

Resolution on human mobility induced by climate change

RESOLUTION No. 2/24



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I. INTRODUCTION

The adverse effects of climate change deepen pre-existing vulnerabilities and impact on the exercise and enjoyment of human rights¹. Its consequences include limited access to resources, difficulty in meeting basic vital needs, exacerbation of conflicts, aggravation of contexts of deficient or absent governance, and disturbances to public order².

The people and communities most affected are those who have contributed minimally to greenhouse gas emissions, the main cause of climate change³. Many of them in situations of vulnerability, poverty, displacement and marginalization cannot overcome these consequences and must mobilize, leaving their homes or places of habitual residence in search of better opportunities and dignified living conditions.

According to the Intergovernmental Panel on Climate Change (IPCC) and the World Meteorological Organization, the region of the Americas is one of the most exposed to the impacts of climate change on the planet. In particular, it is highly vulnerable to sea level rise, storms, hurricanes, floods, landslides and extreme droughts and forest fires⁴. As a result of the intensification, frequency or extension of these extreme weather and climate events, environmental degradation and disasters, climate change operates by deepening fragile social or economic processes and amplifying conditions of vulnerability.

The consequences of these phenomena have a differentiated impact on those groups that, due to discrimination and historical inequalities, have limited access to decision-making or a high dependence on natural resources, including women; children and adolescents; older adults; indigenous peoples; people with disabilities; people living in informal settlements; migrants, refugees, stateless persons and internally displaced persons⁵; and people who live and work in rural areas⁶.

The Inter-American Commission on Human Rights (hereinafter, "IACHR") notes that human mobility induced by climate change (hereinafter, "climate mobility") manifests itself in different ways. The typologies vary between displacement, with a forced character; migration, with certain elements of voluntariness, and planned relocation, understood as a location supported or organized by the State⁷. The IACHR also notes a growing concern for people in a situation of immobility, that is, those who are unable or unwilling to move⁸.

Climate mobility is characterised by being complex, multi-causal and heterogeneous⁹. The mobility of people or communities occurs from the interaction of various factors that are amplified or intertwined with the impacts of climate

change, such as violence, insecurity, inequality or persecution. In addition, it can develop both from sudden, obvious events, such as floods and storms, but also from slow and ongoing, less noticeable events, such as soil desertification and salinization of freshwater tables. Similarly, mobility can result from climatic events whose scope varies ostensibly: while some may have a direct and general impact on a community, others may have a derived and individualized effect on certain people.

Likewise, it may occur within a single national territory or involve the crossing of an international border; it may require permanent relocation or temporary transfer, depending on the impact and its consequences; or it can occur in such a way that the different forms manifest independently, consecutively, or in overlapping fashion¹⁰. In any case, the difficulties in characterizing this type of human mobility do not prevent us from noticing the direct correlation between the adverse effects of climate change and the movement of people or communities. There is sufficient empirical evidence that demonstrates the causal link between both factors¹¹.

For more than a decade, the IACHR has been monitoring this phenomenon through its thematic reports¹². In addition, it paid particular attention to this matter in Resolution No. 03/21 on the Climate Emergency¹³. Similarly, it had the opportunity, during a public hearing, to listen to the hardships experienced by people and communities who had to leave their homes or places of habitual places of residence due to the impacts of climate change¹⁴. Along with these testimonies, various reports provide data reflecting the importance of this phenomenon at the regional level.

The Internal Displacement Monitoring Center (IDMC) recorded that, in the last decade, a total of 24.5 million people in the Americas were displaced within their countries due to disasters and sudden events, mainly due to storms and floods¹⁵. To take dimension of the figures, the number of people displaced by natural disasters in the Americas is five times higher than that of people displaced by conflicts and violence during the same period¹⁶.

For its part, the World Bank projects that, by 2050, between 9.4 and 17.1 million people in Latin America will be forced to move internally due to slow-onset climate phenomena, such as water scarcity, crop loss, and rising sea levels¹⁷. However, although climate mobility generally occurs or is projected to occur mostly within national borders, a significant number of people are being displaced across countries, especially between States within the same region, in search of international protection¹⁸.

In particular, climate mobility poses serious and concerning challenges for the States of the Americas in fulfilling their human rights commitments. At the different stages of mobility, the respect for, protection of and guarantee of the principles of equality and non-discrimination may be undermined, as well as the rights to life, physical integrity and liberty; the economic, social, cultural and environmental rights, such as the right to health, water, food, education, work, housing, and a healthy environment; as well as the right to seek and receive asylum, to non-refoulement and to family unity and protection, among others.

The IACHR notes that at the multilateral level, binding instruments that address climate mobility with a human rights-based approach in a specific, comprehensive, and lasting manner have not yet been agreed upon. This, however, does not prevent existing regional instruments in this area, even without explicitly mentioning this phenomenon, from establishing obligations whose good-faith interpretation and implementation by States serve to protect persons or communities displaced by the impacts of climate change.

In addition, other regional and international instruments, as well as non-binding but widely legitimate principles and guidelines within the framework of international human rights law and international environmental law, offer lines of action for the development of legislation, public policies, plans, initiatives and strategies at the national level. In this regard, it should be noted that Article 29 of the American Convention on Human Rights permits recourse to these agreements, declarations, and principles in order to interpret and specifically apply the provisions of the Convention, provided that these provisions are more favorable to the individual.

The IACHR recognizes the efforts of the American States to address the climate emergency and mobility. At the national and subregional levels, innovative regulatory frameworks and initiatives are being developed and discussed. During the process of drafting this resolution, 15 States reported national actions and good practices, including the reference to climate-related mobility in their migration policies or the incorporation of this typology in data production policies, among others¹⁹.

Despite this, the mosaic of existing measures in the region reflects ongoing challenges, such as the inclusion of a human rights approach in environmental and mobility policies, the prevention of displacement, humanitarian assistance in all its stages, the adoption of common terminology, and the incorporation of intersectional and gender perspectives. In addition, the need for community participation, deficits in the production and collection of data, access to justice, and coordination between state powers, among other pending issues, is highlighted.

