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CLIMATE CHANGE AND HUMAN RIGHTS
master thesis

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LIST OF ABBREVIATIONS

CJEU – Court of Justice of the European Union

ECtHR – European Court of Human Rights

ECHR – European Convention on Human Rights

EU – European Union

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

ICJ – International Court of Justice

IPCC – Intergovernmental Panel on Climate Change

UDHR – Universal Declaration of Human Rights

UN – United Nations

UNFCCC – United Nations Framework Convention on Climate Change

INTRODUCTION

The problem of research lies in the fact that, due to the relatively recent recognition of the relation between climate change and human rights, as well as the global nature and scale of the climate crisis, climate change continues to increase despite ongoing efforts to hold up its processes and mitigate its effects. Therefore, climate change continues to adversely impact on human rights and well-being of people and in this context, existing policies in the field of regulation and mitigation these impacts require further improvement, as they seem insufficient to address the detrimental effects of climate change on human rights and ensure the sustainable development of the international community.

Furthermore, despite significant development in understanding climate change as an important contemporary challenge and the corresponding emergence of an increasing number of human rights related to this area, particularly environmental rights, the establishment of effective and appropriate mechanisms to ensure the protection of human rights from its adverse impacts, as well as the promotion of climate justice, remains at issue.

Considering the global nature of climate change and its general effects, this has resulted in certain difficulties in establishing the standing of individuals to claim violations of their rights. Thus, in practice the impacts of climate change are still relatively rarely recognized as direct violations of human rights. As the process of proving direct climate change effects on human rights is quite complicated, persons do not obtain appropriate implementation of their rights. This indicates that the existing mechanisms remain insufficient to ensure the effective protection of the guaranteed rights of both present and future generations. Consequently, States may fail to fulfill their obligations under human rights law and may not take adequate steps to provide proper protection of rights in the context of climate change.

The relevance of the final thesis is primarily due to the fact that climate change is one of the main contemporary challenges that has a direct impact on the enjoyment of fundamental human rights. Accordingly, an increasing number of people are exposed to the negative impacts of climate change, which also highlights the need for effective mechanisms to protect their violated rights, as well as for a clearer distinction of State obligations.

At the same time, existing mechanisms are not always able to take into account the specific nature of climate change, which necessitates further improvement of current approaches, taking into account predictions of future climate change.

Moreover, this issue is becoming particularly urgent under current conditions, as the scale and speed of the harmful impacts caused by climate change continue to increase, which requires

the adoption of urgent measures to prevent such impacts, ensure the protection of human rights of present and future generations and promote climate justice.

The scientific novelty of the research lies in the complex analysis of the interrelation between climate change and the exercise of fundamental human rights. In particular, the analysis examines the scope of selected rights, the corresponding obligations of States and provides concrete data that demonstrates the direct impact of climate change on their realization. In addition, it analyses the impact of climate change on the rights of specific vulnerable groups of people.

This topic has previously been examined mostly by different international conventions and official bodies, which have resulted in the adoption of international legal acts. However, such examinations mainly consisted of measures to combat climate change without providing a detailed analysis of its impact on human rights.

Therefore, the research primarily includes an analysis of relevant legal acts as well as interpretations provided by public authorities. In addition, within the analysis of judicial mechanisms for the protection of human rights, provided examination of relevant case law that identifies the peculiarities in human rights protection against climate change. In conclusion, the research considers climate change in the context of its impacts on human rights and the appropriate mechanisms for their protection.

Significance of research. The research contributes to the understanding of the direct impact of climate change on the enjoyment of human rights by individuals, as well as the potential threat to the rights of future generations. Accordingly, the research is significant due to its assessment of existing deficiencies and possible improvements in addressing climate change in the context of human rights protection. In particular, the examination of State obligations in the context of climate change, together with the analysis of human rights protection mechanisms will result in a deeper understanding of their effectiveness and possible ways of improving. As a result, the above may contribute to a more effective application of human rights provisions through a broader interpretation of State obligations, ensuring sufficient facilitation for person's well-being and preventing further violations of human rights.

The aim of the research is to determine the impact of climate change on the realization of selected fundamental human rights, as well as to identify possible deficiencies in existing mechanisms for their protection. The master thesis focuses on whether measures taken are sufficient to eliminate human rights violations and to mitigate the adverse effects of climate change, as well on the possibility to provide recommendations for improvements to existing mechanisms and the development of new ones aimed at protecting human rights in the context of climate change.

The objectives of the research, pursuant to the established aim, require to examine several specific tasks, in particular: to present the development of the recognition of climate change as a challenge, to assess the impact of climate change on the enjoyment of human rights, to examine the development of environmental rights, to identify State obligations in the field of environmental protection and to identify deficiencies in human rights protection mechanisms in the context of climate change.

Research methodology. During the research, I applied a number of methods to achieve the stated objectives. First of all, the historical method was applied to examine the gradual development of the legal foundations in establishing the link between climate change and human rights. The most important method used in this research was the analysis method. In particular, a range of international legal acts was analyzed, both those related to climate change and those enshrining fundamental human rights, , as well as interpretations of public authorities on selected human rights. Besides, the literature research method was used in order to provide scientific arguments and scholarly opinions, then own conclusions were made.

In addition, the statistical method was applied, as the research presents concrete numerical data from various sources on the adverse effects of climate change on the enjoyment of human rights. In this regard, the assessment method was also used to examine the scope of guaranteed human rights and the impact of climate change, particularly the adverse effects that influence the full enjoyment of these rights. The comparative legal method was used in the section addressing human rights protection mechanisms in the context of climate change, particularly with regard to the admissibility of applications under different mechanisms. Furthermore, during the analysis of human rights protection mechanisms in the context of climate change, search methods were used to identify relevant cases, and the case-law analysis method was applied in order to determine their importance for the development of human rights protection.

Also, it should be noted that during my research, taking into account that English is not my native language, I used online translation tools, including Google translator and AI instruments for both to translate and to check the grammar in order to correct all errors and ensure grammatical correctness of my final work.

The structure of research is determined by its objectives. Thus, the main body consists of three chapters, each aimed at examining the set of issues.

The first Chapter consists of two sections The first section examines the development of the legal framework in the field of climate change, in particular the process of establishing the link between climate change and human rights. It also analyses the impact of climate change on

fundamental human rights, such as the right to life, health and an adequate standard of living, through a consideration of the scope of these rights, the obstacles to their realization caused by climate change and, most importantly, the direct negative impact on their enjoyment, which is evident from provided data. In addition, it examines the impact of climate change on specific groups of the population that are particularly vulnerable to its adverse effects.

The second Chapter also consists of two sections. The first section dedicates to a specific list of environmental human rights, both substantive and procedural, that have emerged as a consequence of constant environmental issues and provides an analysis of their scope. The second section focuses on an important issue that is indirectly addressed throughout the thesis, namely State obligations, in particular obligations related to mitigating climate change and eliminating its adverse impacts, as well as promoting international cooperation and climate justice, with the aim of ensuring the rights of present and future generations.

Finally, the third Chapter is dedicated to mechanisms for the protection of human rights against the adverse impacts of climate change, including both judicial and alternative mechanisms. It examines the important issue of the judicial approach in defining victim status in climate-related human rights cases considered in courts. In addition, it examines the work of ombuds institutions and committees, established under covenants, that are examples of alternative, non-judicial mechanisms for the protection of human rights.

Defence statements. Whether climate change has a direct impact on the exercise of human rights and whether such impact is sufficiently adverse to pose a threat to the well-being of large numbers of people or even entire populations. Whether the existing mechanisms for the protection of human rights in the context of climate change are sufficient and effective.

1. CLIMATE CHANGE AS A CONTEMPORARY GLOBAL CHALLENGE

1.1 Legal Foundations for the Recognition of Climate Change as a Challenge

First of all, in order to examine the interconnection between climate change and human rights, it is necessary to consider the historical development of the relevant legal basics that has gradually formed the recognition of this connection. Undoubtedly, the formation of such a legal framework, including the development of environmental human rights, is a complex and gradual process that continues to evolve and remains relevant in the modern world. Particularly in the context of increasing temperatures, extreme weather events, and rising sea levels. Therefore, the relevance and emergency of climate change have transformed it from merely environmental issues into a global challenge that affects the realization and protection of human rights.

Accordingly, this part of the work aims to analyze crucial events and legal instruments that contributed step by step to the awareness of the importance of environmental human rights and to the recognition of climate change as one of the major challenges that threaten the enjoyment of fundamental human rights.

International organizations play a decisive role in addressing issues of a global nature, particularly those related to climate change. In my opinion, this is indisputable, as the global response, which begins with the recognition of this challenge, contributes to the development of effective solutions at the international level. Especially considering the transboundary nature of climate change and the complexity of mitigating its adverse impacts, which undoubtedly requires coordinated actions at the global level.

In this regard, a particular importance in addressing climate change challenges attaches to the United Nations, an international organization established in 1945 and guided by the purposes and principles enshrined in its founding document, the Charter of the UN. The Charter provides among other, that one of its objectives is “to achieve international co-operation in solving international problems”.¹

Therefore, the international community, particularly the UN, began to address issues concerning the environment in the late 1960s. Accordingly, in 1968, following a proposal by the Government of Sweden, the Economic and Social Council of the UN decided to include the question of holding an International Conference on the Problems of the Human Environment on

¹ “Charter of the United Nations”, UN, treaties, accessed 8 February 2026, article 1, <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>

the agenda of the General Assembly's 1968 session. Thus, on 3 December 1968, during its twenty-third session, the General Assembly considered the agenda item titled "The problems of the human environment". Following this consideration, as a result of the session, Resolution 2398 was adopted.²

In this Resolution 2398, the General Assembly of the UN decided to convene a United Nations Conference on the Human Environment in 1972. Also, the General Assembly entrusted the Secretary-General to prepare a report on the current state of the human environment, the main challenges facing both developed and developing countries, as well as the opportunities for international cooperation, among other matters related to the Conference.³

Therefore, in 1972, the UN Conference on the Human Environment, also known as the Stockholm Conference, was held. This Conference represented the first global discussion to recognize the environment as a major international concern. As a result of the Conference, several significant documents were adopted. In particular, the Stockholm Declaration and the Action Plan for the Human Environment, as well as a number of resolutions. Also, another important outcome of the Conference was the establishment of the United Nations Environment Programme.⁴

Moreover, during the Conference the issue of climate change was raised for the first time. Thus, the Recommendation 70 of the Action Plan for the Environment provided that: "Governments be mindful of activities in which there is an appreciable risk of effects on climate".⁵ For these purposes, it is recommended that, prior to undertaking such activities, Governments should conduct an assessment of the potential climatic impacts and disseminate their findings, as well as ensure consultation regarding activities that pose such a risk with other States concerned.⁶

With regard to one of the important achievements of the UN Conference on the Human Environment, namely the Stockholm Declaration, which established the direct link between quality of environment and human well-being. It should be emphasized that the Stockholm Declaration, for the first time, enshrined numerous important provisions. In particular, it highlighted the existence of global environmental challenges, such as the lack of proper food, healthcare and sanitation, as well as emphasized the urgent necessity for the international

² "Declaration of the United Nations Conference on the Human Environment", UN, United Nations Audiovisual Library of International Law, accessed 17 January 2026, page 1, https://legal.un.org/avl/pdf/ha/dunche/dunche_ph_e.pdf.

