

# Climate Change : A Threat To Human Rights

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## ABSTRACT

Glaciers are melting, sea levels are rising, cloud forests are dying, and wildlife is scrambling to keep pace because of Global Climate change. Climate change is one of the biggest crises that humanity is facing. As a result of climate change there are more intense storms, more rain followed by longer and drier droughts (a challenge for growing crops), changes in the ranges in which plants and animals can live, and loss of water supplies that have historically come from glaciers. Climate change has already had observable effects on the environment. It is already affecting society in far reaching ways. In fact most human activities have an effect on and are influenced by environmental and climate change factors. Evidence for climate change abounds, from the top of the atmosphere to the depths of the oceans. Certain type of extreme weather events like Rising Sea levels, Floods, Heat Waves, Droughts, Desertification, water shortages, the spread of tropical and vector borne diseases have become more frequent and/or intense. These and other aspects of climate change affect the enjoyment of Human Rights by people throughout the world including – right to life, right to health, right to housing, right to an adequate standard of living, right to food, right to water, right to property, right to self-determination and also damaging some sectors of our economy. The present paper focuses on the Climate change and its impact on Human Rights. Climate change has emerged as one of the major threat to Human Rights of our generation. Climate change poses an enormous threat to the lives and well-being of individuals and communities across the world. The negative impacts caused by climate change are global, simultaneous and increasing exponentially according to the degree of climate change that ultimately takes place. Climate change, therefore, requires a global rights-based response. One reason for the attention to the relationship between climate change and human rights is the recognition that climate change is having an uneven impact across the world.

**Keywords:** Climate change, emissions, human induced warming, right to food, right to health, UNFCCC

## I. INTRODUCTION

Climate refers to the average weather conditions, spread over decades, of a region, including temperature, rainfall, and wind. Climate change is identified as one of the major crises facing by the world in 21<sup>st</sup> century. Article 1 of the UNFCCC defines Climate Change as “A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability

observed over comparable time periods”.<sup>1</sup> It refers to any change in climate over time, whether due to natural variability or as a result of human activity.<sup>2</sup> Earlier the global climate changed the course of human actions, now human beings are changing the global climate.

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex,

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<sup>1</sup> Article 1 of the UNFCCC

<sup>2</sup> IPCC’s Climate Change 2007: Synthesis Report.

national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Climate change poses the greatest human rights challenge of our time.

Global climate change has a profound impact on the survival and development of mankind thus it is one of the greatest threats to human rights of our generation, posing a serious risk to the fundamental rights such as right to life, right to health, right to food and an adequate standard of living of individuals and communities across the world because climate change does not respect borders, it does not care who you are – rich or poor, small or big, white or black. In January 2009, the office of the U.N. High Commissioner for Human Rights (“OHCHR”) became the first international human rights body to examine the relation between climate change and human rights.<sup>3</sup> The planet's climate has constantly been changing over geological time scale. The global average temperature today is about 15degree Celsius; though geological evidence suggests it has been much higher and lower in the past. However, the current period of warming is occurring more rapidly than any of the past events. Scientists are concerned that the natural fluctuation, or variability, is being overtaken by a rapid human-induced warming that has serious implications for the stability of the planet's climate. Scientists believe we are adding to the natural greenhouse effect with gases released from industry and agriculture (known as emissions), trapping more energy and increasing the temperature. This is

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<sup>3</sup> OCHR, Report of the Office of the United Nations High Commissioner for Human Rights on The Relationship Between Climate Change and Human Rights, U.N. Doc. A/HRC/10/61 (Jan. 15, 2009) [hereinafter OHCHR Report]

commonly referred to as global warming or climate change.

The most important of these greenhouse gases in terms of its contribution to warming is water vapor, but concentrations show little change and it persists in the atmosphere for only a few days.

