

# **TOWARDS A UNIVERSAL CLIMATE JUSTICE THROUGH A HUMAN RIGHTS-BASED APPROACH**

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## **ABSTRACT**

The United Nations' historical recognition of the right to a safe, clean, healthy, and sustainable environment while strengthening the acknowledgement of the link between the protection of human rights and the environment under international law, highlights the urgency of the escalating effects of climate change on people's lives and their fundamental rights. Along with widespread pollution and biodiversity reduction, climate change is now, in fact, one of the most serious threats to people's health and their living environment, making it a significant obstacle to the UN 2030 Agenda's Sustainable Development Goals (SDGs). In light of relevant scientific evidence on the current global warming status and trends, the Intergovernmental Panel on Climate Change (IPCC) has recently emphasised the need to prioritise rights-based approaches in addressing climate change, including mitigation and adaptation measures. Hence, the study aims to explore how advancing a Human Rights-Based Approach (HRBA) towards climate environmental issues may be instrumental in supporting international and national efforts to reduce greenhouse gas emissions, protect people's rights, and achieve sustainable development. By presenting rights-based climate litigation, it will be further possible to demonstrate how international human rights and climate change law have recently evolved while offering various insights into its impacts on creating a pathway towards universal climate justice.

**Keywords:** human rights, climate change, climate justice, rights-based climate litigation, Sustainable Development Goals, (SDGs), Intergovernmental Panel on Climate Change, IPCC

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## INTRODUCTION

On 28 July 2022, the United Nations General Assembly (UNGA) recognised the universal human right to a safe, clean, healthy, and sustainable environment.<sup>1</sup> Within its juridical content inspired by the UN Human Rights Council (UNHRC) Resolution 48/13,<sup>2</sup> adopted almost one year earlier (October 2021), the new, substantive, third-generation right highlights the need to achieve sustainable development in all its dimensions, preserve the degradation of the ecosystems, and guarantee healthy and dignified lives for all human beings.

Although not legally binding, the Resolution of the UN General Assembly encourages all States to develop internal capacities and implement national and local policies to ensure, in line with the principle of “Leave no one behind” (LNOB) central to the UN 2030 Agenda and its 17 Sustainable Development Goals (SDGs),<sup>3</sup> that the rights of both present and future generations are protected (*inter- and intra-generational equity*) from the direct and indirect impacts of the environmental damage. The Resolution also invites international organisations, business enterprises and multiple stakeholders to urgently address the “triple planetary crisis” represented by anthropogenic climate change, pervasive toxic pollution, as well as biodiversity and natural resource loss, identifying in the first-class global warming phenomena one of the most pressing and serious threats to the exercise of human rights.

The even more frequent and harmful meteorological and climate extreme events, while affecting the viability and resilience of natural ecosystems, have indeed already disrupted the health and well-being of too many individuals, posing a severe risk to the fulfilment of their rights, including the rights to life, health, food, housing, water and sanitation, self-determination, education and development. This applies especially to those in vulnerable situations, including children, women, older persons, indigenous people, rural workers and minorities.

According to the latest Sixth Assessment Report (AR6) released by the Intergovernmental Panel on Climate Change (IPCC),<sup>4</sup> nearly half of the world’s

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<sup>1</sup> UNGA ‘The human right to a clean, healthy, and sustainable environment’ (28 July 2022) 76th Session UN Doc A/RES/76/300.

<sup>2</sup> UNHRC ‘The human right to a clean, healthy and sustainable environment: resolution adopted by the Human Rights Council on 8 October 2021’ (18 October 2021) 48th Session UN Doc A/HRC/RES/48/13.

<sup>3</sup> UNGA ‘Transforming our world: the 2030 Agenda for Sustainable Development’ (21 October 2015) 70th Session UN Doc A/Res/70/1.