³ "Resolution 2398 (XXIII). Problems of the human environment", UN, accessed 17 January 2026, [https://docs.un.org/en/a/res/2398\(XXIII\)](https://docs.un.org/en/a/res/2398(XXIII)).

⁴ "United Nations Conference on the Human Environment, 5-16 June 1972, Stockholm", UN website, accessed 24 January 2026, <https://www.un.org/en/conferences/environment/stockholm1972>.

⁵ "Report of the United Nations Conference on the Human Environment", UN, accessed 24 January 2026, recommendation 70, <https://docs.un.org/en/A/CONF.48/14/Rev.1>.

⁶ *Ibid.*

community to take measures to mitigate adverse environmental consequences that had already occurred. Moreover, it was precisely in the Declaration that the obligations of Governments to secure the environment were recognized for the first time. For such purposes, the Stockholm Declaration set out 26 principles aimed at protection of human well-being across different spheres, including the conservation of natural resources, the prevention of pollution of seas and the assurance of a favorable living and working environment for every person. For developing countries, it established the pressing need for development, however, taking into account their priorities to provide constant improvement of environment,⁷ thereby contributing to the emergence of the concept of sustainable development.

Regarding another achievement of the Stockholm Conference, namely the establishment of the United Nations Environment Programme (UNEP), the functioning of the Programme was enshrined by the UN General Assembly in the Resolution № 2997. The Resolution aims to ensure and enhance the environment for the benefit of present and future generations, as well as to promote sustainable development in general. Notably, it established a special Environmental Fund for financing various environmental projects and initiatives. Additionally, the Governing Council of the Programme ensures effective cooperation and takes control over global environmental situation.⁸

In examining global international efforts to address climate change, it is crucial to note that in 1989 the First World Climate Conference was convened with the aim of examining the potential impact of climate change on human activities, during which climate change was identified as a serious problem.⁹ The Declaration of the World Climate Conference calls to use the existing knowledge and for further improvement of knowledge on climate and, importantly: “to foresee and to prevent potential man-made changes in climate that might be adverse to the well-being of humanity”.¹⁰

In 1988, the Intergovernmental Panel on Climate Change (hereinafter – IPCC) was established by the World Meteorological Organization and the United Nations Environment Programme,¹¹ which was an important step in addressing climate change through the assessment of the related science. Therefore, the activity of the IPCC aims to provide comprehensive and

⁷ *Supra note*, 5: Declaration of the United Nations Conference on the Human Environment

⁸ “Resolution 2997 (XXVII). Institutional and financial arrangements for international environmental cooperation”, UN, accessed 25 January 2026, [https://docs.un.org/en/A/RES/2997\(XXVII\)](https://docs.un.org/en/A/RES/2997(XXVII))

⁹ “Climate Change Information Sheet 17”, UNFCCC, accessed 25 January 2026, <https://unfccc.int/cop3/fccc/climate/fact17.htm>

¹⁰ “Declaration of the World Climate Conference”, WMO, accessed 17 January 2026, page 1, https://dgvn.de/fileadmin/user_upload/DOKUMENTE/WCC-3/Declaration_WCC1.pdf

¹¹ “About the IPCC”, IPCC, accessed 24 January 2026, <https://www.ipcc.ch/about/>

transparent assessments of information related to climate change, including its causes and impacts, as well as possible adaptation and mitigation options for governments.¹²

Among the functions of the IPCC is the preparation and publication of reports, which are developed and reviewed through transparent, consensus-based process, and contain assessments.¹³ Thus, in 1990, the IPCC published its First Assessment Report, in which it analysed the potential risks associated with climate change and emphasized the need to strengthen efforts aimed at the global understanding of this issue, noting that: “climate change would affect, either directly or indirectly, almost every sector of society.”¹⁴

All of these important steps in the environmental field represented the initial efforts to prevent and address climate change, which ultimately led to the first global conference dedicated specifically to climate change and to the establishment of climate convention.

Therefore, in June 1992, the UN Conference on Environment and Development, also known as the «Earth Summit», was held in Rio de Janeiro, Brazil.¹⁵ This Conference marked as a landmark development in the protection of human rights in the context of climate change, as it was global discussion of the link between the environment, sustainable development and human rights.

As a result of the «Earth Summit», Agenda 21, the Rio Declaration on Environment and Development and the United Nations Framework Convention on Climate Change (hereinafter – UNFCCC) were adopted.¹⁶

Agenda 21 is a plan for the twenty-first century that focuses on contemporary issues while preparing the international community to address future challenges. It represents a broad global agreement to cooperate at the highest level in the areas of development and environmental sustainability. The implementation of Agenda 21 is the duty of governments, which are expected to take all appropriate measures to protect the environment, combat poverty and conserve natural resources.¹⁷

The emergence of environmental rights resulted in the establishment of corresponding State obligations, particularly in the Rio Declaration on Environment and Development of the United

¹² “Principles governing IPCC work”, IPCC, accessed 6 February 2026, para. 2, <https://archive.ipcc.ch/pdf/ipcc-principles/ipcc-principles.pdf>

¹³ *Ibid.*, paras. 2, 10.

¹⁴ IPCC, *IPCC Overview*, (1990): para 5.0.2, <https://www.uncclearn.org/wp-content/uploads/library/ipcc12.pdf>

¹⁵ “United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3-14 June 1992”, UN, accessed 25 January 2026, <https://www.un.org/en/conferences/environment/rio1992>

¹⁶ *Ibid.*

¹⁷ “Agenda 21”, UN, accessed 30 January 2026, paras. 1.1- 1.6, <https://sdgs.un.org/sites/default/files/publications/Agenda21.pdf>

Nations, which was adopted in 1992. Thus, the Rio Declaration enshrines 27 principles aimed at promoting cooperation among States in the field of sustainable environmental development. Inter alia, States are required to adopt effective legal acts which contain relevant environmental standards, constantly improve production by implementing modern technologies, provide citizens with relevant information regarding the environment and establish efficient judicial and administrative procedures in order to guarantee proper remedies and compensation for those affected by environmental issues. Moreover, in case of a threat of environmental catastrophes, States have a duty to prevent or mitigate potential damage and to implement cost-effective measures to address it. The Rio Declaration also emphasizes that States bear common responsibility for environmental issues, underlining that environmental obligations are shared.¹⁸

Referring to another important outcome of this conference in the context of climate change, the United Nations Framework Convention on Climate Change (hereinafter – the UNFCCC) is a significant international treaty that specifically addresses the challenges caused by climate change.

Therefore, the UNFCC was the first convention in which the international community acknowledged the existence of the problem of climate change and enshrined the obligations of States in the area of combating its harmful effects. In particular, these obligations will be discussed in the next Chapter. In addition, the UNFCCC, in fact, highlighted the detrimental effects of greenhouse gases in the atmosphere, which constitute one of the main causes of climate change. The increase in the concentration of greenhouse gases in the atmosphere leads to additional warming of the Earth and may negatively affect natural ecosystems and humanity. Thus, the UNFCCC established the regulation of greenhouse gases concentration as its objective.¹⁹

Moreover, the UNFCCC also provides for a specific mechanism for financing projects in the field of climate change. The regulation of this financial mechanism involves the representation of all parties to the Convention and their participation in the decision-making process.²⁰

Steps taken on the climate change issues within the UNFCCC were further improved by the adoption of a Protocol under this Framework Convention, namely the Kyoto Protocol, which was adopted on 11 December 1997. A significant element established by the Kyoto Protocol is clean development mechanisms. The main objective of the mechanism is to facilitate developing countries, which cannot achieve sustainable development, and developed countries, which, for

¹⁸ “Report of the United Nations Conference on Environment and Development”, UN, accessed 31 January 2026, annex I, [https://docs.un.org/en/A/CONF.151/26/Rev.1\(vol.I\)](https://docs.un.org/en/A/CONF.151/26/Rev.1(vol.I))

¹⁹ “United Nations Framework Convention on Climate Change”, UN, accessed 31 January 2026, https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf

²⁰ *Ibid.*

some reasons, could not reduce concentration of greenhouse gases under the UNFCCC. Therefore, for the implementation of this mechanism, developed countries provide financial resources to cover projects related to sustainable development in developing countries, At the same time, developing countries may use reductions of concentration from such funded projects to reduce a part of their greenhouse gas emissions.²¹

The most recent document, which is a part of the triad of climate agreements aimed at addressing climate change, along with the UNFCCC and the Kyoto Protocol, is the Paris Agreement, which was adopted in 2015 in order to facilitate and advance the implementation of the UNFCCC and to give a response to the threat of climate change. However, the main idea behind the Paris Agreement is to achieve that the global average temperature does not increase to 2°C above pre-industrial levels and to make efforts to limit such temperature to 1.5°C, since this would be really helpful for the alleviation of the harmful influence of climate change.

Hence, the Paris Agreement proposes specific measures to achieve these goals, particularly, inter alia, the installation of early warning systems, comprehensive risk assessment and management, insurance of risk, resilience of communities, livelihoods and ecosystems etc. The Paris Agreement also pays due attention to development and to the possibility of proper implementation of measures against climate change for developing countries. Similar to the Kyoto Protocol, the Paris Agreement provides for financial support and the facilitation of development by the developed countries in favor of developing countries.²²

The implementation of the Paris Agreement lies in constant economic and social improvements. Therefore, States should submit their plans for every five-year period and each new plan should enshrine more ambitious and efficient actions in struggling with climate change than the former one. The Paris Agreement encourages countries to develop and submit long-term low greenhouse gas emission development strategies in order to guide their efforts toward achieving long-term goals more effectively.²³

Also, it is notable to mention the adoption of the 17 Sustainable Development Goals, which are a core element of the 2030 Agenda for Sustainable Development, adopted by the UN in 2015. The Goals are considered a call for action in order to improve health and education, alleviate discrimination and improve the economies of States, while combating climate change and

²¹ “Kyoto Protocol to the United Nations Framework Convention on Climate Change”, UN, accessed 1 February 2026, https://treaties.un.org/doc/Treaties/1998/09/19980921%2004-41%20PM/Ch_XXVII_07_ap.pdf

²² “The Paris Agreement”, UN, accessed 1 February 2026, https://unfccc.int/sites/default/files/resource/parisagreement_publication.pdf

²³ “What is the Paris Agreement? And how does it work?”, UNFCCC, accessed 1 February 2026, <https://unfccc.int/process-and-meetings/the-paris-agreement>

preserving natural resources. In particular, one of the Goals of the Agenda is to take necessary steps to address climate change and its harmful impacts.²⁴ In my opinion, the establishment of this goal for climate action is a kind of additional provision to the above-mentioned UNFCCC and constitutes an instrument for its further implementation.