On the other hand, carbon dioxide (CO<sub>2</sub>) persists for much longer (it would take hundreds of years for it to return to pre-industrial levels). In addition, there is only so much CO<sub>2</sub> that can be soaked up by natural reservoirs such as the oceans.

Most man-made emissions of CO<sub>2</sub> are through the burning of fossil fuels, as well as through cutting down carbon-absorbing forests. Other greenhouse gases such as methane and nitrous oxide are also released through human activities, but their overall abundance is small compared with carbon dioxide.

Since the industrial revolution began in 1750, CO<sub>2</sub> levels have risen by more than 30% and methane levels have risen more than 140%. The concentration of CO<sub>2</sub> in the atmosphere is now higher than at any time in at least 800,000 years.<sup>4</sup>

In its 5th Assessment Report (2014), The Intergovernmental Panel on Climate Change (IPCC) unequivocally confirmed that climate change is real and that human-made greenhouse gas emissions are its primary cause.

### **Impacts Of Climate Change**

**“Climate change threatens our ability to achieve sustainable development, and in some cases, our very survival.” - Ban Ki-moon, Secretary General of the United Nations.**

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<sup>4</sup> Intergovernmental Panel on Climate Change, Fifth Assessment Report: Climate Change 2014 Synthesis Report Summary for Policymakers (Bonn: United Nations Framework Convention on Climate Change), (hereinafter IPCC, AR 5).

Climate change is likely to have a significant adverse effect on nations. Developing nations are confronted with imminent issues associated with forests and land degradation, health, lack of freshwater, food security alongwith air and water contamination. Adverse effect of climate change points at changes in the physical environment or biota (living organisms) which in turn leads to significant deleterious effect on the composition, resilience and productivity of natural and man-made ecosystems, operation of socio-economic systems and on human health and welfare.<sup>5</sup>The effects of a changing climate can also be seen in vegetation and land animals. These include earlier flowering and fruiting times for plants and changes in the territories (or ranges) occupied by animals.

### **Climate Change Impact On Human Rights**

The Intergovernmental Panel on Climate Change (IPCC)'s Fifth Assessment Report (AR5) provides a detailed picture of how the observed and predicted climatic changes will adversely affect millions of people and the ecosystems, natural resources, and physical infrastructure upon which they depend.<sup>6</sup> Climate change impacts, directly and indirectly, an array of internationally guaranteed human rights which are also provided in our constitution of India in the form of Fundamental Rights. Climate change negatively affects people's rights to health, housing, water and food. These negative impacts will increase exponentially according to the degree of climate change; that ultimately takes place and will disproportionately affect individuals, groups and

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<sup>5</sup> Article 1 of the United Nations Framework Convention on Climate Change, 1992

<sup>6</sup> 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).

peoples in vulnerable situations including, women, children, older persons, indigenous peoples, minorities, migrants, rural workers, persons with disabilities and the poor.

Therefore a mention is made about some current and future negative human rights impacts of climate change in following paragraphs:

### **The Right To Life**

In the context of climate change, extreme weather events may be the most visible and most dramatic threat to the enjoyment of the right to life but they are by no means the only one. Climate change kills through drought, increased heat, expanding disease vectors and a myriad of other ways. According to a report by the Climate Vulnerable Forum and DARA International, climate change is already responsible for approximately 400,000 deaths per year and that number is expected to rise to 700,00 by 2030.<sup>7</sup>

According to the IPCC, the risk of having further extreme weather events and the resulting endangerment of human lives is "moderate to high at temperatures of 1°C to 2°C above preindustrial levels."<sup>8</sup> A recent report by the World Bank affirms this risk, finding that "further health impacts of climate change could include injuries and deaths due to extreme weather events."<sup>9</sup> In order to uphold the right to life, States must take effective measures to mitigate and adapt to climate change and prevent foreseeable loss of life.

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<sup>7</sup> See DARA and the Climate Vulnerable Forum, Second edition: A guide to the cold calculus of a hot planet (DARA and Climate Vulnerability Monitor, 2012), p. 17.

