

Vilnius University Faculty of Law
Human Rights Track

Muhammad Mustafa,
II study year, International and European Law Programme Student

Master's Thesis
Protection of Human Rights in the Context of Climate Change
Žmogaus teisių apsauga klimato kaitos kontekste

Supervisor: Assoc. Prof. Dr. Indrė Žvaigždiniene
Reviewer Name: Assist.Dr.Donatas Murauskas

Vilnius
2022

ABSTRACT

This study looks at the role of human rights in climate change and how it is addressed by international frameworks like the United Nations Framework Convention on Climate Change (UNFCCC). The research found that these frameworks are sufficient for addressing human rights in the context of climate change and that both developed and developing countries have laws and policies in place on the topic. However, the study also found that the implementation of these laws and policies is moderate in developed countries and low in developing countries. It recommends that the implementation of these laws and policies be increased globally to address the issue of climate change.

Keywords: climate change; human rights; legal problems; violations; policies and law.

List of Abbreviations

CEDAW Convention on the Elimination of All Forms of Discrimination against Women

CRC Convention on the Rights of the Child

ECHR Convention for the Protection of Human Rights and Fundamental Freedoms

GHG Greenhouse Gasses

HRC Human Rights Council

IACHR Inter-American Commission on Human Rights

ICCPR International Covenant on Civil and Political Rights

ICESCR International Covenant on Economic, Social, and Cultural Rights

ICJ International Court of Justice

IDP Internally Displaced Persons

IHRL International human rights law

IOM International Organization for Migration

IPCC Intergovernmental Panel on Climate Change

OHCHR Office of the United Nations High Commissioner for Human Rights

UDHR Universal Declaration of Human Rights

UN United Nations

UNDP United Nations Development Programme

UNEP UN Environment Programme

UNFCCC United Nations Framework Convention on Climate Change

UNHCR United Nations High Commissioner for Refugees

UNSC United Nations Security Council

VCLT Vienna Convention on the Law of Treaties

TABLE OF CONTENTS

| | |
|---|----|
| Introduction | 6 |
| Chapter I | 12 |
| 1.1 Conceptualizing climate change | 12 |
| 1.1.1 What is climate change | 12 |
| 1.2 Human rights and climate change: a connected issue | 13 |
| 1.3 Human rights most affected by climate crisis | 14 |
| 1.3.1 Right to life | 14 |
| 1.3.2 Right to health | 15 |
| 1.3.3 Right to food | 15 |
| 1.3.4 Right to water | 16 |
| 1.3.5 Right to development | 17 |
| 1.3.6 Right to property | 19 |
| 1.3.7 Right of indigenous people | 19 |
| 1.4 European commission on human rights | 20 |
| 1.5 Conceptualization of climate justice | 21 |
| 1.6 Individuals' protection as a state's duty | 24 |
| 1.7 Human Rights and International Migration in the Context of Climate Change | 25 |
| 1.8 Acknowledgement by the United Nations Climate Change Framework | 25 |
| 1.9 Recognition by the Human Rights Council | 26 |

| | |
|--|----|
| Chapter 2 | 28 |
| 2.1 Climate effect on Refugees | 28 |
| 2.2 International Refugee Law | 31 |
| 2.3 Assessment | 35 |
| Chapter 3 - Legal analysis of recent climate change litigation | 37 |
| 3.1 UNHRC decision against Australia | 37 |
| 3.2 Engels and others v. Germany | 39 |
| 3.3 Careme v. France | 40 |
| 3.4 Soubeste and Others v. Austria and 11 Other States | 42 |
| 3.5 Duarte Agostinho and Others v. Portugal and 32 Other States | 42 |
| 3.6 De Conto v. Italy and 32 other States | 45 |
| 3.7 Uricchio v. Italy and 32 other States | 46 |
| 3.8 KlimaSeniorinnen v Switzerland | 47 |
| 3.9 Müllner v. Austria | 49 |
| 3.10 Plan B.Earth and Others v United Kingdom | 50 |
| 3.11 Greenpeace Nordic and Others v. Norway | 51 |
| 3.12 The Norwegian Grandparents' Climate Campaign and others v. Norway | 52 |
| 3.13. Humane Being v. the United Kingdom | 52 |
| Conclusion | 53 |
| References | 55 |

Introduction

Climate change is a worldwide issue that is considered the greatest issue. In a 2014 report, the intergovernmental panel on climate change (IPCC) concluded with 95 percent certainty that human-induced emissions are the primary factor that is affecting the present global warming. In 2018, and United Nations General Assembly mentioned that "climate and environmental deterioration, and natural disastrous change interact progressively to the determinants regarding refugee flows." Studies have shown, consequences of the climate change primarily result in internal migration.

The foregoing discussion of the detrimental natural, social, and economic implications of climate change provides the far more obvious solution. It's arrogant to think that the disastrous effects on people's environment and way of life won't have any effect on people themselves. And although climate change never violates the constitution as a meteorological phenomenon (Bodansky, D.J.A.J.O.I.L, 2016), it is hard to think of human interest which is not influenced by the environment, leading to rights of life, well-being, the rights of food, drinking safe water, shelter, and a peaceful and self-determined existence. The very survival of humanity is at risk, thus it seems sensible to examine climate change regarding the protection of human rights

Climate change caused by humans is addressed in international climate change agreements, as well as much less assurance is provided for the safeguarding of individual needs that may be negatively impacted by these accords. Climate change's negative consequences on people or their liberties were scarcely mentioned under the treaty provisions; even though both the Paris Agreement and the UNFCCC classify climate change as a "widespread issue of humanity (Voneky, S.F. Beck 2017). Several nations and non-governmental organizations have argued that the Paris Agreement's operational section should include clear references to human rights in a brief context. Earlier drafts of the text mirrored this suggestion. Even so, "Sides should while taking measures to combat climate change, regard, promote, and take into account their roles and responsibilities over human rights, this same right to wellbeing, the privileges concerning indigenous groups of people, community groups, disabled persons, children, migrants, along with individuals in risky positions and the right to participate, in addition to equality of gender, strengthening women, and social equality (Kahl,2022).

The inadequacy of given Paris Accord's operationalization has been widely criticized as disappointing, even though it is the first global multilateral environmental accord to explicitly recognize human rights. The mere preamble's mention of human rights repeatedly demonstrates that plenty of States are unwilling to offer human rights lawful regard in the climate discussion, although many other States are. A human rights perspective on climate security has been labeled as "minimum" based on the Paris agreement human rights reference (Bodansky, D.J.A.J.O.I.L, 2016). There has been a broad discontent [about] the slow rate of advancement in fighting climate change via the conventional politico-scientific method,' and this comes on the first part of the Paris Agreement's flimsy human rights allusions. In light of the increased vulnerability of individuals and nations to the adverse effects of climate change, this interrelated dimension of global warming and human rights must be brought to light in many settings. Compliance with the Male Declaration, the Inuit Petition to the IACHR (Limon, C.L, 2009), and the subsequent pattern of human rights assertions utilized in nationwide climate change litigation, shows that perhaps the inter-governmental contracts regarding climate change seem to be, if not extraneous, then at least not yet productive enough for recognizing the disastrous consequences of the climate change over humans under an appropriate and timely direction.

As the implications of climate change on contemporary societies become clearer, climate accord bargaining has also failed to produce tangible results, and various human privileges strategies to climate change were evolved over the past 2 centuries. All of these methods acknowledge the human element of climate change, but there is still much to be discussed about the nature of the connection between climate change and human rights, and if and how human rights concerns should advise our feedback on climate change. Distinguishing between codified and linguistic approaches is indeed the way to highlight the existing consensus among various viewpoints. This oversimplified classification does not purport to be exhaustive, but it has helped illuminate the variety of methodological solutions to the climate change issue and human rights additionally human right language is used as a hypothetical discussion in the debate over climate change. By focusing on the moral and ethical aspects of human rights law, we may move the discussion away from purely economic and political factors and toward a more humane and just one. (Atapattu, 2015) On the other hand, defenders of a system are tested and are interested in determining who is entitled to what, who is responsible for what, and what legal recourses are available for enforcing claims. Consequently, legalistic methods have previously identified prospective Legal provisions

under current human rights law. One legalistic method that reflects a signal that is transformed of existing human rights legislation is the employment of positive responsibilities to do something about climate change concerning the perspective of human rights. More generally, the acknowledgment of a privilege to climate consistency or other similar manner formulated assurances has resulted from legalistic methods (Braig, K.F, Panov and Litig, 2020). David R. Boyd, the United Nations expert on human rights duties related to practicing of safe, spotless, physically perfect, and environmentally responsible manner, acknowledged that a secure climate is a critical component of the right to a better and healthier environment' (Knox,2017), but also specifically referred to a right to a protected climate. Human rights legislation may hold states accountable for their inaction on climate change if legalistic methods, which will be the primary focus of this analysis, are correct. That's why looking at climatic changes through the lens of human rights is essential.

"Currently, global climate change is something that is felt everywhere. A disastrous outcome for humanity is predicted if global warming continues at its current rate. Whole pacific islands and coastal communities are at risk when hurricanes and rising waters threaten them. Our forests are burning and the polar ice caps are melting. Quite practically, we are destroying our future by our actions right now." Initial Statement Delivered By Sept 9, 2019, the United Nations Human Rights Council held its 42nd session by Michelle Bachelet serves as the High Commissioner for Human Rights. The effects or consequences of climate change here on the economy, society, government, and human rights are far-reaching. The impacts of climate change, whether natural or anthropogenic, range from climatic changes and sustainable livelihoods to the breach of human rights. Although climate change has far-reaching consequences, one of its most obvious results is the migration of people. (IPCC, 2014) Climate change has several potential negative consequences, such as reducing people's ability to earn a living and increasing the frequency with which natural holocausts occur, given dissertation investigates the legalized implications of climate change-related issues. It delves into the ramifications of climate change which causes human suffering and analyses the breadth and depth to which they are handled in the lawful system. Extreme human rights violations are a direct result of climate change's disastrous consequences. The study supports an approach to climate change adaptation based on respect for human rights. The climate change discussion continues, and so do reports of human rights abuses that have directly resulted from it. The UN Human Rights Council voted resolution 10/4 on March 25, 2009,

recognizing that "climate change linked effects carry a variety of impacts, both the directly or indirectly to the efficient utilization of human rights like, among others, rights of liberty, the right of equitable, and the right of food."

The impressions or aftermath of climate change here on the fundamental right to life have also been examined, as these rights to clean water, enough shelter, sufficient food, and good health. For this reason, international agreements like the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) had considered, The research on the previously debated issue of human rights is set to awake reader's consciousness about how the climate change already negatively influencing on individual freedoms in a wide range. These are important human rights to consider since they may be jeopardized by climate change, making it harder for people to meet their fundamental requirements. Thus, the researcher investigates whether, if repatriated forcibly, the denial of socio-economic rights within the subjected country could comprise demonic or humiliating treatment. Finally, the researcher addresses concerns over legal policy and suggests ways forward for ensuring human rights are protected alongside environmental safeguards, This study looks into climate change, the idea of climate justice, and how these factors relate the human rights. This study examines a wide range of climate change-related instruments and treaties on a global scale. It will also show that integrating human rights concepts with legal structures relevant to climate change would offer considerable safety and security to sensitive people in response to the human suffering emanating from climate change. This study will also argue that domestic and international legal systems addressing climate change will benefit from adopting human rights concepts and standards. More sufficient and efficient protection against human rights breaches caused by climate change would've been provided.

Statement of the problem

Due to climate change, we are in the midst of a world crisis. People's rights are being adversely impacted or infringed as a result of climate change all across the world. The Preamble to the Paris Agreement includes a reference to human rights in the Context of Climate Change, which also takes into account the human rights implications of mitigation measures. The broad and disastrous lack of action to address loss and destruction brought on by the effects of climate change and its related human rights repercussions is given a lot of attention. The poorest and least capable groups

are being subjected to a massive injustice by industrialized economies. Demands for "climate reparations" for losses sustained resulted from rich economies' and major firms' unwillingness to shoulder responsibility for dramatically cutting their greenhouse gas emissions.

Research objective

1. Evaluate critically the part played by the human rights conventions in resolving human rights issues emerging from the repercussions of climate change.
2. Evaluate recent international litigation based cases related to climate change and provide further analysis.

The hypothesis of the study

Climate change laws and treaties appear to be unsuitable, inadequate, and unsatisfactory in addressing human suffering and difficulties.

Research approach

This study applies an exploratory approach to research that extends the interpretivism philosophy of research (Cresswell, 2014). According to this philosophy, the researcher investigates the underlying phenomenon and interprets the situation according to available content for exploration.