Therefore, I have examined the main actions taken at the international level to address climate change issues. However, it is important to note that legal acts regarding combating climate change exist not only at the international level but also at the regional level.

Thus, the European Union has made significant progress in climate policy since the 1990s. It now has one of the most comprehensive climate policy regulations and makes marked efforts to reduce its greenhouse gas emissions. The introduction of the European Green Deal in 2019 advanced these processes despite some crises. However, the European Green Deal initiated some already existing approaches, at the same time, it established a more integrated policy and legal framework and stronger attention to policy adaptation measures.²⁵

The main task of the European Green Deal is to achieve climate neutrality, and the European Union successfully making this. The European Green Deal states: «The EU has already started to modernise and transform the economy with the aim of climate neutrality. Between 1990 and 2018, it reduced greenhouse gas emissions by 23%, while the economy grew by 61%. However, current policies will only reduce greenhouse gas emissions by 60% by 2050. Much remains to be done, starting with more ambitious climate action in the coming decade.». ²⁶ Therefore, the European Union's effective legal policy facilitates the combating of climate change and achieves good results in reducing greenhouse gas emissions, which are one of the main causes of climate change.

Moreover, the EU adopted Regulation (EU) 2021/1119, also known as the European Climate Law, which is a part of the European Green Deal. With European Climate Law, the EU recognized the global problem of climate change and the contribution of the EU and the Member States to the alleviation of climate change impacts. Additionally, the European Climate Law takes the Paris Agreement as the basis of its activity in this sphere.²⁷ Thus, pursuant to Article 2 of the European Climate Law, the European Union plans to reduce greenhouse gas emissions to zero until 2050.

²⁴ "The 17 Goals", UN, accessed 24 January 2026, <https://sdgs.un.org/goals>

²⁵ Claire Dupont et al. "Three decades of EU climate policy: Racing toward climate neutrality?" WIREs Climate Change, 15(1), e863 (2024): <https://wires.onlinelibrary.wiley.com/doi/epdf/10.1002/wcc.863>

²⁶ "The European Green Deal", EUR-lex, accessed 3 February 2026, page 4, https://eur-lex.europa.eu/resource.html?uri=cellar:b828d165-1c22-11ea-8c1f-01aa75ed71a1.0002.02/DOC_1&format=PDF

²⁷ "Regulation (EU) 2021/1119", EUR-lex, accessed 3 February 2026, <https://eur-lex.europa.eu/eli/reg/2021/1119/oj/eng>

To achieve this, the Union imposes obligations not only on the Member States but also on the institutions of the EU.²⁸

In conclusion, the analysis of these conferences and legal acts demonstrates a significant contribution to the recognition of climate change as one of the major challenges of our time, particularly in the context of the full enjoyment and protection of human rights.

Although this recognition is relatively recent in historical terms, the international community has taken a number of important steps toward understanding climate change and developing measures for its mitigation. In particular, only in the late 1960s the international community paid attention to environmental issues, leading to the convening of the UN Conference on the Human Environment, the main achievements of which, in my opinion, are the recognition of link between the environment and human well-being, as well as laying the foundation of the concept of sustainable development.

A further important contribution was the establishment of the Intergovernmental Panel on Climate Change, whose reports still remain highly valuable for assessing the current state of the environment and forecasting future changes of the climate. These assessments enable States to adopt preventive measures in order to protect fundamental human rights from the adverse impacts of climate change.

Finally, in my view, the most significant conference was the UN Conference on Environment and Development. Although it considered the issues of environment, sustainable development and human rights, the adopted documents as a result of this Conference address particularly the climate change issue. In particular, the UNFCCC constituted the first formal recognition of climate change as a global challenge and established on States an obligation to mitigate its harmful effects. The Kyoto Protocol and the Paris Agreement was adopted, further developed this framework by introducing more precise regulations on greenhouse gas emissions and limiting the increase in global temperature.

At the regional level, the EU has also recognized climate change as a challenge and has adopted a number of measures aimed at its mitigation, including the long-term objective to achieve climate neutrality.

Overall, the importance of these developments at both international and regional levels is obvious, as the establishment of legal frameworks and concrete targets that should be achieved,

²⁸ *Ibid.*, article 2.

contributes to sustainable development and ensures the protection of human rights against the adverse impacts of climate change.

1.2. Impact of Climate Change on Human Rights

The Universal Declaration of Human Rights (hereinafter – UNHR) establishes that all human beings are born free and equal in dignity and rights, recognizes that everyone is entitled to the full range of rights and freedoms outlined in the Declaration, and underscores the importance of a social and international order that enables people to fully enjoy these rights.²⁹

Despite substantial progress in the field of human rights, there are still numerous challenges in the modern world that limit or otherwise prevent the full and effective realization of these rights. Among these challenges, environmental issues remain pressing. Given the significant development of the legal framework for environmental protection, new threats have emerged, particularly the issue of climate change.

As António Guterres emphasized, climate change is not only an environmental concern but also a human rights catastrophe, connected with issues of equality and climate injustice. Therefore, climate change is not merely an environmental issue that harms the planet and its nature; it also constitutes a serious human rights challenge, affecting fundamental human rights and even basic needs for life.³⁰

Thus, I would like to examine the impact of climate change on various fundamental human rights separately, including the right to life, the right to health, and the right to an adequate standard of living etc.

To begin with, the right to life is a fundamental, inherent and natural right that belongs to every human being and is recognized as being of the highest value. The right to life is enshrined in numerous legal acts at the international, regional and national levels. In particular, the UNHR provides that: “Everyone has the right to life, liberty and security of person”.³¹ The International Covenant on Civil and Political Rights (hereinafter – ICCPR) not only affirms the right of every

²⁹ “The Universal Declaration of Human Rights”, UN, accessed 25 January 2026 <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

³⁰ “Remarks of Secretary-General Urges Amnesty International Global Assembly to Keep Fighting for Human Rights”, UN, accessed 17 January 2026, <https://www.un.org/unispal/document/stressing-your-courage-continues-to-change-lives-secretary-general-urges-amnesty-international-global-assembly-to-keep-fighting-for-human-rights/>

³¹ *Supra* note, 29: article 3

human being to life but also emphasizes its inherent nature.³² Furthermore, legal acts establish that the right to life should be protected by law. For instance, the European Convention on Human Rights (hereinafter – ECHR) provides that: “Everyone’s right to life shall be protected by law”.³³

An analysis of these provisions indicates that the recognition of the right to life imposes certain obligations on States, both negative and positive. Negative obligations require States to refrain from acts and omissions that may pose a threat to human life. Simultaneously, positive obligations involve performing active measures to prevent such threats to life and to ensure safe living conditions. Therefore, ensuring the protection of the right to life increasingly requires States to address climate change and its adverse effects through appropriate legal and policy measures.

As the IPCC stated in its Climate Change 2023: Synthesis Report: “The cumulative scientific evidence is unequivocal: climate change is a threat to human well-being and planetary health.”³⁴ Indeed, climate change has a direct impact on the exercise and enjoyment of the right to life. For instance, as provided by the Human Rights Committee on the ICCPR in its General Comment №36: “Environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life.”³⁵

To illustrate the magnitude of this impact, I will present some data in numerical form. Thus, according to the Lancet report on health and climate change, global heat-related mortality has increased over the past decades. Between 2012 and 2021, an estimated average of 546,000 deaths per year were attributed to heat, a 63% increase compared with the 335,000 annual deaths in 1990–1999.³⁶ In addition, not only climate change itself poses a serious threat to the right to life, but also its so-called secondary effects. In particular, these include droughts, increased heatwaves, the expansion of disease vectors and other related reasons.³⁷

Given that the analysis of the mechanisms of human rights protection in the context of climate change will be considered in Chapter 3, it is nevertheless important to mention relevant

³² “The International Covenant on Civil and Political Rights”, UN, accessed 7 February 2026, Article 6, https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch_iv_04.pdf

³³ “European Convention on Human Rights”, Council of Europe, accessed 7 February 2026, Article 2 https://www.echr.coe.int/documents/d/echr/convention_ENG

³⁴ IPCC, “Climate Change 2023: Synthesis Report”, IPCC, (Geneva, Switzerland, 2023), page 89, https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_FullVolume.pdf

³⁵ “General comment № 36”, UN, accessed 7 February 2026, para. 62, <https://docs.un.org/en/CCPR/C/GC/36>

³⁶ Marina Romanello et al. “The 2025 report of the Lancet Countdown on health and climate change: climate change action offers a lifeline”, *The Lancet*, 406, 10521 (2025): 2815, <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2825%2901919-1>

³⁷ “Understanding Human Rights and Climate Change”, OHCHR, accessed 7 February 2026, page 14, <https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/COP21.pdf>

case law concerning the rights analyzed in this Chapter, as it recognizes a direct link between climate change and the enjoyment of human rights.

So, a recent climate change-related case considered by the European Court of Human Rights (hereinafter – ECtHR) is *Greenpeace Nordic and Others v. Norway* (Application no. 34068/21). The applicants alleged that the State had failed to take effective steps to reduce its overall contribution to climate change and had not ensured adequate regulation of oil production licensing. However, the Court found no violation of Article 2 of the Convention by Norway. Nevertheless, the judgment in this case confirmed the existence of climate change as a global problem and its impact on the lives of people. In particular, the Court did not doubt the detrimental effect of rising ocean and air temperatures as direct factors affecting the degradation of forests, the reduction of fish amount etc. Such factors may lead to violations of fundamental human rights, particularly for communities living on traditional lands whose way of life is linked to natural resources.³⁸

With regard to the next right, namely the right to health, it constitutes a fundamental human right, recognized at the international, regional and national levels. Notably, as enshrined in the Constitution of the World Health Organization, health is defined as: “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”.³⁹

Therefore, the International Covenant of Economic, Social and Cultural Rights (hereinafter – ICESCR) recognizes the right of everyone to attain the highest possible standard of physical and mental health.⁴⁰ Similarly, the UDHR also mentioned health as part of the right to an adequate standard of living.⁴¹ The European Social Charter enshrines the right to the protection of health, which imposes an obligation on States to take the necessary measures, particularly to eliminate the causes of ill-health and to prevent diseases.⁴² Also, this right enshrined at regional level. For instance, the Charter of fundamental rights of the European Union establishes the right to medical care, including access to preventive medical care and to receive medical treatment.⁴³ The right to health is enshrined at the national level as well. For instance, the Constitution of Ukraine interprets

³⁸ “*Greenpeace Nordic and Others v. Norway*, Application no. 34068/21”, HUDOC, accessed 10 February 2026, [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-245561%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-245561%22]})

³⁹ “Constitution of the World Health Organization”, WHO, accessed 8 February 2026, <https://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf?ua=1>

⁴⁰ “The International Covenant of Economic, Social and Cultural Rights”, UN, treaties, accessed 8 February 2026, article 11 https://treaties.un.org/doc/treaties/1976/01/19760103%2009-57%20pm/ch_iv_03.pdf

⁴¹ *Supra note*, 29: article 25

⁴² “European Social Charter”, Council of Europe, accessed 8 February 2026, Article 11, <https://rm.coe.int/168007cf93>

⁴³ “Charter of fundamental rights of the European Union”, EU, accessed 8 February 2026, article 35, https://www.europarl.europa.eu/charter/pdf/text_en.pdf

the right to health broadly, including the right to health protection, medical care and medical insurance.⁴⁴

Therefore, the right to health is established across multiple levels of legislation, considering its importance and imposing obligations on governments to ensure the full enjoyment of this right, including the obligation to address issues, particularly environmental ones, that may adversely affect the health of the population.

