

IMPLICATIONS OF SEA-LEVEL RISE ON HUMAN RIGHTS

AMNESTY INTERNATIONAL:

SUBMISSION TO THE HUMAN RIGHTS COUNCIL ADVISORY COMMITTEE QUESTIONNAIRE, 30 APRIL 2026

SUMMARY

This submission was prepared for the Human Rights Council Advisory Committee that is, in accordance with resolution 60/20 of 7 October 2025, preparing a study on the implications of sea-level rise for the full enjoyment of human rights.

Amnesty International draws on its recent research that highlights the human rights impacts of sea-level rise, with particular reference to the impacts on people living in low-lying atoll nations of **Tuvalu** and **Kiribati**, and the subsequent impacts related to their displacement associated with sea-level rise and climate change more generally, as outlined in Amnesty International's report *Navigating Injustice: Climate Displacement from the Pacific Islands of Tuvalu and Kiribati to Aotearoa New Zealand*. The full report is available at: <https://www.amnesty.org/en/documents/asa05/0343/2025/en/>.

Similar effects are being experienced around the world, especially people living in small island states or in coastal areas in lower income countries that bear little responsibility for climate change - including in **Bangladesh, Fiji, Honduras Pakistan, and Senegal** – these cases are highlighted in the additional publications below.

The human rights implications of climate change intersecting with rising sea levels are diverse – rising ocean temperatures are changing weather patterns and harming marine ecosystems, increasing extreme heat days, droughts, ocean acidification, salination of drinking water sources and eroding homes and livelihoods for coastal communities. This is having a disproportionate impact on people with disabilities or medical conditions, children, older people, women in all their diversity, Indigenous Peoples and other marginalized groups. It impacts peoples' ability to obtain clean drinking water, food security, and adequate housing, impacting their adequate standard of living, health as well as the rights to a clean, healthy and sustainable environment, and ultimately the right to life. It also results in people being displaced in the context of the climate crisis.

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THE EFFECTS OF SEA-LEVEL RISE ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND THE FORSEEABLE AND ACTUAL IMPACTS ON SMALL ISLANDS STATES AND LEAST DEVELOPED COUNTRIES (LDCS)

CASE STUDY OF TUVALU AND KIRIBATI:

For people living in the Pacific, coastal proximity increases the risk of exposure to the effects of human-induced climate change, particularly from rising sea levels, coastal erosion, king tides and floods. As equatorial and tropical countries, these islands are also more likely to suffer from extreme heat and increased droughts, as well as rapid-onset events such as cyclones, whose intensity and frequency are increased by climate change. Sea-level rise constitutes an existential threat for low lying islands that are projected to increasingly lose land to the encroaching ocean. Climate-change related impacts are compounded by exposure to other disasters such as tsunamis, volcanic eruptions and earthquakes. These create a relentless cycle of danger for already at-risk communities, that also results in the displacement of individuals or groups.

Low-lying atoll nations (that are all less than an average of 5m above sea level) in the Pacific, such as Tuvalu, Kiribati and the Marshall Islands – are more exposed to the effects of sea-level rise. On current projections, sea levels for countries such as Tuvalu and Kiribati could increase by as much as 15cm in the next 30 years. While sea-level rise presents a grave threat to the low-lying islands, the effects of this are not limited to the risk of islands being increasingly overtaken by the ocean. Long before this happens, the human rights to water, food security, and adequate housing under the right to an adequate standard of living, as well as the right to health, are being substantially impacted, concomitant to an increasing erosion of the right to a clean, healthy and sustainable environment. The combined impacts of human-induced climate change on these rights are jeopardizing people's right to a life with dignity and to personal integrity.

Countries like Kiribati and Tuvalu fall under the UN's least-developed country (LDC)¹ status because of their geographic remoteness, vulnerability to economic shocks, and dependence on imports for essential items such as food, fuel and medicines. This follows a broader global pattern where the states with the lowest income are experiencing the worst effects of the climate crisis even though they contribute the least to emissions. In line with the principle of common but differentiated responsibilities and respective capabilities (CBDR-RC), high income historically high emitting countries have a heightened duty to protect and cooperate to prevent climate harm, including through the provision of climate finance and technological support. Ultimately, LDCs are also unable to realize the right to effective remedies and the progressive realization of economic, social and cultural rights in line with their international human rights obligations without international cooperation and support. The legacies of colonization, including extractivist models of human and natural resource exploitation, as well as racism and discrimination, also play a part in the increased risks of Pacific People of suffering human rights harms from the adverse effects of climate change. These human rights impacts include, but are not limited to, impacts on food and water security, access to adequate housing, the right to health and the right to a clean, healthy and sustainable environment.

Sea-level rise is adversely affecting **the human right to water** in low-lying atoll nations, including by severely compromising availability of sufficient and adequate water for personal and domestic use. Without adequate and sufficient water, sanitation and hygiene, people's health, well-being and dignity are severely compromised. Sea-water incursions associated with sea-level rise, combined with increasing temperatures, droughts, and changes in rainfall, are impairing water quality and availability. Both Tuvalu and Kiribati rely on rainwater harvesting and to a lesser extent groundwater, but face significant challenges related to water quality and availability due to climate change. Studies show that almost 75% of the population have unsafe or likely unsafe drinking water in Kiribati, with salination and bacterial contamination being

¹ The LDC category was established by the UN General Assembly in 1971 to acknowledge that special support measures were needed to assist these countries. The United Nations defines LDCs as countries that have low levels of income and face severe structural impediments to sustainable development. See: <https://www.un.org/ohrills/content/ldc-category>

key problems.² Ensuring adequate amounts of water supply, and that it meets clean drinking water standards, remains a challenge that is being exacerbated by the climate crisis.

The UN Special Rapporteur on the human right to safe drinking water and sanitation noted as early as 2012 that the everyday impacts of climate change were being felt by Tuvaluans in terms of access to water and that this in turn could lead to increased risk of many water-borne illnesses.³ In 2020, a visit by the UN Committee on the Rights of the Child also expressed deep concern about the rights of children and access to safe drinking water in the context of climate change.⁴

Climate change, including the impacts of sea-level rise, also negatively impacts on **the human right to adequate food**. Food must be affordable and accessible to all. Tuvalu and Kiribati have limited accessible and arable land to sustain their own food production through agriculture and farming. Around 80% of people in Tuvalu and Kiribati rely on subsistence agriculture. While the lack of arable land is a challenge, climate change associated salinisation of the water supplies, floods, and salt-water seepage, combined with increased heat and drought, has meant that people in Tuvalu and Kiribati have greater difficulty growing crops themselves, as the quality of soil is negatively affected. Within the limited lands of these countries, only a few residents are lucky enough to have small garden plots where they can build raised garden beds to avoid salt-water seepage from the ground. Fishing is also hampered by changes to sea surface temperatures, coral bleaching and ocean acidification. The availability of fresh, quality and nutritious foods is limited by the inability to grow more diverse food supplies locally and results in a high dependence on imported and processed foods. During Amnesty International's research, interviewees expressed concern at the increasing cost, quality and availability of imported foods.

The **human right to adequate housing** is also affected by king tides and coastal erosion associated with rising sea levels, combined with cyclones and storm surges. These damage and destroy homes, and further reduce available land, leading to overcrowding, and trigger temporary or permanent displacement. The right to an adequate standard of living encompasses the right to housing. Such housing should be safe, secure, affordable and keep out the elements. In Kiribati and Tuvalu, access to land is intrinsically linked to adequate housing, economic opportunities and food security. The climate crisis adds to existing challenges of lack of available land, insecure land tenure and increased population density – driven in part by people moving from the outer islands to urban centres because of the impacts of climate change. Several people interviewed by Amnesty International noted that flooded houses were becoming increasingly common.

Climate change is undermining the **human right to health**. In its 2020 Health and Climate Change Profile for Tuvalu,⁵ the WHO noted that the climate crisis links to food security and water security, which in turn impact the prevalence of vector borne diseases, respiratory disease, skin conditions, mental health and non-communicable diseases. Persons with disabilities, medical conditions and older people are more vulnerable to the impacts of climate change, such as extreme heat. Impacts on food and water security associated to sea-level rise also compound health outcomes and reduce life expectancy.⁶ The relatively recent dietary shift towards processed and imported foods because of food insecurity, has been linked to the high prevalence of diabetes and other non-communicable diseases (NCDs), with this now being the

² Child Fund, "Tackling safe water challenges in Kiribati", 15 August 2023, <https://childfundalliance.org/blog/2023/08/15/tackling-safe-water-challenges-in-kiribati/>

³ UN Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation, Report: *Mission to Kiribati, 23-26 July 2012*, 1 July 2013, UN Doc. A/HRC/24/44/Add.2 (UN Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation, *Mission to Kiribati*)

⁴ UN Committee on the Rights of the Child (UNCRC), Concluding Observations: Tuvalu, 31 March 2020, UN Doc. CRC/C/TUV/CO/2-5

⁵ WHO, UNFCCC and Government of Tuvalu, *Health and Climate Change Country Profile: Tuvalu*, 2020, https://cdn.who.int/media/docs/default-source/climate-change/cc-health-climate-change-2020-tuvalu.pdf?sfvrsn=4dada945_3&download=true

⁶ Most Pacific adults (88%) do not consume enough fruit and vegetables, 82% are overweight or live with obesity, 33% live with hypertension and 40% live with hypercholesterolaemia. Salt consumption is more than double the WHO recommended daily intake. Reeve and others, "The tide of dietary risks for noncommunicable diseases in Pacific Islands: an analysis of population NCD surveys", 20 August 2022, *BMC Public Health*, Volume 22, Issue 1521, <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-022-13808-3>

leading cause of all deaths in the Pacific.⁷ Amnesty International has documented the connection between the climate crisis and the right to health globally.⁸

Cultural rights can also be impacted by sea-level rise, such as the flooding or erosion of land where traditional ceremonies take place, or where communities are fragmented or dispersed, leading to a loss of their communal practices and sometimes threatening the survival of their language.