Research method

This research adopts the qualitative method of research. The purpose of this study is to explore the phenomenon of human rights and international laws. In doing so, this study has selected the content analysis technique of qualitative analysis. In this method, the researcher analyses the available, reports, databases, laws, and other related data on the research area. In this way, the researcher proceeds further and uncovers the ambiguous and intertwined issues like the current focus and research encompasses the intertwined area of human rights and international laws.

Research population and sample

Since this study adopts content analysis as a method of investigation therefore the population of this study is not living subjects or human beings to whom the questionnaires are sent for data

collection, or interviews are performed. Instead, the available reports, laws, and regulations, about human rights and international laws are the focused research population and sample of the study.

Research data

The data of this study for performing content analysis is secondary data. This secondary is already available data in the form of literature, previous research, reports, laws, and regulations. This study uses litigation documents including court applications and decisions.

Research design

This study adopts an explorative approach to research in which the qualitative research method is selected. In doing so, a content analysis is performed based on available secondary resources. The data is analyzed by keeping in mind the “Implementation assessment” of human rights and international regulations.

Structure

- In Chapter, I, the study's overarching objectives, research design, and methods are outlined, as well as the broader effects of climate change on human rights.
- In Chapter II The researcher examined climate change's fundamental functioning, relationship to human rights, and definition. The study looked at a diverse set of human rights susceptible to climate change to identify the link. This chapter investigates socioeconomic rights denial.
- In Chapter III, Legal analysis of recent climate change litigation. In this chapter, the researcher evaluates the recent climate change-oriented cases from international law and gives a legal analysis.

CHAPTER 1

1.1 Conceptualizing Climate Change

Certainly, climate change is a serious issue that could be anthropogenic or natural in origin. Climate change presents the world community with distinct and grave general concerns. Its consequences are diverse and beyond national lines, necessitating a coordinated strategy to address this issue. Climate change represents the most pressing issue of our day. It poses a danger to the current way of existence. It has the potential to dramatically transform a person's life, and already has an impact on everything from nutrition security also water quality to power supplies and diversity. Law, finance, political fields, civil rights, and other fields all have something to contribute to the discussion of climate change, making it an integrated field of study.

1.1.1 WHAT IS CLIMATE CHANGE?

We must work together to find a solution to [climate change], or else irreparable harm will be done to humanity. Climate change is a facilitator of risks, a driving factor in the escalation of potential outcomes such as starvation, instability, and forced relocation. Including climate change, this term covers every angle and therefore can be served as a foundation for further explanations of the topic. Climate change, the way it is discussed in Article 1 (2) of the United Nations Framework Convention on Climate Change, 1992 (UNFCCC), is "the transition of the climate that is credited by proxy also collaterally concerning the individual's activities, that modifies the atmospheric combination and is thus caused by natural climatic variables documented over corresponding time frames. Climate change pertains toward a transformation within climate's current state that could be recognized (e.g., through using different measures) through variations in the source or a variance of its characteristics and that continues to happen, usually centuries or prolonged,". Alterations to solar activity, volcanism, and long-lasting anthropogenic diversions to the atmosphere's composition or land use are all cases of external pressures that might contribute to climate change.

Therefore, most climatologists agree that human-caused or activity-related climate change might have catastrophic consequences if left uncontrolled, as well as the price of taking action to address the problem is far less than the price of doing nothing. The greatest concern for the environment

facing the nation is climate change. Many poorest states throughout the globe are feeling the effects of climate change so much, although have contributed the fewest to the problem historically, this is what the IPCC's fourth assessment report on climate change says (it came out in 2007).

Absent human intervention, climate changes have taken place naturally throughout much of history and will continue to do so in the future. However, "human forcings" or anthropogenic climate change occurrences are currently a major reason for alarm throughout the world. An important contributor to climate change is industrialization and the subsequent release of greenhouse gases, which also contribute to ozone damage. It's impossible to disentangle those two causes of climate change. Ozone reduction has contributed to an acceleration of global warming, and similarly, greenhouse gas emissions contribute to ozone layer reduction in other ways as well. Rising temperatures, more scarcity, and more intense storms are all possible outcomes of the current trajectory of climate change, which scientists warn would occur in the next decades. As the world's poorly coastal regions are destroyed by increasing seas, the spreading of tropical illnesses and mass population displacement will be commonplace. Words like "exertion," "pollution," "temperature increase," "etc." are frequently used when discussing the climate change problem. Climate change is like a scientific reality, however it is outside the purview of our study. This study investigates the aspects of climate change that are associated with human rights & justice, and it conducts a legitimate investigation into the matter.

1.2 Human rights and climate change: a connected issue

To be sure, climate change, especially that which is the consequence of human activities, poses a danger to the environment we value so much. In several island countries including coastal towns, people's right to choose and move is at risk, along with their access to clean water, welfare benefits, nutrition, as well as a shelter to live.

Climate change is perhaps the most imminent threat to humanity. It affects the lives and well-being of individuals and communities across the globe. The previous chapter examined the direct and indirect effects of climate change on human rights. This chapter may devote a lot of time to discussing basic human rights. The implications of climate change identified within IPCC's Fifth Evaluation Report pose risks to human rights, biodiversity, natural attractions, and industrial infrastructures (AR5). For the aim of assessing whether or not the effects of climate change

represent a danger to people's fundamental freedoms and rights, it is crucial to analyze whether or not the challenges provided either by climate catastrophe conflict with all those rights as established in current climate change policies. That part might explore how climate change had disrupted human rights.

1.3 Human rights most affected by Climate Crisis

1.3.1 Right to life

Each person has the right to liberty, free movement of people, or private security, as stated in Article 3 of the Universal Declaration of Human Rights, (OAU,1969). By pursuance of Article 11 of the International Covenant of Economic, Cultural, and Social Rights, everyone is entitled to the right to a safe and sanitary place to live, together with sufficient food, clothes, and shelter. No one is obligated to consume food at certain times. Every kid does have the right to liberty and the Conventions on the Rights of the Child guarantee this protection in Article 6, (1989). Underneath the heading rights to life and within its Basic Comments, the United Nations Human Rights Committee stated that these rights to life cannot be boiled down to a single, overarching definition. According to IPCC projections, the effects of climate change on surface and underground water supplies will be significant. Settling, severe storms, degradation, and soil salinity are only some of the negative consequences that are expected to increase for coastal buildings and low-lying regions as ocean levels keep increasing (IPCC, 2014). The accompanying projections about climate change will have a significant effect on the right to live. Accidents and deaths brought on by extreme weather are another potential health repercussion of climate change, as suggested by either a World Bank report. People living in the most vulnerable regions are experiencing the much more devastating consequences of climate change. Finally, they are harmed by the lack of nutritious food and clean water. Climate change was indeed having a profound impact on every dimension of such people's life. (UNHCR,2007) It appears that human migration is among climate change's greatest serious consequences. The chapter's concluding portion delves much deeper into this subject.

1.3.2 Right to health

Everyone has the right to medical treatment, both for their body and their mind, as stated in (Article 25 (1) of the Universal Declaration of Human Rights, 1948). Every individual does have the right to the highest attainable standard of physical and mental health, as stated in Article 12(1) of the International Convention on Economic, Social, and Cultural Rights in 1966. Similar measures to expand and better clarify the right to health may be found in other treaties, for instance, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) as well as the Convention on the Protection and Promotion of the Rights of the Child (CRC, 1989). When it pertains to people's health, climate change could be a critical issue. As a result of climate change, several infectious diseases have become more dangerous, posing a hazard to individuals across the globe. DuPont and Pearman's studies suggest that as the earth warms, bugs may relocate to colder latitudes and higher elevations, potentially increasing the intervals among virus transfers. It has been estimated as "climate change could be responsible for over 160,000 fatalities annually owing to malaria & malnourishment;" this figure might climb to over 50% by 2020 based on studies undertaken by the World Health Organization and the London School of Hygiene and Tropical Medicine. Both high- and low-income nations are adversely affected by these health threats. Those in states with poor access to healthcare are disproportionately likely to be undernourished, and their mortality rate is higher as a result. Infections including dengue infection and malaria are made worse by climate change.

1.3.3 Right to food

This right to food is recognized for all people by Articles 11(1) and 11(2) of the International Covenant on Economic, Social, and Cultural Rights. Representatives of the Contracting states towards the present Agreement recognize in Article 11 that almost all individuals have the right to fulfill their personal and professional goals and provide a decent level of living for their families and their families. Possession of necessities like food, clothes, and shelter falls under this category of rights. Considering the crucial vitality of international cooperation based on democratic decisions, the Jurisdictions adopted the required measures to secure the application of the rights equally. Recognizing the right of all people to be liberated from hunger, the Jurisdictions to this Agreement should take the measures, including specific programs, on their own and also in concert with the rest of the world to ensure that this right is upheld.

(a) To optimize the utilization and environmental sustainability of natural resources through the integration of technology and science, the dissemination of nutrition concepts, and the establishment or modification of agricultural systems; To increase the effectiveness of the production, stockpiling, as well as distribution channels;

(b) Taking into account the concerns of both countries that international trading food in attempting to more fairly distribute the world's food supply based on demand. It guarantees that everyone can eat enough to be healthy and puts a stop to the practice of cutting down on food intake (ICESCR,1966).

The unfavorable impact of climate change on people's capacity to consume food has been noticed by the United Nations Food and Agriculture Organization as well.

- i. If there is a reduction in the quantity or ease of access to arable land, food becomes more scarce. Lower yields are possible if the necessary crops and varieties are scarce.
- ii. The availability of food is another area where climate change has an impact. Therefore, as a direct consequence of climate change, people are having their assets taken from them, their infrastructure destroyed, and their incomes and career opportunities being shed.
- iii. iii) Reliability of food production – Food pricing fluctuations and agricultural imports/exports both affect food reliability of supply.

The risk of contamination due to pests & animal diseases, as well as the rising prevalence of human diseases like diarrhea or malaria, all have an impact on food intake in a certain manner.

1.3.4 Right to water

Despite the lack of explicit recognition by randomly the human rights agreements, the Committee on Economy and Society, Cultural, and Contemporary Rights has stated through its Basis Of article no. 15 on the Right to water that water supply is a human right enshrined under article 11(1) of something like the International Covenant on Economic, Social, and Cultural Rights (Stern, N.Stern,2006) and is inextricably linked to the rights to the highest attainable standard of health, adequate housing, and adequate food. Also discussed were the rights' relationship to other IBHR protections, such as the right to life and the right to be treated with respect.

The necessity to protect people's ability to have clean water is emphasized in a variety of human rights documents. Women have the right to adequate housing, sanitation, and freshwater supplies under Article 14 of the Convention on the Elimination of All Forms of Discrimination against Women (2). For countries that have signed the Convention on the Rights of the Child, preventing sickness and ensuring access to clean water and food is a priority (Article 24 (2)). (Werner, C.,2012) The organization advocated for universal access to safe drinking water.

The greatest impact of climate change on this water right is a decrease in freshwater supply, which may have knock-on effects on health, economic stability, and other human rights if not addressed. Both the quantity and quality of available water are at risk due to global warming. Temperature increases in water cause the release of sediment, minerals, dissolved hydrocarbons, bacteria, pesticides and salt, each of which could harm ecosystems, human health, and the reliability and running costs of water supplies. Effects of climate change affecting natural streams and natural water sources have ramifications for agriculture, business output, property use, and other related factors (Bates, B.Z.Kundzewicz, 2008).

1.3.5 Right to development

This right to development was created at a later time than the other rights listed up to this point. Perks to Grow is a fairly recent addition to the international framework which protects human rights across the world. (Obiora,L.A.J.L, 1996) The UN General Assembly adopted the Proclamation on Development Rights in 1986. Subsequent meetings, though, reaffirmed and expanded the right to development. It was not until the 1993 Vienna Conference on Human Rights that the right to development was formally recognized as an integral part of every other human right.

Declaration of the Article 1

1. Everyone has the inalienable right to participate in, contribute to, and value progress in all areas of human endeavor, including economics, society, culture, and society, which together guarantee that everyone's fundamental freedoms and rights may flourish.
2. Regarding the procedure regulations through both International Covenants on Human Rights, these same development rights already presuppose the full realization of the right

of communities to self-determination, which contains this very same workout of full independence over all one's natural resources and assets.

3. So many other liberties must be met before one can begin to comprehend the right to growth. A person's right to flourish depends on the safeguarding and advancement of all other civil liberties. The UNDP sees climate change as a serious challenge to human progress because it endangers people's ability to follow their personal goals and decide for themselves. (Shamshad, 2008) All individuals should not only be able to always have their voice heard throughout the design phase, but also be given the choice to have their rights realized in a staggered, progressive fashion over time. Both economic growth and adherence to human rights standards are assured. (Sengupta,2004) Climate change threatens two of humanity's most fundamental needs: access to clean water and food. Flames in the forest and cyclones are only two examples of how climate change is wreaking havoc on the ecosystem and interfering with people's ability to thrive. The UN has warned that "advances gained in human evolution in both industrialized and developing countries may well be reversed" as a consequence of climate change's detrimental impacts on growth and development.