As stated in the Lancet report on health and climate change, climate change has created unprecedented threats to human health. Among the 20 indicators used to monitor health risks and the impact of climate change, 12 have reached critically record level.⁴⁵

Furthermore, in the absence of effective and efficient control measures, diseases such as malaria and dengue fever will continue to spread. Taking into account the inequality between developed and developing countries, climate change contributes to approximately 150,000 deaths annually due to the increased incidence of diarrhoea, malaria, and malnutrition. This impact is particularly severe in developing countries, especially in Africa, where around 450 million people are currently exposed to malaria.⁴⁶ Thus, climate change directly affected the enjoyment of the right to health, as the data provided indicate an increase in the incidence of diseases compared to the pre-industrial period.

Considering the right to an adequate standard of living, it is a complex right of every human being, which encompasses a set of interrelated fundamental rights, particularly, it includes the right to adequate food, the right to housing, the right to safe drinking water and other rights which are necessary to ensure a dignified standard of living.

For instance, as enshrined in the ICESCR, every human being has the right to: “an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”⁴⁷ The UDHR establishes that, in addition to the above-mentioned elements, the right to an adequate standard of living also includes medical care and necessary social services, as well as a range of social security rights.⁴⁸ In addition to its recognition at the international level, this right is also explicitly enshrined at the national level. For

⁴⁴ “Constitution of Ukraine”, Verkhovna Rada of Ukraine, accessed 8 February 2026, Article 49, <https://rm.coe.int/constitution-of-ukraine/168071f58b>

⁴⁵ Romanello, *supra note*, 36: 2804

⁴⁶ Nicholas Stern, “Stern review: The Economics of Climate Change”, (United Kingdom: 2006), page 84, https://biotech.law.lsu.edu/climate/Stern-%20Report/d/Chapter_3_How_climate_change_will_affect_people_around_the_world_.pdf

⁴⁷ *Supra note*, 40: article 11

⁴⁸ *Supra note*, 29: article 25

example, the Constitution of Ukraine expressly guarantees the right of everyone to an adequate standard of living.⁴⁹

In my opinion, in the context of climate change, it is more appropriate to consider each of the above-mentioned components of the right to an adequate standard of living separately.

With regard to the right to adequate food, it constitutes an integral part of the right to an adequate standard of living in accordance with the noted legal acts. Furthermore, the Committee on Economic, Social and Cultural Rights, in its General Comment №12 emphasizes that the right to adequate food is closely linked to human dignity and is essential for the enjoyment of other human rights. This right is also connected to social justice and, in order to reduce poverty and ensure human rights for all, imposes an obligation on States to adopt appropriate economic, environmental and social policies.⁵⁰

Importantly, the right to food is not limited to a minimum intake of calories and other basic nutrients. As interpreted by the UN Office of the High Commissioner for Human Rights, the right to adequate food encompasses access to all the nutritional elements necessary for a healthy and active life.⁵¹ Undoubtedly, adequate and safe food is critical for the purpose of promoting good health. Thus, the food should meet certain criteria to fulfill the right to food, particularly, be available, accessible and adequate.⁵²

However, as highlighted in the IPCC Report, climate change has reduced food security through warming and the increasing frequency and intensity of extreme weather events, thereby exposing millions of people to acute food insecurity.⁵³ Considering that food production, particularly crop yields, depends on climatic conditions higher temperatures pose a risk of declines in cereal production worldwide, which directly affects the right to adequate food.⁵⁴

Therefore, States should ensure that the right to adequate food is fulfilled even when facing severe resource constraints. One such reason for these constraints, as stated, may be climatic conditions.⁵⁵ As mentioned before, the objective of the UNFCCC is the stabilization of greenhouse

⁴⁹ *Supra note*, 44: article 48

⁵⁰ “General Comment 12”, UN, accessed 11 February 2026, para. 4, <https://docs.un.org/en/E/C.12/1999/5>

⁵¹ “The Right to Adequate Food”, OHCHR, accessed 10 February 2026, page 2, <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>

⁵² *Ibid.*

⁵³ *Supra note*, 34: 50

⁵⁴ *Supra note*, 46: 67

⁵⁵ *Supra note*, 50: para. 28

gas concentrations in the atmosphere. The Convention also emphasizes that this objective should be pursued in a way that ensures food production is not threatened.⁵⁶

Furthermore, in the already mentioned case *Greenpeace Nordic and Others v. Norway* (Application no. 34068/21), issues concerning violations of fundamental human rights were raised, particularly for communities living on traditional lands whose way of life is linked to natural resources. In its judgment, the ECtHR referred to the Saami Council's report, which emphasizes the uniqueness of Arctic indigenous peoples' food systems, since they primarily depend on harvesting such as fishing, hunting and gathering. Accordingly, the availability and high quality of sufficient natural resources are fundamental to indigenous peoples' lives. In addition, the Norwegian National Human Rights Institution considered that Sámi people are affected by abrupt Arctic climate change, in particular with regard to reindeer herding and fishing practices.⁵⁷ Thus, the link between the adverse impacts of climate change and the ensuring of food security is inseparable.

Considering the next component of the right to an adequate standard of living, namely the right to adequate water, it is crucial for leading a life in human dignity and for the realization of other human rights as well. Although the right to safe and clean water is not explicitly provided for in the text of the ICESCR, Article 11 of the Covenant contains a non-exhaustive list of rights included within the right to an adequate standard of living. And the right to safe and clean water is undoubtedly an integral component of this right.

In particular, the Committee on Economic, Social and Cultural Rights in its General Comment № 15 explicitly states: "The right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival."⁵⁸ Moreover, in 2010, the UN General Assembly adopted Resolution 64/292, by which it officially recognized the right of every person to safe and clean drinking water and sanitation and highlighted that this right is crucial for the exercise of other human rights.⁵⁹

Considering that water is a limited resource, States have certain obligations to implement comprehensive and coordinated strategies and programs to guarantee the availability of sufficient and safe water for both present and future generations.⁶⁰ Unfortunately, there are numerous

⁵⁶ *Supra* note, 19

⁵⁷ *Supra* note, 38

⁵⁸ "General Comment No. 15", UN, accessed 10 February 2026, para. 3, https://www2.ohchr.org/english/issues/water/docs/CESCR_GC_15.pdf

⁵⁹ "Resolution 64/292", UN, accessed 10 February 2026, <https://digitallibrary.un.org/record/687002?v=pdf>

⁶⁰ *Supra* note, 58

challenges in ensuring the right to water, including poverty, social inequality and other related factors. Nevertheless, as noted in Fact Sheet No. 35: The Right to Water by the Office of the UN High Commissioner for Human Rights: “The situation is worsening owing to population growth, urbanization, pollution of water resources and the impact of climate change.”⁶¹

Indeed, as previously mentioned with reference to the IPCC report, alongside food security, climate change also reduced water security.⁶² According to the Stern review, an increase of 2°C in temperature is expected to lead to a rise in the number of people experiencing water shortages, affecting between 1 and 4 billion people, particularly in developing regions. Moreover, due to the melting of glaciers and the loss of mountain snow, the risk of natural disasters is increasing, which may affect dry-season water supplies for one-sixth of the world’s population.⁶³

Furthermore, as noted above, the right to an adequate standard of living includes, inter alia, the right to housing, which is necessary element for enjoying other human rights as well. Importantly, the Committee on Economic, Social and Cultural Rights, in its General Comment №4, emphasized the importance of interpreting this right broadly. That is, it should not be understood merely as the provision of a physical structure, but rather as the availability of a place where a person can live in security, peace and dignity.⁶⁴

Therefore, as stated by the Office of the UN High Commissioner for Human Rights in its Factsheet № 21 on the right to adequate housing, in order for housing to be considered adequate, it must meet certain criteria. In particular, it has been highlighted that housing should provide security of tenure, availability of services and infrastructure, accessibility, habitability, and location.⁶⁵ In my opinion, climate change undoubtedly affects the fulfillment of these criteria. In particular, it has a direct impact on habitability and location, as housing cannot be deemed adequate if it fails to ensure physical safety and protection from natural disasters, as well as if it is located in areas that could be affected by hazards.

Moreover, the adverse consequences for the enjoyment of the right to adequate housing are already being recognized. For instance, the report of the Special Rapporteur on adequate housing also highlights that the climate crisis is a housing crisis. A 1.1°C increase in global average temperatures has already led to severe extreme weather events, as well as to long-term gradual

⁶¹ “The right to water”, OHCHR, accessed 14 February 2026, page 36, <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet35en.pdf>

⁶² *Supra note*, 34

⁶³ *Supra note*, 46: 63

⁶⁴ “General Comment No. 4”, UN, , accessed 14 February 2026, para. 7, https://hlrn.org.in/documents/CESCR_General_Comment_4.pdf

⁶⁵ “The Right to Adequate Housing”, OHCHR, accessed 15 February 2026, page 3, https://unhabitat.org/sites/default/files/documents/2019-05/fact_sheet_21_adequate_housing_final_2010.pdf

changes that seriously threaten the realization of the right to adequate housing worldwide. Climate change-related storms and other weather-related events, including increased glacier melt, have caused damage and destruction of housing on a catastrophic scale. In addition to such destruction, slow-mowing processes such as droughts and rising sea levels further undermine the sustainability of housing and entire regions. Moreover, the loss of livelihoods and the shortage of fresh water are forcing people to leave rural areas and migrate to cities. At the same time, urban areas are often overcrowded and unable to provide adequate housing for everyone.⁶⁶

With regard to the right to privacy and family life, as enshrined in the ECHR as the right to respect for private and family life, home and correspondence, general conditions have been established under which State interference is permitted in exceptional cases. Such interference is allowed when it is necessary in the interests of national security, public safety or the economic well-being, as well as for the prevention of disorder or crime and for the protection of health and morals.⁶⁷ Again, as enshrined in UDHR and other legal acts, no one shall be subjected to arbitrary interference.⁶⁸

Therefore, an analysis of several cases examined by the ECtHR shows that, alongside the alleged violation of the right to life, applicants in climate-related cases also claim violations of this right when bringing their cases before the Court. For instance, in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, *Duarte Agostinho and al. v. Portugal* and 32 other States and *Carême v. France*, which will be analyzed in detail in Chapter 3.