<sup>8</sup> IPCC, AR5, p. 19.

<sup>9</sup> The World Bank, Turn down the heat: why a 4°C warmer world must be avoided (2012), p. xvii (hereinafter Turn down the heat 2012).

### **The Right To Food**

The right to adequate food is a human right, inherent in all people, to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of people to which the consumer belongs, and which ensures a physical and mental, individual and collective fulfilling and dignified life free of fear.<sup>10</sup> There are many ways in which climate change affects the enjoyment of the right to food. Climate change damage agriculture and food production which negatively impacts livelihoods, food security and the human right to food. Climate change induced extreme events, including droughts and floods, the sanitization of water used for irrigation, desertification, and water shortages...are affecting the availability of food in the country and cities.

### **The Right To Water And Sanitation**

Human societies will be seriously affected by extremes in climate such as droughts and floods. A changing climate would bring about changes in the frequency and intensity of these extremes. To a large extent, public health depends on safe drinking water, sufficient food, secure shelter and good social conditions. All these factors are affected by climate change. Freshwater supplies may be seriously affected, reducing the availability of clean water for drinking and washing during drought as well as floods. Water can be contaminated and sewage system may be damaged. Although the right to water is not explicitly recognized in the ICESCR, yet General Comment No. 15 of the Committee on Economic, Social and Cultural Rights articulates this right stating: "The human right to water entitles everyone to sufficient, safe,

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<sup>10</sup> Ziegler, J., The Right to Food, UN Doc E/CN.4/2001/53 at p. 2; online: <http://daccessdds.un.org/doc/UNDOC/GEN/G01/110/35/PDF/G0111035.pdf>

acceptable, physically accessible and affordable water for personal and domestic uses."<sup>11</sup>In its resolution 64/292, the General Assembly recognized "the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights."<sup>12</sup> The right to water and sanitation is also found in legal instruments such as the Convention on the Elimination of Discrimination against Women (CEDAW), among others. Pursuant to General Comment 15, "States [sic] parties have to adopt effective measures to realize, without discrimination, the right to water."<sup>13</sup>According to the IPCC, "climate change is projected to reduce renewable surface water and groundwater resources in most dry subtropical regions...intensifying competition for water".<sup>14</sup> The IPCC further found that climate change will likely increase the risk of water scarcity in urban areas and "rural areas are expected to experience major impacts on water availability and supply."<sup>15</sup>According to a recent World Bank report, a 2 degree Celsius average global increase in temperature may result in 1 to 2 billion no longer having enough water to meet their needs.<sup>16</sup>Reduced access to water will disproportionately impact persons, groups and peoples in vulnerable situations. For example, reduced access to water introduces added burdens for women and girls in developing countries, who are often responsible for fetching water for their families from distant sources and have distinct needs

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<sup>11</sup> United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 15 (New York:United Nations, 2002), Art. 2.

<sup>12</sup> United Nations General Assembly, 64/292: The human right to water and sanitation (2010), Art. 1.

<sup>13</sup> UNCESCR, General Comment No. 15, Art. 1.

<sup>14</sup> IPCC, AR5, p. 13.

<sup>15</sup> IPCC, AR5, pp. 15 – 16.

<sup>16</sup> World Bank, World Development Report, 5.

for water and sanitation.<sup>17</sup> There can be no doubt that the right to water and sanitation which is derived from the rights to health and an adequate standard of living found within the ICESCR is threatened by inadequate climate action.

### **The Right To Health**

The human right to health is articulated in the Universal Declaration of Human Rights and in Article 12 of the ICESCR which provides that all persons have the right “to the enjoyment of the highest attainable standard of physical and mental health.” The Human Rights Council has specifically recognized the impacts of climate change on the right to health on multiple occasions, most recently in its resolution 29/15 which calls for a panel discussion and a detailed study on the relationship between climate change and the enjoyment of the right to health.