1.3.6 Right to property

Article 17 of the (Universal Declaration of Human Rights 1948) states, "1. We all have the right to own property, either individually or in common with others; 2. No one should be deprived of his property unless by the law." Although the ICCPR and the ICESCR do not specifically include property rights, many international human rights treaties do. To name a few, we have Protocol No. 1 to the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights (ECHR,1950). An analogous section may be found in Article 1 of the American Convention on Human Rights (ACHR). The courts in each of these places may help you out if you have questions about the scope of your rights or want them enforced. One human right that threatens to be negatively impacted by climate change is the right to private property. The right property is right inextricably linked to the right to progress, to a higher standard of living, and so on. Many people are uprooting their whole lives to escape the effects of climate change. Changes in

weather, storms and droughts brought on by climate change cause a rethinking of how fields might be put to use.

1.3.7 Rights of indigenous people

Native peoples are disproportionately affected by climate change since they live in some of the world's biggest and most vulnerable environments. (Taylor,1997) Indigenous peoples' rights are being recognized on a worldwide basis, and they are being supported in their efforts to preserve and promote their distinct political, religious, and cultural identities.

Article 1 of both the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights state that indigenous communities have the right to self-determination and ownership of their socioeconomic, and cultural features. Furthermore, the International Covenant on Civil and Political Rights (1966), Article 27 considers the rights of indigenous peoples. All people, such as those from historically marginalized racial, linguistic, and ethnic traditions, are granted the right to freely exercise their religion, languages, and traditional practices under Article 27. But in line with the Convention on the Rights of the Child and the fundamental international principles established by law.

The Indigenous Peoples Act of 2007 provides legal safeguards for Native American ecosystems. The effects of climate change are felt most acutely by the world's indigenous peoples. As a result, climate change law should take into account their rights and concerns. Indigenous peoples are especially vulnerable to the impacts of climate change on their rights because of their close relationship with and dependence on the environment. Many indigenous communities rely on marine and terrestrial resources for their day-to-day lives and even their existence. Due to their precarious economic standing and lack of access to healthcare, these communities often face the effects of climate change with little room for adaptation. As a result of the degradation of their natural environment, indigenous people are more likely to be subjected to human rights violations brought on by climate change. To survive, indigenous people must rely solely on their natural surroundings due to the consequences of climate change on their food, water, well-being, and land. If these communities are wiped away by rising sea levels as a result of climate change, not only will the people who call these places home uproot their lives, but so will the customs they've

created over the years. If these communities are forced to relocate due to climate change-induced sea level rise, they stand to lose much more than simply their houses and way of life.

1.4 European commission on human rights

Greenhouse gas emissions in EU member states must be reduced by a minimum of 55 percent by the year 2030, as mandated by European climate legislation. The European Union intends to become carbon neutral by the year 2050. In a December 2019 European Council meeting, EU leaders agreed that the bloc must achieve carbon neutrality by the year 2050. For EU member states to become climate neutral and attain net-zero emissions by 2050, they must implement drastic cuts to their emission of greenhouse gases and develop methods to balance the remaining, inevitable emissions. Important to the European Green Deal, the Council settled on the European Climate Law in June 2021. As a result of it, all EU member states are obligated by law to achieve their climate targets by 2030 and 2050. The climate legislation establishes the foundation for the EU and its member states to take to progressively cut emissions and finally achieve climate neutrality in the EU by 2050. The EU's budget is managed by the Commission, and it also proposes and monitors new laws and policies. It helps shape EU policies in general. It's a big help in spreading prosperity and charity over the world.

1.5 Conceptualization of climate justice

All policy decisions on mitigation and adaptation to climate change's effects, as well as international agreements, must adhere to the concepts of climate justice if they are to ensure the rights of those who have contributed the least to global warming. The rights to development and the rights to a safe environment are equally safeguarded within a climate justice framework.

Human rights & economic growth are intimately intertwined, and Climate Justice is a policy that puts people before profits by safeguarding the interests of those who have been harmed and equitably distributing the expenses and benefits of tackling climate change including coping with its impacts. Climate justice isn't an environmental or scientific approach to solving the problem of climate change, but rather one that is based on politics and ethics. Climate change justice necessitates that the advantages of technological advancement not is undervalued. With people's

rights in mind, it crafts a plan to combat global warming. It's clear that combating climate change is an ongoing challenge, thus the concept of climate justice seeks to address this as well. Lack of action today will unjustly deprive future generations of Earth's resources due to a diminished ability to adapt to climate change, that had intergenerational repercussions. This means that individuals that are the poorest equipped to defend themselves and who have made the smallest contributions to changing climate will indeed be protected **(Huang, 2017)**. An equitable distribution of the resources required to confront climate change will emerge. **(Mary Robinson,2015)** In light of the challenges and threats posed by climate change, climate justice considers the plight of coming generations.

There is international disagreement on how to fairly address the issue of climate change. Developed nations are mostly responsible for global warming caused by human activity. In addition, many poor nations' locations within the climate system make them more vulnerable to instability. There is a strong correlation between a country's ability to cope with climate change and its people, technological, and economic support. The global south may see considerable greenhouse gas emissions reductions as incompatible with the long-term economic and economic hardship reduction goals (Robinson, M.,2011). Providing a platform to the state's most marginalized and disadvantaged individuals in climate change discussions is an essential part of justice. The effects of climate change are especially felt by these people. People's lives and incomes are negatively impacted both by climate change and structural inequalities inside their states. (Robinson,2011)Environmental fairness necessitates parity between the sexes. Female leadership must target the entire range of climate problems, to achieve gender parity in all areas when possible, but the existence of such disparities may inspire other women toward taking initiative in and of themselves. Most women are the ones who have to deal with the effects of climate change. On even a global, national, and even local basis, though, women not only serve as powerful catalysts for change; they are now also proactively striving to drive change. Women, especially many from areas in the poor world, are well positioned to help with climate change adaptation and mitigation efforts because of their unique perspectives, experiences, and perspectives. Obligation on the part of individuals and communities is bolstered by the idea of climate justice. (Huang, 2017) The issue of environmental preservation between nations is a perennial topic of discussion in civil forums. Many different declarations and agreements at the global level have made it possible for developed and underdeveloped nations to share

environmental responsibilities equally. In the following sections, we will take a closer look at many of the provisions included in these agreements. It is clear from the Action Plan that different standards apply to developed and underdeveloped countries. The criterion should be neutral to the duties that the world community might consent to and the national norms that have to be formed; however, it will be essential in all cases to take into consideration the varying value systems in play in each country and the extent to which standards that are appropriate for the large percentage of industrialized countries may be inappropriate and of unfair society's costs in developing economies. Such a provision recognized the fact that developed and developing countries adopt different methods. Conceptually, climate change is a threat to human rights worldwide. However, defining practical standards to face these challenges of climate change is difficult, if not unattainable, cos of variations between industrialized and rising countries in areas like funding, data availability, economic levels, access to relevant new technology, and so on. The most environmentally fragile countries across the globe need special attention and care, as acknowledged in the Rio Declaration. It goes on to say that nations should be held liable for environmental degradation in proportion to their involvement. In light of their different circumstances and needs, developing areas will be given more attention, particularly the least developed and the most vulnerable to environmental deterioration. The preamble to the Paris Agreement emphasizes the need to conserve the health of all-natural settings, including oceans, and notes the necessity of protecting biodiversity, which is treasured by some cultures as a personification of Natural Forces. The Prime Minister of India has called for climate justice to be a top priority in the lead-up to the Paris Conference. He stressed the fact that the middle class's low productivity cannot make up for the enormous spending of the wealthy, both internationally and domestically. Each state should make it a priority to protect its citizens' right to life and prosperity, in addition to the environment, but not equally. Therefore, future climate change accords will have a better chance of success. (Samir Saran, 2015) Those who are most vulnerable to the consequences of climate change are also the least likely to have the resources to do what needs to be done to lessen those effects. Those places most at risk from climate change, which appear to be mostly developing and emerging nations, take precedence. As a consequence, risk management is often given short shrift in domestic policymaking. When designing a prototype system for adapting to climate change, it's important to keep in mind the unique challenges faced by developing nations and work with them to find practical, long-term solutions to these issues,

such as creating a policy framework that will help them meet the necessary limits on atmospheric temperature and greenhouse gas emissions while keeping costs to a minimum.

1.6 Individuals' Protection as a State's Duty

Individuals most vulnerable to climate change impacts include women, children, members of disadvantaged groups, and the impoverished. It is important to note that environmental migrants frequently seek asylum in a new country because their basic requirements would not or could not be met in their home country. The extensive damage to homes, companies, food production, and water supplies may result from dry periods and sea level rise in particular. Because of this, people whose countries are negatively impacted by climate change may attempt to take refuge in others. Moreover, international conventions often fall short of protecting natural migrants, which may lead to the forcible repatriation of persons to nations with deplorable conditions.

Whether or whether a state must protect an individual against deportation is a topic of debate. Accountability holders (cities) and competent authorities (individuals or organizations) are at opposing extremes of a mutually beneficial relationship (individuals). Human rights accords, in other words, require nations to take steps to safeguard their people inside their boundaries. As a consequence, it is the responsibility of the government to ensure that everyone's basic rights are protected and upheld. (HRC,2009) Governments may have non-refoulement obligations not to repatriate an individual to a state badly impacted by climate change if doing so would violate the individual's equality of opportunity. Vertical connections may also cause problems with climate change. Atapattu argues that it is often hard to put culpability on a particular state due to the broad dispersed character of the suffering produced by climate change.

To further complicate matters, some experts have argued that the European Convention on Human Rights (ECHR) somehow doesn't relate to the issue of holding governments accountable for the slow onset calamities brought on by climate change.

1.7 Human Rights and International Migration in the Context of Climate Change

In this paper, I explore the connections between climate change, human rights, and international migration. There is currently no international agreement on climate change that compels countries to offer constitutional immunity for environmental refugees. The UNFCCC and also the Human Rights Council⁸³ both recognize the negative effects of human rights protection, however. Therefore, international organizations based on states have acknowledged the connection between human rights and climate change rights. That's because the ECHR would serve as a dynamic document that must be read in the context of the current occurring while maintaining an interpretive paradigm, it will be of the highest significance to keep an eye on the connection between human rights and climatic changes. Thus, it is possible to draw a relationship between climate change and human rights, notwithstanding the paucity of studies on the topic by the European Court of Human Rights (ECHR).

1.8 Acknowledgement by the United Nations Climate Change Framework

The United Nations Framework Convention on Climate Change (UNFCCC) became an international treaty in 1994 with the approval of 197 nations. The ultimate objective of the United Nations Framework Convention on Climate Change is to stabilize the level of atmospheric greenhouse gas concentrations so that human activities no longer substantially contribute to potentially disastrous changes in Earth's climate. There should also be steps taken by the contracting parties to reduce or prevent the emission of human-caused gases. Related to the UNFCCC, the Kyoto Protocol establishes binding national objectives for reducing greenhouse gas emissions. A more significant burden is placed on industrialized countries (Annex-I Parties) by the Kyoto Protocol than on lesser developed countries due to its shared but separate obligations approach (Non-Annex I Parties). This must be the case since developed countries have been the leading emitter of greenhouse gases during the last 150 years. In addition, wealthy countries have a responsibility to aid developing nations that are suffering as a result of climate change.

But neither the UNFCCC nor the Kyoto Protocol mentions the interconnectedness of human rights violations, population relocation, and environmental deterioration. The UNFCCC recognized in 2011 that "Parties shall, throughout all climate problems related initiatives, totally defend human rights," as stated in section 8 of the Cancun Adaptation Framework.

1.9 Recognition by the Human Rights Council

The Human Rights Council (HRC) of the United Nations is made up of 47 national authorities who strive to ensure that all countries do their share to protect individuals' human rights within their boundaries. The HRC's role is to monitor country compliance with IHRL95 obligations. Human Rights Council resolutions often address climate change and its implications for human rights protection and international migration. In a resolution adopted this year, the HRC highlighted the following:

Many fundamental human rights are threatened by climate change, including life and liberty, the right to appropriate nutrition, the privilege to the greatest possible level of physical and psychological well-being, the principles of fair care, the right to ascertain one's future, the right to clean and safe drinking water, the ability to work without intervention, as well as the right to get the education.

The HRC also highlighted the goals and ideals of the UNFCCC and the reality that all parties to the Paris Accord share a concern about climate change as demonstrated by the agreement's text. The Council on Human Rights has been consistent in its demand that governments assume accountability for the negative effects of climate change on human rights and adopt strategies to adapt to these changes.

