latter. Some of these issues are detailed in our report, *Getting Down to Business*.<sup>x</sup>

Focusing here on development of DRE, appropriate and sustainable solutions need to be developed and replicated, and in this, the participation of women and marginalised communities is critical. Our experience has been that support for micro, small and medium-sized enterprise is an approach that can offer important co-benefits by enabling energy poor and marginalised communities to contribute to, and benefit from the energy transition not just as consumers, but also as producers, service providers and entrepreneurs. This can support development and uptake of appropriate technologies and contribute to renewable energy targets in ways that shift power dynamics.

To illustrate, Christian Aid's Breaking the Barriers programme (supported by the EU) enabled rural women in Honduras, Ethiopia, Malawi and Burkina Faso to increase jobs and income in the DRE sector, improve working and living conditions, promote gender equality, and strengthen women's social status. The programme worked with women's groups and cooperatives to establish 201 Women Led Sustainable Energy Enterprises (WLSEEs), which developed, marketed, and installed a range of DRE technologies including for domestic lighting, cooking and food processing. Start-up financing was a combination of grants, low-interest loans and in some cases a small contribution from the women themselves. Larger, established private companies were central to building the skills of the WLSEEs. For example, in Honduras larger companies provided renewable energy technologies and finance at concessional rates and supported the technical and business management skills of the WLSEEs.

A participatory review<sup>xi</sup> documented positive outcomes. In all the focus countries, women's decision-making power at the household level, and their access to income, increased. In many cases collective action helped build confidence, and in Malawi it supported advocacy for support for women in business and reform of consumption tax (VAT) on critical DRE components. Technologies developed or deployed, such as fuel-efficient cook stoves and solar home systems, improved living conditions. In Malawi and Honduras technologies were developed to meet specific needs of women's agricultural and food processing enterprises, enabling participants to capitalise on the benefits of energy access to develop their businesses. In Honduras, the benefits for climate resilience of coffee production were documented.<sup>xii</sup> The WLSEEs provided opportunities for women to raise awareness within their communities of what DRE technologies can offer and to deliver affordable products and services, expanding access and uptake. Entrepreneurial models proved transformative for many participants by opening opportunities in previously 'male only' spaces, improving access to technical skills and thus promoting normative change.

Challenges included women's lack of access to start-up capital, prohibitive cost of raw materials and components, poor quality of components available on the market, a lack of recognition for women in business, and complex financial structures and legal frameworks for business set-up difficult to navigate or not conducive to collective enterprises.

The WLSEEs were small and depended on donor funding for start-up, but nevertheless revealed policy lessons that should be applied more widely in the context of a just transition:

- **Small-scale entrepreneurship, especially by women, can support the diffusion of DRE technologies to 'last mile' communities.** Improving ease of doing business for women (such as streamlined processes for business registration and licensing, easy access to information, guidance, application submission and follow up) would support this.
- **Small and medium sized DRE enterprises can bring social benefits in a variety of contexts.** Policies should enable a diversity of approaches, including collective and cooperative enterprises, community ownership models and mini-grids for which supportive policy frameworks are particularly weak.<sup>xiii</sup> Such approaches can be designed to harness the most sustainable energy sources and lend themselves to decentralized planning and community participation. Where grid connections are available, feed-in tariffs can be important incentives for mini-grids. Enabling fiscal policies to support availability of products and components; and industry standards and certification to ensure quality-assured products are also needed.
- **DRE can be an important enabler of rural industries and climate-resilient food production,** especially where attention is paid to the context-specific and underserved energy needs of women and marginalised communities. This can be supported through decentralisation of energy planning and decision making, participatory research and development approaches, and mainstreaming DRE development in sectoral planning, for example in health, education and agriculture.<sup>xiv</sup>
- **Sustainable renewable energy access is central to reducing gendered inequalities in unpaid care responsibilities.** Policymakers should pay greater attention to the energy needs of households, family farms and homebased industries in rural areas, including for powering public services, and should also consider measures to bring more women into the renewable energy sector, including through improved access technical training.

**As well as regulating business practice to ensure respect for human rights (addressed below), policies should promote ways of doing business that contribute to fulfilment of human rights.** The WLSEEs particularly benefited from support of larger companies that provided training and components at concessional

rates, noting that it was easier to work with companies that were not solely motivated by profit and that already had long-term government and community engagement. There are many ways of doing business that can contribute to the wider public good and are particularly relevant for a just transition, including participatory research and innovation; transparency and access to information; decent jobs and social protection for employees; value for money in products and services; skills sharing; and value addition to support economic diversification and reduce import dependency. Governments should encourage such approaches as part of wider industrial policymaking and support dialogue with civil society and business and to inform ways forward.