Ultimately, the purpose of this resolution is to provide general guidelines for the States of the region to adopt a comprehensive and lasting response to climate mobility with a human right-based approach founded on equality and non-discrimination.

II. DEFINITIONS

For the purposes of this resolution, the content and definitions of Resolution No. 04/19, through which the IACHR adopted the Inter-American Principles on the Human Rights of Migrants, Refugees, Stateless Persons, and Victims of Trafficking in Persons, are invoked, adapting their scope to the issue of climate mobility. Likewise, those included in the IPCC glossary, namely:

Climate change: an alteration in the state of the climate identifiable in variations in the mean value or in the variability of its properties, which persists for prolonged periods. Climate change may be due to natural internal processes or external influencing factors, such as modulations of solar cycles, volcanic eruptions, and persistent anthropogenic changes in the composition of the atmosphere or land use.

Socio-environmental disasters: severe disruptions to the normal functioning of a community or society due to hazardous physical phenomena that interact with pre-existing conditions of exposure and vulnerability, resulting in widespread adverse human, material, economic or environmental effects that require an immediate response to the emergency to meet essential human needs, and which may require external support for recovery.

Impacts or adverse effects of climate change: refers to the consequences of climate change materialized on people or communities, when the risks come from the interactions between exposure, vulnerability and climate-related hazards, including extreme weather events, socio-environmental disasters and environmental degradation.

Human mobility induced by climate change: the concept of "human mobility" covers the following types of movement: displacement, migration, planned relocation and interaction with situations of immobility. For its part, the reference to "induced by climate change" shows that human mobility is influenced by a global and regional context crossed by the climate emergency, whose adverse consequences cause alterations in the intensity, frequency and extent of extreme weather events, socio-environmental disasters and deepen environmental degradation. All these consequences are intertwined with other factors such as social, economic, political, cultural and environmental, impacting the movement of people or communities, internally or cross-border.

Internally displaced persons: persons or communities who have been forced or forced to flee or leave their homes or places of habitual residence, in particular because of natural or man-made disasters, and who have not yet crossed an internationally recognized state border. Within the definition of internally displaced persons, the term "in particular" is used without referring to an exhaustive list, as there may also be other possible causes of internal displacement. Evacuees or people affected or affected by disasters are also included.

International protection: protection provided by a State or an international organization to an individual whose human rights are threatened or violated in their country of origin, nationality, or habitual residence, including in situations of socio-environmental disasters and the impacts of climate change, where they could not obtain adequate protection because it was not accessible, available and/or effective. Such protection includes: (i) the protection afforded to asylum-seekers and refugees on the basis of international conventions²⁰ or domestic legislation; (ii) the protection afforded to asylum-seekers and refugees based on the expanded definition of the 1984 Cartagena Declaration on Refugees²¹; (iii) the protection afforded to any foreign national on the basis of international human rights obligations and, in particular, the principle of non-refoulement and so-called complementary protection or other forms of humanitarian protection; and (iv) the protection afforded to stateless persons in accordance with international instruments on the subject²².

Persons in a situation of climate change-induced immobility: persons or communities living in zones or areas affected or exposed to the risk of climatic events, including socio-environmental disasters, who are unable to move, either because they are unable to adapt or migrate (involuntary immobility) or because they do not wish to migrate or relocate for cultural, traditional, economic or social reasons, among others (voluntary immobility).

Complementary protection induced by climate change: the protection that must be provided to any person who, not being considered a refugee or asylum-seeker, cannot be returned to the territory of another country where their life, security, or liberty is in danger as a direct or indirect consequence of the impacts of climate change, including socio-environmental disasters²³.

Planned relocation: a set of measures, actions, and activities implemented by the State either on its own initiative or in response to specific requests, in order to move people or communities living in areas declared to be of high risk that cannot be mitigated to safer locations, away from such risk areas, that promote their integral development.

III. CONSIDERATION

RECALLING the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Protection of the

Rights of All Migrant Workers and Members of Their Families; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child; ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries; the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; the 1954 Convention relating to the Status of Stateless Persons; the 1961 Convention on the Reduction of Statelessness; the 1984 Cartagena Declaration on Refugees and its updates; the Guiding Principles on Internal Displacement; the Principles on Housing and Property Restitution for Refugees and Displaced Persons; the United Nations Framework Convention on Climate Change; the 2010 Cancun Adaptation Framework, the 2015 Paris Agreement; the Sendai Framework for Action 2015-2030; the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean; Global Compact on Refugees; the Global Compact for Safe, Orderly and Regular Migration; the Global Plan of Action to End Statelessness; the Los Angeles Declaration on Migration and Protection; and other relevant international instruments.

RECOGNIZING the obligation of the American States to protect the rights of all persons regardless of their migratory status, in accordance with the Charter of the Organization of American States (OAS); the American Declaration of the Rights and Duties of Man (ADHRR); the American Convention on Human Rights (ACHR); the Additional Protocol to the American Convention on Economic Rights, Social and Cultural; the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women; the Inter-American Convention against All Forms of Discrimination and Intolerance; the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention on the Protection of the Human Rights of Older Persons; the American Declaration on the Rights of Indigenous Peoples and the Inter-American Principles on the Human Rights of all migrants, refugees, stateless persons, and victims of human trafficking.

NOTING that, as highlighted in the Paris Agreement, climate change is a problem for all humanity and that, in addressing it, States must respect, promote and take into account their respective human rights obligations, in particular with respect to migrants and others in vulnerable situations. In the same vein, the IACHR and the Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights (REDESCA, by its Spanish acronym) have expressed their deep concern about the risks associated with the decline in the effective enjoyment of human rights in the Americas due to the adverse effects of climate change.