Table 1: implementation of human rights in the context of climate change

| Sr.# | Human rights and climate change-focused areas | Level of the existence of Legislation and Policies | | Level of Implementation of laws and policies | |
|------|---|--|--|--|--|
| | | <i>Developed countries</i> | <i>Developing/less developed countries</i> | <i>Developed countries</i> | <i>Developing/less developed countries</i> |
| 1 | Climate change and human rights | High | High | Moderate | Less |
| 2 | Human rights gender equality, | High | Less | High | Less |

| | | | | | |
|----------|--|----------|----------|----------|------|
| | mainstreaming, and empowerment | | | | |
| 3 | Climate change and mitigation and(or) its adaptation reactions | High | Moderate | Moderate | Less |
| 4 | Human rights and climatic effects in National Adaptation Plans of Action | High | High | High | Less |
| 5 | Mitigation Measures and Commitments | High | High | Moderate | Less |
| 6 | Financial allocation | Moderate | Less | Moderate | Less |

CHAPTER 2

2.1 Climate effect on Refugees

Global warming is widely recognized as one of the most pressing problems today. The Intergovernmental panel on climate change found with 95% confidence in a study released in 2014 that human choices and activities are the principal cause of the present climate change. "environmental and climate degradation, and natural calamitous change connects gradually to the driver's related refugee flows," the UN General Assembly said in 2018. Migration within a country is the most common response to the effects of climate change, according to studies.

'Natural' catastrophes like floods, storms, and the slow causation of such items as rising sea levels are projected to have a significant influence on the number of people compelled to depart their native nation owing to climate change in the coming decades. lack of precipitation, dry conditions and elevated levels of salt in the soil Of the 70.8 million persons who have been forcefully moved across the globe, around 25.9 million are recognized as refugees. Even more so, the IPCC predicted a range of 25 million to about one billion people could be required to relocate due to climate change before 2050, while 200 million is the most cautious estimate. Thus, by the year 2050, almost one out of each 45 people on the planet will be compelled to relocate due to climate change. Hence, urgent universal security is a must.

International law does not recognize the concept of "climate refugees." Nevertheless, the media often uses the term. (Mcadam, J.J.R., 2012) The UNHCR suggests that the phrase "a person who has been forced to migrate as a result of climate change" be used instead. The 1951 Convention Relating to the Status of Refugees (Refugee Convention) defines a "refugee" as someone who meets the following criteria in the Article.

Persons who, for reasons of legitimate fear of victimization on account of race, religion, origin, or particular socio-political perspective, would be outside the country of their racial heritage and may be unable or unwilling to obtain themselves of security of these nations or those aren't possessing a citizen status and moving beyond the nation of their recently departed normal place of residence due to events like these, are unable or refusing to attain protection in those nations (OAU,1969)

Forcible relocation owing to a "natural" calamity or climate change raises serious questions about the applicability of Article of the Refugee Convention. Refugee Event safeguards persons escaping persecution, but many experts have noted the difficulties of including "organic migrants" (those who abandon their countries due to hazardous environmental circumstances). In response to climate change, individuals are moving across national boundaries for a variety of reasons (Schrepfer, K). Some individuals are forced to leave their homes because of the hidden effects of climate change, which are linked to unsafe or violent environments.

This may classify the person as a refugee if they are under persecution for reasons such as those stated in Article of the Refugee Convention. While this helps alleviate some of the world's most pressing problems, it also creates a large number of potential refugee protection gaps. (UNHCR,2018) These holes in protection serve to emphasize the need for international collaboration, but that is no excuse for nations to do nothing. As a result of these exceptions, climate migrants are not afforded protection under international refugee law, making it harder for them to enjoy basic human rights in such jurisdictions as the expected effects of climate change become more severe. All residents of a country must be guaranteed protection under the law regardless of their nationality or immigration status, according to the principle of universal human rights. As a result, this author looks at whether governments have responsibilities under IHRL to safeguard persons who have been forcibly transported across borders in the context of slow-developing crises brought on by climate change when no guarantees are in place under international refugee law.

The homes of one in twenty people on Earth are in danger due to ice sheets melting or falling. Coastal erosion, flash floods, hurricanes, pandemics, famine, and crop failures are just some of the problems that will affect millions of people throughout the world in the next years. Since growing desertification and ecological alteration threaten people's ability to make a living, large-scale population shifts are anticipated as a result. Numerous predictions for the future suggest that climate change may cause tens of millions, if not hundreds of millions, of people to escape their home countries and states. (IOM,2008) The IPCC's Fourth Assessment Report predicts that accelerated global warming would have devastating effects on human existence. Fifteen experts have expressed grave concern about the fate of climate refugees. U.N. High Commissioner for Refugees (UNHCR) predicted that climate change would emerge as a major factor in forced

population movements. The December 2009 Copenhagen Climate Change Conference included a speech by Antonio Guterres. How the nation will handle the tens of millions of refugees the UNHCR predicts would be forced to depart their homes by 2050 has been a hot topic of debate (Schrepfer, K).

The persistent issue of human migration has voiced doubts about ethical and legal obligations to protect the displaced, necessitating immediate solutions. Those who are displaced from their homes as a result of climate change are particularly vulnerable to having their civil freedoms infringed, thus governments need to adopt measures to safeguard the rights of those who are displaced in this way. It's important to explore tough questions about how to protect those who have been uprooted because of climate change. Are we under a moral obligation to rescue our suffering neighbors? Do they have any legal protections under global (human rights and environmental) law? Is it possible to handle a refugee crisis with the present resources and organizations? Before any of these problems can be solved, the issue of migration due to climate change must be resolved. It's better if uprooting doesn't happen or happens less often. Only via strong mitigation measures can this objective be realized. Since there isn't enough political will, and discussions on a worldwide climate change treaty are moving quickly, this is improbable. The effects of climate change that prompted the exodus cannot be reversed in their entirety, and irreparable damage has been done. Craig Johnston, UNHCR's Deputy High Commissioner, has observed, "Our generations have neglected to live up to its responsibilities to mitigate the climatic change. We need to act quickly if we're going to reduce the harm that climate change does to mankind. No amount of adaptation measures will be able to stop migration, but they can lessen the impact of climate change or buy time as communities adjust. Adaptation measures may strengthen communities' ability to withstand adverse conditions, hence reducing the number of individuals who must migrate. A large percentage of the displaced population will be found in the world's poorest developing regions. Their governments lack the resources and knowledge to make adaptation to climate change viable. There is presently no international refugee fund set up to help those who have been displaced due to climate change.

It will be necessary to relocate to the degree that people must leave their homes because of the effects of climate change. There are two places under consideration for the move. At first, individuals will be relocated to safe regions inside their own country. The second exodus happens

when a country, or a substantial chunk of it, becomes uninhabitable or unable to provide for its people. Only a move to a foreign nation or country is permitted under certain circumstances. In reality, relocating inside a country's boundaries is more difficult than it may seem at first. When people move inside their own country for environmental reasons, they need more substantial foreign help than is often given to internally displaced people. Where people will go outside current boundaries as a result of climate change is the most difficult topic to answer. Unfortunately, neither international environmental nor human rights legislation provides sufficient safeguards for these individuals.

According to a shocking study by the UN High Commissioner for Refugees (UNCHR), 1,500 refugees perished in 2011 alone while attempting to reach European beaches.³⁷ On February 25, 2004, then-President George W. Bush released a statement regarding Haitian refugees. When asked about his plans for dealing with refugees, he said, "I have made it very apparent to the Coast Guard that we'll turn people away any migrants who attempt to come to our beach."³⁸ Has, in the years thereafter, often upheld a zero-tolerance attitude against the growing influx of "Boat People" to its borders.³⁹ The Australian Prime Minister has said, "We surely cannot allow a situation wherein Australia is perceived as... an easy escape."

2.2 International Refugee Law

When people are compelled to move, the natural first place they look is the refugee camp. The 1951 Convention on the Status of Refugees establishes the criteria that climate-related refugees must meet to be granted protection (hence the "Refugee Convention"). According to Article 1, (a)(2), a refugee is "(a) a person who, for reasons of race, religion, nationality, or political persuasion, is unable or, primarily out of fear for his life, refuses to return to his country of origin." Others have sought to expand the definition to include persons who have been uprooted due to climate change. First, there was an attempt in 1985, when El-Hinnawi used the term "environmental refugee" to characterize those "forced to leave temporarily or permanently owing to a perceptible environmental disruption that jeopardized their survival and/or negatively impacted their life quality" (Williams, 2008, p. 506).

This was not carried out in a vacuum. For instance, Myers compared environmental refugees to other categories of refugees, arguing that they are all similarly destitute individuals yearning for

stability in their lives. Residents of PICs who are fleeing environmental destruction need no less security than those fleeing persecution, but it is important to recognize that these two categories are governed by different legal systems. Legislation protecting refugees was never meant to cover every conceivable kind of asylum-seeker. However, the requirement of "persecution" for asylum means that the Refugee Convention's humane scope cannot encompass only those refugees. While the specifics of what constitutes persecution are unknown, it is widely accepted to include severe ill-treatment at the hands of or with the approval of one's nation of origin (Goodwin-Gill and McAdam, 2007). As a result of not fleeing persecution, those who are evacuating due to a natural disaster and climate change do not qualify for refugee status under the Refugee Convention. Cooper has attempted to politicize climate change to shift focus away from underlying scientific explanations. She argues that wealthy countries are putting millions of people at risk by doing too little to stop global warming and the ensuing rise in sea levels. However, there are two major faults in this otherwise convincing argument: a lack of motivation and a faulty grasp of the topic at hand.

First, assuming without stating that environmental degradation constitutes discrimination, oppression must be inflicted on one of the six grounds stated in the Refugee Convention. These grounds are ethnicity, religion, citizenship, socioeconomic standing, and political opinion. As for the Convention on Biological Diversity, the Australian court has concluded that there was not enough evidence to conclude that the inability of wealthy nations to address global warming was driven by animus towards the inhabitants of low-lying. Cooper also suggests, maybe mistakenly, that the most affected people represent "a unique social type" owing to their lack of power to change their immediate environments via political means (1998, p. 525). This school of thought holds that victims are classified according to the activities of their persecutors or the lack of protective measures taken by the victims themselves. On the contrary, folk's participation in a particular social group will make them more likely to be singled out for persecution. People with the characteristics that make them likely to join such a group must do so despite the risks (McAdam, 2007). The requirement of "Convention grounds" may be rendered meaningless if participation in a group were contingent upon just fearing for one's safety. When compared to the wider population, those who are part of a certain circle of acquaintances are seen as having certain characteristics in common. Whose ideas about humans are changing to global warming? Simply stated, nobody in PICs can escape the repercussions of climate change. The New Zealand court

found that the environmental degradation in Kiribati did not amount to discrimination under Convention as it impacts the entire population.

Second, surrogacy is a crucial concept in refugee law. When a person's own country can no longer offer safety, the international community steps in to do so. That is to say, when people in need of protection from persecution have nowhere else to turn to, they turn to the international community. Continuing Cooper's argument, it's puzzling that victims of persecution would flee their own country—which isn't responsible for their plight—in search of refuge from the same people who are responsible for their suffering. This means that the whole foundation of refugee law is incompatible with her viewpoint. The inclusion of individuals who have been forced to flee their homes as a result of climate change has been contentious.

International law recognizes that while determining the legal status of persons who have been displaced owing to climate change, it is essential to take into account not only objective features but also the people's ideas of themselves. The term "refugee" has been generally rejected in several PICs because of the stigmas linked with it (McAdam and Loughry, 2000). Kiribati's former leader made it clear that the island nation did not want to give up its independence. Still, the upheaval has been quite expensive for us. Therefore, we are hesitant to give up what little dignity we have left. The word "refugee" is thus an undesirable designation that no one wants to be associated with. They have taken everything from us, thus it is only right that we are compensated,(McAdam, 2012).

It seems unethical to label people from PICs as refugees when those who are directly affected by the crisis through no fault of their own find the label derogatory and refuse to embrace it. People fleeing from hazardous weaponry, like firearms and tanks, have the same right to safety as those fleeing from the effects of climate change, such as rising sea levels and a shortage of clean water. If the Refugee Conventions were to be applied to persons who had been displaced because of climate change, however, the "ordinary meaning of the term" refugee (VCLT, 1969, Article 31(1)) would be rejected. The Refugee Convention is already precarious, and this might make it much more so. Despite the undeniable fact that people living in PICs need protection, no such protection is available to them under the Refugee Convention.

As the title suggests, environmental studies, psychology, politics, and human rights all have something to say on the issue of climate change displacement. These problems exist independently and are by no means unique. Environment law, refugee law, and human rights law are all areas that have been very well addressed. Together, however, they represent a phenomenon that is outside the scope of existing explanations. This means that placing your faith in just one of these systems will never pay off. To effectively address the issue, it is necessary to move beyond traditional legal classifications and to thoroughly extract specific application criteria from existing legal frameworks. In addition, art. 31(3)(c) of the 1969 Vienna Convention on the Law of Treaties states that, while interpreting a treaty, it is customary to give weight to all relevant international legal rules that apply to the matter at hand.