With regard to non-discrimination, a number of international legal acts enshrine the prohibition of discrimination. For instance, the ECHR provides that discrimination is prohibited on any ground in the enjoyment of the rights and freedoms under the Convention. These grounds include, *inter alia*, sex, race, age, language, religion, national or social origin.⁶⁹

Thus, the enshrinement of this right imposes both positive and negative obligations on the State. On the one hand, the State must refrain from discriminating against individuals on any of the listed grounds. On the other hand, it is required to implement effective measures to ensure the protection of human rights. This is particularly important with regard to vulnerable groups, including persons with disabilities, children, indigenous peoples and the LGBTQI+ community.

⁶⁶ “Towards a just transformation: climate crisis and the right to housing”, UN, accessed 15 February 2026, <https://docs.un.org/en/A/HRC/52/28>

⁶⁷ *Supra note*, 33

⁶⁸ *Supra note*, 29

⁶⁹ *Supra note*, 33

Therefore, climate change not only negatively affects the realization of certain fundamental human rights but also poses a threat to specific groups of the population as a whole. In particular, with regard to children's rights, the Convention on the Rights of the Child was adopted at the international level. The Convention enshrines a set of rights guaranteed to every child, including the right to life, health, education, preservation of identity and other freedoms. Importantly, it establishes the fundamental principle in the field of child rights protection, namely the principle of the best interests of the child and opportunity to be heard. Accordingly, all obligations imposed on States under the Convention must be implemented in a manner that ensures the best interests of the child.⁷⁰

The adverse effects of climate change undoubtedly impact the best interests of the child in the enjoyment of their fundamental rights, while insufficient measures to address these negative consequences violate the principle of intergenerational equity, as the present generation places the responsibility for addressing climate change, caused by its own activities, onto future generations.

Therefore, all the above-mentioned challenges in ensuring fundamental human rights have a clear negative impact on the well-being of children, including their rights to health, adequate housing, sufficient food and clean water. In addition, there is a threat to the right to education due to the displacement and migration of families. Furthermore, rising temperatures increase mortality and disease rates, as children are particularly vulnerable to inadequate living conditions.⁷¹

In particular, the impact of climate change on children's rights was recognized by the Committee on the Rights of the Child in its decision *Sacchi et al. v. Argentina*. The applicants, who were children from different countries around the world, claimed that the climate crisis constitutes a children's rights crisis and that States' failure to take adequate action to combat climate change violates their rights to life, health and culture.

The Committee declared the communication inadmissible. However, this was solely due to procedural reasons, namely the failure of the applicants to exhaust all domestic remedies. At the same time, the Committee recognized the children's victim status and stated that it could consider such a complaint once the requirement of exhaustion of domestic remedies is fulfilled. As grounds for its reasoning, the Committee noted that children are particularly affected by the impacts of climate change, both in their present lives and in terms of long-term consequences throughout their life, especially in the absence of adequate and proper State action. Given this impact, and the

⁷⁰ "Convention on the Rights of the Child", UN treaties, accessed 5 April 2026, https://treaties.un.org/doc/treaties/1990/09/19900902%2003-14%20am/ch_iv_11p.pdf

⁷¹ "Climate Change and Children: A human security challenge", UNICEF, accessed 18 April 2026, <https://digitallibrary.un.org/record/659786?v=pdf>

recognition by States parties to the Convention of the need to provide children with special protection, including appropriate legal safeguards, their obligations to prevent foreseeable harm to children are enhanced.⁷²

Accordingly, the Committee concluded that the applicants had sufficiently demonstrated, for the purpose of establishing jurisdiction, that their rights under the Convention were foreseeably affected by the State party's acts or omissions related to emissions within its territory. The Committee also considered that the applicants had demonstrated personal suffering and a real and substantial risk of harm resulting from the climate change crisis.⁷³

With regard to indigenous people, by Resolution 61/295, the UN adopted the Declaration on the Rights of Indigenous Peoples, which affirms that indigenous peoples are entitled to all fundamental human rights and freedoms enshrined in the UDHR. At the same time, the Declaration also establishes specific rights for indigenous peoples, affirming their right to self-determination, preserving their autonomy, and promoting the protection of their culture, traditions and customs, while prohibiting their forced assimilation.⁷⁴

Indigenous peoples of the Torres Strait in Australia are already experiencing the effects of climate change on their rights. Scientific research indicates that temperatures will continue to rise, ocean temperatures will increase, heatwaves will become longer and more intense and the frequency of fires will grow, leading to a reduction in vegetation and livestock. These changes have a complex set of impacts. They pose a real threat of land loss, undermine traditional livelihoods and endanger the preservation of cultural identity for these communities.⁷⁵

Such a detrimental effect of climate change on the indigenous peoples of the Torres Strait in Australia was considered by the UN Human Rights Committee in *Daniel Billy and Others v. Australia* (Torres Strait Islanders Petition). The applicants alleged that the State had failed to implement adequate adaptation measures to ensure the long-term habitability of the islands. As a result, the island communities faced serious risks to their lives, health and culture. Some islands

⁷² "Sacchi, et al. v. Argentina, et al.", Columbia Law School, accessed 19 April 2026, https://www.climatecasechart.com/documents/sacchi-et-al-v-argentina-et-al-decision_1009?q=children+&cts=%5B%22BGAAABGCMIBC%22%5D&o=0

⁷³ *Ibid.*

⁷⁴ "United Nations Declaration on the Rights of Indigenous Peoples", UN, accessed 18 April 2026, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

⁷⁵ Melissa Nursey-Bray, Robert Palmer, and Phil Rist, *Old Ways for New Days Indigenous Survival and Agency in Climate Changed Times*, Springer, 2022, 92, https://www.researchgate.net/publication/363182622_Introducing_Indigenous_Peoples_and_Climate_Change

had already experienced land erosion and flooding and at least one island was flooded annually, making safe living conditions increasingly difficult.⁷⁶

Thus, the Committee declared the communication admissible and noted that the applicants were particularly vulnerable to the impacts of climate change, as they lived on small islands with limited opportunities and resources. Their livelihoods and cultural identity were closely connected to the natural environment, while their limited resources prevented them from independently financing effective adaptation measures. As a result of its examination, the Committee found that the applicants' rights had been violated and requested that the State provide information on the measures taken to protect the indigenous communities concerned, as well as on the remedies provided to them.⁷⁷

Moreover, indigenous American tribes have asked UN Special Rapporteurs to investigate their situation and recommend that the United States provide funding for resettlement, protect cultural heritage, involve indigenous peoples in decision-making processes and hold oil and gas companies accountable for environmental damage. They argued that climate change is destroying their lands and forcing communities to relocate, while the government has failed to provide sufficient protection, consultation and support for their self-governance. These communities are suffering from flooding, hurricanes and a lack of resources necessary to maintain their traditional usual ways of life, including fishing, hunting and farming. As a result, they claim that the State has failed to protect their rights to self-determination, housing, water, health and culture. Following consideration of the situation, the UN Special Rapporteurs requested that the U.S. Government provide explanations and recalled its relevant international obligations in the field of the protection of the rights of indigenous peoples.⁷⁸

In addition, the Inter-American Court of Human Rights, in its Advisory Opinion AO-32/25, held that climate change disproportionately affects indigenous and tribal peoples, as their livelihoods depend heavily on ecosystems that are particularly vulnerable to climate change and extreme weather events, including floods, droughts, heatwaves, forest fires and cyclones. Global warming increases disease risks, reduces biodiversity, destroys crops and poses a threat to food security. For this reason, the Court established additional obligations for States in protecting the

⁷⁶ "Daniel Billy and others v Australia (Torres Strait Islanders Petition)", Columbia Law School, accessed 20 April 2026, https://www.climatecasechart.com/documents/daniel-billy-and-others-v-australia-torres-strait-islanders-petition-decision_951a?q=mitigation+&act=BGAAABGCMIBC&cts=%5B%22BGAAABGCMIBC%22%5D&o=40

⁷⁷ *Ibid.*

⁷⁸ "Special Rapporteurs Reference to the USA", Columbia Law School, accessed 2026, 19 April 2026, https://www.climatecasechart.com/documents/rights-of-indigenous-people-in-addressing-climate-forced-displacement-na_8a0e

rights of indigenous peoples. These include the creation of institutions representing indigenous and tribal peoples, particularly in matters of self-government and the autonomy of their territories and natural resources, as well as the involvement of these communities in research and data collection systems that reflect the impacts of climate change on their territories and resources.⁷⁹

Therefore, climate change disproportionately affects indigenous peoples, particularly in terms of the realization of their fundamental rights, as the very existence of some indigenous communities is closely linked to the natural environment.

In conclusion, the analysis of fundamental human rights, including their recognition and scope of protection, as well as the analysis of the challenges posed by climate change, demonstrates that there is a threat to their full realization. Accordingly, this part of the work paid particular attention to various data from different sources, including climate change reports.

In my opinion, such information is essential for recognizing the adverse impacts of climate change, as it clearly demonstrates that people around the world are already facing its consequences. From increasing mortality and the deterioration of health due to the spread of diseases to challenges in having basic human needs, such as access to food, water and housing. Therefore, climate change has a direct impact on the realization of fundamental human rights and vulnerable groups are particularly suffering. So, it is necessary to take effective measures to mitigate its effects, as this will contribute to ensuring a dignified life in which individuals are able to fully enjoy their rights.

⁷⁹ “Advisory Opinion AO-32/25 of May 2, 2025”, Inter-American Court of Human Rights, accessed 22 February 2026, <https://jurisprudencia.corteidh.or.cr/en/vid/1084981967/search>

2. HUMAN RIGHTS IN THE CONTEXT OF CLIMATE CHANGE

2.1. The Emergence and Protection of Environmental Human Rights

In the context of global environmental challenges, in particular climate change, the issue of ensuring environmental human rights is becoming increasingly relevant, since environmental rights constitute an integral part of the human rights system, and their realization represents an important step towards sustainable development and the protection of the rights of future generations. In the research on the “The institution of a specialized environmental Ombudsman” stated, that: “Environmental Quality of Life is a complex concept that refers to the extent to which environmental conditions ensure the protection of human health and well-being and support a safe, comfortable, and sustainable standard of living.”⁸⁰

Therefore, the right to a healthy environment had a long process of development, from the Stockholm Declaration, which initially only confirmed the link between environment and human rights protection, to 2022, when the UN adopted Resolution A/RES/76/300 recognizing the right to a healthy environment as a separate human right at the international level.⁸¹

Before the recognition of the right to a healthy environment at the international level, it was established only at the national level, which precluded individuals from applying directly to international courts or bodies for concrete protection of the right to a healthy environment, without referring to other rights, such as the right to life or the right to health.⁸² Therefore, such formal recognition is a crucial break in the protection of environmental rights and the establishment of their significance in human lives.