<sup>4</sup> The Intergovernmental Panel on Climate Change (IPCC) is considered the UN’s international leading body for the assessment of climate change. It was established by the

population currently experiences acute water scarcity yearly because of climatic and non-climatic variables. Rising temperatures registered in 2022<sup>5</sup> of already 1.15 [1.02–1.28] °C above the 1850–1900 pre-industrial average have propelled the emergence and spread of food, water, and vector-borne diseases like West Nile virus, Dengue Fever or Zika. In addition, the incidence of human mortality and morbidity has recently considerably increased,<sup>6</sup> with a further estimated 250,000 deaths per year between 2030 and 2050 from undernutrition, malaria, diarrhoea, and heat stress.<sup>7</sup> Devastating climate disasters, including abnormally heavy rainfall, prolonged droughts, cyclones, floods, sea-level rise, land degradation, desertification and storms, displaced 8.7 million people internally in 88 countries and territories as of December 2022.<sup>8</sup> Climate change is also one of the primary causes of the significant reduction in agricultural productivity over the past 50 years, resulting in negative impacts mainly in mid and low-latitude regions.<sup>9</sup>

Based on the IPCC projections, global warming is expected to increase shortly (2021–2040) due to a higher atmospheric concentration of CO<sub>2</sub> emissions.

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United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) in 1988 to provide political leaders with regular scientific assessments concerning climate change, its implications, risks, and adaptation and mitigation measures. In 1988, the UN General Assembly endorsed the establishment of the IPCC, which now counts 195 member States. See IPCC, ‘The Intergovernmental Panel on Climate Change’ (2023) <https://www.ipcc.ch/> accessed 16 September 2023.

<sup>5</sup> According to the World Meteorological Organization, in 2022, the global mean temperature, resulting from the measurements of near-surface temperature over land and ocean, was 1.15 [1.02–1.28] °C above the 1850–1900 pre-industrial average. See WMO, ‘State of the Global Climate 2022’ (2023) WMO-No. 1316 [https://library.wmo.int/viewer/66214/download?file=Statement\\_2022.pdf&type=pdf&navigator=1](https://library.wmo.int/viewer/66214/download?file=Statement_2022.pdf&type=pdf&navigator=1) accessed 19 September 2023.

<sup>6</sup> IPCC, ‘2023: Summary for Policymakers’ in Core Writing Team, Hoesung Lee and José Romero (eds), *Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (IPCC 2023) accessed 19 September 2024.

<sup>7</sup> WHO, ‘Climate Change’ (12 October 2023) <https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health> accessed 19 October 2023.

<sup>8</sup> Internal Displacement Monitoring Centre (IDMC), ‘Global Report on Internal Displacement 2023’ (2023) <https://www.internal-displacement.org/global-report/grid2023/> accessed 15 October 2023.

<sup>9</sup> IPCC, ‘2023: Sections’ in Core Writing Team, Hoesung Lee and José Romero (eds), *Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (IPCC 2023) accessed 5 September 2024.

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The predicted climate scenario may lead to further disruptive hazards, which could directly and indirectly impact resources, ecosystems, and human settlements. Nonetheless, it is not only climate change itself that poses a risk; the strategies and remedies adopted by national governments to reduce greenhouse gas (GHG) emissions may undermine the enjoyment and realisation of human rights. This is why the UN Intergovernmental Panel on Climate Change, in addressing adaptation and mitigation actions, emphasises the need to prioritise equity, climate justice, and social inclusion by advancing human-rights-based approaches to climate environmental issues.

### **THE NEXUS BETWEEN HUMAN RIGHTS, CLIMATE CHANGE AND THE ENVIRONMENT**

The legal and political process leading to the 2022 UNGA can be traced back to 1972, when the United Nations held in Sweden the first international conference addressing environmental issues. In stating in its first Principle that people have “the fundamental right to freedom, equality, and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being”, the Stockholm Declaration, resulting from the event, acknowledged for the first time the relationship between nature and individuals.<sup>10</sup> The Rio Declaration, adopted twenty years later as a consequence of the Conference on Environment and Development (UNCED) (1992), strengthened the importance of considering the connection between human rights and the environment within the international law regime. It recognised the centrality of human beings in all sustainable development domains and highlighted the individual’s entitlement to lead a healthy and productive life in harmony with nature.<sup>11</sup> As a further achievement of the Rio “Earth Summit”, the UN Framework Convention on Climate Change (UNFCCC) introduced into the public arena official acknowledgement of increasing global warming. The Framework defined climate change and its non-negligible effects on the Earth as a shared concern of humankind.<sup>12</sup>

In 2007, Small Island Developing States adopted the Malé Declaration on the Human Dimension of Global Climate Change. This is the first intergovernmental

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<sup>10</sup> ‘Report of the United Nations Conference on the Human Environment, Stockholm, 5–16 June 1972’ UN Conference on the Human Environment (1973) UN Doc A/CONF.48/14/Rev.1 accessed 12 October 2023.