Impacts on the rights to water, food, housing and health are directly interconnected with an increasing erosion of **the right to a clean, healthy and sustainable environment**.

Since water, food, housing and health establish the preconditions for the right to live with dignity, the impact of the climate crisis on these rights jeopardizes **the rights to life and personal integrity**. In its *Teitiota* decision, the UN Human Rights Committee (CCPR) accepted that sea-level rise may render conditions of life in Kiribati incompatible with the right to life with dignity, even before life-threatening risks materialize in loss of life.⁹ The International Court of Justice (ICJ)'s Advisory Opinion on the Obligations of States with respect to Climate Change also found that: "the adverse effects of climate change, including, inter alia, the impact on the health and livelihoods of individuals through events such as sea-level rise, drought, desertification and natural disasters, may significantly impair the enjoyment of certain human rights, in particular, the right to life, the right to health, the right to an adequate standard of living, which encompasses access to food, water and housing, the right to privacy, family and home, and the rights of women, children and indigenous peoples".¹⁰

GROUPS THAT ARE PARTICULARLY VULNERABLE TO SEA-LEVEL RISE: PEOPLE WITH DISABILITIES, MEDICAL CONDITIONS, WOMEN, CHILDREN AND OLDER PEOPLE AND INDIVIDUALS OF DIVERSE SEXUAL ORIENTATION AND GENDER IDENTITY

Amnesty International's research in the report *Navigating Injustice* shows that people with disabilities, medical conditions and older people suffer a double injustice – they are among the most impacted by the climate crisis in the Pacific and are least able to access migration pathways because of discriminatory restrictions. The organization's research in other countries (see below) has also documented how women and children, as well as individuals of diverse sexual orientation and gender identity, are also at greater risk to their lives, livelihoods, health, and, in the case of children, their education.

Interviews with people with disabilities clearly demonstrated the additional challenges they face vis-à-vis king tides, floods, and other impacts linked to sea-level rise. For example, a 55-year-old Tuvaluan woman with visual impairment told Amnesty International: "*Climate change and people with disabilities... It's very difficult for us. I was staying in a place very near to the sea, between the ocean and the lagoon. When the high tide came, the whole road and the house flooded. The rain came into the house. In these situations, it is difficult for us as people with disabilities to move around, but [staying in] the house is not safe either. During bad weather, we just stay inside... that's why I want to move away from the sea.*"

⁷ Charlton and others, Fish, food security and health in Pacific Island countries and territories: a systematic literature review, 24 March 2016, BMC Public Health, Volume 16, Issue 285, <https://bmcpublihealth.biomedcentral.com/articles/10.1186/s12889-016-2953-9>; see also submissions by Tuvalu and Kiribati to the International Court of Justice (ICJ), Advisory Opinion on the Obligations of States in Respect of Climate Change, 23 July 2025, <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf>

⁸ See Amnesty International, "*Climate change and health – what's the connection?*", 18 October 2024, <https://www.amnesty.org/en/latest/campaigns/2024/10/climate-change-and-health-whats-the-connection/>

⁹ Considering the deportation of an I-Kiribati man from Aotearoa New Zealand, the CCPR stated that "the effects of climate change in receiving States may expose individuals to a violation of their rights under articles 6 [right to life] or 7 [prohibition of torture or other cruel, inhuman or degrading treatment or punishment] of the [ICCPR], thereby triggering the *non-refoulement* obligations of sending States". The CCPR accepted that living conditions in a country particularly affected by slow onset environmental events may become incompatible with the right to life with dignity before a life-threatening risk is realized, and that "States parties may be in violation of [the right to life] even if such threats and situations do not result in the loss of life". UN Human Rights Committee on Civil and Political Rights (CCPR), *Ioane Teitiota v. New Zealand: Views Adopted by the Committee Under Article 5 (4) of the Optional Protocol, Concerning Communication 2728/2016*, 23 September 2020, UN Doc. CCPR/ C/127/D/2728/2016 (CCPR, *Ioane Teitiota v. New Zealand*), paras. 9.4 and 9.11.

¹⁰ ICJ, *Summary of the Advisory Opinion of 23 July 2025, Obligations of States in Respect of Climate Change*, <https://www.icj-cij.org/node/205627>

In a 2022 study by the Pacific Disability Forum that covered Kiribati, Tuvalu and the Solomon Islands, 159 persons with disabilities were noted to suffer additional risks due to climate change.¹¹ They noted that when households face food shortages, persons with disabilities were likely to eat less or no food; face additional challenges in accessing water during shortages; and were more prone to health problems during times of climate change-related extreme weather events. The study also described how people with mobility issues are at greater risk during cyclones and flooding.

Tuvalu and Kiribati ratified the CRPD in 2013. Despite this being the third most ratified human rights treaty in Pacific Island nations (after the CEDAW and the CRC), people with disabilities are under-represented in civic space and in leadership positions – both globally and within the Pacific – including in the areas of climate justice and disaster risk responses. In September 2025, the UN Committee on the Rights of Persons with Disabilities (CPRD) noted with concern that the Kiribati climate change and disaster responses have paid insufficient attention to people with disabilities. It observed gaps in early warning systems, evacuation services, shelters and equal access to humanitarian aid and urged greater inclusion of people with disabilities across all climate and disaster policies.

In the March 2025 review of Tuvalu, the CPRD noted that while Tuvalu's Climate policies reference people with disabilities, more needs to be done to ensure inclusivity, accessibility, active participation and equality. Additionally, these reports noted a lack of comprehensive and up-to-date statistical data on people with disabilities. In a publication by the Lancet, an interdisciplinary group of experts in disability, climate and public health noted: "People with disabilities are at disparately high risk from worsening climate hazards as the biophysical effects of global warming, ableism, systematic oppression, and histories of colonialism intersect, increasing disability human rights harms in many spaces, such as within minoritised communities (e.g. Indigenous people with disabilities in settler colonial countries) and especially in low-income countries and small island states." The publication further noted that institutional discrimination against people with disabilities means they are often excluded from climate-related decision making.

Internationally, the UN Framework Convention on Climate Change (UNFCCC) currently lacks a disability constituency, although a Disability Caucus was recognized in February 2026.¹² This exclusion is mirrored in the minimal reference to people with disabilities in reports by the Intergovernmental Panel on Climate Change (IPCC) on the effects of climate change. This lack of consultation and participation of people with disabilities leads to other indirect human rights consequences such as inaccessible evacuation shelters.¹³

In research from Pakistan that included human rights impacts of coastal and river flooding in Pakistan from 2022 and 2024 (that are also impacted by rising sea levels) Amnesty International's report *Uncounted*, revealed that people with disabilities, young children and older persons are at higher risk from climate effects such as extreme heat, or the water- and mosquito-borne diseases which spread after a flood. Often the emergency responses and evacuation procedures are inadequate, and this coupled with gaps in healthcare, leaves people unprotected – and fuels the uncounted deaths of older people and young children.¹⁴

In another report, *Any Tidal Wave Could Drown Us*,¹⁵ Amnesty International also documented how women and children in Dalit or Indigenous Munda communities in coastal areas of south-western Bangladesh, who are already marginalized through the impacts of systemic and intergenerational discrimination, risk contracting water-borne diseases after drinking water contaminated with salt water, as well as yeast infections in women. Pregnant women who drink highly saline water are also at risk of certain complications, and their newborn children are at high risk of infant mortality. Children in economically insecure families that have had to resort to borrowing money to survive after climate change-related disasters are also at greater risk of being lured into forced labour schemes.