**6. Please provide recommendations on relevant actions to be taken at local, country, regional, and global levels, including relating to international cooperation. ...**

A just and equitable transition must centre human rights and transform power relationships at all levels and across sectors beyond energy. States have primary responsibility for taking action, but international financial institutions, intergovernmental organisations and businesses must also play their part to ensure energy investment results in a just and equitable transition. One important aspect of this lies in ensuring fair and transparent co-financing arrangements where these are used (particularly for large-scale energy infrastructure) to avoid unnecessary fiscal pressures and ensure the maximum possible resources remain available for fulfilment of human rights through 'pro-poor' approaches.<sup>xv</sup> The best possible use should be made of available public funds to progress a just transition - relatively small amounts of public financing, together with changes in regulations, can have an outsize positive effect for mitigation, adaptation, and human rights. To this end, we make the following recommendations:

- 1. Champion the participation of rights holders in policymaking and strengthen institutional capacities for this.** In particular the right to give (or deny) free, prior and informed consent (FPIC) for any mining or large-scale renewable energy operations on ancestral lands of indigenous peoples, in line with international human rights standards, and effective mechanisms, such as tripartite social dialogue and devolved decision-making structures, as well as dialogue and negotiation between companies and local communities, including women leaders, throughout the life cycle of projects.
- 2. Make it mandatory for businesses to respect human rights.** Mandatory requirements are needed for companies to conduct human rights and




environmental due diligence, incorporating comprehensive human rights, environmental, social and gender impact studies and report on the implementation of FPIC. Legislation should ensure a duty 'to take appropriate action' to prevent and mitigate adverse human rights impacts linked to companies' operations, products or services and in their business relationships. Due diligence should encompass the entire value chain, the company's entire corporate structure and operations conducted through subsidiaries, affiliates, joint ventures, subcontractors and suppliers. Enacting binding regulation at the international level is also needed through agreement on the proposed UN Binding Treaty<sup>xvi</sup>, to address the gaps in regulation of transnational corporations especially. This should include robust standards on access to remedy and accountability.

3. **Build institutional capacity to ensure businesses comply with laws and regulations.** States should put in place strong and effective agencies to regulate and ensure companies comply with legislation.
4. **Support locally led decentralised and sustainable renewable energy solutions.** Financing, policies and incentives need to support more small and medium decentralised approaches for delivery of energy services and to enable more people to benefit from the energy transition.
5. **Pay particular attention to the rights of marginalised groups and gender equality.** The differential risks of business-related human rights violations on women and marginalised groups (who are also, often, excluded from the benefits of that activity) need to be fully understood and addressed.
6. **Protect human rights and environmental defenders.** Resources should be dedicated to protection for human rights defenders, union representatives, social leaders and environmental activists, as well as to measures to ensure their voices are heard and influence decision-making. Any intimidatory action against human rights and environmental defenders should be promptly and independently investigated and effective protection measures adopted.
7. **Enhance transparency in all types of business entities and at all levels of government.** Citizens have a right to transparency in relation to the energy transition and its distributional impacts. States should improve access to information in key areas such as subsidies, taxation, price setting, and the use of public funds to leverage private investment. This is equally important to prevent corruption. Companies should be required to be more transparent, particularly

regarding value chains and tax payments. This should include their business relations, sourcing and supply chains, profits, tax paid and subsidies and other benefits from governments and international financial institutions received. .

8. **Effectively tax corporations to raise critical climate and development**

**financing.** End the 'race to the bottom' on corporate taxation by establishing a minimum global corporate tax rate of at least 25%. Tackle corporate tax evasion and avoidance through the new UN Convention on global tax cooperation<sup>xvii</sup> to be negotiated from early 2025, and tax polluting companies to pay for the loss and damage they have disproportionately contributed <sup>xviii</sup>  States should be transparent in the application of tax exemptions and provide for public scrutiny. To ensure more corporate transparency, existing standards for public country-by-country and project-by project reporting should be mainstreamed across countries and sectors through binding regulations and complemented by a requirement for companies to publish their beneficial owners in publicly accessible registers.

9. **Protection of human rights should enjoy policy primacy.** A key element of this is the need to ensure the extraterritorial impacts of state policies do not run counter to existing policy measures to fulfil international human rights and climate obligations. Mechanisms for thorough human rights and environmental spill-over analyses of all international trade, investment, debt and taxation agreements to which the state is a party would help avoid this. National policies governing investment and business practice should be coherent with broader objectives for human rights and sustainable development and ensure the equitable distribution of costs and benefits of private sector activity, for example through progressive taxation and high standards for health, safety and environmental sustainability. Industrial policies should be well integrated with wider development planning at national and subnational levels to help maximise the private sector's contribution to these aims.

10. **Public finance, provided by those countries with the greatest responsibility for climate change in accordance with CBDR-RC principles, should comprise most climate finance** to give climate vulnerable countries fiscal space for building adaptive capacities and reducing vulnerability of people in the front line of climate impacts.