EMPHASIZING the universality, indivisibility, interdependence, interrelation, progressivity, and non-regressivity of all human rights and fundamental freedoms, and the need to guarantee all persons, regardless of their migratory status, the full respect of their human rights in accordance with Articles 1 and 2 of the American Convention; and the right of all persons in situations of human mobility to equal treatment and non-discrimination for reasons of race, color, sex, language, religion or belief, political or other opinion, national or social origin, economic status, birth, property, marital status, sexual orientation, gender identity or expression, ethnic group, disability, nationality or statelessness, migration or residence, age, reasons for crossing international borders or circumstances of travel, or any other factor.

REAFFIRMING the non-derogable principle of non-refoulement which prohibits the return of any person, including the prohibition of rejection at borders, to a country, whether or not it is their country of origin, where their rights to life, liberty and integrity would be at real and foreseeable risk of suffering irreparable harm. This protection applies not only in cases of persecution but also from other new risk and threat factors such as those arising from the climate emergency.

Likewise, prioritizing the principle of climate justice, which requires that climate-related measures be in line with existing human rights obligations, guaranteeing those who have contributed the least to climate change, yet suffer the most from its effects, both a participatory role in climate action and the benefits of effective remedies.

EMPHASIZING the principle of access to environmental information and transparency, which demands that States ensure that people have affordable, effective, and timely information on this matter, while also guaranteeing public participation in activities that respond to environmental matters and access to justice. Likewise, under the principle of maximum disclosure, it imposes on States the positive obligation to provide all the information in their possession that is necessary for people to be able to exercise other rights, particularly in the context of human mobility, such as the rights to life, personal integrity or health²⁴.

CONSIDERING that, in particular, within the context of the climate emergency, "frontline" communities are at the greatest risk of being displaced; that is, those who are disproportionately and directly affected by the impacts of climate change and inequality in society at higher rates than the rest of the population, such as rural communities that depend on their agricultural work, people living in small island developing States and least developed countries, communities surrounded by energy extractive production, indigenous peoples in high-risk areas, homeless people, low-income people, racialized persons, workers engaged in climate-vulnerable industries (such as fishers), persons with disabilities, individuals with medical problems (respiratory, for example), small business owners, immigrants, young people, children and women.

UNDERLINING that the specific, ongoing, and disproportionate violence suffered by countless displaced women, girls, and LGBTI persons is exacerbated by the adverse effects of climate change, as are sexual and gender-based violence, the violation of their sexual and reproductive rights, and the violence suffered by victims of human trafficking for all purposes, therefore, such violence must be analyzed from a human rights and gender perspective and with a differentiated approach throughout the cycle of displacement.

REAFFIRMING that Articles 22.1 of the ACHR and VIII of the DADDH guarantee everyone the right to move freely and to choose his or her residence within the territory of a State. In this regard, the Inter-American Court of Human Rights (IACHR Court) has indicated that freedom of movement is an indispensable condition for the free development of the individual, and that the ACHR obliges States to adopt positive measures (such as prevention, mitigation, and adaptation actions) to counteract the effects that could undermine the human right of every person not to be forcibly displaced²⁵. Likewise, the UN Human Rights Committee called on States to take strong measures at the national and international levels, since otherwise, the effects of climate change may expose people to violations of their rights, especially the right to life, generating the conditions that may trigger the application of the principle of non-refoulement²⁶.

AWARE that internal displacement may be unavoidable as a result of the adverse effects of climate change, including socio-environmental disasters, the IACHR recalls the duty of the States of the region to enact formal, robust, and effective legal frameworks that recognize the rights of displaced persons, ensure social participation, and include policies for protection, return, and reparation, with the aim of putting an end to continuous displacement and the multiple violations of human rights associated with it²⁷.

RECOGNIZING that the adverse effects of climate change, including socio-environmental disasters, can seriously disrupt public order, prompting increasing numbers of individuals and communities to cross a border in search of international protection. OAS Member States have the obligation, in accordance with Articles 22(2) and 22(7) of the

ACHR and Article XXVII of the DADDH, to respect the right of every person to leave any country freely and to seek and receive asylum in foreign territory. In this context, they must guarantee adequate mechanisms for access to the territory and provide international protection, taking into account the regional trend to consolidate a more inclusive interpretation in order to grant refugee protection to any person whose need for international protection is evident²⁸.

NOTING that certain persons may not be considered refugees based on the adverse effects of climate change, but neither could they be returned to their own territory or that of another country, as their rights are endangered. In particular, taking into account the jurisprudence of the Inter-American Court of Human Rights, people who flee their countries to avoid the violation or continued violation of their human rights deserve complementary protection. Therefore, in respect of Article 22.8 of the ACHR, they should not be returned to the place where their life, security, freedom and integrity are threatened²⁹.

GIVING that the irreversible effects of climate change are rendering certain environments uninhabitable, States must ensure durable solutions, including planned relocations of individuals or communities who might otherwise be forcibly displaced or in a situation of immobility that pose a risk to their lives and physical integrity. Within the framework of these processes, and following the Inter-American Court, States have both the positive obligation to establish effective and accessible procedures for individuals to access all relevant and appropriate information so that they can assess the risks they may face, and the corresponding duty of public participation, so that people are part of the decision-making process and that their opinions are heard³⁰.

URGING the OAS member states to strengthen peer-to-peer cooperation, an obligation of an *erga omnes* nature³¹, since no state can address human mobility alone, as it is an intrinsically transnational phenomenon that requires cooperation, coordination, and dialogue at the binational, subregional, and international levels³².

IV. OPERATIVE PART

The Inter-American Commission on Human Rights (IACHR), in the exercise of the functions conferred on it by Article 106 of the Charter of the Organization of American States (OAS) and in application of Article 41(b) of the American Convention on Human Rights ("Pact of San José, Costa Rica" or "American Convention") and Article 18(b) of its Statute, Solve:

SECTION I

General principles

A. Equality and non-discrimination

1. States have the obligation to ensure the unrestricted application of the principle of equality and non-discrimination in all measures adopted to guarantee, respect and protect the rights of all persons or communities affected by the adverse effects of climate change, including socio-environmental disasters, regardless of the type of movement.
2. States must incorporate approaches that take into account additional factors of discrimination, such as those that affect women, girls, boys, and adolescents, as well as LGTBQ+ people, people with disabilities, older adults, Afro-descendants, peasants, indigenous peoples, migrants and refugees, as well as other groups in vulnerable situations with respect to the protection and guarantee of their rights.

