

**Inter-American Court of Human Rights
Public Hearings for OC-32 on the “Climate Emergency and Human Rights”
Bridgetown, Barbados**

Intervention by Felipe Navarro¹

April 25, 2024

Thank you, Madame President, and distinguished members of the Court.

My name is Felipe Navarro, and I am honored to appear today representing the Center for Gender and Refugee Studies. I am joined by Professor Camila Bustos and Dr. Natalie Dietrich-Jones who will also be speaking, as well as by Mr. Jose Miranda from the International Refugee Assistance Project.

Our intervention today, like our [amicus brief](#), focuses on climate-related displacement. I will discuss State obligations to address this issue when it occurs across borders. My colleagues will provide additional considerations relevant to Small Island Developing States and cover internal displacement.

While prevention and mitigation should remain a central goal, the reality of climate-related displacement confronts us. Although most people forced to flee remain within their own countries, this phenomenon is increasingly transnational.

Our submission emphatically calls for protecting individuals displaced across borders in the context of the climate emergency. This is echoed in over 50 other submissions, collectively underscoring the need to address this challenge through robust legal frameworks.

International refugee and human rights instruments, interpreted in light of the effects of the climate emergency, offer foundational protection.

The UN Human Rights Committee has recognized that the *non-refoulement* obligation of the International Covenant on Civil and Political Rights forbids States from returning individuals to places where their lives or well-being are threatened by the effects of climate change. Now, the Court has the opportunity to reinforce the relevance of the right of *non-refoulement* –as enshrined in the American Convention and the American Declaration– in this context.

We respectfully urge the Court to ensure that advisory opinion OC-32 addresses State obligations in these four respects:

First, affirm the applicability of the right of *non-refoulement* in protecting individuals forced to cross borders due to threats to their life or personal integrity caused or exacerbated by

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the effects of the climate emergency. This is a matter of both treaty and custom, and as the Court has recognized, is a *ius cogens* norm of human rights law. States must interpret their *non-refoulement* obligations accordingly and establish procedures to process the claims of climate-displaced individuals.

Second, emphasize that a primary way for States to fulfill this is through the right to seek and receive asylum, as enshrined in the American Convention, and through complementary protection. According to UNHCR guidelines and as demonstrated by the work of my own Center, many individuals displaced in the context of climate change and disasters qualify for protection under the Refugee Convention, Cartagena Declaration, and human rights law. States must interpret their obligations to extend these protections effectively.

Third, underscore that notwithstanding their obligation to protect, States should individually employ measures that can give them the flexibility to respond by enabling climate-displaced individuals to reach safety and receive adequate support and resources. These measures can include offering humanitarian visas, temporary protection programs, and family reunification or labor migration pathways.

Fourth, advise States that they are obligated to cooperate in fulfilling their human rights obligations and have committed to do so through different instruments. Therefore, cooperation agreements between States should be leveraged proactively to address the needs of climate-displaced individuals through measures such as improving migration or international protection frameworks and enhancing free movement agreements.

The guidance from this Court will be invaluable in shaping a principled and pragmatic international response to this pressing human rights challenge.

Thank you for your attention.