¹¹ Pacific Disability Forum, *Disability and Climate Change in the Pacific: Findings from Kiribati, Solomon Islands, and Tuvalu*, August 2022, <https://pacificdisability.org/wp-content/uploads/2022/08/PDF-Final-Report-on-Climate-Change-and-Persons-with-Disabilities.pdf>

¹² International Disability Alliance, "Historic Climate Action Win: Disability Caucus Secures Official Recognition", 27 February 2026, available at https://www.linkedin.com/posts/international-disability-alliance_historic-climate-action-win-activity-7433102009752342528-xAiN

¹³ Amnesty International, *Navigating Injustice: Climate displacement from the Pacific Islands of Tuvalu and Kiribati to Aotearoa New Zealand*, 9 October 2025, p44

¹⁴ Amnesty International, *Uncounted: Invisible deaths of older people and children during climate disasters in Pakistan*, May 2025, ASA 33/9007/2025, <https://www.amnesty.org/en/documents/asa33/9007/2025/en/>

¹⁵ Amnesty International, *Any Tidal Wave Could Drown Us: Stories from the climate crisis*, 3 November 2022, IOR 40/6145/2022, <https://www.amnesty.org/en/documents/ior40/6145/2022/en/>

Amnesty International research in the same report showed how women, children and older people in fishing communities in the Fonseca Gulf area of Honduras are at risk of food insecurity and inadequate housing due to sea-level rise, extreme weather events and the reduction of fish stocks, putting their health at risk. Reduced income from fishing also means that families are less able to access medical treatment and to pay for their children's education. Sea-level rise in Honduras is causing permanent submergence of land, significant coastal erosion and more frequent and intense coastal flooding.¹⁶ Since 2012, for example, the coastline of one of the affected villages mentioned in the report, Cedeño, regressed between 65m and 108m.¹⁷

In the Langue de Barbe peninsula in Senegal, Amnesty's research also showed how women bear the brunt of migration by men, as their household and care responsibilities, alongside their occupations in fish processing and sale make them less mobile than men. While seasonal and permanent migration is not new in Senegal, climate change and sea-level rise are adding additional pressures on people to migrate and also affect the duration of migration and chosen destination. It also documents how a poorly planned adaptation project in 2003 actually worsened the situation for the people of the peninsula, contributing to the full submergence of an island and harming local economic activities.

In Fiji, a country among the most affected by climate change, including sea-level rise, ocean acidification and coral bleaching, the report also documented how homeless people, many of whom were people of diverse sexual orientation and gender identity, were at risk of food insecurity, and inadequate housing as well as stigmatization, discrimination and harassment following extreme weather events, with some reporting that they were sometimes blamed for these events.

Furthermore, climate change and sea-level rise can threaten the **right to education**, when educational facilities are destroyed by coastal erosion or flooding, or when students and their families have to relocate.

IMPACTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS FOR PEOPLE DISPLACED INTERNATIONALLY IN THE CONTEXT OF SEA-LEVEL RISE:

In 2019, the International Organization for Migration (IOM) estimated that 320,000 people were displaced by disasters between 2008 and 2017 in the Pacific. As sea-level rise - and climate change more broadly - worsens existing social inequalities and increases economic hardship, many migrate and are displaced, often without realizing the extent to which climate change is driving their displacement.

In small island states and low-lying nations, such as Tuvalu and Kiribati, possibilities for internal relocation are scarce due to their limited land areas and the lack of high grounds that could offer protection from the impacts of sea-level rise, floods, king tides, or coastal erosion. Rising sea levels therefore represent an existential threat to which internal relocation is unlikely to be a sufficient response.

People are often forced to seek avenues to migrate abroad, finding several challenges when navigating other countries' restrictive immigration policies. In the words of Ian Fry, then UN Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change, "There are simply insufficient pathways for persons displaced across international borders due to climate change to move regularly across borders, and they are therefore put at significant risk to various human rights violations."¹⁸

In the absence of dedicated, rights-based migration opportunities (including complementary pathways, such as "humanitarian" visas and other pathways for admission) that specifically target people at risk of human rights harms

¹⁶ Misereor and FIAN International Honduras, Impacto del cambio climático en los recursos costeros y medios de vida en las comunidades de Guapinol, Cedeño y Punta Ratón, Marcovia, Choluteca, 2021, (unpublished). For the general impacts of sea-level rise, see IPCC, "Special Report on the Ocean and Cryosphere in a Changing Climate": Chapter 4 - Sea-level rise and Implications for Low-Lying Islands, Coasts and Communities, September 2019, [ipcc.ch/site/assets/uploads/sites/3/2022/03/06_SROCC_Ch04_FINAL.pdf](https://www.ipcc.ch/site/assets/uploads/sites/3/2022/03/06_SROCC_Ch04_FINAL.pdf)

¹⁷ Misereor and FIAN International Honduras, Impacto del cambio climático en los recursos costeros y medios de vida en las comunidades de Guapinol, Cedeño y Punta Ratón, Marcovia, Choluteca, 2021 (unpublished)

¹⁸ UN Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change, Report: *Exploring Approaches to Enhance Climate Change Legislation, Supporting Climate Change Litigation and Advancing the Principle of Intergenerational Justice*, 28 July 2023, UN Ref A/78/255, para. 64 (UN Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change, *Exploring Approaches to Enhance Climate Change Legislation*).

caused by the impacts of climate change and disasters, those seeking to migrate in this context must navigate the limited opportunities offered by immigration policies in other areas, such as labour migration. However, some or most of those looking at migrating internationally risk falling through the cracks of stringent – at times discriminatory – immigration requirements. They may be prevented from ever being admitted to another country or fall into irregularity after admission. This situation contrasts with the increasing instances of states recognizing that the climate crisis is already forcing people to move across international borders, thus acknowledging the need to provide policy responses to those displaced internationally.

THE CASE OF AOTEAROA NEW ZEALAND

In the context of sea-level rise, many from Tuvalu and Kiribati aspire to migrate to Aotearoa New Zealand. Amnesty International's research analysed the immigration settings of Aotearoa New Zealand, where consecutive governments have insisted migration from Pacific Island countries impacted by sea-level rise can be facilitated through labour-based migration schemes, rather than dedicated humanitarian visas, portraying such labour migration schemes as a “flexible” immigration policy responding to climate-induced displacement.

Amnesty International's research, published in the report *Navigating Injustice*, shows that these immigration schemes, prioritizing the host country's economic considerations, (a) disregard completely the needs of the people worst affected by the negative effects of sea-level rise and other impacts of climate change, and (b) impose labour-based, age, and health requirements that are discriminatory, excluding anyone who is perceived by the system as a potential cost or as unable to contribute to Aotearoa New Zealand's labour market, including older people, people with disabilities and people with medical conditions. This leads to multiple human rights violations, including among other violations of the non-discrimination principle, the right to family life, and children's rights.

The lack of specific protection mechanisms or rights-based migration opportunities for those displaced in the context of climate change impacts and disasters further exposes them to human rights risks in their countries of destination, often associated with living with irregular migration status. As of 2017, an estimated 5,000 people from Pacific Island Countries were living in Aotearoa New Zealand with irregular migration status and would therefore be at risk of deportation. Between 2014 and 2024, 3,495 people have been deported to Pacific Island Countries, including 55 to Tuvalu and 60 to Kiribati.

Since the early 2010s, an increasing number of people from Tuvalu and Kiribati appealed to Aotearoa New Zealand's authorities to challenge their deportations to Pacific Island Countries, citing the risks to their lives and livelihoods if returned to areas particularly affected by climate change. In both 2023 and 2024, more than 80% of “humanitarian appeals” against deportation submitted by nationals of Tuvalu and Kiribati to Aotearoa New Zealand's Immigration and Protection Tribunal mentioned climate change and disasters. Amnesty International also found that the appeals mentioning climate change or other environmental concerns have had a significant rate of success. In fact, 74% of appeals mentioning climate change or other environmental concerns between 2013 and 2024 have been successful with different success rates over the years. However, the current system shows several deficiencies. Protection from deportation remains an exceptional measure and one that is contingent on first falling into irregular status, forcing individuals into legal limbo before their pleas for safety can even be heard. Irregular migration status involves serious human rights risks. Those who were living with irregular migration status in Aotearoa New Zealand recounted how scared they were of interacting with the authorities for any activity, no matter how important, including releasing statements to the police about crimes, going to the hospital, accessing essential services, or doing simple daily activities outside home. Many shared their difficulties in accessing healthcare. The higher costs imposed on them had a chilling effect, preventing them from getting treatment, at great risk to their health and well-being.

OBLIGATIONS OF ALL STATES

National climate laws, policies and measures, including those to address the impacts of climate change such as sea-level rise, must be consistent with human rights obligations and standards, reflect the level of responsibility and capacity of each State, and align with national emission reduction targets and related implementation plans. States must also develop policies and measures for a just energy transition aimed at keeping the increase in average global temperatures to the minimum possible and no higher than 1.5°C above pre-industrial levels.

States must comply with human rights policies and climate commitments such as the UN Framework Convention on Climate Change, the Paris Agreement, the obligations clarified in the ICJ Advisory Opinion on the Obligations of States in respect of Climate Change (23 July 2025), and human rights treaties in taking measures to address the climate crisis, in particular rising sea levels.