Current systems do not address the "how," "what," or "when" of climate change-related international migration. To answer the question "what," refugee law determines the kind of protection most appropriate for a migratory worker. Human rights law determines whether or not a person has a right to be brought back 'when' they are not adequately aware of the potential harm. Finally, environmental law establishes which states are at fault for climate change and hence which governments are responsible for providing protection. All of these precautions need to be taken at once if the world community is serious about protecting individuals who are compelled to leave their homes because of climate change.

To guarantee a logical, coordinated, and speedy response, all of the above details—the why, when, and whom to be incorporated into a worldwide guideline. This present refugee crisis has demonstrated to us that ad hoc solutions almost invariably end up making things worse for everyone. Instead, if everyone works together on a coherent plan, it might end up being beneficial for everyone. This helps victims keep their dignity and self-assurance even when tensions at the state level and the subsequent "and who is to be held responsible?" conflicts are mitigated. Although not legally binding, the United Nations' Core Principles on Internal Migration can be used as an illustration of the potential influence of guidance on international climate-related relocation, which can then inspire the development of national and often continental legal laws addressing the issue.

With this looming challenge, we need to take a holistic strategy. Since the consequences of climate change in PICs are slow to materialize, the stakeholders have time on their side. As recognized in

the Dhaka Ministerial Declaration, there is a window of time before the oncoming disaster to plan and implement a policy that may boost the chances for the evacuated people to have dignified and diversified lives (2011, Preamble para. 12). Because of the interconnected nature of the factors contributing to climate change, no one country or group of people can take exclusive responsibility for finding solutions (Docherty and Gianini, 2009, p. 382). Location is important, but for the inhabitants of PICs, so are their history, heritage, and lifestyle. The absolute least the world community could do is work to prevent them.

2.3 Assessment

According to the data presented in Chapter 2, my point is that the climate change crisis is becoming steadily worse. The most current and fifth assessment report from the IPCC finds that human-caused gas emissions are the main factor in global warming. Consequently, this is harmful to people's economic and social rights. The duty for protecting human rights inside a country's boundaries is a requirement of several international human rights accords. As no current agreement exists to protect individuals against the erosion of human rights and other negative consequences of climate change, it is difficult to determine how states' responsibilities should be seen in this context. It is legitimate to dispute the effectiveness of the accords and recommendations of climate change contained in contemporary multilateral law because states are not reducing greenhouse gases on aggregate, much less enough to minimize future climate change. Those who disagree may point out that UNFCCC agreements much like Cancun Agreement, as well as the Paris Agreement, represent nations' demonstrable commitment to lowering gas emissions. Atapattu argues that current emanations will have a significant effect on future generations. Nations must acknowledge the relationship between inaction on climate change and a decline in independent human rights practices. Intergovernmental bodies like that of the Human Rights Council must acknowledge the connections between human rights & climate change since the gradual but constant consequences of climate change limit people's capacity to exercise their fundamental rights. They might appear to be the perfect persons to consult about the modern-day applicability of the European Convention on Human Rights. According to me, Climate change is one of the most dangerous things it has impacted our health all over the globe. We should have the right to life freedom of movement and personal security. Human rights are also affected by climate change. If we want to minimize climate change and ensure that all people can adapt to the climate crisis. Human rights are at risk

from climate change in ways that have never been seen before. We cannot stop climate change by lawsuit alone. They show that rights are not ignored in climate policy and that rights violations are already occurring as a result of climate change.

Many legislations and policies exist for human rights but the implementation is not done. Everything is present in the Form of Papers. This is the most important issue in developing and less developing countries. In underdeveloped countries, we are facing many issues like earth quack and floods after years. Of this climate change, the countries face many economic issues just as poverty and many problems like health and education. I recommend that we should make practical policies to overcome climate change and problems related to climate change. Climate change increases poverty which affects mostly less developed countries.

As the scale of both internal and international migration increases, so has the degree to which the rhetoric accompanying migration has become political and aimed at encouraging xenophobia. Both the ability of migrants to cope with and control their uncertain situations and the development of adaptive policy solutions to ease individual movement and transition are profoundly influenced by how migration is conceived of. There has been a recent uptick in the use of inherent dignity as a defense in cases involving violations of basic human rights and the right to full treatment under the law. Having faith in each person's inherent worth and value is essential to maintaining a sense of dignity. Therefore, the Mobility with Decency framework provides a chance to focus on the challenges individuals face and to provide authorities, policymakers, and NGOs with options for easing migrants' transitions into new communities and fostering the development of sustainable economic opportunities for them. Young people are especially susceptible to climate anxiety because of the significant risks that climate change poses to their health and prospects. This study is the first of its kind to look at the connection between climate anxiety among children and youth throughout the world and how they feel their governments are responding to the issue.

CHAPTER 3 - Legal analysis of recent climate change litigation

3.1 Defeat for Australia at UNHRC

Australia's failure to adequately protect the indigenous Torres Islanders from the negative effects of climate change was cited by the United Nations Human Rights Committee in a decision issued on September 23, 2022. The Committee found that Australia had violated the rights of the Islanders to enjoy their culture and to be free from interference in their private life, family, and home. Eight Australian citizens and six of their children, all natives of four small, low-lying islands in Australia's Torres Strait region, complained to the Committee, leading to its eventual decision.

The Islanders claimed that the degradation of land and trees brought on by climate change had decreased the amount of food available to them through traditional fishing and farming and that flooding had destroyed family graves and left human remains scattered across the islands.

The Committee concluded that the Islanders' rights had been violated as a result of these impacts and urged Australia to compensate them for the harm they had endured, consult with the Islanders to determine their needs, and take action to ensure the communities' continued safety on their respective islands.

As the authors' claims under articles 6, 17, 24(1), and 27 are not separate from their claims under article 2, the Committee has ruled that their claims under article 2 are inadmissible.

The Committee, however, has ruled that the author's claims under Articles 6, 17, 24(1), and 27 are valid.

On the merits, the Committee has ruled that the Australian government violated the authors' rights under article 6 of the ICCPR by failing to take adequate measures to protect the authors from the adverse effects of climate change on their right to a dignified standard of living.

By failing to take adequate adaptation measures to safeguard the authors' home, private life, and family from the effects of climate change, the Committee has also found that the government has violated the authors' rights under article 17 of the ICCPR.

Last but not least, the Committee concluded that the government violated the authors' rights under article 27 of the ICCPR by failing to ensure the safety of their culture, which is intrinsically linked to their traditional lands and the utilization of their natural resources.

The Committee has noted that the government must ensure the survival and continued development of the authors' cultural identity to protect their right to culture under article 27, which depends on the minority group's ability to maintain its culture, language, and religion.

As a result of the Australian government's inaction in the face of climate change, the ICCPR Committee has concluded that Australia has violated the authors' rights under the ICCPR. The Committee has urged the government to implement suitable adaptation measures and guarantee access for the authors and their communities to mitigate the negative effects of climate change.

The decision by the Committee is significant because it opens the door for individuals to bring claims where national systems have failed to take adequate measures to protect the most vulnerable from the adverse effects of climate change on their ability to enjoy their human rights.

The Committee decided that states that do not protect their citizens from the consequences of climate change may be in violation of international law and thus be responsible for damages to those citizens. The Committee found that the indigenous Islanders' right to enjoy their own culture and to be free from arbitrary interference in their private life, family, and home had been violated because Australia had failed to take timely and adequate measures to protect them from the adverse effects of climate change.

As the effects of climate change may expose individuals to a violation of their right to life under the International Covenant on Civil and Political Rights, the Committee's decision emphasizes the importance of taking timely and appropriate measures to avert risks to individuals' lives.

While Australia had taken some steps—including building new seawalls on the four islands—the Committee indicated that more was needed to guarantee the indigenous Islanders' continued security.

In sum, the Committee's decision, in this case, highlights the importance of states taking timely and appropriate action to protect the human rights of those most vulnerable to the negative impacts of climate change, and the potential for individuals to use international human rights mechanisms to hold states accountable for failing to take adequate measures to protect against such impacts.

3.2 Engels and others v. Germany

The lawsuit was filed by a group of young Germans who claim that the Federal Republic of Germany, as the defendant state, has failed to adequately regulate greenhouse gas emissions, in violation of the positive obligations under Articles 2 (right to life) and 8 (right to respect for private and family life) of the European Convention on Human Rights (ECHR). All of the applicants are under 30 years old and live in major German cities; they claim that climate change is already harming their daily lives and is therefore violating their rights under the European Convention on Human Rights. According to the petitioners, the regulations outlined in the German Climate Protection Act (KSG) do not offer a sufficient path to reducing emissions and do not offer sufficient protection from the risks posed by climate change.

The petitioners believe that Article 2 ECHR imposes an affirmative obligation on the defendant state to take reasonable measures to protect the lives of persons subject to its sovereignty, including in life-threatening situations. They go on to say that Article 8 of the European Convention on Human Rights mandates positive governmental obligations to safeguard citizens from environmental threats to private and family life. The petitioners claim that the respondent state has breached these positive commitments due to the KSG's inadequate regulation of emissions.

The court must decide whether or not the defendant state has breached its positive commitments under Articles 2 and 8 of the European Convention on Human Rights. To achieve this, it will need to evaluate the extent of these commitments and the steps the state has taken to meet them.

It is well-established that positive responsibilities under Articles 2 and 8 ECHR extend to circumstances where ecologically hazardous activities pose a danger to human life (Article 2 ECHR) and where private and family life is directly and substantially affected by environmental impacts (Article 8 ECHR) (Article 8 ECHR). Both articles have obligations related to climate change, and the concepts established in one article can be used in the other.

Regarding the steps needed to meet these commitments, it is generally agreed that nations must provide a legal and administrative framework to guarantee efficient protection against risks to life (Article 2 ECHR) and protection of personal and family life (Article 8 ECHR). The precautionary principle should be considered when there is a risk of serious and irreversible implications for the environment, and legislation should be reviewed and updated regularly as new scientific and technical knowledge becomes available.

The court will evaluate whether the actions implemented by the state, as indicated in the KSG, are sufficient to fulfill the affirmative requirements under Articles 2 and 8 ECHR to determine whether

the defendant state has infringed these articles. To do so, we must examine whether the state has properly considered the relevant scientific and technical information, whether it has struck an appropriate balance between the numerous interests engaged in climate protection, and whether the emission reduction path established by the KSG is adequate.

3.3 Careme v. France

In the case of *Careme v. France*, the applicant, the former mayor of the city of Grande-Synthe, France, and the municipality of Grande-Synthe, located in an area at high risk for exposure to climate risks, has asked the Council of State to overturn the government's refusal to take additional measures to meet the objective of reducing greenhouse gas (GHG) emissions by 40% by 2030, as outlined in the Paris Agreement. The applicant claims that the Council of State made a mistake in dismissing his lawsuit and that the authorities' inaction represents a breach of their duties under the European Convention on Human Rights (ECHR).

The petitioner must show that the Council of State's decision was arbitrary or unlawful and that the authorities' failure to adopt additional measures to reduce GHG emissions has had a direct and harmful impact on his rights under the ECHR.

The applicant must demonstrate that his right to respect for private and family life, including his house, has been violated by the authorities' failure to take measures to reduce GHG emissions, by Article 8 of the ECHR. A causal link must be established between the authorities' inaction and the harm done to the applicant's personal and family life for this to be granted. The applicant must additionally demonstrate that the government's response was disproportionate to the legitimate goal of environmental protection and GHG emission reduction. To do so, you'll have to provide evidence that showing the authorities didn't intervene was unnecessary or justified given the legitimate goal they were trying to achieve.

The applicant must establish that the authorities' inaction in reducing GHG emissions has had a direct and harmful effect on his right to life to succeed in his claim under Article 2 of the ECHR. A direct causal relationship between the authorities' inaction and the applicant's diminished right to life must be established. The petitioner also needs to demonstrate that the authorities' acts or inaction were not in violation of the positive obligations placed on them to safeguard the right to life. The applicant must show that the authorities were required to intervene to safeguard the applicant's right to life but instead chose to do nothing.

To reduce greenhouse gas emissions and guarantee compliance with the 40% by 2030 target set by the Paris Agreement, the applicant must prove the following to the European Court of Human Rights, and if he does so, the ECtHR will likely rule in his favor and require the government of France to do so. If the ECtHR decides that the applicant's rights under the ECHR have been breached, it may also order him to pay compensation.

The ECtHR will weigh the evidence, listen to the parties' arguments, and examine any applicable case law before coming to a ruling. The ECtHR will also consider the ECHR's principles, such as the need to safeguard the environment and the right to life, and the principle of proportionality, which states that any interference with an individual's rights must be necessary and reasonable to the legitimate objective pursued.