<sup>11</sup> ‘Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992’ UN Conference on Environment and Development (1993) UN Doc A/CONF.151/26/Rev.1 (Vol. I) accessed 4 October 2023.

<sup>12</sup> UNGA Res 48/189 (20 January 1994) GAOR 48th Session Supp 49.

instrument to explicitly recognise “climate change has clear and immediate implications for the full enjoyment of human rights”,<sup>13</sup> promoting a collaborative process to assess the impact of climate change on people’s rights. Since 2008, the UN Human Rights Council has passed several resolutions linking climate change to human rights issues, while in 2012, Mr. John Knox was appointed as the first Independent Expert on human rights obligations related to a safe, clean, and healthy environment.

The UN Agenda 2030 and its Sustainable Development Goals (SDGs) were adopted on 25 September 2015, establishing a new international cooperative framework and making this a pivotal year. Within the aim to take urgent action to combat climate change and its impacts, SDG 13 (Climate Action) is responsible for inviting countries to “strengthen resilience and adaptive capacity to climate-related hazards and natural disasters” (13.1) and “to integrate climate change measures into national policies, strategies, and planning” (13.2). Its Target 13. b reminds Member States that environmental damage related to global warming mainly affects individuals and local communities that are already in more vulnerable situations. Therefore, it calls for introducing mechanisms to raise the capacity for “effective climate change-related planning and management” in the least developed countries and Small Island Developing Nations.<sup>14</sup>

During the UN Climate Change Conference (COP 21) held in Paris in December 2015, representatives from 196 countries negotiated and adopted the UN Paris Agreement, the first binding multilateral environmental treaty expressly addressing States’ obligations to respect, promote and consider human rights while taking action to develop climate adequate adaptation and mitigation measures.<sup>15</sup> The Glasgow Climate Pact, ratified at the 2021 United Nations Climate Change Conference (COP26), reinforced the importance of observing and protecting human rights, including gender equality and the social justice principle in the context of climate action in favour of a just transition towards net-zero emission.<sup>16</sup>

The GA resolution on the right to a healthy environment is expected to increase understanding of the way environmental degradation threatens the enjoyment of all human rights and how exercising human rights may contribute to enhanced environmental protection, increased legal recognition of the right in States where

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<sup>13</sup> Malé Declaration on the Human Dimension of Global Climate Change (Nov 14, 2007) <http://www.ciel.org/Publications/MaleDeclarationNov07.pdf> accessed 21 October 2023.

<sup>14</sup> UNGA Res/70/1, *supra* note 3.

<sup>15</sup> UNFCCC, ‘Paris Agreement to the United Nations Framework Convention on Climate Change’ (Dec 12, 2015) TIAS No 16-1104.

<sup>16</sup> UNFCC, ‘Glasgow Climate Pact Decision’ (13 November 2021) Decision -/CP.26.

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it is not yet recognised,<sup>17</sup> accelerate progress on the 2030 Agenda, and raised awareness of the need to address environmental issues, including climate change, at the societal level.

### **ADVANCING A HUMAN RIGHTS-BASED APPROACH (HRBA) TO ENVIRONMENTAL CLIMATE ISSUES**

The evolving concept of “climate justice” focuses on protecting individuals, minorities, and groups who bear the least responsibility for greenhouse gas (GHG) emissions but possess the least capacity to mitigate the effects of climate change.

Climate justice aims to distribute efforts to reduce the devastating impacts of climate change or adapt to the changing climate. Achieving climate justice requires policymakers and other stakeholders to prioritize a Human Rights-Based Approach (HRBA) when designing policies, programs, and actions for mitigation or adaptation.

Elaborated on the 2003 Common Understanding on HRBA to Development Cooperation, the Human Rights-Based Approach (HRBA) is a conceptual framework normatively based on international human rights standards and operationally directed to promoting and protecting human rights.<sup>18</sup> HRBA requires human rights principles (universality, indivisibility, equality and non-discrimination, participation, accountability) to guide UN development cooperation and focus on developing the capacities of both “duty-bearers” to meet their obligations and “rights-holders” to claim their rights.