ADAPTATION AND MITIGATION

Regional and international courts have made clear that climate action is not only a matter of political will, but a legal obligation rooted in customary international law, international environmental and human rights law.¹⁹ In its landmark 2025 Advisory Opinion on state obligations in respect of climate change (ICJ AO), the ICJ affirmed that “that States must fulfil their [customary international law] duty to prevent significant harm to the environment by acting with due diligence.”²⁰ The court made clear that this standard of conduct is more or less stringent depending on the circumstances (including political and socio-economic) of the state concerned, under the principle of Common But Differentiated Responsibilities and Respective Capabilities (CBDR-RC),²¹ which may evolve over time.²²

The ICJ stressed that: “in order to guarantee the effective enjoyment of human rights, States must take measures to protect the climate system and other parts of the environment. These measures may include, inter alia, taking mitigation and adaptation measures, with due account given to the protection of human rights, the adoption of standards and legislation, and the regulation of the activities of private actors. Under international human rights law, States are required to take necessary measures in this regard.”²³

Based on the obligation for states to protect the enjoyment of human rights from the harmful effects of climate change, states must adopt all necessary measures to assist those within their jurisdiction to adapt to the foreseeable and unavoidable effects of climate change, thus minimizing the impact of climate change on their human rights.²⁴ Regions, provinces and municipalities should also act in line with the state’s obligations to adapt. All states have obligations under human rights law in relation to climate change adaptation, regardless of whether the state is responsible for the effects of the climate crisis, because states have an obligation to protect human rights from harms caused by third parties. States must therefore take action to protect their populations, paying particularly attention to the situation of Indigenous Peoples, communities, and marginalized groups and individuals, from the impacts of sea-level rise.

Amnesty International unequivocally emphasizes that climate action must result in climate justice. This requires a shift from viewing climate-change related events, including sea-level rise, as mere natural misfortunes. Rather, these are “unnatural” disasters intensified in scale and/or severity by human-induced climate change and by the centuries of resource exploitation in formerly colonized states that has fuelled the industrialization and development of higher income countries that bear the greatest historical responsibility for climate change.

In this context, the precautionary principle, as well as principles of intergenerational equity, non-discrimination, CBDR-RC and “polluter pays”, rooted in international environmental and human rights law, are all critical lenses for a climate justice approach.

States also have a customary duty to cooperate for the protection of the environment including by contributing to “practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases.”²⁵ The ICJ has explained that the duty of cooperation is founded on the recognition of the interdependence of states and the ensuing need for solidarity

¹⁹ Inter-American Court of Human Rights (IACtHR), *Climate Emergency and Human Rights*, advisory opinion, 29 May 2025, paras 36, 128, 129, 247, 275, 320 – 324

²⁰ International Court of Justice (ICJ), *Obligations of States in respect of Climate Change*, Advisory Opinion, July 2025, para. 280

²¹ The CBDR-RC principle was first formulated in the 1992 UN Framework Convention on Climate Change (UNFCCC) and refined in the 2015 Paris Agreement, acknowledging the different capabilities and differing responsibilities of individual countries in addressing climate change, while allowing for all parties to increase ambition over time.

²² ICJ, *Obligations of States in respect of Climate Change*, Advisory Opinion (previously cited), para. 280.

²³ ICJ, *Obligations of States in respect of Climate Change*, Advisory Opinion (previously cited), para. 403

²⁴ UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment, Report, 1 February 2016, UN Doc. A/HRC/31/52, para. 68.

²⁵ ICJ, *Obligations of States in respect of Climate Change*, Advisory Opinion (previously cited), paras. 214 – 215

among peoples [...].²⁶ The duty to cooperate is a central obligation under the climate change treaties, which emphasize the need for collective and coordinated action to mitigate climate change, support adaptation efforts and address climate harm.²⁷ It is intrinsic to the duty to prevent significant harm to the environment, and the principle that conservation and management of shared resources including the environment are based on shared interests and governed by the principle of good faith.²⁸

Further, states have obligations under Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) to seek or provide international assistance and cooperation for the progressive realization of ESC rights, according to their capacity and maximum available resources. Consequently, a lack of resources or the existence of conflict does not excuse a state's failure to respect, protect, and fulfil its obligations to mitigate and adapt to climate change.

Although neither the UNFCCC nor the Paris Agreement specifically mention fossil fuels, focusing instead on emissions reductions, the first global stocktake (GST) under the Paris Agreement in 2023 marked a milestone in explicitly calling for a transition “*away from fossil fuels in energy systems, in a just, orderly and equitable manner, accelerating action in this critical decade, so as to achieve net zero by 2050 in keeping with the science.*”²⁹ The first GST nevertheless lacks a clear follow-up mechanism, particularly in relation to a clear implementation timeline, which has driven some countries to form “coalitions of the willing” to pursue pathways for fossil fuel phase out in parallel processes outside the formal UNFCCC framework, such as the First Conference on Transitioning Away from Fossil Fuels, held in Santa Marta, Colombia between 24-29 April 2026 and the COP30 Presidency's initiative³⁰ to develop a Roadmap for Transitioning Away from Fossil Fuels in a Just, Orderly and Equitable Manner.³¹

The imperative to protect human rights by phasing out fossil fuels has also been made explicit by various UN treaty bodies³² and special procedures.³³ UN treaty bodies have called on individual states to reconsider fossil fuel projects in order to uphold their human rights obligations and their commitments under the Paris Agreement.³⁴ In May 2025, the UN Special Rapporteur on human rights and climate change clarified the human rights obligations of states and the responsibilities of businesses “*to phase out fossil fuels and related subsidies within the current decade.*”³⁵ She underscored that states' duty and businesses' responsibility to phase out fossil fuels are underpinned by several human rights obligations and principles, including the rights to self-determination, development, life, freedom from discrimination, the right to a clean, healthy and sustainable environment as well as the principle of intergenerational equity.³⁶ Furthermore, she found that states' continued fossil fuel subsidies amount to a violation of the obligation under the ICESCR to ensure maximum available resources for the realization of human rights, “*thereby diverting the maximum available public finance from combating climate change.*”³⁷

26 ICJ, Obligations of States in respect of Climate Change, Advisory Opinion (previously cited), para. 364.

27 ICJ, Obligations of States in respect of Climate Change, Advisory Opinion (previously cited), para. 140.

28 ICJ, Obligations of States in respect of Climate Change, Advisory Opinion (previously cited). para.141.

29 See, for example, UDHR, Article 2; ICCPR, Articles 2(1) and 26; ICESCR, Article 2(2); Convention on the Elimination of Racial Discrimination, Articles 2 and 5; Convention on the Elimination of Discrimination against Women, Article 1; Convention on the Rights of the Child, Article 2; Convention on the Rights of Persons with Disabilities, Article 5.

30 See UNFCCC, COP30 Presidency Roadmaps, <https://unfccc.int/cop30/cop30-presidency-roadmaps>

31 See Amnesty International's submission to the Roadmap process, *Human rights as a compass for transitioning away from fossil fuels in a just, orderly and equitable manner*, 31 March 2026, IOR 40/0863/2026, <https://www.amnesty.org/en/documents/ior40/0863/2026/en/>

32 See, for example, Joint statement by the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities, 14 May 2020, <https://docs.un.org/en/HRI/2019/1>.

33 OHCHR, “Fossil fuels at the heart of the planetary environmental crisis: UN experts”, 30 November 2023, <https://www.ohchr.org/en/press-releases/2023/11/fossils-fuels-heart-planetary-environmental-crisis-un-experts>

34 See, for example, CESCR, Concluding observations: Argentina, 1 November 2018, UN Doc. E/C.12/ARG/CO/4, paras 13-14; CESCR, Concluding observations: Norway, 2 April 2020, UN Doc. E/C.12/NOR/CO/6, paras 10-11; CEDAW Committee, Concluding observations: Norway, 2 March 2023, UN Doc. CEDAW/C/NOR/CO/10.

35 UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, *Report: The Imperative of Defossilizing our Economies*, 15 May 2025, UN Doc. A/HRC/59/42, para. 13.

36 UN Special Rapporteur on climate change, *The Imperative of Defossilizing our Economies* (previously cited), §V.

37 UN Special Rapporteur on climate change, *The Imperative of Defossilizing our Economies* (previously cited), para. 47(a).