The ECtHR will look at whether the authorities had a duty to take action to reduce GHG emissions and if they failed to fulfill this duty to determine whether the authorities' refusal to take such action was unreasonable or unconstitutional. The European Court of Human Rights will look into whether the authorities' inaction was reasonable given the legitimate purpose pursued and whether there were less restrictive alternatives.

The ECtHR will also assess the particulars of the case and the extent to which the authorities' failure to act has harmed the applicant's rights under the ECHR in deciding whether the authorities' failure to act has a direct and adverse impact on the applicant's rights. The ECtHR will also evaluate whether the measures taken or not taken by the authorities were reasonable in light of the legitimate goal pursued.

In sum, *Careme v. France* brings up significant legal questions about the scope of a state's duty to safeguard the environment and the rights of individuals whose lives are altered by climate change. The ECtHR's ruling, in this case, will have far-reaching effects on environmental safeguards and individual liberties across Europe and beyond.

3.4 Soubeste and Others v. Austria and 11 Other States

Five European citizens have filed a lawsuit claiming that climate change-related extreme weather events have violated their human rights. They claim the fossil fuel industry is largely responsible for the climate change they are experiencing, and that the Energy Charter Treaty, which has been ratified by all twelve respondent states, shields investors in the fossil fuel industry from regulatory changes and gives them access to excessive treatments through investor-state dispute resolution mechanisms. Therefore, they argue, the respondent governments are unable to take rapid climate

change action and cannot reach the targets established in the Paris Agreement of 2015. The primary question is whether the Energy Charter Treaty has any bearing on the rights of these young citizens in light of climate change.

3.5 Duarte Agostinho and Others v. Portugal and 32 Other States

Six young Portuguese people lodged a case with the ECHR on September 2, 2020, naming as defendants the 33 member states of the European Union and other European countries like Russia, Switzerland, Turkey, and the United Kingdom. According to the complaint, the defendants have breached people's rights by not doing more to combat climate change. The plaintiffs want a court to force the defendants to adopt stronger measures.

The right to life, the right to privacy, and the right to be free from discrimination are all guaranteed by Articles 2, 8, and 14 of the European Convention on Human Rights, on which the complainant relies. The complainants state that forest fires, heatwaves, and a rise in respiratory and cardiovascular ailments are all consequences of climate change in Portugal that pose a threat to fundamental rights. The effects of heat waves, they say, necessitate greater time spent indoors, which compromises their right to privacy, which includes their physical and mental well-being.

According to the claim, the defendants have a systemic obligation to adopt measures to slow the effects of climate change and protect the plaintiffs from its harmful consequences. The obligation is said to stem from the rights of future generations to have their developmental and environmental needs met, as well as the Paris Agreement's goals of limiting global warming to 1.5°C, and the idea of intergenerational justice. The complaint also makes use of the precautionary principle, which calls for action to be made to reduce risks connected with the climate system's potential responses to emissions, including the possibility of more rapid warming and consequently more severe impacts.

Moreover, the complaint says that the defendants should control their emissions, even those that occur in foreign countries, to prevent future climate change. It is suggested that this responsibility stems from the international law principle of non-recognition, which is codified in documents like the United Nations Convention on the Rights of the Child and the International Covenant on Economic, Social, and Cultural Rights. The case states that any uncertainty as to each respondent's "fair share" of the global mitigation effort required to attain the 1.5°C target must be determined in favor of the claimants and that all such contributions must be presumed to be excessive.

The case claims that the defendants violated their human rights by rejecting the Paris Agreement's goal of limiting global warming to 1.5 degrees Celsius. Also, the claimant's rights under the European Convention on Human Rights have been breached because the respondents cannot say that the claimant's suffering is "essential in a democratic society" due to the effects of climate change.

The complaint requests an injunction compelling the defendants to undertake more extensive measures to mitigate climate change, including cutting their greenhouse gas emissions in line with the Paris Agreement and limiting their contributions to the problem. The claimants are asking for monetary damages because the defendant did not do enough to prevent climate change.

On November 30, 2020, the ECHR notified the 33 defendant countries of the matter and asked for a response by the end of February 2021. The defendant government's request that the Court reverse its fast-tracking order and instead hear just arguments about the case's admissibility was denied by the Court in February 2021. The defendants have until May 27, 2021, to file a response to the court's ruling on the admission of their evidence and the case itself.

Amnesty International filed written observations with the ECHR in support of the claimants on May 5, 2021, arguing that states are legally obligated to protect the human rights of people living outside of their borders and to ensure that businesses operating within their borders do not violate those rights. Additionally, the European Commission submitted written notes to the ECHR on May 19, 2021, marking their intervention in the matter. To define the scope of the state's commitment to preventing human rights violations caused by environmental harm, the Commissioner suggested that international environmental and children's rights law tools should play a prominent role. The Commissioner defended EU policy in the field of environmental protection using sound legal reasoning and scientific evidence, and they concluded that the growing number of climate change-related cases before the Court present an opportunity to continue forging the legal path toward a more thorough implementation of the Convention and to offer real-life protection to individuals affected by environmental degradation and climate change.

The respondent governments' defenses were delivered to the claimants on August 14, 2021; however, after seeking counsel, the claimants decided against making the defenses public. The deadline for the claimants to respond to the defenses is January 12, 2022. The ECHR's decision on the matter has not yet been announced.

In conclusion, the case brings up significant legal questions about the responsibility of nations to act to address the global threat of climate change and the preservation of human rights in that context. Should the plaintiffs prevail, the case might have far-reaching consequences for the rights of persons and communities affected by climate change and the responsibility of states to take more ambitious measures to prevent and adapt to these impacts. It may also set a precedent for future cases and influence the growth of international law in this area.

3.6 De Conto v. Italy and 32 other States

A 20-year-old Italian woman filed a case against 33 nations with the European Court of Human Rights (ECHR) on March 3, 2021. Human rights violations under the European Convention on Human Rights are claimed to have occurred in the nations named as respondents in the lawsuit filed by the woman (ECHR). The lawsuit alleges that the respondent countries have failed to uphold their positive commitments under Articles 2 and 8 of the European Convention on Human Rights (ECHR), which require them to safeguard the environment and the woman's right to private and family life, respectively.

The woman's psychiatric problems have been exacerbated by climate change, the complaint states. The "Storm Vaia" windstorm and the forest fires that followed it are just two of the extreme weather disasters mentioned in the lawsuit as direct consequences of global warming in the woman's area. The lawsuit alleges that the respondent countries, all of which are signatories to both the European Convention on Human Rights and the 2015 Paris Agreement, have failed to meet their environmental protection commitments because they have not done enough to implement the Paris Agreement.

The case also asserts that the younger generations will bear a disproportionate share of global warming's harmful consequences, in breach of Article 14 of the ECHR, which forbids discrimination in the enjoyment of rights. Finally, the woman is said to be too young and financially insecure to pursue domestic remedies through the courts of all 33 respondent countries. Consequently, the woman believes that her sole recourse is to file a complaint with the ECHR under Article 13, which provides the right to an effective remedy for the protection of rights under the ECHR.

Similarly to the outcome of *Duarte Agostinho and Others v. Portugal and 32 Other States*, the complainants hope to have the respondent governments ordered to take more aggressive action to combat climate change.

3.7 Uricchio v. Italy and 32 other States

This case involves a complaint filed with the European Court of Human Rights by a Matera, Italy, lady who is 18 years old, against the governments of 33 nations. She claims that the countries that have signed both the European Convention on Human Rights and the 2015 Paris Agreement have not done enough to safeguard the environment the latter. Because of global warming, which results in the extreme summer heat and flooding in her area, she now suffers from allergies and mental anguish.

In her complaint, the plaintiff refers to European Convention on Human Rights Articles 2, 8, and 14. The right to life is guaranteed in Article 2, while the right to a private and family life, including one's home and surrounding surroundings, is guaranteed in Article 8. The plaintiff claims the defendants have broken the law by neglecting to adequately combat climate change and environmental degradation.

The complainant, a young woman with little financial resources, claims that domestic remedies would not be effective for her under the circumstances described in Article 13 of the Convention. It would be difficult for her to file suit against all 33 countries separately.

The claimant cites Article 14 of the Convention, which forbids discrimination, to suggest that those of younger generations are disproportionately affected by the detrimental effects of global warming. Because of her early age, she will likely be subjected to the harmful effects of global warming for a longer length of time, such as longer and hotter heatwaves and more intense weather events.

This lawsuit is comparable to Duarte Agostinho et al. v. Portugal and 32 Other States, in which the plaintiffs claimed that the defendant countries had broken the Paris Agreement by not reducing their emissions to the extent necessary to keep global warming below 1.5 degrees Celsius. The complainants in both cases allege that the countries in question violated their human rights by not doing enough to combat climate change and protect the environment by the European Convention on Human Rights and the Paris Agreement.

3.8 KlimaSeniorinnen v Switzerland

In 2016, a group of elderly Swiss ladies filed a lawsuit against the Swiss government, claiming it had violated its constitutional and ECHR commitments by failing to adopt emissions reduction programs that would keep global temperatures far below 2°C above pre-industrial levels. The

women alleged that the government had breached Article 2 of the European Convention on Human Rights and Articles 73 and 74 of the Swiss Constitution, which guarantee the right to life and the protection of the environment, respectively. They said that elderly women are especially at risk from the heat waves that climate change is predicted to cause. The women urged the Swiss parliament and related government agencies to come up with a regulation strategy to cut greenhouse gas emissions by at least 25% below 1990 levels by 2020 and by at least 50% below 1990 levels by 2050.

On 25 April 2017, the Federal Department of Environment, Transport, Energy, and Communications (DETEC) dismissed the petition because the ladies did not have standing and did not qualify as victims under the European Convention on Human Rights. The women filed an appeal, but both the Swiss Federal Administrative Court and the Swiss Supreme Court ruled in favor of the government, saying that the causes they cited were not affected strongly enough and that the solution they sought should be pursued politically rather than legally.

They filed their case with the ECtHR in November 2020 after exhausting all domestic remedies, arguing that Switzerland's inadequate climate policies violated their right to life and health under Articles 2 and 8, that the Swiss Supreme Court's rejection of their case was arbitrary, and violated their right to a fair trial under Article 6, and that the Swiss authorities and courts did not adequately address the issue. The European Court of Human Rights has taken up the matter and requested a response from Switzerland by July 2021. In September 2021, the International Commission of Jurists' Swiss section filed an intervention on behalf of the women's case as a third party. A ruling from the European Court of Human Rights is awaited.

In this case, the petitioners claim that the government has breached their rights under the ECHR by not doing enough to combat climate change and safeguard their right to life, as well as their right to family and private life. The applicants claim that the respondent government has an affirmative obligation to take necessary and reasonable actions to prevent or limit the risks presented by climate change to their health and well-being based on the right to life under Art. 2 ECHR. They argue that people are dying and getting sick from the heat because of the risks posed by climate change, particularly extreme heat waves and heat waves. The applicants additionally claim that the respondent government's inaction violates their right to "personal autonomy and aging in dignity" under Art. 8 ECHR.

The applicants claim that the respondent government has breached Art. 13 ECHR by failing to ensure that their domestic courts conduct a thorough investigation into the merits of their claims. They say the courts should have looked at their claims under Articles 2 and 8, not just Articles 6 and 13, of the European Convention on Human Rights, but instead they dismissed their standing. To prove their claim that the respondent government has violated their ECHR rights, applicants must show that it has failed to take necessary and appropriate measures to prevent or minimize the risks posed by climate change to their health and well-being and that this failure has caused or is likely to cause harm to their rights under Art. 2 and 8 ECHR. They'll also need proof that the domestic courts didn't properly investigate their claims, as is required by Art. 13 ECHR. The burden of proof lies with the applicants, who may prevail in their argument that the respondent government has breached their rights under the ECHR if they can produce such evidence.

It is important to note, in terms of the legal interpretation of the applicants' accusations, that the ECHR imposes a positive obligation on states to take necessary and adequate steps to preserve individual rights, including the right to life and the right to respect for private and family life. The court ruled that this duty applies to all instances of environmental degradation that threaten people's health, safety, or right to privacy. The applicants in this case claim that their rights under the ECHR have been violated or will be violated because the government has not done enough to combat climate change and protect them. The applicants' contention that the respondent government has breached their rights under the ECHR might be upheld if they present adequate proof to back up their assertions.

3.9 Müllner v. Austria

According to the petitioner, the Austrian government's inaction on climate catastrophe is a violation of his rights guaranteed by the European Convention on Human Rights (ECHR). More specifically, he claims that the climate crisis-caused rise in average temperature and heat waves has intensified the symptoms of his multiple sclerosis and made it difficult for him to participate in regular activities and have a private, satisfying life with his family. The petitioner may have a claim under Article 8 of the ECHR, which safeguards the right to private and family life, due to the alleged negative effects on the petitioner's bodily and mental health.