Human rights can be integrated with climate change-related actions by applying a rights-based approach to mitigation and adaptation policies and

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<sup>17</sup> Throughout the 1970s, the right to a healthy environment became a part of the national constitutions (Portugal in 1976, Spain in 1978 and Peru in 1979), legislation, and policy documents. At the regional level, the right was included in the African Charter on Human and Peoples’ Rights (1981), the San Salvador Protocol to the American Convention on Human Rights (1988), the Aarhus Convention (1998), the Arab Charter on Human Rights (2004), the ASEAN Declaration on Human Rights (2012), and the Escazú Agreement (2018) in Latin America and the Caribbean, among others. Currently, the right to a safe, clean, healthy, and sustainable environment is constitutionally protected in 110 states and incorporated into national legislation in 101 states. More than 80% of United Nations Member States (156 out of 193) legally recognise this right. See UNDP, OHCHR, and UNEP, ‘What is the Right to a Healthy Environment?’ (2023) <https://www.undp.org/publications/what-right-healthy-environment> accessed 19 September 2023.

<sup>18</sup> United Nations Sustainable Development Group, ‘Universal Values Principle One: Human Rights-Based Approach’ (2023) <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach> accessed 11 September 2023.

measures. The HRBA incorporates all human rights, including the right to a healthy environment and its substantive and procedural elements.<sup>19</sup>

Integrating human rights considerations into climate change issues may result in the development of consistent global environmental human rights standards. These standards can be used to guide interventions at the appropriate level (local, national, regional and international), which can lead to more effective, legitimate, and sustainable outcomes.

A further significant benefit of advancing human rights considerations into climate change interventions is the strengthening of the State's capacity to meet its human rights and environmental obligations coherently, including its duty to ensure that private entities respect human rights according to the Guiding Principles on Business and Human Rights.<sup>20</sup> By doing so, accountability is enhanced, and people can uphold their rights and hold States and other stakeholders responsible.<sup>21</sup> The integration of human rights considerations into climate change mitigation and adaptation policies and measures would not only strengthen climate-related policies and actions but foster human rights by ensuring their actual enjoyment.

## CLIMATE CHANGE LITIGATION

Climate change litigation is an emerging but not a new phenomenon. It provides the general public with one of the few available tools to hold governments and the private sector accountable for neglecting their duty to reduce greenhouse gas emissions and failing to redress the harms related to the adverse impacts of climate

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<sup>19</sup> While there is no universally agreed definition of the right to a healthy environment, the right is generally understood to comprehend substantive and procedural elements. The substantive elements include clean air; a safe and stable climate; access to safe water and adequate sanitation; healthy and sustainably produced food; non-toxic environments in which to live, work, study and play; and healthy biodiversity and ecosystems. The procedural elements comprise access to information, the right to participate in decision-making, and access to justice and effective remedies, including the secure exercise of these rights free from reprisals and retaliation.

<sup>20</sup> OHCHR, 'The Guiding Principles on Business and Human Rights. Implementing the United Nations "Protect, Respect and Remedy" Framework' (2011) [https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) accessed 21 September 2023.

<sup>21</sup> UNDP, OHCHR, and UNEP, 'What is the Right to a Healthy Environment?' (2023) <https://www.undp.org/publications/what-right-healthy-environment> accessed 19 September 2023.



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change.<sup>22</sup> Precisely, the term “climate litigation” refers to any lawsuits filed before international or domestic judicial or quasi-judicial bodies addressing legal or factual issues related to climate science, as well as climate change mitigation or adaptation.<sup>23</sup>

Since 2017, legal actions undertaken to address the effects of global warming and climate change are progressively gaining momentum. An increasing number of litigants are initiating lawsuits in diverse geographical regions, seeking to fill gaps in the legislative and regulatory responses to climate change. According to the Sabin Centre’s Climate Change Litigation databases, as of December 31, 2022, a total of 2,180 climate litigation cases were filed in 65 jurisdictions and international or regional courts, tribunals, quasi-judicial bodies, or other adjudicatory bodies, including special procedures of the UN and arbitration tribunals.<sup>24</sup>