B. Differentiated approaches

3. In order to ensure the comprehensive protection of the rights of those on whom the adverse effects of climate change have the greatest impact, States must incorporate differentiated, intersectional, and intercultural approaches to protection into all laws and practices they adopt. Such measures must take into account multiple discrimination and the possible legal and/or practical obstacles that people may face in accessing and enjoying their rights, which are related to factors such as gender and gender identity, age, disability, ethnic-racial origin, socioeconomic status, sexual orientation, nationality, among others.

C. *Pro-Persona*

4. In addressing, or otherwise responding to, climate change-induced crises, States are obliged to design and implement comprehensive policies, laws, practices, plans and programs aimed at reducing human suffering. All such measures must respect the principles of non-regression and non-derogability of the human rights of individuals or communities affected by the adverse effects of climate change, including socio-environmental disasters.

D. Climate Justice

5. States have an obligation to incorporate a climate justice perspective when designing and implementing comprehensive policies, laws, practices, plans, and programs to address climate change. All such measures, based on human rights, must seek to balance the inequalities among individuals or communities in proportion to the direct or indirect contribution to climate change. In particular, they should focus on people in vulnerable situations, who have contributed minimally to climate change yet suffer its greatest consequences because lack the capacities and resources to deal with its effects. The States of the region that contribute the most or that have historically contributed the most to climate change must respond with greater effort to share responsibilities around climate mobility and its consequences.

E. Access to information and transparency

6. States have the obligation to guarantee the right of access to environmental information and the right to public participation in processes related to socio-environmental matters. In particular, measures that potentially have an impact on the increase in global temperature, such as greenhouse gas emissions, should be governed by the principle of maximum publicity.

SECTION II

Access to information and availability of data

7. With a view to developing public policies and fulfilling their obligations and duties in the field of climate mobility, it is essential that States strengthen access to information and the availability of data through environmental information

systems in the context of human mobility. To this end, States must obtain, organize, manage and communicate reliable, up-to-date, and disaggregated information and evidence. Access to information and the availability of data make it possible to improve and deepen our knowledge of the dynamics of human mobility, and to provide appropriate and effective responses.

A. Data and information

8. States must strengthen the evidence base and availability of quantitative and qualitative data on climate mobility.

9. In order to monitor the risk of displacement, to identify individuals or communities affected by the impacts of climate change, and to understand environmental patterns, among other reasons, States must:

- a) develop and implement a comprehensive strategy to improve the evidence base and availability of quantitative and qualitative data on climate mobility.
- b) establish and/or strengthen institutions responsible for collecting meteorological, climate, disaster, and displaced persons or persons at risk of displacement data and information;
- c) incorporate, harmonize and standardize conceptual criteria in terms of climate mobility and methodologies for the production of data and information;
- d) provide for systems, mechanisms and technologies that ensure reliable, effective and immediate data and information;
- e) prioritizing the disaggregation of data sensitive to gender, age, condition, or other particularities that strengthen the information collected;
- f) establish networks or alliances of collaboration with government entities -municipal, local, departmental, provincial, international organizations, civil society organizations, the academic sector and/or private entities.

B. Administrative records

10. States must establish administrative records to monitor individuals or communities at risk of displacement due to the impacts of climate change, including socio-environmental disasters.

The objective of these administrative registries is to include people or communities affected by the impacts of climate change, in order to characterize them according to their individual needs, guarantee their rights and, where appropriate, design interventions for durable solutions. To this end, a harmonized and uniform methodology should be established in advance, together with procedures for monitoring and updating information.

In particular, administrative records must incorporate the following elements:

- a) conditions of vulnerability of people or communities at risk or displaced;
- b) protection and assistance needs of people or communities at risk or displaced, respecting the principle of equality

and non-discrimination, such as differentiated approaches;

c) information relating to the event that generates the risk or causes the displacement;

d) duration and distance of displacement, where applicable.

11. Administrative records must respect the principle of confidentiality, and in particular, the right to privacy, protection of personal data, and equality and non-discrimination.

C. Population Registries and Surveys

12. In support of the measures indicated above, States must consider including the impacts of climate change in population registries or household surveys and in campaigns to collect information on people in situations of human mobility. Similarly, these impacts must be related to and incorporated both in the procedures for controlling entry or exit from the territory and in the internal procedures for admission or migratory regularization, in order to identify the causes of human mobility linked to climatic events.

13. Surveys must respect the principle of confidentiality, and in particular, the right to privacy, protection of personal data and equality and non-discrimination.

SECTION III

Duties of prevention, mitigation and adaptation

A. Right of every person or community not to be forcibly displaced

14. States have the obligation to adopt all necessary preparatory and anticipatory measures of a legal, political, administrative, and cultural nature, among others, in order to prevent people from being forcibly displaced from their places of origin or habitual residence due to the impacts of climate change, including socio-environmental disasters.

15. To this end, States must:

a) establish legal frameworks that provide for the planning of prevention, mitigation and/or adaptation programs aimed at avoiding the forced displacement of people or communities due to the impacts of climate change;

b) adapt and strengthen institutional capacities to implement these programs;

c) design effective mechanisms and strategies to diagnose and understand, based on scientific and community evidence, the impacts of climate change that could generate displacement;

d) ensure the participation of people or communities at risk of displacement in the planning, design and execution of mechanisms and strategies for the prevention of displacement, promoting the composition of citizens' assemblies and a territorial perspective;

e) arrange and execute mitigation and/or adaptation actions to minimize or prevent impacts that could induce displacement;

- f) develop dissemination campaigns and information projects about the circumstances surrounding the prevention, mitigation and adaptation measures, as well as about the risks that may induce the displacement of people or communities;
- g) establish mechanisms and strategies for monitoring situations of risk of displacement;
- h) integrate the human mobility component into the programs provided by States to adapt to the consequences of climate change or in the commitments undertaken to reduce their greenhouse gas emissions.