11. **Democratise economic decision making at every level.** The structural exclusion of marginalised communities and the global South from economic

decision making at all levels must be addressed. This (re)establishment of social contracts requires states and intergovernmental organisations to recognise and safeguard against the threat of corporate capture, strengthen civic participation and education in key public policy areas, and reaffirm the role of universal and democratic intergovernmental processes, such as the Fourth International Conference on Financing for Development, scheduled to take place in 2025. It also requires enacting global economic governance reforms that strengthen the voice of global South countries in multilateral decision-making spaces.

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<sup>ii</sup> See e.g., International Energy Agency, Critical Minerals Market Review 2023, December 2023, 5; International Energy Agency, Energy Technology Perspectives 2023, 146, 151.

<sup>iii</sup> See e.g. Christian Aid, Getting Down to Business: Putting human rights at the heart of a just and equitable energy transition, October 2023, chapter 4; Business and Human Rights Resource Centre, Renewable Energy & Human Rights Benchmark, 2023 edition, 15.

<sup>iv</sup> See e.g., the UN Working Group on the issue of human rights and transnational corporations and other business enterprises, Extractive sector, just transition and human rights, A/78/155, 11 July 2023, para. 33; Christian Aid, Getting Down to Business, chapter 3.

<sup>v</sup> See e.g., Christian Aid, Getting Down to Business, chapter 3; Christian Aid, Profit before people and planet: How economic policies and corporate profit maximisation perpetuate the unsustainable exploitation of the Brazilian Amazon and its people, December 2022, <https://www.christianaid.org.uk/sites/default/files/2022-12/profit-before-people-and-planet.pdf>; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd, 'Business, planetary boundaries, and the right to a clean, healthy and sustainable environment', UN doc. A/HRC/55/43, 2 January 2024.

<sup>vi</sup> See e.g., Christian Aid, Getting Down to Business, chapter 3.

<sup>vii</sup> Mini Grids for Half a Billion People: Market Outlook and Handbook for Decision Makers, World Bank Energy Sector Management Programme, June 2019, [https://openknowledge.worldbank.org/se\\_rver/api/core/bitstreams/f3815820-92b6-5807-8e9f-d0bd98732b5a/content](https://openknowledge.worldbank.org/se_rver/api/core/bitstreams/f3815820-92b6-5807-8e9f-d0bd98732b5a/content)

<sup>viii</sup> 'Breaking: Energy Transition 'Not Happening' as Fossil Subsidies Fuel Historic Missed Opportunity', 15 June 2022, [BREAKING: Energy Transition 'Not Happening' as Fossil Subsidies Fuel Historic Missed Opportunity](#)

<sup>ix</sup> 'Stretching budgets by not stretching power lines: Faster and cheaper electricity access through careful subsidy allocation in Africa', Lefu Maqelepo, Rochester Institute of Technology; Nathan Williams, and Jay Taneja, December 2022, [Stretching budgets by not stretching power lines: Faster and cheaper electricity access through careful subsidy allocation in Africa | Sustainable Energy for All](#)

<sup>x</sup> [Getting Down to Business: putting human rights at the heart of a just and equitable energy transition](#), Christian Aid. 2023

<sup>xi</sup> Learning Forum Report, Breaking the Barriers, Christian Aid, 2021, unpublished. See also country reports here: 'Breaking the Barriers', Christian Aid, <https://www.christianaid.org.uk/ourwork/programmes/breaking-barriers>

<sup>xii</sup> Las Secadoras Solares... una tecnología que ha cambiado la perspectiva de l@s pequeñ@s productor@s de café y granos; y mejora la economía de mujeres emprendedoras, OCDIH, <https://ocdi.org/wpcontent/uploads/2020/07/Historia-CortaTecnolog%C3%ADa-Sostenible.pdf>



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- <sup>xiii</sup> 'Regulatory Indicators for Sustainable Energy', RISE, Electricity Access indicators analytics, RISE ([esmap.org](https://esmap.org))
- <sup>xiv</sup> 'SDG implementation', ACCESS, <https://accesscoalition.org/workstreams/sdg7-implementation/>
- <sup>xv</sup> Harnessing Public Finance Potential to Create Renewable Energy Economies, Recourse and Centre for International Environmental Law, Center for International Environmental Law, 2023, [Harnessing Public Finance Potential to Create Renewable Energy Economies \(March 2023\) - Center for International Environmental Law](#)
- <sup>xvi</sup> [Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights | OHCHR](#)
- <sup>xvii</sup> Resolution adopted by the General Assembly on 30 December 2022. [A RES 77-244 English.pdf](#)
- <sup>xviii</sup> The Loss and Damage Fund, Where does the money come from? Christian Aid, March 2023, [https://www.christianaid.org.uk/sites/default/files/2023-05/the-loss-and-damagefund\\_may-2023.pdf](https://www.christianaid.org.uk/sites/default/files/2023-05/the-loss-and-damagefund_may-2023.pdf)