The petitioner further claims that if greenhouse gas emissions are not drastically cut, the negative impacts on his health would only get worse. To the extent that this supports a claim under Article 2 of the ECHR, which guarantees the right to life, this may be of great importance. The petitioner

may claim that the government's inaction on the climate catastrophe is endangering his health by making his symptoms worse and reducing his quality of life.

The petitioner also claims that the government's failure to adequately handle the climate crisis and its harmful effects on his rights cannot be effectively challenged in an Austrian court. This may be a violation of Article 13 of the ECHR, which mandates that people be provided with an "effective remedy" in the event of a violation of their rights. The petitioner may claim that his rights under the ECHR have been violated because he has no viable remedy to challenge the government's inactivity on the climate catastrophe in domestic court.

Given the seriousness of the situation and the risk to the petitioner's health, if appropriate action is not taken, the petitioner is requesting that the case be treated as expedited procedures under Rule 41. The petitioner must show exceptional urgency and the possibility for substantial and irreparable injury if the case is not resolved quickly to be granted this request. The court may allow this motion due to the urgency of the issues at hand and their possible effects on the petitioner's bodily and mental health.

3.10 Plan B.Earth and Others v United Kingdom

The applicants here claim that the UK government's inaction in the face of climate change threatens their human rights as guaranteed by the European Convention on Human Rights. They claim the government is required by law to safeguard fundamental liberties like the right to life and the family but has failed to do so in several ways.

The applicants claim that the UK government has breached their rights in a few different ways. The first is by failure to cut emissions by the Paris Agreement. Governments are obligated to take measures to avert imminent threats to life under Article 2 of the Convention. As the continued use of fossil fuels is a major contributor to global warming and its impacts, including more frequent and severe extreme events, rising sea levels, or other environmental changes that pose a threat to human life, cutting pollution is a necessary step to prevent harm to human life in the context of climate change. The petitioners contend the UK government has breached its responsibility to defend the right to life by failing to take adequate action to cut emissions.

The applicants also claim that the government of the United Kingdom infringed on their rights by not taking appropriate measures to prepare for the consequences of climate change. Operational measures to defend the right to life are also required by governments under Article 2, such as planning for potential hazards to life and adopting efforts to limit their impact. In the context of

climate change, this may entail actions like informing the public in a timely and accurate manner about the dangers and repercussions of climate change or bolstering infrastructure to resist extreme weather events. The petitioners claim the UK government has breached its obligation to defend the right to life by failing to take adequate action to prepare for the impacts of climate change.

Thirdly, the applicants claim that the UK government infringed on their rights by not coordinating public and private financing flows to achieve the 1.5 degree Celsius temperature objective set by the Paris Agreement. Not putting in place a system to make polluters pay, through measures like carbon pricing or other forms of financial instrumentation, is one such example. The applicants contend that the United Kingdom's failure to provide such a framework constitutes a violation of its duty to defend the right to life and family life since it permits private and public bodies to benefit from investments that contribute to climate change and its detrimental repercussions.

The fourth way in which the petitioners claim the UK government has infringed on their rights is by its failure to give compensation and reparation to those who have suffered as a result of climate change. All people whose lives are intertwined with communities in the Global South's frontlines of the crisis are included here, as are those who have experienced losses due to extreme weather events or other repercussions of climate change. It is claimed by the applicants that the UK government has failed in its duty to defend the right to family life by failing to develop a legal and administrative framework for giving such compensation and restitution.

The applicants further claim that their rights to an effective remedy and a fair trial, guaranteed by Articles 6 and 13 of the Convention, have been violated by the UK government's unwillingness to provide with emthem full hearing of their case. They contend that the domestic courts' application of an improper legal standard prevented them from having their complaint thoroughly investigated. All in all, the petitioners want to have a hearing before the European Court of Human Rights to address this claimed infringement and to get compensation for the suffering they've endured. They want the court to order the UK government to do things like reduce emissions in line with the Paris Agreement's 1.5 degree Celsius goal, plan for the effects of climate change, coordinate public and private finance flows to achieve that goal, and establish a framework for compensating and reimbursing those who have suffered because of climate change. They want a ruling saying that the UK government's refusal to give them a fair trial violates their rights under Articles 6 and 13 of the Convention.

3.11 Greenpeace Nordic and Others v. Norway

The applicants in *Greenpeace Nordic and Others v. Norway* claim that the Norwegian government's decision to grant petroleum production licenses for oil and gas exploration and extraction in the southern and southeastern Barents Sea violates their rights under Articles 2 and 8 of the European Convention on Human Rights (ECHR). Since the extraction and use of these fossil fuels will contribute to climate change, the applicants argue that this decision poses a real and serious threat to their rights because of the negative effects that climate change will have on their health, well-being, and the environment in which they live.

It is also claimed by the petitioners that the Norwegian government knew, or should have known, that its decision would infringe upon their rights due to the widespread recognition of the dangers posed by climate change. The applicants also state that the Norwegian government has not taken enough preventative measures to safeguard their rights and that the regulatory framework governing Norway's petroleum sector does not give due consideration to the disproportionate burden that climate change will have on younger generations.

The European Court of Human Rights (ECHR) has requested that the parties submit arguments on several questions to it, including whether the applicants have standing to bring their claims under the ECHR, whether they have exhausted domestic remedies, and whether the Norwegian government's decision to issue the petroleum production licenses violated the applicant's rights under Articles 2 and 8 of the ECHR.

The Norwegian government's answer asserts that the applicants lack ECHR standing because the harms they allege are too remote and speculative. The government also argues that the applicants haven't done everything they could have to exhaust domestic remedies, as they haven't gone to court to challenge the decision to give the licenses. The government finally argues that it did not violate the applicant's rights under Articles 2 and 8 by issuing the licenses, as it did so after a thorough evaluation of the potential environmental impacts and a consideration of the need to strike a balance between economic and environmental interests.

The European Court of Human Rights (ECHR) must analyze these claims in light of the legal principles and criteria applicable to instances involving alleged violations of the right to life (Article 2) and the right to respect for private and family life (Article 8) in the context of climate change. The European Court of Human Rights must also give serious consideration to the particular facts of this case, such as the scientific findings addressing the risks of climate change and the steps taken by the Norwegian government to mitigate those risks. The ECHR will use this

information to determine whether or not the Norwegian government's issuance of petroleum production licenses was compatible with the applicant's rights under the ECHR.

3.12 The Norwegian Grandparents' Climate Campaign and others v. Norway

The Norwegian Grandparents' Climate Campaign (GCC) claims in its written submissions to the Court in the case of *Greenpeace Nordic and Others v. Norway* that Norway violates the ECHR due to its oil and gas exploration and production. The GCC contends that Norway's ECHR responsibilities should be considered in light of the damage caused by Norway's fossil fuel exports. In addition, it claims that climate change poses a "real and imminent threat" to human rights and that Norway's oil production contributes to a "tipping point" in the climate system, which goes against the principles of prevention, precaution, and intergenerational equity found in international environmental law and EU law, as well as the concept of protecting human rights for the future through conventions and constitutions.

The GCC cites rulings from the Hoge Raad in the Netherlands and the Conseil d'État and Tribunal administratif de Paris in France as examples of national courts that have acknowledged that emissions and climate change involve human rights and that courts must take them into account when reviewing the legality of administrative action. Climate change is cited as a threat to human rights, citing the 2019 Joint Statement on Human Rights and Climate Change issued by five UN Human Rights Treaty Bodies.

The GCC relies on many articles of the ECHR to make its case that Norway is acting illegally. Article 2 of the European Convention on Human Rights (ECHR) mandates that governments develop an effective "legislative and administrative framework" and take "appropriate measures" to "protect the public," and the complaint first alleges that Norway is failing to do so. The GCC claims Norway's strategic environmental impact assessments (SEAs) and environmental impact assessments (EIAs) for the approval of plans for the development and operation of petroleum reserves fail to take into account the climate implications of oil and gas exploration and production (PDOs).

The GCC further claims that Norway is breaking the law by not adhering to Article 3 of the ECHR, which forbids torture and other cruel, barbaric, or degrading treatment or punishment. It claims

that damages from climate change, such as heat waves, sea level rise, desertification, and wildfires, are in breach of this clause.

Finally, the GCC claims that Norway is infringing on its citizens' right to respect their private and family lives as guaranteed by Article 8 of the European Convention on Human Rights. It argues that the harm caused by climate change violates the right to private and family life and that the state has a positive obligation under this provision to take "reasonable and adequate steps" to defend this right.

The GCC concludes that Norway is in breach of its responsibilities under Article 13 of the European Convention on Human Rights, which ensures the right to an effective remedy for the protection of rights under the Convention. It claims Norway has not adequately addressed the damage caused by its oil and gas extraction activities.

The GCC concludes by urging the Court to find that Norway violates the ECHR through its exploration for and production of oil and gas and to provide clarity on the interpretation and application of the ECHR as an "evolving and living instrument" in the context of the existential challenge of climate change. With an eye toward prevention, precaution, and intergenerational equality, the petition asks the Court to mandate that Norway cease oil and gas exploration and production and immediately begin cutting its CO₂ emissions.

3.13. Humane Being v. the United Kingdom

The non-governmental organization Humane Being filed a complaint with the European Court of Human Rights (ECHR) on July 26, 2022, claiming that the UK Government violates its responsibilities under the European Convention on Human Rights (ECHR) by failing to address the threats posed by factory farming to the environment, future pandemics, and antibiotic resistance. Until now, industrial farming in the UK has never been challenged in the European Court of Human Rights.

The application alleges that the UK government has violated Articles 2, 3, and 8 of the European Convention on Human Rights. States are obligated to ensure the safety of their citizens by Article 2 of the ECHR, which guarantees the right to life. The application claims that millions of lives are at risk from the UK government's endorsement of factory farming due to future pandemics, climate catastrophes, and antibiotic resistance.

As stated in Article 3 of the European Convention on Human Rights, no state shall be permitted to torture or otherwise abuse any person in a cruel or humiliating manner. Factory farm circumstances, such as overcrowding and poor sanitation, are said in the application to amount to inhumane or degrading treatment of animals.

The ECHR guarantees protection for one's home and environment in Article 8 (the right to private and family life). The application claims that the UK government's backing of factory farming violates citizens' rights to a safe and healthy environment by increasing methane emissions and clearing land for agriculture.

The application also refers to the landmark judgment by the Brazilian Supreme Court in *PSB et al v Brazil* (on Climate Fund), which officially acknowledged the Paris Agreement as a human rights instrument before the ECHR for the first time. If the UK government does not take steps to mitigate the dangers posed by factory farming, this judgment could be used to argue that it is in breach of its ECHR responsibilities.

The perils of agricultural methane emissions from factory farming are highlighted, as are the contributions of soy feed to deforestation in the Amazon as a result of farming operations in the United Kingdom. Methane emissions, deforestation, and overcrowding, and poor sanitation, which lead to the abuse of antibiotics, are all blamed on factory farming, which is also thought to contribute to the current climate crisis and future pandemics. The UK government is accused of knowing about these dangers yet doing little to warn the public or keep them safe.

The plea asks the ECHR to expedite the case because of the pressing nature of the matter and the fact that there are already several climate-related issues under consideration. The European Court of Human Rights (ECHR) has the authority to order the United Kingdom's government to take action to mitigate the dangers posed by factory farming and ensure that it complies with the ECHR if it rules that the government of the United Kingdom has violated its obligations under the ECHR.

Conclusion

1. Conclusively a variety of human rights that are recognized worldwide are impacted by climate change, both directly and indirectly. To minimize climate change and ensure that all people (rights holders) can adapt to the climate crisis, states (duty-bearers) have an active obligation to adopt effective actions to prevent and address these climatic impacts. It has been determined through content analysis of numerous reports, laws, legal frameworks, and works of literature that international frameworks like the UNFCCC are appropriate for addressing human rights concerns in the context of climate change because they have a variety of laws and regulations in place and are readily accessible. Additionally, the results demonstrate that industrialized nations have passed the necessary laws and policies about both human rights and climate change. However, in the past ten years, developing and less developed nations have also shown interest in this subject and adopted appropriate national legislation and policy directives.