A visible category of climate change lawsuits involves arguments asserting that inadequate climate adaptation or mitigation measures violate several plaintiffs’ rights, such as the rights to life, health, food, water, liberty, family life, a healthy environment, and a safe climate. This category, referred to as “climate rights”, includes the rights of individuals and communities to take climate mitigation and adaptation action, as enshrined in national constitutions, human rights law, and other laws. It encompasses both international and domestic commitments aimed at safeguarding people’s enjoyment of a stable climate while also considering other rights that may indirectly contribute to mitigating climate change.<sup>25</sup>

So far, relatively few climate cases have been argued on the basis of human rights: of the 1,841 ongoing or concluded climate change lawsuits, human rights claims were used in 1126 – 93 against governments and 16 against corporations.<sup>26</sup>

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<sup>22</sup> Annalisa Savaresi and Joana Setzer, ‘Mapping the Whole of the Moon: An Analysis of the Role of Human Rights in Climate Litigation’ (2021) [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3787963](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3787963) accessed 20 September 2023. See David Markell & J.B. Ruhl, ‘An Empirical Assessment of Climate Change in the Courts: A New Jurisprudence or Business as Usual?’ (2012) 64 Fla L Rev 15, 27.

<sup>23</sup> Pau de Vilchez and Annalisa Savaresi, ‘The Right to a Healthy Environment and Climate Litigation: A Game Changer?’ (2021) 32 (1) *Yearbook of International Environmental Law* [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4155484](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4155484) accessed 25 September 2023.

<sup>24</sup> UNEP, ‘Global Climate Litigation Report: 2023 Status Review’ (2023) <https://www.unep.org/resources/report/global-climate-litigation-report-2023-status-review> accessed 11 September 2023, 10.

<sup>25</sup> UNEP (n24), 26.

<sup>26</sup> Joana Setzer and Catherine Higham, ‘Global trends in climate change litigation: 2021 snapshot’ (2021) <https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2021/>



Nevertheless, scholars have observed a “rights turn” in climate change litigation in the last few years, galvanised by the success of a few prominent cases such as *The State of the Netherlands vs the Urgenda Foundation*.<sup>27</sup>

Human rights-based cases against national governments have been presented in various ways recently. They are challenging not just inaction on climate change (as in the already mentioned Urgenda case) but also governments’ failure to honour existing commitments, as in the *Leghari v Federation of Pakistan* case<sup>28</sup> and climate change strategies that themselves contribute to human rights violations. Furthermore, an increasing proportion of rights-based cases are being brought by young people on behalf of future generations, including high-profile cases before the European Court of Human Rights, such as *Duarte Agostinho and Others v Portugal*.<sup>29</sup> The International Covenant on Civil and Political Rights (ICCPR) has been employed by Torres Strait Islanders against Australia in the UN Human

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07/Global-trends-in-climate-change-litigation\_2021-snapshot.pdf accessed 13 October 2023.

<sup>27</sup> The Urgenda judgment of 2019 was the first successful climate case using the human rights discourse and has inspired similar cases worldwide. In that case, a Dutch environmental group, the Urgenda Foundation, and 900 Dutch citizens filed a lawsuit against the Dutch government for failing to reduce its greenhouse gas emissions. The Dutch Supreme Court upheld the claim by the Foundation that the Netherlands failed to comply with its obligations under the European Convention on Human Rights (ECHR) by not taking sufficient measures to prevent climate change, ordering the State to reduce its greenhouse gas emissions by at least 25 per cent below 1990 levels by the end of 2020. See *Urgenda Foundation v the Netherlands* (2019) Dutch Supreme Court (Hoge Raad) 19/00135 Judgment of 20 December 2019 ECLI:NL: HR: 2019:2006.

<sup>28</sup> *Leghari v Federation of Pakistan* (2015) Lahore High Court 25501/2015 (14 April 2015) HCJD/C-121. In this case, Ashgar Leghari, a Pakistani farmer, sued the national government for failing to implement the National Climate Change Policy of 2012 and the Framework for Implementation of Climate Change Policy (2014–2030). Leghari argued that the government should pursue climate mitigation or adaptation efforts and that its failure to meet its climate change adaptation targets had resulted in immediate impacts on Pakistan’s water, food, and energy security. Such impacts offended his fundamental right to life.