According to World Bank reports, climate change will cause “health impacts [that] are likely to increase and be exacerbated by high rates of malnutrition,”<sup>18</sup> including potential increases in vector-borne diseases and “heat-amplified levels of smog [that] could exacerbate respiratory disorders.”<sup>19</sup> In its most recent report, the IPCC found that “climate change is expected to lead to increases in ill-health in many regions and especially in developing countries with low income, as compared to a baseline without climate change.”<sup>20</sup> However, the level of ambition in climate action to date has fallen short of that necessary to prevent adverse impacts on the enjoyment of the human right to health as evidenced by the current and projected impacts of climate change on the enjoyment of this right.

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<sup>17</sup> See UN Women Watch, Fact Sheet: Women Gender Equality and Climate Change (2009).

<sup>18</sup> The World Bank, Turn down the heat 2013, p. 24.

<sup>19</sup> World Bank, Turn down the heat 2012, p. xvii.

<sup>20</sup> IPCC, AR5, p. 15.

### **The Right To Housing**

According to Article 11 of the ICESCR all persons are entitled to an adequate standard of living for themselves and their families including adequate housing. The scope and application of the right to housing is elaborated upon in General Comment No. 4 of the Committee on Economic, Social and Cultural Rights, which states that “the human right to adequate housing...is of central importance for the enjoyment of all economic, social and cultural rights.”<sup>21</sup> Like with all other economic, social and cultural rights, States are obliged to expend maximum available resources for the progressive realization of the right to housing for all persons.

Climate change threatens the right to housing in a number of ways. Extreme weather events can destroy homes displacing multitudes of people. Drought, erosion and flooding can gradually render territories inhabitable resulting in displacement and migration. Sea level rise threatens the very land upon which houses in low-lying areas are situated and is expected to “continue for centuries even if the global mean temperature is stabilized.”<sup>22</sup> So the right to housing includes housing for environmental refugees with the assurance of all human rights to all, including an adequate standard of living and the right to housing.

### **The Right To Education**

According to the Universal Declaration of Human Rights, “everyone has the right to education.” Article 13 of the ICESCR elaborates upon this right, guaranteeing to all persons, free, compulsory primary education and calling on States to progressively realize

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<sup>21</sup> United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 4 (New York: United Nations, 1991), Art. 1.

<sup>22</sup> United Nations General Assembly, A/HRC/16/49/Add.2: Report of the Special Rapporteur on the right to food, Olivier De Schutter (2011), para. 13.

free secondary education for all. However, the impacts of climate change and the exigencies which it creates threaten the ability of States to expend maximum available resources for the progressive realization of the right to education and can press children into the labour pool prematurely.

In his 2011 report to the General Assembly, the United Nations Special Rapporteur on the right to food stated that the impacts of successive droughts had caused some children to be “removed from schools because education became unaffordable and because their work was needed by the family as a source of revenue”.<sup>23</sup> According to the World Bank, climate impacts can “exacerbate the existing development challenge of ensuring that the educational needs of all children are met.”<sup>24</sup> Failure to ensure fulfillment of the right to education and the diversion of funds from education not only violates this right but also has long term developmental consequences with substantial implications for the enjoyment of all rights by all.

### **The Rights Of Those Most Affected By Climate Change**

Article 1 of the Universal Declaration of Human Rights declares that “all human beings are born equal in dignity and rights”. States have further committed to the principles of equality and non-discrimination in a number of international treaties and other legal instruments including the International Convention on the Elimination of all forms of Racial Discrimination (CERD) and instruments that address the rights of particular persons, groups and peoples such as the CEDAW, the Convention on the Rights of the Child (CRC), the Convention on the Protection of

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<sup>23</sup> United Nations General Assembly, A/HRC/16/49/Add.2: Report of the Special Rapporteur on the right to food, Olivier De Schutter (2011), para. 13.