In particular, States have the duty to develop and implement all measures that strengthen the resilience of individuals or communities at risk of displacement, in order to ensure that they have the means to adapt to and overcome the deterioration of the environment while respecting their customs, cultures and traditions.

16. Any measure taken under prevention, mitigation and adaptation obligations should not restrict, impair or impede the exercise of the right of individuals to move freely and to choose their place of residence, including the right to seek safety elsewhere within one's own country and the right to seek and receive asylum.

SECTION IV

Duties of protection and assistance

A. Individuals or communities in climate change-induced immobility

17. States have the obligation to provide comprehensive humanitarian protection and assistance to individuals or communities in situations of immobility within their jurisdiction, respecting both the principles of equality and non-discrimination and the differentiated, intersectional approach that their situation of vulnerability requires. Likewise, States must create the conditions to ensure the right to permanence in conditions of dignity, through the implementation of development policies that allow people to develop their life projects. They must also ensure pathways for safe and dignified migration when desired, in compliance with their obligation to protect human rights.

18. When an environment is highly exposed to the risk of climate-related events, States must establish measures to ensure its habitability in conditions of dignity, security and freedom. States must also respect the factors that support the claim of individuals or communities to remain in their place of origin or habitual residence, pursue their life plans, and avoid forced displacement. In addition, they must implement policies that ensure the capacity for migration under safe and dignified conditions.

19. When individuals or communities do not have the capacity to cope with the impacts of climate change and lack the means to migrate or relocate (involuntary immobility), States are primarily obligated to observe duties of prevention, mitigation, and adaptation to avoid that exposure to environmental climate risks forces these groups to migrate or be displaced.

20. When these measures are unsuccessful because the risk exposure of environmental climatic events is high and is not mitigable or adaptable, States must maintain a close dialogue with affected individuals or communities to examine the alternatives that best meet their needs.

21. When individuals or communities do not wish to migrate or relocate due to cultural, traditional, economic, social or geographical factors, among others (voluntary immobility), States are first obligated to observe their duties of prevention, mitigation and adaptation to respect the right of these groups to choose their place of residence.

22. When an environment is highly exposed to the risk of climate-related events, States must establish measures to guarantee its habitability in conditions of dignity, security and freedom. They must also respect the factors on which the claim of individuals or communities to remain in their place of origin or habitual residence and not be forcibly displaced is based.

23. When exposure to the risk of climate-related events is high and cannot be mitigated or adapted, to such an extent that it endangers the right to life, personal integrity, and liberty of individuals or communities, States have the obligation to facilitate conditions for migration under safe and dignified circumstances. If this is not possible, States must establish planned relocation programs, respecting and guaranteeing all the measures set forth in the relevant section of this Resolution, including respect for human rights, access to reliable scientific information, the free, prior, and informed consent of individuals or communities, participation in the planning of the plan, and access to justice.

24. Without prejudice to voluntariness, when the situation of immobility occurs due to the occurrence of sudden climate-related events, including socio-environmental disasters, and individuals or communities are trapped or isolated in their place of origin or habitual residence, States must observe their obligations of protection and assistance. In particular, in accordance with the needs of individuals or communities in a situation of immobility, States must ensure, among others, the following rights:

- a) Family unity and protection
- b) adequate accommodation;
- c) access to drinking water;
- d) adequate and nutritious food;
- e) medical services;
- f) hygiene;
- g) clothing;
- h) communication;
- i) relocation to safe sites;
- j) durable solutions that respect economic, social, cultural and environmental rights.

B. Internally displaced persons or communities

25. States have the obligation to provide protection and comprehensive humanitarian assistance to all persons or communities internally displaced by the adverse effects of climate change, including socio-environmental disasters, who are within their jurisdiction, respecting both the principles of equality and non-discrimination and the differentiated,

intersectional approach that their situation of vulnerability requires. They must guarantee all the necessary means for the internal displacement of people or communities to take place under conditions of dignity, security and freedom.

26. In particular, States, in accordance with the needs of internally displaced persons or communities, must ensure, *inter alia*, the following rights:

- a) Family unity and protection
- b) adequate accommodation;
- c) access to safe drinking water;
- d) adequate and nutritious food;
- e) medical services;
- f) hygiene;
- g) clothing;
- h) communication;
- i) freedom of movement and choice of residence;
- j) the right to seek and receive asylum;
- k) durable solutions that respect economic, social, cultural and environmental rights.

27. In order to anticipate and respond immediately and comprehensively to the internal displacement of individuals or communities, States must:

- a) establish early warning systems to monitor situations of risk of internal displacement;
- b) integrate internal displacement into disaster risk management plans;
- c) provide contingency plans in line with risk assessments and monitoring to ensure responsive measures to internal displacement;
- d) ensure the participation of internally displaced persons or communities in the planning and design of response mechanisms and strategies, promoting the composition of citizen assemblies and the territorial perspective;
- e) designate and prepare evacuation spaces or shelters consistent with risk assessments and monitoring;
- f) equip evacuation spaces with adequate goods and services to meet the basic needs of internally displaced persons or communities;
- g) create and maintain registries to register or allow the registration of displaced persons or communities to facilitate the monitoring and follow-up of humanitarian assistance measures, as well as return or relocation measures in accordance with paragraph 48 of this Resolution;
- h) plan durable solutions that respect economic, social, cultural and environmental rights.

C. Right of everyone to seek and receive asylum

28. States must recognize in their legislation that the impacts of climate change, including socio-environmental disasters, interact with factors such as vulnerability, violence, poverty, or armed conflict, among others, giving rise to situations in which the need for international protection is normatively supported by the grounds of persecution established in the definition of refugee in the 1951 Convention relating to the Status of Refugees and its Protocol of 1967.