<sup>29</sup> In *Duarte Agostinho and Others v. Portugal and 32 Other States* (2021), six Portuguese youths have filed a complaint against 33 countries, alleging that the respondents violated their human rights by failing to take sufficient action on climate change. The applicants are requesting the Member States of the European Union to take more ambitious domestic action. They claim that wildfires and increased temperatures are affecting their human rights and that climate change’s disproportionate impact on younger generations violates the prohibition of discrimination. They argue that younger generations will suffer prolonged effects due to climate change, which is why they are taking legal action.

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Rights Committee,<sup>30</sup> and the potential for UNDRIP in conjunction with the SDGs is being explored, with duty of care claims litigated in Australia and the United States.<sup>31</sup>

### CONCLUSIONS

Compounded with the loss of biodiversity, the pollution of air, land, and water, and the unsustainable management and use of natural resources, climate change is constantly challenging the realisation of human rights, including the right to a clean, safe, healthy, and sustainable environment.

Disproportionately affecting regions, countries and individuals, global warming has already produced extensive, unequal impacts on ecosystems and human beings, with direct and indirect negative implications on several human rights.

According to the latest IPCC Report, millions of people have been recently exposed to severe food insecurity and reduced water security resulting from the escalation of climate and weather extremes, with the most considerable adverse impacts observed in Africa, Asia, Central and South America, Least Developed Countries, Small Islands, and the Arctic. Approximately 3.3 to 3.6 billion individuals live in geographic areas particularly vulnerable to climatic hazards and, therefore, are at much greater risk of suffering from potential climate-related damages, which may include the destruction of homes and infrastructure, loss of property and income, significant impacts on people's health and well-being, with economic losses, disruption of services and negative gender and social issues as short and long-term consequences.<sup>32</sup> As shown in the Internal Displacement Monitoring Centre 2023 Report, in 2022 weather-related disaster displacements were 41% higher than the annual average of the past ten years. Pakistan, Philippines, China, India and Nigeria recorded the highest number of disaster displacements worldwide in 2022.<sup>33</sup>

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<sup>30</sup> See Jocelyne A. Scutt, 'Climate Change as Threat to Indigenous Peoples' Rights - A Role for SDGs and UNDRIP?' in Sarah Sargent (ed), *Indigenous Rights and Sustainable Development Goals 2030* (Trivent Publishing 2024).

<sup>31</sup> Scutt (n3); Jocelyne A. Scutt, 'Displacement by Loss of Home and Country – Global Warming, Climate Change and Environmental Degradation as Drivers of Trafficking', unpublished paper delivered to the Displacement and Victimisation online seminar series, 1 October 2024.

<sup>32</sup> IPCC, '2023: Summary for Policymakers', 5–6.

<sup>33</sup> Internal Displacement Monitoring Centre (IDMC), 'Global Report on Internal Displacement 2023' (2023) <https://www.internal-displacement.org/global-report/grid2023/>

As the IPCC foresaw, by reaching 1.5 °C in the near term, global warming would lead to “unavoidable increases in multiple climate hazards and present risks to ecosystems and humans”.<sup>34</sup> The degree of risk will depend on simultaneous short-term trends in exposure, vulnerability, socioeconomic development, and adaptation strategies.

Human rights law provides a powerful instrument to rebalance the disproportionately observed and predicted damaging effects of climate change and prevent climate-related harms. Human rights offer a critical lens encompassing the economic, social, ethical, cultural and political dimensions of climate change and empower persons and groups of people, especially those in vulnerable situations.

A Human Rights Based Approach provides a solid analytical framework for evaluating and addressing the unequal and undistributed impact of climate change on individuals and the environment worldwide. Furthermore, the HRBA is a powerful tool for climate justice and litigation.

It empowers individuals to exercise their rights, holds responsible parties accountable, and strengthens their ability to respect, protect, and fulfil human rights obligations.

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<sup>34</sup> IPCC, ‘2022: Summary for Policymakers’ in Pörtner Hans-O, Roberts DC, Tignor M, Poloczanska ES, Mintenbeck K., Alegría A, Craig M, Langsdorf S., Löschke S, Möller V, Okem A, Rama B (eds), *Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge University Press 2022)

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