The emergence of the right to a healthy environment is closely related to climate change cases. In particular, when individuals submitted applications for the protection of their human rights against the effects of climate change, bodies, during the examination of such issues, indirectly applied this right in their decisions.

⁸⁰ Sofia Khelaiia, “The institution of a specialized environmental Ombudsman” (research, Mykolas Romeris University, 2026), 10.

⁸¹ “A universal right to a healthy environment”, European Parliament, 2021, accessed 20 February 2026, [https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/698846/EPRS_ATA\(2021\)698846_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/698846/EPRS_ATA(2021)698846_EN.pdf)

⁸² Pau de Vilchez and Annalisa Saveresi, “The Right to a Healthy Environment and Climate Litigation: A Mutually Supportive Relation?”, *SSRN Electronic Journal*, 3829114 (2021) : https://www.researchgate.net/publication/351183919_The_Right_to_a_Healthy_Environment_and_Climate_Litigation_on_A_Mutually_Supportive_Relation

The process of its formal recognition began from the non-binding resolution of the United Nations Human Rights Council in 2021, which was the first international legal document explicitly enshrined the right to a healthy environment. Furthermore, in UN Resolution A/RES/76/300, it was noted that the right to a clean, healthy, and sustainable environment is closely related to other human rights and to international law. This Resolution have historical significance, since it formally recognizes the right of individuals to challenge environmentally inappropriate policies, which affect the human rights under human rights law.⁸³

The process of development and recognition of the right to a healthy environment can be traced in the decision of Norwegian Supreme Court, in which the Court claimed that a lot of States Constitutions have established the right to a healthy, clean or proper environment since the 1970s and at that time disputes regarding the nature of this right had occurred. The Court also added that the process of the rights recognition was difficult and long-lasting and that it became a crucial development for both international human rights law and environmental law.⁸⁴

After its formal recognition at the international level, with aim of implementing the right to healthy environment, a specific position of the Special Rapporteur on the human right to a clean, healthy and sustainable environment was created under Human Rights Council of the UN Resolution A/HRC/RES/55/2. Its powers include, inter alia, the continued examination of human rights obligations relating to the enjoyment of the human right to a clean, healthy and sustainable environment, involving States and international organizations.⁸⁵ This position, which related specifically to separate right seem to be really efficient and necessary due to the fact that the Rapporteur focuses only on implementation of one right and in such way it provides better protection of this right.

The Court of Justice of the European Union (hereinafter – CJEU) also highlighted the existence of a link between environmental protection and human health. In particular, it emphasized that achieving a high level of public health protection is impossible without ensuring an appropriate and high level of environmental protection, which is fully consistent with the principle of sustainable development.⁸⁶

⁸³ “UN declares healthy environment – including clean air – a human right”, Climate and Clean Air Coalition, accessed 20 February 2026, <https://www.ccacoalition.org/news/un-declares-healthy-environment-including-clean-air-human-right>

⁸⁴ Elena Cima, “The right to a healthy environment: Reconceptualizing human rights in the face of climate change”, *Review of European, Comparative & International Environmental Law* 31, 1 (2022) : para.2.3, <https://onlinelibrary.wiley.com/doi/10.1111/reel.12430>

⁸⁵ “Resolution A/HRC/RES/55/2”, UN, accessed 21 February 2026, <https://docs.un.org/en/A/HRC/RES/55/2>

⁸⁶ “Case C-626/22”, Infocuria, accessed 22 March 2026, <https://infocuria.curia.europa.eu/tabs/document?source=document&text=&docid=287502&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=2339996>

The right to a healthy environment is a complex right which consists of several other rights, such as the right to a safe climate, the right to clean air and sustainable food, the right to a non-toxic environment and the right to healthy ecosystems and biodiversity. These rights are divided into two groups: substantive and procedural rights.⁸⁷

To begin with substantive rights, the right to a safe climate is the first right specifically related to climate. Therefore, in the report of the Special Rapporteur on the human right to a healthy environment stated that the right to a safe climate means the prevention of dangerous human impacts on the climate system and in this sphere specific obligations of States were created.⁸⁸

The Inter-American Court of Human Rights, in its advisory opinion, interpreted the right to a safe climate. In particular, this right consists of both individual and collective understandings. In its collective meaning, the right ensures the mutual interests of present and future generations in enjoying a climate system that is the most facilitative to their well-being and requires that present generations transfer as stable climate system as possible for the future generations, thereby providing equal opportunities and rights for both generations. At the same time, regarding the individual meaning of the right to a safe climate, the Court held that the right to a safe climate is an individual right of every person, which corresponds to a duty of States to protect this right and, in the case of its violation, to provide remedies for affected people. Moreover, when a State fails to fulfill its obligation to protect the global climate system, this results not only in a threat to the overall climate, but also to concrete individuals.⁸⁹

The right to clean air is enshrined not only at the international level, but also at the level of the EU. Thus, Directive 2008/50/EC establishes the necessity to protect human health and the environment in general and to reduce emissions at all levels of regulation of this issue.⁹⁰ Therefore, clean air and climate change are closely interconnected, since they are related to the same phenomenon, namely emissions. Climate change is caused by greenhouse gas emissions and clean air depends on the quantity of emissions in the atmosphere as well. The obligations in this regard are similar, the main one is to reduce emissions, which will lead to the achievement better quality of air and to the slowing down the process of climate change.

⁸⁷ “What is the Right to a Healthy Environment?”, UNDP, accessed 21 February 2026, <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>

⁸⁸ “The right to a clean, healthy and sustainable environment: non-toxic environment”, UN, accessed 22 February 2026 <https://docs.un.org/en/A/HRC/49/53>

⁸⁹ *Supra note*, 79

⁹⁰ “Directive 2008/50/EC”, EUR-lex, accessed 28 February 2026, <https://eur-lex.europa.eu/eli/dir/2008/50/oj/eng>

The Directive establishes air quality requirements in order to achieve zero pollution. It aims at improving air quality within the EU to levels that no longer pose a threat to human health, natural ecosystems, and biodiversity. The objectives of the Directive should be implemented by 2050 at the latest.⁹¹ At the same time, the CJEU in Case C-61/21, in response to a question referred for a preliminary ruling, concluded that the provisions of the above-mentioned Directive should not be interpreted as granting individuals the right to claim compensation from a Member State in the event of a serious breach of obligations arising from those rules, even where there is a direct link between the deterioration in air quality and the violation of the right to clean air.⁹² Thus, individuals may not protect their rights or obtain compensation on the basis of the Directive, which means that they must seek alternative ways to ensure the right to clean air and the duty of States to establish such mechanisms.

The next right within the right to a healthy environment is the right to a non-toxic environment. According to the Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, it outlines State obligations in the area of ensuring the right to a non-toxic environment. Furthermore, regarding the relationship between toxic substances and the other two components of the global ecological crisis, namely the climate emergency and the loss of biodiversity. The chemical industry makes a significant contribution to the threat of climate change, since it uses fossil fuel production and produces approximately 3.3 billion tons of greenhouse gases annually.⁹³ Several voluntary instruments adopted by international organizations also refer to pollution and toxic chemicals. Important examples are the World Health Organization guidelines on air quality, the International Code of Conduct on Pesticide Management and the Globally Harmonized System of Classification and Labelling of Chemicals.

Also, as an example of the implementation of these rights, a case of the ECtHR can be mentioned. Thus, in *Guerra and Others v. Italy*, the applicants alleged that the factory in their town emitted significant amounts of flammable gas, which could cause dangerous chemical reactions and the release of highly toxic substances. The Court noted that, given the direct impact of toxic emissions on the applicants' right to respect for their private and family life, Article 8 of the Convention was applicable. The Court also emphasized that serious environmental pollution could significantly affect a person's well-being and deprive them of the opportunity to fully enjoy their

⁹¹ *Ibid.*

⁹² "Judgement in the Case C-61/21", EUR-lex, accessed 30 February 2026, <https://infocuria.curia.europa.eu/tabs/document?source=document&text=&docid=268785&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=8479%5C>

⁹³ *Supra note*, 88

home, which in turn had a negative impact on their private and family life. Moreover, the applicants had to wait a considerable time to obtain important information enabling them to assess the risks to themselves and their families if they continued to live in a city exposed to possible accidents at the factory. The Court therefore concluded that the State had failed to fulfil its obligation to secure the applicants' right to respect for their private and family life.⁹⁴

Turning to the next environmental right, particularly the right to safe and sustainable water, the access to safe drinking water has both direct and indirect impacts on the quality of life, resulting in improved living conditions and health benefits. In particular, this includes reducing the number of diseases and increasing the level of comfort and well-being of the population.⁹⁵

Protection of water bodies is an important prerequisite for providing the population with safe and high-quality drinking water. It consists of a set of measures aimed at preserving the natural state of water resources and preventing their pollution. Such measures include rational regulation of land use in water protection zones, the implementation of effective agricultural practices, protection of ecosystem, as well as constant monitoring of potential sources of pollution. The main goal of protecting water bodies is to prevent negative human impact and ensure the suitability of water for drinking and economic needs. The preservation of these ecosystems directly affects the improvement of public health, quality of life and ecological security of territories. An effective system for protecting water supply sources involves a complex approach that combines regulatory and legal regulation, strategic land use planning, raising environmental awareness of the population and the application of modern technologies. Such an integrated approach allows not only to minimize pollution risks, but also to ensure the sustainable use of water resources.⁹⁶

Moreover, to ensure this right, the position of the Special Rapporteur on the human rights to safe drinking water and sanitation was created within the UN under Human Rights Council Resolution 7/22 in 2008.⁹⁷

A truly important case related to the right to safe drinking water was considered by the ECtHR. However, although the application was declared admissible, the Court found no violation of Article 8 of the Convention and declared a significant opinion. Thus, the Court noted that the

⁹⁴ "Case Guerra and Others v. Italy. 116/1996/735/932". HUDOC, accessed 29 February 2026, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58135%22%5D%7D>

⁹⁵ Celso Maran de Oliveira, "Sustainable access to safe drinking water: fundamental human right in the international and national scene", Article, Universidade Federal de São Carlos, 2017, <https://www.scielo.br/j/ambiagua/a/WZhfhDmSLGDqKKbLjd3GLhh/?format=html&lang=en>

⁹⁶ Maryna Cherkashyna, Alla Sokolova and Robert C. Brears, "The Right to Safe Drinking Water as a Condition for Ensuring Human Health and Life: Legal Regulation and Judicial Protection in Ukraine and Other Countries", *Access to Justice in Eastern Europe*, 8, 1 (2025), https://ajee-journal.com/upload/attaches/att_1739569885.pdf

⁹⁷ "Resolution 7/22", UN, accessed 28 February 2026, https://ap.ohchr.org/documents/e/hrc/resolutions/a_hrc_res_7_22.pdf

right to safe water is not, as such, a right covered by Article 8 of the Convention. However, a lack of access to safe drinking water may be dangerous and have negative consequences for the life and health of persons. This, in fact, may lead to a violation of the right to private life.⁹⁸ Thus, the Court, in fact, highlighted the importance of the right to safe water for human well-being. Besides, it concluded that the right to safe water may be indirectly covered by the Convention.