A turning point in the recognition of fossil fuel phase out as a legal obligation came in the form of the 2025 ICJA AO which not only clarified that the agreed global temperature target is now 1.5°C but also established that:

“[f]ailure of a State to take appropriate action to protect the climate system from GHG emissions — including through fossil fuel production, fossil fuel consumption, the granting of fossil fuel exploration licences or the provision of fossil fuel subsidies — may constitute an internationally wrongful act which is attributable to that State,³⁸ including in relation to regulation of the conduct of private actors.³⁹

CLIMATE REPARATIONS FOR HISTORICAL AND ONGOING LOSS AND DAMAGE

“Loss and damage” refers to the inevitable and irreversible residual effects of climate change that we see now, and will continue to see growing at an exponential level if climate mitigation and adaptation efforts do not match the urgency of the current crisis.⁴⁰ They can either be categorized as economic in nature or “tangible” (for example damage to infrastructure or loss of income), or non-economic or “intangible” (for example loss of life, health, cultural knowledge, identity, biodiversity, displacement, inability to continue living on ancestral land and to maintain cultural traditions associated with this). The Paris Agreement recognizes the importance for all states to avert, minimize and address loss and damage associated with the adverse effects of climate change – including sea-level rise – and the role of sustainable development in reducing the risk of loss and damage.⁴¹

The economic consequences of the climate crisis are all already having a significant impact on lower-income and Small Island Developing States, including Pacific nations. Disaster risk assessments for Tuvalu by the Pacific Community (SPC), the World Bank and Asian Development Bank, forecast disaster responses in Tuvalu will cost US\$0.2 million per year.⁴² In the next few decades, Tuvalu has a 50% chance of experiencing a loss exceeding US\$4 million and casualties greater than 15 people.⁴³ Tarawa, Kiribati, is projected to experience annual damages of around US\$8-16 million per year by 2050 due to the adverse impacts of climate change, with additional losses hard to quantify. These forecasts do not consider the non-economic losses that include the potential loss of language and culture.

Under international human rights law, communities and individuals that have experienced human rights violations are entitled to effective remedies. The UN Basic Principles and Guidelines on the Right to Remedy and Reparation define substantive redress as consisting of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.⁴⁴ Restitution can be defined as restoring the victim to the original situation before the violation of international human rights law occurred. In the context of climate-related loss and damage, this could mean either restoring the actual situation where possible (for example, rebuilding destroyed infrastructure in case of a disaster) or assisting victims in achieving a situation that is similar to the previous one (for example, planned relocation in the context of slow-onset events that render an area uninhabitable). Compensation, or monetary reparation, is often used when restitution is found to be impossible.

The ICJ has underscored that legal consequences may arise for states that breach any obligations in relation to climate change.⁴⁵ The court emphasized that “responsibility for breaches of obligations under the climate change treaties, and in relation to the loss and damage associated with the adverse effects of climate change, is to be determined by applying the

³⁸ ICJ, *Obligations of States in respect of Climate Change*, Advisory Opinion (previously cited), para. 427.

³⁹ ICJ, *Obligations of States in respect of Climate Change*, Advisory Opinion (previously cited), para. 428, citing *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, I.C.J. Reports 2010 (I), pp. 79-80, para. 197; *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*.

⁴⁰ UN Environment Programme, “About Loss and Damage”, <https://www.unep.org/topics/climate-action/loss-and-damage/about-loss-and-damage>

⁴¹ Paris Agreement, Article 8.

⁴² Global Facility for Disaster Reduction and Recovery (GFDRR), “Country Risk Profile: Tuvalu”, 1 September 2011, <https://www.gfdr.org/en/publication/country-risk-profile-tuvalu>

⁴³ Pacific Catastrophe Risk Assessment and Financing Initiative, “Country Risk Profile: Tuvalu”, September 2011, <https://www.gfdr.org/sites/default/files/publication/PCRAFI%20AIR%20Brochure-%20Tuvalu.pdf>; Global Facility for Disaster Reduction and Recovery (GFDRR), “Country Risk Profile: Tuvalu”, 1 September 2011, <https://www.gfdr.org/en/publication/country-risk-profile-tuvalu>

⁴⁴ UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 2005, UN Doc. A/Res/60/147.

⁴⁵ ICJ, *Obligations of States in respect of Climate Change*, Advisory Opinion (previously cited), paras. 405 – 407.

well-established rules on State responsibility under customary international law.”⁴⁶ Furthermore, the court found that “obligations pertaining to the protection of the climate system and other parts of the environment from anthropogenic GHG emissions...are obligations erga omnes.”⁴⁷ As a result, the ICJ concluded that “responsibility for breaches of such obligations, such as climate change mitigation obligations, may be invoked by any State when such obligations arise under customary international law. When such obligations arise under the climate change treaties, all parties to the treaty may invoke such responsibility, since every party is deemed to have a legal interest in the protection of these obligations.”⁴⁸ The ICJ therefore endorsed the calls of frontline communities and countries most severely impacted by climate change for implementation of their right to full reparation.

The ICJ AO on climate change makes clear that given the scale of climate impacts experienced across many lower income states, including Pacific Islands, that have made minimal contribution to the climate crisis, such states may have legal grounds to seek remedies from historically high emitting countries for harm that can be attributed to climate inaction or failure to mitigate GHG emissions which mainly stem from the production and burning of fossil fuels.

Amnesty International is calling for just transitions away from fossil fuels in all sectors that incorporate an understanding of impacts, socio-environmental liabilities, and the need for climate reparations based on obligations of remedy and remediation for harms resulting from the entire fossil fuel lifecycle that takes into account all territorial, intersectional and other relevant dimensions.⁴⁹

CLIMATE FINANCE:

Under Article 9 of the Paris Agreement, climate finance refers to the provision of financial resources by high-income countries to support lower-income (termed “developing” under the Paris Agreement) states’ obligation to mitigate and adapt to climate change. Adequate climate finance is crucial to help lower-income countries mitigate and adapt to the effects of climate change to protect their populations from its resulting human rights harms. Providing adequate climate finance and other means of implementation⁵⁰ to lower income states is not only an obligation for some states under both the UNFCCC and the Paris Agreement,⁵¹ but also for all states in a position to do so under the principle of international cooperation and assistance stipulated by international human rights law.⁵² High income and high emitting countries have repeatedly failed to meet their existing obligations to provide climate finance,⁵³ particularly for adaptation.

The ICJ clarified in its 2025 Advisory Opinion that: “*While the Paris Agreement does not specify the amount or level of financial support that must be provided, the Court considers that, in line with the customary rules of treaty interpretation, this obligation must be interpreted in light of other provisions in the Agreement*” including the collective temperature goal of limiting global heating to 1.5°C above pre-industrial levels. The ICJ also stated that that the level of support “can be evaluated on the basis of several factors, including the capacity of developed States and the needs of developing States”.⁵⁴

Recognizing the importance of supporting adaptation measures in lower income countries, the Paris Agreement requires a balance between mitigation and adaptation finance,⁵⁵ but this has never come anywhere close to being achieved. In an attempt to start addressing the adaptation finance gap, in 2021, high income countries committed to double adaptation

⁴⁶ ICJ, Obligations of States in respect of Climate Change, Advisory Opinion (previously cited), paras. 420.

⁴⁷ ICJ, Obligations of States in respect of Climate Change, Advisory Opinion (previously cited), para 440 – 442.

⁴⁸ ICJ, Obligations of States in respect of Climate Change, Advisory Opinion (previously cited), para 440 – 442.

⁴⁹ See for example, Amnesty International, *Human rights as a compass for transitioning away from fossil fuels in a just, orderly and equitable manner*, 31 march 2026, IOR 40/0863/2026, <https://www.amnesty.org/en/documents/ior40/0863/2026/en/>

⁵⁰ Means of implementation under the Paris Agreement include finance, technology transfer and capacity building (Articles 9, 10 and 11).

⁵¹ UNFCCC (Article 4.3 and 4.4) and the Paris Agreement (Article 9.1). All states that are in a position to do so are encouraged to provide finance under Article 9.2 of the Paris Agreement

⁵² Article 2(1) of the ICESCR states: “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures”.

⁵³ Amnesty International, *Plenty to Go Around: Mobilizing Finance for Climate Justice* (Index: POL 30/8850/2025), 16 January 2025, <https://www.amnesty.org/en/documents/pol30/8850/2025/en/> (Amnesty International, *Plenty to Go Around*)

⁵⁴ ICJ, Obligations of States in respect of Climate Change, Advisory Opinion (previously cited), para. 265.

⁵⁵ Paris Agreement, Article 9.4

finance from 2019 levels by 2025, to reach a level of up to USD 40 billion.⁵⁶ Regrettably, in 2023, adaptation finance declined to USD 26 billion from USD 28 billion the year before. The 2025 UNEP Adaptation Gap Report estimates the costs of adaptation for lower income countries “to be in a plausible central range of US\$310–365 billion per year” by the year 2035 (in 2023 prices) and thus that current needs are 12–14 times as much as current finance flows.⁵⁷ With the cuts in international aid by the USA and several European countries announced in 2025, it seems entirely likely that the Glasgow pledge will not have been fulfilled and therefore the adaptation finance gap will increase further.