<sup>24</sup> The World Bank, Turn down the heat 2013, p. xix.

the Rights of All Migrant Workers and Members of their Families, CRPD, the United Nations Declaration on the Right to Development and the UNDRIP. These instruments require States to respect, protect, promote, and fulfill the rights of all persons, particularly those who face added social, economic or political vulnerabilities.

Climate change has disproportionate impacts on the rights of persons, groups and peoples in vulnerable situations. According to the IPCC, “people who are socially, economically, politically, institutionally or otherwise marginalized are especially vulnerable to climate change and also to some adaptation and mitigation responses”. Indigenous peoples, like many developing countries, are among those who have least contributed to the problem of climate change, but are the ones suffering from the worst impacts.

The Council called for international cooperation to implement the United Nations Framework Convention on Climate Change (UNFCCC) affirmed that “human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes.”

## **II. CONCLUSION**

It is clear from the above discussion that the negative impacts caused by climate change are global, contemporaneous and subject to increase exponentially according to the degree of climate change that ultimately takes place. Climate change, therefore, requires a global rights-based response. The Human Rights Council (HRC), its special procedures mechanisms, and the Office of the High Commissioner for Human Rights have sought to bring renewed attention to human rights and climate change through a series of resolutions, reports, and activities on the subject, and by advocating for human

rights based approach to climate change. The Preamble of the Paris Agreement to the United Nations Framework Convention on Climate Change makes it clear that all States “should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights” Existing State commitments require international cooperation, including financial, technological and capacity-building support, to realise low-carbon, climate-resilient, and sustainable development, while also rapidly reducing greenhouse gas emissions. Adaptation and mitigation measures to address climate change needed to protect human society must also be planned to protect human rights, promote social justice, and avoid creating new problems or exacerbating existing problems for vulnerable populations. Only by integrating human rights in climate actions and policies and empowering people to participate in policy formulation can States promote sustainability and ensure the accountability of all duty-bearers for their actions. This, in turn, will promote consistency, policy coherence and the enjoyment of human rights by all. Such an approach should be part of any climate change adaptation or mitigation measures, such as the promotion of alternative energy sources, forest conservation or tree-planting projects, resettlement schemes and others. Affected individuals and communities must participate, without discrimination, in the design and implementation of these projects. States should cooperate to address the global effects of climate change on the enjoyment of human rights around the world in a manner that emphasizes climate justice and equity.

A human rights-based approach also calls for accountability and transparency. It is not only States that must be held accountable for their contributions to climate change but also businesses which have the responsibility to respect human rights and do no harm in the course of their activities. States should make

their adaptation and mitigation plans publicly available, and be transparent in the manner in which such plans are developed and financed. Accurate and transparent measurements of greenhouse gas emissions, climate change and its impacts, including human rights impacts, will be essential for successful rights-based climate change mitigation and adaptation efforts. Because of the impacts of climate change on human rights, States must effectively address climate change in order to honour their commitment to respect, protect and fulfill human rights for all. Since climate change mitigation and adaptation measures can have human rights impacts; all climate change-related actions must also respect, protect, promote and fulfill human rights standards.

These environmental and health consequences threaten civil and political rights and economic, social, and cultural rights, including rights to life, access to safe food and water, health, security, shelter, and culture. On a national or local level, those people who are most vulnerable to the adverse environmental and health consequences of climate change include poor people, members of minority groups, women, children, older people, people with chronic diseases and disabilities, those residing in areas with a high prevalence of climate-related diseases, and workers exposed to extreme heat or increased weather variability. On a global level, there is much inequity, with low-income countries, which produce the least greenhouse gases (GHGs), being more adversely affected by climate change than high-income countries, which produce substantially higher amounts of GHGs yet are less immediately affected. In addition, low-income countries have far less capability to adapt to climate change than high-income countries. So it is clear that climate change is a major threat to all of us and to future generations, and to the enjoyment of human rights now and in the years ahead.