Furthermore, the right to healthy and sustainable food is also one of the environmental rights. Thus, the Human Rights Council noted that climate change increased poverty and despair, as well negatively affects the realization of the right to food, particularly in developing countries. In many countries, policies promoting export oriented crops have reduced the amount of land available for local communities to produce their own food and have caused significant environmental pollution. Some chemicals also pose a threat to both animal and human health through food products.⁹⁹ Therefore, States are obligated to take all appropriate measures to protect the right to safe food.

Moreover, the Commission on Human Rights established the institution of the Special Rapporteur on the right to food as well. This right is interpreted as the guaranteed possibility for everyone to have stable access to food, both directly and through its purchase. Also, it concerns food products of adequate quality and in sufficient quantities. Such provision should maintain the physical and mental health of both the individual and the community, in the result of which create the conditions for a dignified, full life without feeling of insecurity or lack of food.¹⁰⁰ As was mentioned above the fact of establishment of special position for protection of specific rights leads to better implementation and protection of such right.

With regard to procedural environmental rights, it consists of the right of access to information, the right to public participation, and the right of access to justice. These rights are enshrined in the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, so called Aarhus Convention. Thus, Article 1 of the Convention provides that: “in order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in

⁹⁸ “Case of Hudorovič and Others v. Slovenia. Applications nos 24816/14 and 25140/14”, HUDOC, accessed 23 February 2026, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-201646%22%5D%7D>

⁹⁹ “Human rights depend on healthy and sustainable food systems”, OHCHR, accessed 28 February 2026, <https://www.ohchr.org/sites/default/files/2022-05/Food-Summary-Final.pdf>

¹⁰⁰ B. S. Reddy and Ramya. R, “The right to food as a human right: an overview of public understanding of the rights to safe and nutritious food”, *CMR University Journal for Contemporary Legal Affairs*, 4, 1 (2022): 248, <https://www.cmr.edu.in/school-of-legal-studies/journal/wp-content/uploads/2023/02/13-The-Right-to-Food-as-a-Human-Right-An-overview-of-public-understanding-of-the-right-to-safe-and-nutritious-food.pdf>

decision-making, and access to justice in environmental matters [...].”¹⁰¹ Accordingly, it was the first international instrument to establish procedural rights in the environmental field.

At the European Union level, Directive 2003/4/EC on public access to environmental information was adopted. The Directive, *inter alia*, defines what kind of information is considered as environmental. Thus, environmental information means any information in any form on the state of the elements of the environment, factors affecting or likely to affect those elements, measures designed to protect them, reports on the implementation of environmental legislation, as well as the state of human health and safety. Moreover, the Directive requires that such information should be accurate, relevant and made by public authorities or by delegating body.¹⁰²

The CJEU also clarified which information should be provided in the context of access. In particular, the Court stated that the concept of information relating to emissions into the environment should also include information that allows the public to verify whether the assessment of actual or expected emissions, on the basis of which the competent authority granted authorization for the relevant product or substance, is correct, as well as data on the impact of these emissions on the environment.¹⁰³ Therefore, States should provide their citizens with all information on the basis of which they can fully evaluate and assess the risks caused by activities that are dangerous to the environment.

However, it is noteworthy that the duty to provide citizens with information within the EU is imposed only on public authorities and not on judges of the court. This opinion was established by the Court of Justice in its judgment. Quoting its interpretation: “Courts and natural or legal persons under their control are not ‘public authorities’ within the meaning of the Directive [...] In those circumstances, it is for the Member States alone to provide, where appropriate, for a right of public access to information contained in court files and to determine the manner in which it may be exercised.”¹⁰⁴

Turning to the next procedural right, the right to public participation in international environmental decision-making processes, which was first enshrined in the Aarhus Convention.

¹⁰¹ “Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters”, UN, accessed 22 February 2026, article 1, <https://unece.org/DAM/env/pp/documents/cep43e.pdf>

¹⁰² “Directive 2003/4/EC”, EUR-lex, accessed 29 February 2026, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:041:0026:0032:EN:PDF>

¹⁰³ “Case T-545/11”, Pappas & Associate, accessed 30 March 2026, para. 57, <http://pappaslaw.eu/t-54511-renv-the-institution-to-which-a-request-for-access-to-a-document-has-been-made-does-not-have-to-carry-out-an-exhaustive-assessment-of-the-member-states-decision-to-object-by-conduct/>

¹⁰⁴ “Case C-470/19 Friends of the Irish Environment Ltd v Commissioner for Environmental Information”, EUR-lex, accessed 29 February 2026, https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62019CJ0470_RES

Previously, there was no possibility for the public to take part in decision-making processes and only certain non-governmental organizations possessed such a right. Thus, an important step in this development was the adoption of the Montreal Protocol in 1987, which provides for the possibility of participation in meetings of the parties as observers for organizations with professional competence in the field of ozone layer protection. Such participation is permitted in accordance with established procedures.¹⁰⁵ Furthermore, this right was later fully recognized as a separate environmental right.

Public participation should be organized by the State in an appropriate manner. As established by the Aarhus Convention Committee, the announcement regarding a public participation procedure must be properly communicated. This means that the notice must be complete, clear and not misleading. It should not only include the date, time and place of the hearing, but also clearly explain the content of the proposed measures or changes, and provide information on how the public may access all relevant materials and effectively participate in the procedure.¹⁰⁶

Turning to the last of the listed procedural rights, the right of access to environmental justice is considered as the main legal tool for the protection of environmental rights. In fact, access to justice in the environmental field constitutes a set of guarantees granted to individuals in order to challenge the legality of actions, omissions or legal acts of public authorities that are related to environmental harm. Moreover, such protection could be achieved not only through court proceedings, but also through alternative mechanisms.¹⁰⁷ This issue is examined in detail in Chapter 3. The importance of procedural rights in the field of environmental protection cannot be underestimated, as they contribute to an equal distribution of duties and responsibilities between States and regions, as well as to the adoption of decisions that ensure informed and fair decision-making on climate change and environmental issues in general.

To sum up, the formal recognition of environmental rights at the international level is considered a truly positive step towards the proper protection of human well-being. This has led to the possibility for individuals to apply to protection mechanisms directly on the basis of such

¹⁰⁵ Justice and Environment, “Case law of the Court of Justice of the European Union on Access to Environmental Information”, (Czech Republic, 2024), page 13, https://justiceandenvironment.org/wp-content/uploads/2024/11/CJEU-ATOI-Case-Law_final-for-web.pdf

¹⁰⁶ “Findings and recommendations with regard to communication ACCC/C/2016/144 concerning compliance by Bulgaria”, UNECE, accessed 20 April 2026, https://unece.org/sites/default/files/2021-09/ece_mp.pp_c.1_2021_29_eng.pdf

¹⁰⁷ Luca Brocca, “Access to Justice in Environmental Matters”, *Just Access*, August 31, 2022, <https://just-access.de/access-to-justice-in-environmental-matters/#:~:text=Although%20a%20substantive%20human%20right%20to%20the,acts,%20or%20omissions%20th at%20harm%20the%20environment>

rights. Moreover, an opinion was expressed that the establishment of specific positions for the protection of certain environmental rights constitutes a positive contribution to the prevention of human rights violations and focuses attention on issues related to specific areas of human life.

2.2. State Obligations in the Protection of Environmental Rights

The issues of imposing a number of obligations on States in the field of environmental protection and the mitigation of the adverse impacts of climate change have already been mentioned in general, since these obligations primarily arise from international and regional conventions, which in turn require State parties to adopt relevant domestic legislation to ensure their implementation. Moreover, obligations of the State may be established by the courts while interpreting international conventions or principles of law. Undoubtedly, since the main cause of climate change is emissions, all of the conventions enshrine the obligations of the State to reduce such emissions.

This, in particular, as was mentioned in the case *Marangopoulos Foundation for Human Rights (MFHR) v. Greece*, emissions influence the right to health not only in relation to climate change but also through the emissions themselves. Thus, the European Committee of Social Rights established a strong link between the protection of health and a healthy environment and interpreted the right to the protection of health as including the right to a healthy environment. Moreover, the Committee in the case, *inter alia*, mentioned the existence of a State obligation to provide environmental standards and controlling mechanisms for the implementation of such standards by public bodies and private entities.¹⁰⁸

Referring to the first convention in the area of climate change protection, namely the UNFCCC, it should be mentioned that the Convention enshrines a number of specific obligations within the complex obligation to reduce greenhouse gas emissions. In particular, States should adopt programmes and plans with measures aimed at alleviating the destructive influence of climate change, facilitate and cooperate on questions of technologies and processes that control, reduce or prevent anthropogenic greenhouse gas emissions in different spheres. Moreover, States should exchange relevant scientific, technical and legal information related to the climate system and climate change. Additionally, as an implementation of the right of access to environmental

¹⁰⁸ “*Marangopoulos Foundation for Human Rights (MFHR) v. Greece*, Collective Complaint No. 30/2005”, HUDOC, accessed 4 April 2026, [https://hudoc.esc.coe.int/eng/#{%22sort%22:\[%22escpublicationdate%20descending%22\],%22escdcidentifier%22:\[%22cc-30-2005-dmerits-en%22\],%22escdtype%22:\[%22FOND%22,%22Conclusion%22,%22Ob%22\]}](https://hudoc.esc.coe.int/eng/#{%22sort%22:[%22escpublicationdate%20descending%22],%22escdcidentifier%22:[%22cc-30-2005-dmerits-en%22],%22escdtype%22:[%22FOND%22,%22Conclusion%22,%22Ob%22]})

information and public participation, States have obligations to create some educational and scientific measures to provide the public with a deeper understanding of climate change and its influence.¹⁰⁹

The Kyoto Protocol makes the mitigation obligations under the UNFCCC more precise and reinforces them. Moreover, unlike the UNFCCC, it enshrines mostly obligations for developed countries to facilitate developing countries in their attempts to reduce emissions and thereby contribute to the global reduction of emissions and, as a consequence, to the alleviation of climate change. The Kyoto Protocol also identifies concrete spheres that fall within these obligations, such as transport, energy, technologies and agriculture.¹¹⁰ The Paris Agreement enshrines obligations regarding climate change mitigation, financing, development, transfer of technology, and adaptation to climate change.¹¹¹

In general, the UNFCCC defines the common goal and enshrines the basic principles and general obligations of States in the field of combating climate change. At the same time, the Kyoto Protocol and the Paris Agreement specify these principles, transforming them into a system of interconnected obligations that reflect the practical approach of the international community to solving the problem of climate change.