At the start of COP30, the Least Developed Countries (LDC) Group called for a tripling of annual adaptation finance by 2030 over 2019 levels to at least USD 120 billion, a new target to replace the expiring 2025 target, while the African Group of Negotiators called for USD 140 billion. Following protracted negotiations, a fairly weak reference was included in the Global Mutirão decision which only “calls for efforts” to triple adaptation finance by 2035 “in the context” of the New Collective Quantified Goal (NCQG) target of USD 300bn per year by 2035 from a “wide variety of sources”, including private finance. This does not amount to a specific commitment to the provision of any level of public grants-based finance by high income countries that are the most responsible for climate change. It also has a longer time frame than lower income countries had demanded and there is also no base line level specified.⁵⁸ These developments add to concerns that a tripling of adaptation finance will be extremely hard to achieve.

Climate resilience in lower income countries relies on strengthening basic essential services and public goods such as water, healthcare, social protection, basic infrastructure and disaster preparedness. Such strengthening contributes to the progressive realization of economic, social and cultural rights, and as such must be affordable, of adequate quality, and accessible to all without discrimination. Yet such services generally do not attract private finance as they do not generate profit. For example, UNEP has reported that only about 25% of the costed adaptation needs are in areas that traditionally have attracted private investment.⁵⁹ This highlights the urgent need for public grants based or highly concessional finance for adaptation measures. Lower income countries should not be forced into greater debt distress in order to protect their populations from the harmful climate impacts for which they are not responsible.

Furthermore, Amnesty International, much of the climate justice movement and many lower-income countries are advocating for the provision of climate finance to include support to address loss and damage and for just transitions away from fossil fuels in all sectors. Without addressing these, the climate crisis will continue to deepen inequalities among and within countries.

Based on the duty of international cooperation and on the duty to provide remedy for human rights violations caused by the failure to prevent foreseeable human rights harm, countries that are most responsible for climate change have the obligation to contribute finance to provide remedy for loss and damage.⁶⁰ These countries must increase contributions to the Fund for responding to Loss and Damage (FRLD) established in 2022, reflecting their greater historical responsibility for emissions and for loss and damage. Other high-emitting countries able to contribute, particularly high emitting G20 and high-income fossil fuel producing states, should also do so in line with their obligations to provide international cooperation and assistance and in line with the CBDR-RC and polluter pays principles.

OBLIGATIONS OF HOST STATES VIS-A-VIS INDIVIDUALS BEING DISPLACED IN THE CONTEXT OF CLIMATE CHANGE AND DISASTERS:

AGENCY AND CHOICE: A HUMAN RIGHTS BASED APPROACH TO CLIMATE DISPLACEMENT

Through extensive interviews with Pacific People and consultations with Pacific communities in both Aotearoa New Zealand and Tuvalu, Amnesty International shed light on affected individuals’ own perspectives towards international migration

⁵⁶ UNFCCC, Glasgow Climate Pact, Decision 1/CMA.3, para. 18 in UN Doc. FCCC/PA/CMA/2021/10/Add.1, <https://unfccc.int/documents/460950>

⁵⁷ UNEP, *Running on Empty: Adaptation Gap Report 2025*, 29 October 2025, <https://www.unep.org/resources/adaptation-gap-report-2025>, p. 50

⁵⁸ UNFCCC, Global Mutirão Decision, para 53, previously cited

⁵⁹ UNEP, *Running on Empty: Adaptation Gap Report 2025*, 29 October 2025, previously cited, p. 55

⁶⁰ ICJ, *Advisory Opinion on the Obligations of States in Respect of Climate Change* (previously cited), paras. 142, 214-218.

opportunities in the context of climate change and disasters. As concerns over loss of cultural and linguistic identities emerged, what resonated most was the fundamental human prerogative to have choices in the face of a crisis that is thrust upon Pacific people and front-line communities – including the right to seek safety across borders in a dignified manner. As human rights, particularly the right to life with dignity and the right to a clean, healthy and sustainable environment, continue to be eroded by the climate crisis, these voices cannot be silenced or ignored any longer.

Overwhelmingly in both Tuvalu and Aotearoa New Zealand, those interviewed supported having the choice to migrate due to the adverse effects of climate change and other disasters. However, most people did not consider staying in place or migrating as mutually exclusive decisions, but rather two sides of a spectrum of options that different people may want or need at different times, due to the negative effects of the climate crisis. Further, those who expressed a desire to relocate wanted to maintain connections and be able to return to their homes in Pacific Island Countries. Some people emphatically wanted to stay. This did not necessarily mean the threat of climate change was less severe, but rather that these decisions are complex and driven by multiple factors. In all cases, the decision to migrate was not taken without fear of sacrificing connection to land, family, communities, language and culture.

Providing safe options and choices to individuals and groups most severely affected by climate change through adequate migration pathways, including humanitarian visas and/or protection categories, is part of states' obligations to ensure protection for people whose human rights are being threatened by the adverse impacts of sea-level rise, climate change and disasters. As outlined in the next section, recent developments in international case law – including the advisory opinions of the International Court of Justice and the Inter-American Court of Human Rights – appear to confirm that those who seek to leave in the context of climate change should have access to options that include safe migration pathways. Options for safe migration should be an integral part of states' immigration policies and climate action.

A human rights-based response requires that complementary pathways should be developed in close consultation with affected communities, to provide rights-based migration opportunities to the individuals most affected by the impacts of climate change and disasters. These pathways should be based on applicants' risk of human rights harm and prioritize those that are otherwise unable to meet the requirements of other immigration channels, such as work visas.

In no case, however, should the provision of migration pathways come at the expense of states' commitments and legal obligations to deliver urgent and ambitious climate action, including ensuring mitigation, adaptation, risk reduction, as well as a just transition away from fossil fuels in all sectors, so as to protect the rights of people who stay. For as long as the international community fails to protect the rights of people who remain in place to live with dignity in the face of climate change-related human rights threats, leaving cannot be considered a choice driven by agency, but a matter of survival.

MIGRATION PATHWAYS IN THE CONTEXT OF THE CLIMATE CRISIS

States' duty to protect people from the impacts of climate change – and therefore from being forcibly displaced from their homes in the context of the climate crisis – is widely recognized. In contrast, providing options for people impacted by the climate crisis to move across borders or to be protected from deportation rarely translates into states' domestic legislation. However, recent developments in international case law appear to confirm that, as migration becomes one of many ways in which people seek safety and to adapt to the worsening effects of the climate crisis, those who seek to leave should have access to options that include safe migration pathways.

In July 2025, the International Court of Justice (ICJ) affirmed that conditions resulting from climate change which are likely to endanger the lives of individuals may lead them to seek safety in another country or prevent them from returning to their own.⁶¹ The court also noted that the IPCC has described sea-level rise as “unavoidable” and has concluded with a high level of confidence that, as a result, the risks to people will continue to increase. It noted that scientific data “demonstrates that sea-level rise is likely to have adverse consequences particularly for “small island” and “low-lying” coastal states, “potentially leading to the forced displacement of populations within their territory or across borders”, as well as affecting their territorial integrity and their population's right to self-determination.⁶² The ICJ also emphasized that states' legal obligation “to co-operate in solving international problems of economic, social, cultural or humanitarian character” assumes

⁶¹ ICJ, *Advisory Opinion on the Obligations of States in Respect of Climate Change* (previously cited), <https://www.icj-cij.org/node/205627>, para. 378

⁶² ICJ, *Advisory Opinion on the Obligations of States in Respect of Climate Change* (previously cited), paras. 356-357.

“particular significance” in the context of sea-level rise; and that “co-operation in addressing sea-level rise is not a matter of choice for States but a legal obligation.” The Court concluded that in the context of sea-level rise states must “work together with a view to achieving equitable solutions, taking into account the rights of affected States and those of their populations”. Although the Court was not prescriptive on states’ specific obligations in this regard, these could potentially include both obligations to assist populations to remain in place, as well as to provide safe and legal pathways for international migration and relocations.⁶³

In May 2025, the Inter-American Court of Human Rights issued its Advisory Opinion clarifying the specific obligations of states to address the climate crisis through a human rights lens. The Court underscored the obligation of states to establish effective mechanisms to ensure humanitarian protection to people displaced across borders due to climate change “by establishing appropriate migration categories such as humanitarian visas, temporary residence permits, and/ or protection under refugee status or similar status, which can provide them with protection against refoulement”.⁶⁴

At the global level, calls to develop migration pathways and international protection for people displaced by climate change impacts and disasters have intensified in the last decade, including by state-led initiatives such as the Nansen Initiative Protection Agenda,⁶⁵ the Platform on Disaster Displacement and the Global Compact on Safe Orderly and Regular Migration.⁶⁶ Similar calls were voiced by the United Nations High Commissioner for Refugees (UNCHR),⁶⁷ the Special Rapporteur on the promotion and protection of human rights in the context of climate change,⁶⁸ academia⁶⁹ and civil society.