2. On the other hand, it is discovered that although laws and regulations are formed, their degree of execution is only moderate in industrialized nations while it is extremely low in developing and less developed nations. If someone's rights are violated, they may file a lawsuit if they reside in a country where the rule of law is upheld. What rights are legally enforceable and that they can be used against an adversary who appears to be stronger, such as the state, is fundamental in the context of human rights. Human rights are at risk from climate change in ways that have never been seen before due to their severity, irreversibility, and global nature. We can no longer afford to wait for politicians to enact change, which is likely a contributing factor in the rising frequency of judicial appeals to stop these rights violations. Climate change cannot be stopped by lawsuits alone. And policymakers still have the primary responsibility for creating laws and implementing policies that effectively protect citizens both today and in the future. But civic society is acting because they are failing at this. There is a reason for hope when one observes the innovative and diverse ways that individuals from all around the world are advocating for improvements in climate policy. Demonstrations and strikes are taking place. Public institutions are being urged to avoid funding fossil energy corporations. Legal action is also being pursued. 3. Even though they are not a stand-alone strategy, climate lawsuits are a very powerful and vital component of the fight against global warming. They show that rights are not ignored in climate

policy and that rights violations are already occurring as a result of climate change. These legal actions highlight obligations and increase the cost of inaction. Most cases up till now have been brought in a national setting. However, the issue still exists that those most negatively impacted are those who have made the smallest contribution to climate change. Perhaps there will be more international litigation in the future.

Recommendations

Although the legislation, policies, and commitment of these countries exist for fulfilling human rights in climate change contexts. However, the implementation is really at a very lower level. Everything is presented in better shape in the form of papers, policies, and laws, but implementation still needs attention. Especially in the area of providing funding to developing and less developing countries to mitigate the said issue. Moreover, compensation to affected countries, due to global warming happening due to the industrialization of developed countries, should be reasonably made. For instance, many countries in Asia including Indonesia, and Pakistan have been facing major floods and earth quacks after every 8-10 years that are tormenting the economies of countries that have left no place to address human rights that happened due to such climatic situations. These countries are not industrialized countries nor extensively manufacture or use fossil fuels in industry. Instead, these issues are happening due to heavy manufacturing of the neighboring country China, Japan in particular, and other industrialized countries in general. Hence, these countries should compensate the affected developing and less developed countries. Furthermore, industrialized countries and others also should focus on the production and manufacturing of renewable energy by replacing fossil fuels and coal energy sources. Moreover, the production and manufacturing should also focus on the ecological aspect of their products as well, and suitable legislation related to such environmentally friendly industrialization should be paid more attention.

References

American Convention on Human Rights, art 21. 1969.

Atapattu, S., Human rights approach to climate change: challenges and opportunities. 2015: Routledge.

Bates, B., Z. Kundzewicz, and S. Wu, Climate change and water. 2008: Intergovernmental Panel on Climate Change Secretariat.

Bodansky, The Paris climate change agreement: a new hope? 2016. **110**(2): p. 288-319.

Braig, Panov, and Litig., The doctrine of positive obligations as a starting point for climate litigation in Strasbourg: The European Court of Human Rights as a hills sheriff in combating climate change? 2020. **35**: p. 261.

Caney, Human rights, climate change, and discounting. 2008. **17**(4): p. 536-555.

Convention on the Rights of the Child, art 6. 1989.

Convention on the Rights of the Child, art 24. 1989.

Convention on the Elimination of All Forms of Discrimination against Women, art. 12. 1979.

Elliott, D. and Cook, Climate justice and the use of human rights law in reducing greenhouse gas emissions. 2016.

First Protocol: Protection of property, art 1. "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.". 1950.

Huang, J.J.J.A. and E. L., Climate justice: Climate justice and the Paris agreement. 2017. **9**: p. 23.

Human Rights Council, The Slow onset effects of climate change and human rights protection for cross-border migrants.: p. 10.

International Covenant on Economic, Social and Cultural Rights, art 11. 1966.

International Covenant on Economic, Social and Cultural Rights, art 12(1). 1966.

International Covenant on Civil and Political Rights, art 1. 1966.

International Covenant on Civil and Political Rights, art 27. 1966.

IOM, Migration and Climate Change. See also Stern, The Economics of Climate Change: The Stern Review, p 56: Stern predicts 150 to 200 million to be displaced by the year 2050 due to climate change. 2008: p. 11-12.

IPCC, Climate Change 2014: Impacts, Adaptation, and Vulnerability, Contribution of the Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press 2014.

Kahl, A human right to climate protection–Necessary protection or human rights proliferation? 2022. **40**(2): p. 158-179.

Knox, A/HRC/34/49, Wake Forest Univ. Legal Studies Paper, Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment: Biodiversity Report. 2017.

Limon, and C. L., Human rights obligations and accountability in the face of climate change. 2009. **38**: p. 543.

Martin-Schramm, J.B., Human Rights and Climate Change. JLE, 2009. **9** (2).

Mary Robinson, ‘Human Rights, and Climate Change Fletcher Forum World Aff. 9, 12. 2015.

McAdam, J.J.R., Creating New Norms on Climate Change, natural disasters and displacement: international developments 2010-2013. 2012. **29**: p. 11.

OAU, 1969, Convention and 1984 Cartagena Declaration: the refugee definition extends to people fleeing “events seriously disturbing public order”.

Obiora, L.A.J.L., and Policy, Beyond the Rhetoric of a Right to Development. 1996. **18**(2-3): p. 355-418.

Paris Agreement 2015.

Peel, J. and Osofsky, A rights turn in climate change litigation? 2018. **7**(1): p. 37-67.

Petersen, A.C., *Simulating nature: a philosophical study of computer-simulation uncertainties and their role in climate science and policy advice*. 2012: CRC Press.

Robinson, M., 'Climate Justice: Challenge and Opportunity' *22 Irish Stud. Int. Aff.* 67-74. . 2011.

Samir Saran, 'Climate Change and Human Rights: Securing the Right to Life' ORF. 2015.

Sengupta*, *The human right to development*. 2004. **32**(2): p. 179-203.

Schrepfer, K.: p. 26, 31-34.

Shamshad, R., *POLITICS, AND ORIGIN OF THE INDIA -BANGLADESH BORDER FENCE*, 17th Biennial Conference of the Asian Studies Association of Australia in Melbourne 2008.

Stern, N., *Stern Review: The economics of climate change*. 2006.

Taylor, P.E.J.G.I.I. E.L.R., *From environmental to ecological human rights: A new dynamic in international law*. 1997. **10**: p. 309.

The Human Rights Council defines 'environmental migrants' as "persons or groups of persons who, for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their homes or choose to do so, either temporarily or permanently, and who move either within their country or abroad" in Ninety-fourth session- Discussion note: Migration and the Environment. 2007.

The Potsdam Institute for Climate Impact Research and Climate Analytics, 'Turn Down the Heat: Why a 4°C Warmer World Must be Avoided' IBRD 12 August 2021.

UN General Assembly, Report of the United Nations High Commissioner for Refugees- Part II Global compact on refugees. 2008: p. 20

UN Human Rights Committee (HRC), CCPR General Comment No. 6: Article 6 (Right to Life),. 1982.

Universal Declaration of Human Rights, art. 25(1) “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family...”. 1948

Universal Declaration of Human Rights, art. 17. 1948.

UNHCR, Climate change, and disaster displacement. See also for internal displacement: Human Rights Council, The Slow onset effects of climate change and human rights protection for cross-border. 2018: p. 20.

Vöneky, S. and F. Beck, Fünfter Abschnitt. Umweltschutz und Menschenrechte, in Internationales Umweltrecht. 2017, De Gruyter. p. 133-182.

Watt-Cloutier, and O.o.t.U. States, Inuit Circumpolar Conference. 2005.

Werner, C., China Facing Climate Change Risks, CLIMATE CHANGE NEWS http://www.eesi.org/ccn_012312#5 (last visited Mar. 27, 2012). . 2012.

Petra Tschakert, 1.5°C or 2°C: A Conduit’s View from the Science-Policy Interface at COP20 in Lima, Peru, 2 Climate Change responses 1 (2015).

UNEP, The Emissions Gap report (2015) Commitment Cycles and the Ratchet Mechanism, The Road to Paris, Climate Nexus (Sept. 28, 2015), <http://www.theroadthroughparis.org/negotiation-issues/commitment-cycles-and-ratchet-mechanism>.

225 IPCC, Climate Change 2014, Synthesis report, a summary of Policymakers 20 (2014).

226 IPCC (2014). Christian Kroll, Sustainable Governance Indicators (see),

Sustainable Development Goals: are the Rich Countries ready? (2015) (concluding that 34 OECD countries are not ready to meet the sustainable development goals, including goals

related to climate change adaptation); Nicholas Stern, *Stern Review: the Economics of Climate Change* 413 (Cambridge University Press 2007)

227 UNEP, *The Adaptation Gap: a Preliminary Assessment* (2014).

UNFCCC Decision 2/CP.15, Copenhagen Accord, 8, UN Doc. FCCC/CP/2009/11/Add.1 (March 30, 2010).

Cancun Agreements (2011)

Green Climate Fund Pledge Tracker, Status of Pledges and Contributions made to the Green Climate Fund (Oct. 1, 2015)

OECD, *Climate Financed in 2013-14 and the USD 100 Billion Goals* (2015).

Nansen Initiative, *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change* (2015).

Report of the Independent Expert on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy, and Sustainable Environment – Compilation of Good Practices, Parts A-C, UN Doc. A/HRC/28/61 (Feb. 3, 2015).

Mara Silina, European Environmental Bureau & European ECO Forum, *Is Everything Right with Public Participation in Climate-Related Decisions? Presentation for the Fifth Meeting of the Task Force on Public Participation in Decision-making*, Geneva, February 23-24, 2015

Inuit Petition (2005), *supra* note 7; Sabin Center for Climate Change Law, *Litigation Charts*, <http://web.law.columbia.edu/climate-change/resources/litigation-charts>

UNECE, *Status of Ratification*, <http://www.unece.org/env/pp/ratification.html>

UNEP, *Guidelines for the Development of National Legislation on Access to Information, Public Participation, and Access to Justice in Environmental Matters*, Decision SS.XI15, Part A, Feb. 26, 2010.

The Kyoto Protocol and Vulnerability: Human Rights and Equity Dimensions (International Environmental Law Research Centre 2010).

Carbon Market Watch, Social and Environmental Accountability of Climate Finance Instruments, 3 (Sept. 2015).

World Bank, Environmental and Social Framework, Second Draft for Consultation, Section B, p. 18 (Nov. 1, 2022).

Decisions of the Board – Green Climate Fund, Terms of Reference for the Independent Redress Mechanism, GCF/B.06/06, Nov. 13, 2022.

Adaptation fund board, environmental and social Policy (2013).

Case Law:

Engels and Others v. Germany, 2022 Case no. 46906/22 Status: Pending

The Norwegian Grandparents’ Climate Campaign and others v. Norway, 2021, Case no. 19026/21, Status: Pending

Plan B.Earth and Others v United Kingdom, 2022, Status: Pending

Humane Being v. the United Kingdom, 2022, Status: Pending

Soubeste and Others v. Austria and 11 Other States, 2022, No. 31925/22, Status: Pending

De Conto v. Italy and 32 other States, 2021, Complaint no. 14620/21, Status: Pending

Uricchio v. Italy and 32 other States, 2021, Complaint no. 14615/21, Status: Pending

Carême v. France, Filing Date: 2021, Application no. 7189/21, Status: Pending

Greenpeace Nordic and Others v. Norway, Filing Date: 2021, Application no. 34068/21, Status: Pending

KlimaSeniorinnen v Switzerland (ECtHR), 2020, Application no. 53600/20, Status: Pending

Müllner v. Austria, 2021, Status: Pending

Duarte Agostinho and Others v. Portugal and 32 Other States, 2020, Reporter Info: 39371/20 Status: Pending

UNHRC communication No. 3624/2019, Decision against Australia,
CCPR/C/135/D/3624/2019

SUMMARY

Protection of Human Rights in the Context of Climate Change

Muhammad Mustafa

The issue of human rights and climate change is in limelight nowadays. Especially in the context of pertinent legislation, it holds an important position in international law. This study investigates human rights in the context of climate changes happening nowadays. In doing so, this research has explored if the human rights considerations are appropriately addressed by international frameworks like UNFCCC in the area of climate change. As the implications of climate change on contemporary societies become clearer, climate accord bargaining has also failed to produce tangible results, and various human privileges strategies to climate change were evolved over the past 2 centuries. Furthermore, it is explored if the countries' national laws and policies entail this issue. After performing the content analysis of multiple reports, laws, legal frameworks, and literature, it is found that international frameworks like UNFCCC are suitable to address the issues of human rights in the context of climate change where several legislation and guidelines are enacted and available. Moreover, the findings show that developed countries have enacted suitable legislation and policies regarding human rights and climate change. However, in recent decades developing and less developed countries have also expressed their attention and devised suitable national laws and policy guidelines regarding this issue. On the other side, it is found that despite the legislation and policies being made the implementation level is moderate in developed countries while at a very lower level in developing and less developed countries. It is recommended to increase the pace of implementation of such laws and policies across the world to mitigate this increasingly grim issue.