29. Likewise, States must recognize in their legislation that the impacts of climate change, including socio-environmental disasters, can trigger situations that seriously disturb public order, threatening the life, security or freedom of people, thereby giving rise to the need for international protection in accordance with the expanded definition of refugee established in the 1984 Cartagena Declaration on Refugees.

30. Given the multi-causality of elements that intertwine and have a direct or indirect impact on the need for international protection, States must incorporate into their legislation broad and flexible criteria of interpretation that allow for establishing the causal link between the direct or indirect impacts of climate change, including socio-environmental disasters, and the motivations of persecution, threats against life, integrity, security or freedom, or the circumstances that lead a person to seek international protection.

31. To this end, States must incorporate criteria that enable the identification of the context in which social, political, cultural and environmental factors, aggravated by the impacts of climate change, including socio-environmental disasters, interact with other determinants of displacement, such as vulnerability, gender, sexual orientation and gender identity, discrimination, violence, persecution, threats to life, integrity, security or freedom, armed conflicts or other circumstances that seriously disrupt public order.

32. States must train all relevant authorities, whether they are border agents responsible for asylum-seeking status or those responsible for determining the recognition of refugee status or persons in need of complementary protection, so that they have clear and precise information on the criteria used to identify the factors that interact with the adverse effects of climate change, including socio-environmental disasters, to adjudicate international protection claims effectively.

33. States must ensure that all persons seeking international protection induced by climate change have the right to access fair and efficient refugee status determination processes when they are under the jurisdiction, authority or effective control of a State, even if they are outside the territory of that State. Procedures must respect the guarantees of due process.

34. States must guarantee persons displaced by climate-related factors the right to unity and protection of family life, ensuring family reunification. They must adopt a broad concept of family and facilitate the verification of family ties through flexible means, in accordance with the particularities and contextual characteristics in which this type of human mobility occurs.

35. States, respecting the duty of confidentiality, have the obligation to facilitate the production and collection of evidentiary information by persons seeking international protection when it is directly or indirectly based on the impacts of climate change, including socio-environmental disasters. To this end, States should make use of available and reliable information on climate events, as well as benefit from cooperation mechanisms aimed at providing relevant information.

D. Non-refoulement

36. States must not deny entry, expel or return persons to territories where their life, security, or liberty may be threatened due to serious disturbances of public order, including those induced or caused by the impacts of climate change or socio-environmental disasters.

37. To this end, States must carry out an adequate and detailed analysis that takes into account the threats that such impacts may have on the right to life, integrity, security or liberty of individuals. The analysis should entail a cumulative risk assessment in the event of refoulement, i.e. it should take into account the circumstances and characteristics of the person concerned, the interaction of mobility with the consequences, direct or indirect, of climate change, including socio-environmental disasters, and the measures taken by their country of nationality or habitual residence in this regard. Likewise, the cumulative risk assessment must include differentiated approaches, aimed at people in vulnerable situations, as provided in the relevant section of this Resolution.

38. Climate events can also trigger situations that interact with factors such as violence or conflict, among others, amplifying pre-existing vulnerabilities and increasing the risk of displacement. Similarly, these circumstances may give rise to well-founded grounds of persecution that threaten the right to life, integrity, security or liberty, and prevent the return of the person to his or her country of nationality or habitual residence.

39. The principle of non-refoulement is non-derogable. It must be guaranteed and respected under all circumstances, including in situations of state of exception, emergency or public calamity.

E. Complementary protection induced by climate change

40. States must incorporate procedures to identify complementary protection needs for persons who cannot be returned to the territory of another country where their life, security, or liberty is in danger due to the impacts of climate change, including socio-environmental disasters. The procedures must adopt differentiated approaches, addressing the needs of people in situations of vulnerability, as provided in the relevant section of this Resolution.

41. In particular, with respect to persons or communities affected by climate-induced mobility, States have the obligation to guarantee in their legal frameworks effective, flexible, adaptable, accessible and durable alternatives for protection or migratory regularization, fully respecting the non-derogable principle of non-refoulement, such as:

- a) temporary protection mechanisms;
- b) humanitarian visas;
- c) ordinary regularization pathways;
- d) bilateral, subregional or regional agreements on temporary stay;
- e) bilateral, subregional or regional agreements facilitating documentation;
- f) Community sponsorship programs.

42. No complementary protection measures in the context of climate mobility shall be understood as a substitute for the primary obligation to examine the claim for international protection, in accordance with the human right to seek and receive asylum.

F. Protection of the right to nationality and the duty to prevent, reduce and eradicate statelessness

43. Every person has the right to a nationality, even if affected by the adverse effects of climate change. Priority should be given to acquiring the nationality of the State in whose territory the person was born, if they are not entitled to another nationality.

44. The right to a nationality is non-derogable. It must be guaranteed and respected under all circumstances, including in situations of state of exception, emergency or public calamity.

45. States must adopt legislative, practical, interpretative, and policy measures regarding the granting and acquisition of nationality, with the aim of preventing, reducing, and eradicating statelessness. To this end, States must identify the causes of statelessness and adopt specific measures addressing situations that may lead to statelessness, including impacts of climate change, such as sea-level rise in small island developing States, and socio-environmental disasters. In particular, States must consider the risk of statelessness of certain individuals, communities population groups, especially those who are on the "front line", that is, those most directly and disproportionately affected by climate change and social inequities. These groups, in addition to residing in remote or hard-to-reach areas or zones of high exposure to the risk of climate-related events, often face elevated risks of displacement, which may complicate timely birth registration.

46. States must adopt measures to register the birth and issue documentation that proves the identity of people belonging to indigenous populations, minorities, Afro-descendants, abandoned, orphaned, unaccompanied or separated children, who are considered especially vulnerable and who have been induced into human mobility by the impacts of climate change. States must also consider language barriers and illiteracy as possible difficulties to registration and adopt measures to overcome them.