The Global Compact for Migration (2018) provided “that adaptation in the country of origin is a priority”, while recognizing the need to “[d]evelop coherent approaches to the challenges of migration movements in the context of sudden-onset and slow-onset natural [sic] disasters”. Under Objective 5 – titled “enhance availability and flexibility of pathways for regular migration”⁷⁰ – the Compact includes, among others, states’ commitment to “[c]ooperate to identify, develop and strengthen solutions for migrants compelled to leave their countries of origin owing to slow-onset natural disasters, the adverse effects of climate change, and environmental degradation, such as desertification, land degradation, drought and sea-level rise, including by devising planned relocation and visa options, in cases where adaptation in or return to their country of origin is not possible”.⁷¹

In the absence of dedicated, rights-based migration opportunities, including complementary pathways, such as “humanitarian” visas and other pathways for admission that specifically target people at risk of human rights violations caused by the impacts of climate change and disasters, those seeking to migrate in this context must navigate the limited opportunities offered by immigration policies in other areas, such as labour migration. While states maintain their sovereign power to control the entry and stay of foreign nationals on their territory (including through migration policies) they must exercise that power in accordance with international human rights law and standards. These include, among others, the principle of non-discrimination, the right to family life, the prohibition of inhuman treatment, the principle of non-refoulement

⁶³ ICJ, *Advisory Opinion on the Obligations of States in Respect of Climate Change* (previously cited), paras. 354-365

⁶⁴ Inter-American Court of Human Rights, *Opinión Consultiva OC-32/25*, 29 May 2025, par. 433

⁶⁵ Nansen Initiative, *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change*, December 2015, <https://disasterdisplacement.org/wp-content/uploads/2015/02/PROTECTION-AGENDA-VOLUME-1.pdf> (Nansen Initiative).

⁶⁶ UNGA, Global Compact for Safe, Orderly and Regular Migration, 11 January 2019, UN Doc. A/RES/73/195 (UNGA, Global Compact for Safe, Orderly and Regular Migration)

⁶⁷ See, among others: UNHCR, “UNHCR appeals to strengthen the protection of people displaced by climate change at a historical IACHR hearing”, 5 March 2024, <https://www.unhcr.org/us/news/press-releases/unhcr-appeals-strengthen-protection-people-displaced-climate-change-historical>

⁶⁸ UN Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change, *Exploring Approaches to Enhance Climate Change Legislation* (previously cited).

⁶⁹ J. McAdam, J and T. Wood, *Kaldor Centre Principles on Climate Mobility*, 2023, Kaldor Centre for International Refugee Law, UNSW Sydney, www.unsw.edu.au/content/dam/pdfs/unsw-adobe-websites/kaldor-centre/2023-11-others/2023-11-Principles-on-Climate-Mobility-v-4-DIGITAL_Singles.pdf

⁷⁰ UNGA, Global Compact for Safe, Orderly and Regular Migration, 11 January 2019, UN Doc. A/RES/73/195, para. 18(l).

⁷¹ UNGA, Global Compact for Safe, Orderly and Regular Migration (previously cited), para. 21(h). At para. 21(g), it also established a commitment to: “[d]evelop or build on existing national and regional practices for admission and stay of appropriate duration based on compassionate, humanitarian or other considerations for migrants compelled to leave their countries of origin owing to sudden-onset natural disasters and other precarious situations, such as by providing humanitarian visas, private sponsorships, access to education for children, and temporary work permits, while adaptation in or return to their country of origin is not possible.”

and the right to asylum, as well as the best interests of the child.⁷² Therefore, countries of destination must ensure that all migration pathways (including work visas, visas for educational purposes, or family visas) are non-discriminatory and free from exploitation.

PROTECTIONS FROM DEPORTATION IN THE CONTEXT OF THE CLIMATE CRISIS

The principle of non-refoulement,⁷³ as part of international customary law, makes it legally binding on all states to ensure that everyone is protected against their forcible removal to another country or jurisdiction, where they may be at real risk of suffering serious violations of their human rights. Non-refoulement protections extend to human rights risks in the country of return associated with disasters and the impacts of climate change, including sea-level rise. These may include risks of a violation of the right to life, personal integrity, or health, including in situations where environmental factors affect a person's right to live with dignity.

In its July 2025 Advisory Opinion on the Obligations of States in respect of Climate Change, the ICJ reaffirmed that “*States have obligations under the principle of non-refoulement where there are substantial grounds for believing that there is a real risk of irreparable harm to the right to life in breach of Article 6 of the ICCPR if individuals are returned to their country of origin.*”⁷⁴

Other rights that may validly raise non-refoulement obligations include the right to personal integrity (both physical and psychological integrity),⁷⁵ or the right to health.⁷⁶ States must suspend the return of people to places affected by disasters and climate change where environmental degradation has compromised the upholding of human rights to the point of triggering non-refoulement protections.⁷⁷

People displaced by environmental disasters and climate change-related impacts, including sea-level rise, may in some circumstances also benefit from international protection under the 1951 Refugee Convention.⁷⁸ Although the adverse effects of climate change tend to extend to entire populations, “a well-founded fear of being persecuted may arise especially for people who are already marginalized or vulnerable”.⁷⁹ Among others, women, children, older people and people with

⁷² The UN Human Rights Committee indicated that “The Covenant does not recognize the right of aliens to enter or reside in the territory of a State party. It is in principle a matter for the State to decide who it will admit to its territory. However, in certain circumstances an alien may enjoy the protection of the Covenant even in relation to entry or residence, for example, when considerations of non-discrimination, prohibition of inhuman treatment and respect for family life arise”. CCPR, General Comment 15: The Position of Aliens Under the Covenant, para. 5; see also CRC (Article 10.1).

⁷³ UNHCR, *The Principle of Non-Refoulement as a Norm of Customary International Law: Response to the Questions Posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in Cases 2 BvR 1938/93, 2 BvR 1953/93, 2 BvR 1954/93*, 31 January 1994.

⁷⁴ ICJ, *Advisory Opinion on the Obligations of States in Respect of Climate Change* (previously cited), para. 378.

⁷⁵ Considering the deportation of an I-Kiribati man from Aotearoa New Zealand, the CCPR stated that “the effects of climate change in receiving States may expose individuals to a violation of their rights under articles 6 [right to life] or 7 [prohibition of torture or other cruel, inhuman or degrading treatment or punishment] of the [ICCPR], thereby triggering the *non-refoulement* obligations of sending States”. The CCPR accepted that living conditions in a country particularly affected by slow onset environmental events may become incompatible with the right to life with dignity before a life-threatening risk is realized, and that “States parties may be in violation of [the right to life] even if such threats and situations do not result in the loss of life”. CCPR, *Ioane Teitiota v. New Zealand* (previously cited), paras. 9.4 and 9.11.

⁷⁶ The threshold for triggering non-refoulement protections varies in relation to individual circumstances and characteristics (gender, age, disability, and others) and their interaction with environmental phenomena. Amnesty International, *Americas: Amicus curiae* (previously cited), paras. 74-76.

⁷⁷ In 2015, the Nansen Initiative found that a significant number of states have refrained from returning people affected by climate change and environmental disasters. Nansen Initiative (previously cited), p. 50. Judicial authorities in several countries have also interpreted existing human rights obligations as recognizing protection against refoulement to places where people's rights would be at risk due to climate or environment-related events; Amnesty International, *Americas: Amicus curiae submitted by Amnesty International to the Inter-American Court of Human Rights on climate emergency and human rights* (Index: AMR 01/7332/2023), 15 December 2023, <https://www.amnesty.org/en/documents/amr01/7332/2023/en/>, paras. 77-78.

⁷⁸ UNHCR clarified that “both in the short and longer term, [climate change-] affected populations may be exposed to a risk of human rights violations that amount to persecution within the meaning of the 1951 Convention”. UNHCR, *Legal Considerations Regarding Claims for International Protection Made in the Context of the Adverse Effects of Climate Change and Disasters*, 2020, <https://www.refworld.org/docid/5f75f2734.html>, (UNHCR, *Legal Considerations*), para. 7.

⁷⁹ UNHCR outlined examples of persecution qualifiable under the 1951 Convention, such as situations where access to resources is denied in a discriminatory manner; where “a government withholds or deprioritizes protection by denying relief aid to specific populations”; “where post-disaster relief is politicized”; or “where the environment, its natural resources or ancestral lands are deliberately destroyed to persecute particular populations”. Social pressures caused by environmental degradation may also lead to situations of violence and conflict, which would provide many with valid claims for refugee status. UNHCR, *Legal Considerations* (previously cited), para. 10.

disabilities, Indigenous People, persons living in rural areas relying on natural resources for their livelihoods, and environmental defenders or activists are especially at risk.