SECTION V

Durable Solutions Duties (Return, Reintegration and Planned Relocation)

A. Return

47. States have an obligation to ensure the conditions and provide the necessary means to ensure that the right of individuals or communities displaced by the adverse effects of climate change, including socio-environmental disasters, to a voluntary, dignified, safe and informed return to their place of origin of habitual residence is respected.

48. In order to prevent persons or communities from being displaced again, States must take appropriate measures to:

- a) monitor the risk situation of the environment or its exposure to new hazards;
- b) implement appropriate prevention and adaptation measures;
- c) ensuring the full participation of displaced individuals or communities in the planning and management of return processes;
- d) guarantee adequate living conditions, with due respect for the customs, culture and traditions of displaced persons or communities;
- e) Establish mechanisms that ensure the voluntary return of displaced persons or communities, through the expression of fully informed consent in their own language, based on updated and objective information, including information about the place and circumstances to which they will return.

B. Planned relocation

49. States have the obligation to establish mechanisms, grounded in legal frameworks, that help determine or allow requests for the relocation of people or communities at risk of displacement or in a situation of immobility, in the face of the uninhabitability of the environment or the high exposure to non-mitigable risk.

50. The relocation of individuals or communities must be regarded as a measure of last resort, based on proven scientific facts, and should be planned in advance. This means that relocation should be undertaken only after all possible adaptation or risk management measures in the original areas have been exhausted, with the aim of minimizing forced displacement and promoting community stability.

51. The legal frameworks supporting planned relocation processes must define criteria of necessity and priority. Among other factors, they must consider the severity of exposure to uninhabitable or high-risk areas, the imminence of danger, government responses to the situation, and the vulnerabilities of the affected people or communities.

52. In planned relocation processes, States must guarantee affected individuals or communities access to public information, in an effective, transparent, accurate, up-to-date, and accessible manner, according to their needs and the language used by them, in order to assess the risks they may face. In particular, States must ensure that individuals give their free, prior and informed consent to accept or request relocation.

53. States must guarantee processes of participation and public consultation, allowing affected individuals or communities to provide local perspectives and to play an active role in the decision-making process so that their opinions and needs are heard. Participation and public consultation processes should also include host communities, if applicable. This participatory approach ensures that decisions are made in an inclusive manner, respecting the dignity, culture, and needs of the people involved, promoting harmonious and sustainable integration in the new territories.

54. States should assess in advance and on the basis of scientific information, the environment in which affected individuals or communities will be relocated. They must make every effort to respect the characteristics and particularities of the original location and ensure respect for their customs, culture and traditions in the place of relocation.

55. In the planning process, States must ensure that appropriate integration measures are adopted with respect to relocated persons or communities as well as host persons or communities, in order to ensure peaceful coexistence and solidarity and to avoid tensions or violence that may lead to other processes of displacement.

56. States should guarantee affected individuals or communities the right to access justice and to a simple, prompt and effective judicial remedy to challenge non-compliance with the measures taken within the framework of the planned relocation process.

57. States should ensure that they integrate a human rights-based, differentiated, comprehensive, intersectional, and gender-based approach into planned relocation programs. In particular, relocations must be approached from comprehensive approaches, through which not only housing solutions are provided, but also access to rights such as education, health, restoration of livelihoods, and respect for cultural identity at the destination.

C. Reintegration

58. States must establish return or relocation policies and programs that are free from discrimination and incorporate a differentiated and intersectional approach in accordance with the vulnerabilities of the affected individuals or communities. These programs must facilitate social and labor integration, as well as the recovery of property or possessions, in order to ensure peaceful coexistence and solidarity and to prevent tensions or violence that could result in further displacement.

SECTION VI

Principle of access to justice and reparation

59. The right of access to justice may not be suspended. It must be guaranteed and respected under all circumstances, including in situations of state of exception, emergency or public calamity. States have the obligation to guarantee effective access to justice with due guarantees in an effective, impartial and expeditious manner, consistent with the principles of immediacy, speed and due diligence.

60. Likewise, the right to judicial protection and to an effective remedy cannot be suspended. They must be guaranteed and respected under all circumstances, including in situations of state of exception, emergency or public calamity. The right to an effective remedy must be simple and prompt, against acts that violate the rights guaranteed by the relevant national legislation, as well as by international law.

61. The rights of access to justice, judicial protection, and effective remedy should not be subject to the presentation of identity documents that are difficult or impossible to obtain, taking into particular consideration the adverse context in which the situation of human mobility or interaction with immobility occurs.

62. In the event of non-compliance with duties regarding prevention, mitigation and adaptation, protection and assistance, and durable solutions that result in violation of human rights, States must observe their obligations to provide reparation to persons or communities displaced by the impacts of climate change, including socio-environmental

disasters. To this end, they must establish guarantees to facilitate the recognition of rights, their enforcement when they have been denied; their restitution when violated, and their realization when unjustified obstacles impede their exercise. Processes related to reparation must respect the principles of immediacy, speed and due diligence.

SECTION VII

Differentiated approaches to population groups

63. All laws, policies, practices and measures adopted in the field of climate mobility must guarantee the comprehensive protection of the rights of those on whom the adverse effects of climate change, including socio-environmental disasters, have a greater impact. Such measures must incorporate differentiated, intersectional and intercultural approaches to protection, with the objective of providing an effective and comprehensive response to their rights, in conditions of equality with the rest of the population.

A. Indigenous Peoples

64. States must ensure that measures taken on climate mobility incorporate the right of indigenous peoples to self-determination, respecting their right to freely define their economic, social and cultural development. They must also respect collective rights, such as control over their lands, territories and natural resources, and the right to cultural identity and integrity, including the guarantee of linguistic rights, spiritual practices and traditional knowledge. States must also ensure the right to prior consultation, with special emphasis on free, prior and informed consent, in accordance with their own methods of decision-making, as well as their forms of representation. All such measures must incorporate gender and intergenerational approaches.

B. Women

65. States must ensure reinforced protection against gender inequalities exacerbated by the impacts of climate change, and especially against the risks, threats and violations of women's human rights, including the rights to life, personal integrity and health. Likewise, policies or practices on climate mobility must include programs to prevent, sanction and eradicate all forms of violence to which women may be exposed as a result of the impacts of climate change, including socio-environmental disasters. In situations of displacement, reception sites must be adapted to their specific needs. Likewise, States must promote and guarantee the effective participation of women in decision-making processes concerning policies and measures to combat climate change.

C. Childhood

66. States must ensure that the impacts of climate change, including socio-environmental disasters, do not threaten the rights to life, personal integrity, and health of children and adolescents. In addition, States must adopt special protection measures, such as ensuring family unity and treating institutionalization as an exceptional measure, prioritizing family reunification even in emergency situations. Additionally, when adopting measures on climate mobility, States must respect the best interests of children and their right to be heard, along with the right to enjoy a healthy environment and to live on a planet equal to or in better conditions than their ancestors. States must also facilitate their participation in the adoption of prevention policies, mitigation or adaptation, aimed at reducing the conditions of vulnerability that could induce displacement. In the event of displacement, States must ensure priority access to the right to education, housing, water and sanitation, as well as accommodation suitable to their condition.

D. People of African descent

67. States must ensure that people of African descent enjoy full access to their economic, social, cultural, and environmental rights in contexts of human mobility. In particular, the right to collective property and cultural identity of Afro-descendant tribal communities, and the intrinsic relationship with territory and natural resources, must be protected. Their effective participation in decision-making processes on prevention, mitigation, and adaptation must be ensured, including the guarantee of free, prior, and informed consent in every consultation process. Likewise, the measures adopted within the framework of the climate-related migration must ensure their equitable access to resources, housing and basic services in situations of displacement, recognizing the specific vulnerabilities they face. They must also promote awareness and inclusion, along with the prevention and eradication of all forms of racial discrimination.

E. Lesbian, gay, bisexual, trans and intersex (LGBTI) people

68. States must ensure that climate mobility measures protect LGBTI people, especially from the risks, threats and violations they may face in the process of displacement, including their rights to life, personal integrity and health. Such measures cannot exclude LGBTI people due to discrimination. States should also incorporate awareness-raising and inclusion programs, as well as provisions to prevent and eradicate all forms of violence against LGBTI persons when they are exposed to the impacts of climate change, including socio-environmental disasters. In addition, they must ensure access to information and participation in decision-making. In the event of displacement, they must guarantee accommodation that respects their gender identity.

F. Migrants and refugees

69. States must ensure the protection of migrants and refugees affected by the impacts of climate change. They must include them in all policies on human mobility induced by climate change, ensuring access to economic, social and cultural rights, as well as their participation in decision-making, regardless of the migratory status within the territory. States must also respect the principle of non-refoulement, provide complementary protection, and facilitate pathways for regular migration.

G. Human rights defenders

70. States must recognize the importance of the work carried out by human rights defenders, in particular those who advocate for people in situations of human mobility induced by climate change and for environmental protection. States must prevent threats or violations to their fundamental rights and protect them against situations of risk that may arise from their advocacy work. The duty of prevention must be observed even when threats or violations come from acts of private individuals and must always be guided by an intersectional perspective that considers gender, ethnic-racial, and age dimensions. Finally, States must ensure the inclusion and participation of human rights defenders in decision-making processes on migration and climate-related issues and promote public policies that support their work.

H. Elderly

71. States must ensure that the impacts of climate change, including socio-environmental disasters, do not threaten the rights to life, personal integrity, and health of older persons. States must also ensure that climate mobility measures incorporate health care plans and policies specifically aimed at this population group. States must also provide priority access to basic services such as adequate shelter and social support during displacement processes, and protect their physical and mental well-being, ensuring their inclusion and participation in decision-making processes on adaptation and disaster response plans. Information on these measures must be adapted, accessible and appropriate to the age and needs of older people.

I. Persons with disabilities

72. States must ensure that climate mobility measures guarantee full accessibility of persons with disabilities to information and communication before, during and after emergencies; to early warning systems incorporating both visible and audible alerts; and to basic services, shelters and medical care. Likewise, in situations of displacement,

States must provide information in national sign languages and simple languages, including the use of pictograms, ensure access to their physical mobility, and address challenges related to assistive technologies, accessible transportation, accommodation and accessible services and in sign language. In the event of loss of personal support networks, States must guarantee assistance services, including personal assistance, to enable individuals to carry out daily activities with the greatest possible autonomy. It is advisable that in cases of displacement, deaf and deafblind people be placed in the same area to reduce linguistic, cultural and communication barriers.

SECTION VIII

Cooperation and coordination

73. States must promote and strengthen spaces for cooperation and coordination, both at the national level, between the different levels of government, and within binational, subregional and regional forums, with respect to persons or communities in the context of climate mobility.

74. In particular, States must establish mechanisms or consultative forums that contribute to the joint and supportive task of managing and responding to climate mobility in an articulated, coherent way and in accordance with the protection needs of the people or communities affected. Through these mechanisms, States should strengthen their institutional capacity and promote inter-institutional dialogues, including through measures such as:

- a) harmonizing and unifying criteria in relation to mobility typologies in the context of climate impacts, including disasters;
- b) creating systems to facilitate and exchange information, including statistics and indicators of migration trends;
- c) planning, developing and implementing immediate humanitarian assistance responses and reception arrangements;
- d) establishing early warning mechanisms and cross-border contingency plans;
- e) establishing continuous diagnostic mechanisms to monitor the protection and assistance needs of people or communities at risk or displaced by the adverse effects of climate change;
- f) providing training to border and migration authorities at the national, binational, subregional, and regional levels on the appropriate approaches and responses to situations of displacement.

75. States must promote technical and financial cooperation provided by the regional and international community, including United Nations agencies and entities, regional institutions, civil society organizations, private entities, and other relevant actors for the implementation of climate mobility policies grounded in a human rights-based approach.

Notas

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