Countries across the world have introduced “complementary” forms of protection in their legislation, to protect from refoulement those individuals who do not qualify for refugee status. Only some, though, introduced forms of protection specifically designed for people displaced in the context of the climate crisis and environmental disasters.⁸⁰

RECOMMENDATIONS TO STATES TO ADDRESS GAPS OR CHALLENGES IN EXISTING NATIONAL, REGIONAL, AND INTERNATIONAL POLICIES AND LEGAL FRAMEWORKS

- Rapidly and equitably phase out all fossil fuel extraction, production and use, and shift towards renewable energy for all produced in a manner consistent with human rights as quickly as possible, based on each state’s capacities and responsibility for emissions, with higher income historically high emitting states leading the way.
 - At COP31, adopt a robust process for the swift operationalization of the Just Transition Mechanism agreed at COP30, with meaningful and effective participation of Indigenous Peoples and civil society in all its diversity.
 - Ensure human rights compliant just transition pathways, developed with the meaningful participation of affected peoples and communities, are included in all new or revised Nationally Determined Contributions (NDCs), National Adaptation Plans (NAPs) and long-term low GHG development strategies (LT-LEDS).
- High income historically high emitting countries, and other states in a position to do so, should:
 - Rapidly provide adequate, new, additional and predictable finance for climate action– primarily in the form of grant equivalent public finance – to support other countries in reducing emissions, adapting to climate change, ensuring just transitions away from fossil fuels in all sectors, and addressing climate change-related loss and damage to ensure people’s right to live in dignity in their homelands is truly protected, and climate change-related forced displacement is prevented to the greatest possible extent.
 - Massively scale up funding for climate change adaptation to address the adaptation finance gap and for the Fund for responding to Loss and Damage.
- Reduce the likelihood and extent of climate-related displacement both internally and across borders, by supporting communities to stay safely at home, and avoid forced displacement and loss and damage to the greatest possible extent, supporting adaptation efforts.
- Protect people from sea-level rise domestically and through international cooperation, as well as implementing commitments under customary international law, the Sustainable Development Goals (SDGs), the Sendai Framework for Disaster Risk Reduction and the Paris Agreement.
- Adopt and implement climate adaptation projects linked to sea-level rise, such as island raising and relocating homes or communities, that adequately protect people from the foreseeable and unavoidable impacts of climate change.
 - In particular, such projects must take into account the needs and requirements of different groups in the design and implementation of climate change adaptation and disaster-risk reduction strategies and give priority to the most marginalized groups, communities and individuals; address gender and racial power imbalances; and engage respectfully with Indigenous Peoples and local communities in order to request their help in sharing their traditional knowledge and science of climate change mitigation and adaptation.

⁸⁰ Amnesty International, *Americas: Amicus curiae* (previously cited), para. 107. See also W. Kälin, and H. Entwisle Chapuisat, *Protection of Persons Displaced Across Borders in the Context of Disasters and the Adverse Effects of Climate Change: A Review of Literature, Legislation and Case Law to Support the Implementation of the Global Compact on Refugees*, June 2024, UNHCR Research Paper 43, www.refworld.org/reference/lpprs/unhcr/2024/en/148128, pp. 16-20.

- Ensure that climate adaptation projects are supported by national and international climate finance mechanisms, that they respect and protect all human rights, including the right to adequate housing and the right to a clean, healthy and sustainable environment, and that adaptation projects specifically prioritize at-risk people such as people with disabilities, people with medical conditions, children and older people, women in all their diversity, as well as other marginalized groups.
- Guarantee the rights to information and public participation in decision-making to all, and particularly to peoples, groups and communities most affected by the climate crisis, climate response measures and other economic and development activities that can impact on their human rights
- Fully implement the rights of Indigenous Peoples, including their rights to self-determination, land, and to free, prior and informed consent.
- Conduct inclusive and participatory loss and damage needs assessments considering the adverse effect of climate change on the enjoyment of human rights and ensuring that individuals and groups most affected are fully able to participate.
- If permanent, planned or temporary relocations become necessary as a measure of last resort to protect people from the unavoidable impacts of sea-level rise and other impacts of climate change and disasters, ensure that:
 - the human rights of both the displaced and the host communities are respected, protected and fulfilled throughout the relocation process.
 - a genuine consultation process is followed, with a particular focus on meaningful participation of at-risk individuals such as persons with disabilities, persons with medical conditions and older people.
 - the affected people can re-establish themselves and maintain their collective identity and right to self-determination in a safe and adequate location that ensures all their human rights are guaranteed.

INCREASE AND ENHANCE INTERNATIONAL PROTECTION AND RIGHTS-BASED MIGRATION OPPORTUNITIES FOR OTHERS AFFECTED BY SEA-LEVEL RISE AND OTHER ADVERSE EFFECTS OF CLIMATE CHANGE:

- Conclude and implement bilateral agreements and/or regional frameworks that facilitate safe and regular migration as an adaptation tool for communities most at risk in the context of sea-level rise and other adverse impacts of climate change and disasters, including considering regional free movement arrangements.
- Establish new – and increase the range of existing – rights-based migration opportunities available to those affected by sea-level rise, and other adverse impacts of climate change and disasters, including complementary pathways, such as “humanitarian” visas and other pathways for admission that specifically target people at risk of human rights violations caused by the impacts of sea-level rise and other adverse impacts of climate change and disasters.
- Ensure that all migration pathways (including work visas, visas for educational purposes, or family visas) are non-discriminatory and free from exploitation.
- Refrain from removing anyone to any place where they would face a real risk of serious human rights violations as a result of sea-level rise and other adverse impacts of climate change and disasters. This would include:
 - taking into account the risk of human rights violations caused by the impacts of climate change when reviewing claims for international protection, following UNHCR’s *Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters*; and
 - establishing specific international protection mechanisms for people who cannot return to their countries on account of sea-level rise and other adverse impacts of climate change and disasters.
- Ensure the meaningful, effective and informed participation of all persons (especially migrants, refugees, asylum seekers, internally displaced people, diaspora communities, and all those most affected by sea-level rise and other adverse impacts of climate change and disasters) in national, regional and international decision-making processes related to climate change and international migration.
- Cooperate to implement the Pacific Regional Framework on Climate Mobility, the Global Compact on Refugees, the Global Compact for Migration and the recommendations of the UNFCCC Task Force on Displacement; and

- Consider integrating the human rights protections and recommendations proposed in the Kaldor Centre Principles of Climate Mobility.⁸¹

⁸¹ The Kaldor Centre Principles on Climate Mobility provide governments, affected communities, international organizations, civil society groups and other stakeholders with tools for addressing climate mobility, drawing on a wide range of international, regional and national laws, policies and standards. J. McAdam, J and T. Wood, *Kaldor Centre Principles on Climate Mobility*, 2023, Kaldor Centre for International Refugee Law, UNSW Sydney

ANNEX

LIST OF AMNESTY INTERNATIONAL PUBLICATIONS ON CLIMATE CHANGE RELATED TO SEA-LEVEL RISE AND CLIMATE IMPACTS ON HUMAN RIGHTS

Navigating Injustice: Climate Displacement from the Pacific Islands of Tuvalu and Kiribati to Aotearoa New Zealand, ASA 05/0343/2025, <https://www.amnesty.org/en/documents/asa05/0343/2025/en/>.

Any Tidal Wave Could Drown Us: Stories from the Climate Crisis, 2022, IOR 40/6145/2022, <https://www.amnesty.org/en/documents/ior40/6145/2022/en/>

Extraction Extinction: Why the lifecycle of fossil fuels threatens life, nature and human rights, November 2025, POL 30/0438/2025, <https://www.amnesty.org/en/documents/pol30/0438/2025/en/>

Uncounted: Invisible deaths of older people and children during climate disasters in Pakistan, May 2025, ASA 33/9007/2025, <https://www.amnesty.org/en/documents/asa33/9007/2025/en/>

Bangladesh: Left behind in the storm: Dalit women sanitation workers and the fight for water and dignity, October 2025, ASA 13/0372/2025, <https://www.amnesty.org/en/documents/asa13/0372/2025/en/>

Submissions:

Amnesty International, Amicus Curiae brief submitted by Amnesty International to the Inter-American Court of Human Rights on its Advisory Opinion on 'Climate Emergency and Human Rights' December 2023, AMR 01/7332/2023, <https://www.amnesty.org/en/documents/amr01/7332/2023/en/>

Amnesty International, Amicus Curiae brief submitted by Amnesty International to the African Court on Human and People's Rights on its Advisory Opinion on the obligations of states with respect to the climate change crisis, AFR 01/0915/2026, <https://www.amnesty.org/en/documents/afr01/0915/2026/en/>

VIDEOS:

- ***If we stand with Tuvalu we help save the world***, featuring Gitty Yee (Tuvaluan Youth Climate Activist), <https://www.youtube.com/watch?v=-dxMpi2nLQw>
- ***Navigating Injustice - The Time To Act Is Now***, featuring Gitty Yee (Tuvaluan Youth Climate Activist) and Nicola Delvino (Amnesty International Researcher on Refugee and Migrant Rights) <https://www.youtube.com/watch?v=Ln80N9GTj9M>

CHANGE MAKERS

“
**LET'S HOLD
THE OCEAN
BACK**”



**INVESTIGATING
THE TRUTH**

FIGHT OR FLEE RISING SEAS?