Therefore, the Paris Agreement makes more concrete the main goal of the UNFCCC, Article 2 of which confirms that it is aimed at enhancing the implementation of the UNFCCC. The Paris Agreement also provides that developed countries are obliged to support developing countries in implementing their climate obligations. Besides, the Paris Agreement combines both obligations of conduct and obligations of result, which are mutually reinforcing. In particular, in the context of the customary obligation to prevent significant environmental damage, States must act with due diligence, following a standard of good administration.¹¹²

In the literature, obligations are divided into two groups: positive, meaning to take measures to facilitate the implementation of the right or to act and negative, meaning to refrain from any actions in order not to interfere in the exercising of the right. Moreover, such obligations may be substantive or procedural in nature.

The first obligation is the obligation to adopt positive measures focused on the mitigation of climate change. Such an obligation is positive and substantive since it stems from an action to

¹⁰⁹ *Supra* note, 19

¹¹⁰ *Supra* note, 21

¹¹¹ *Supra* note, 22

¹¹² “Advisory opinion. Obligations of States in respect of climate change”, International Court of Justice, accessed 7 March 2026, <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf>

adopt and is not related to any procedure. Within this obligation, States should implement effective policies to limit and control greenhouse gas emissions in order to minimize both the current and potential negative impacts of climate change on human rights. Moreover, States should create more and more sinks and reservoirs of all greenhouse gases, which will restrain the detrimental effects of emissions and will not result in rapid climate change.¹¹³

In order to effectively provide their citizens with appropriate climate policies, it is not sufficient for States merely to adopt legislation or establish specific programmes. States must also ensure consistency in the implementation of their policies and comply with the standards they have established in the field of climate change mitigation.

As an example, the case of *Masdar Solar & Wind Cooperatief U.A. v. Kingdom of Spain* may be mentioned. In this dispute, Spain had initially introduced a stable system of incentives for the development of renewable energy in order to meet its climate commitments and attract investment. However, the State subsequently introduced significant legislative changes and withdrew these benefits, thereby undermining investors' legitimate expectations regarding the stability of the investment conditions. The tribunal found that such abrupt and inconsistent changes violated applicable international law standards and negatively affected investment in projects aimed at combating climate change.¹¹⁴

The next obligation is the obligation to provide affected persons with adaptation measures to the consequences of climate change. This is also a positive obligation of a substantive nature. This obligation requires the State to develop and implement appropriate adaptation mechanisms aimed at adjusting to the negative impact of climate change and ensuring an adequate level of protection of human rights. This is not only a formal adoption, but also effective implementation, taking into account long-term risks and potential threats to people.¹¹⁵ Therefore, in such a way, States should find solutions to alleviate the influence of climate change on human rights and the lives of their citizens. For that purpose, States, *inter alia*, should provide an evaluation of activities that may influence the environment. This statement is confirmed by the judgment of the CJEU, in which the Court noted that provisions on the protection of natural habitats and wild flora and fauna must be understood as prohibiting a national authority, including a legislative authority, from

¹¹³ "At the nexus of human rights and climate change", UNDP, accessed 15 February 2026, https://www.undp.org/sites/g/files/zskgke326/files/2023-02/Human%20Rights%20and%20Climate%20Change_Paper.pdf

¹¹⁴ "*Masdar Solar & Wind Cooperatief U.A. v. Kingdom of Spain* – judgment", Columbia Law School, accessed 22 April 2026, https://www.climatecasechart.com/documents/masdar-solar-wind-cooperatief-u-a-v-kingdom-of-spain-judgment_f3b0?q=climate+change&o=60

¹¹⁵ *Ibid.*

approving any plan or project without certainty that such a plan or project will not adversely affect the integrity of the territory concerned.¹¹⁶

The International Court of Justice (hereinafter – ICJ) mentioned in its opinion that States have an obligation to cooperate in the area of climate change. In general, this obligation stems from customary international law and, from there, it has been transferred to all climate change-related treaties. In particular, the International Court of Justice established: “This duty to cooperate is intrinsically linked to the duty to prevent significant harm to the environment, because uncoordinated individual efforts by States may not lead to a meaningful result. It also derives from the principle that the conservation and management of shared resources and the environment are based on shared interests and governed by the principle of good faith.”¹¹⁷ Therefore, the obligation to cooperate can be considered as a core principle, closely connected with and reinforcing other obligations. Efforts by a single State to combat climate change are limited, since progress can only be achieved through the active involvement and cooperation of all States.

The cooperation also results in the facilitation of equality among States. Both the UNFCCC and the Paris Agreement establish obligations for developed countries to contribute to building, provide financial support and exchange the relevant knowledge to enable developing countries to meet their international obligations under climate change conventions. In addition, the Paris Agreement emphasizes the need to strengthen joint efforts of both developed and developing countries in advancing and transferring technologies.¹¹⁸

Furthermore, procedural obligations should also be examined. In this regard, the obligation to ensure an effective remedy for human rights violations caused by climate change provides for the right of every person whose rights have been affected by climate change to access all existing available remedies, including compensation or restoration of their rights. Thus, States should establish efficient ways of providing remedies for their citizens. Such mechanisms may be both judicial and non-judicial in nature and this topic will be examined in detail in the next Chapter. Another obligation is to ensure public participation in climate change decision-making processes. For these purposes, States should establish appropriate mechanisms as well. For instance, electrification projects in remote areas should be based on decision-making processes involving the active participation of citizens in those areas. The mentioned approach shows a deeper

¹¹⁶ “Marie-Noëlle Solvay and Others v Région wallonne. Case C-182/10”, EUR-lex, accessed 25 March 2026, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62010CJ0182>

¹¹⁷ *Supra note*, 112: para. 141

¹¹⁸ *Ibid.*

understanding of their needs, expectations and concerns regarding electrification, including the appropriate locations for solar panels or street lighting systems.¹¹⁹

With regard to the next obligation, namely the obligation to ensure access to climate information, within which States should conduct environmental and climate-related impact assessments.¹²⁰ In particular, such assessments constitute a core tool in State administration for obtaining and assessing environmental information. As stated in a Note of the International Institute for Sustainable Development: “The environmental assessments key characteristics include the following: they are aimed at preventing or minimizing harm to the environment: they are administrative processes consisting of several steps; they begin in the planning phase, prior to an activity taking place; and they predict impacts of an activity on the environment and provide evidence to determine trade-offs between policy goals”.¹²¹ Hence, environmental assessments constitute the most effective ways of fulfilling the State’s obligation to provide its citizens with comprehensive information regarding climate change. Moreover, upon reviewing this information, citizens are able to evaluate it, form their own views and, if appropriate, submit comments on these assessments. Such activity also contributes to the fulfilment of another obligation of the State in the field of climate change, namely the right to participate in climate-related decision-making processes.

The UN Guiding Principles on Business and Human Rights emphasize that States have a duty to protect human rights from potential violations arising from private companies activities, while companies themselves have a responsibility to respect human rights and avoid causing harm. States should ensure that their own activities, including those carried out in cooperation with the private sector, comply with these standards and provide effective mechanisms for redress in the event of violations. At the same time, private companies also have their own obligations, particularly, they must be aware of their impact on the climate and responsibly engage in combating and adapting to climate change, without violating human rights. This is particularly important when States involve private investors in international initiatives to address climate change.¹²² In the Advisory Opinion, the ICJ reaffirmed such an obligation and described it in more detail. Thus, the Court noted that States have a duty to regulate the activities of private entities as a matter of due diligence and in case of improper or insufficient regulation or refusal to provide

¹¹⁹ *Supra note*, 114

¹²⁰ *Ibid.*

¹²¹ Natalie Jones, “What Does the International Court of Justice Advisory Opinion on Climate Change Mean for Environmental Impact Assessment?”, International Institute for Sustainable Development (2026), page 1, <https://www.iisd.org/system/files/2026-03/icj-advisory-opinion-environmental-impact-assessment.pdf>

¹²² “Human Rights and Climate Change: Key Messages”, United Nations Human Rights Office of the High Commissioner, accessed 20 February 2026, para.8, <https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/materials/KMClimateChange.pdf>

any regulation, may be held liable for the actions of private sector entities.¹²³ Thus, the existence of such an obligation truly facilitates the process of climate change mitigation, since private entities gas emissions constitute a significant percentage of overall emissions and the area of their activities should also be under strict regulation by States.

In its opinion, the ICJ considered another crucial aspect for the protection of violated human rights in the context of climate change, namely State responsibility in the case of a breach of obligations. Thus, the Court noted that, in accordance with a common principle of international law, the actions of any State body are considered as the actions of the State itself, this principle applies to climate change as well. Therefore, where a State refuses to take appropriate measures to protect the climate system from the effects of greenhouse gas emissions, for instance by issuing unlimited permits or supporting the industry through subsidies, such acts or omissions may be regarded as a breach of its obligations and lead to the responsibility of the State.¹²⁴

Notably, as part of the implementation of State responsibility, the Warsaw International Mechanism for Loss and Damage was established under the Paris Agreement. Undoubtedly, the creation of this mechanism was an important step, since it provides additional provisions regarding support within States, including technical assistance and financial resources, aimed at responding to loss and damage. Within the Warsaw International Mechanism, an Executive Committee was established. Primarily, the role of this body lies in facilitating developing countries by providing technical support from relevant organizations, bodies and experts in order to implement necessary measures for the compensation of loss and damage at various levels of the State.¹²⁵

Proceeding with State obligations, an important element should be mentioned. The State, taking all of the above-mentioned actions, should ensure climate justice. Climate justice consists of three elements existing in the nowadays area of climate change protection. The first is inequalities in consequences for different countries and regions within countries. Thus, developing countries and regions which have contributed the least to climate change issues are affected by climate change the most. The second element is inequality in costs associated with the implementation of initiatives or policies aimed at combating climate change. The third inequality is the differentiation in benefits or advantages which developed and developing countries obtain.

¹²³ *Supra note*, 112: para. 428

¹²⁴ *Supra note*, 112

¹²⁵ “Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts”, UNFCCC, accessed 10 March 2026, <https://unfccc.int/topics/adaptation-and-resilience/workstreams/loss-and-damage/warsaw-international-mechanism>

Therefore, developed countries, as the main contributors to climate change, are provided with the more costs and benefits in comparison to developing countries.¹²⁶

Climate justice is considered not just an environmental problem but also a problem of social equality and human rights, since it puts humans at the center of such an issue and demonstrates how this injustice affects a person's rights. In the literature, it is proposed to achieve climate justice in all three elements through some basic principles. The first principle is distributive justice, which involves a balanced distribution of responsibilities, costs and benefits among people and States, taking into account the interests of both current and future generations. The second principle is procedural justice, which means ensuring the open participation of all interested individuals and communities in the formulation and implementation of climate policy. The third principle is recognition, which means respecting cultural diversity and social differences, as well as taking into account different views and experiences when making climate decisions.¹²⁷

Therefore, since such an element of climate change is recognized by the international community only recently, this gives rise to the claim that climate justice has just begun its implementation. The fact of the establishment of the inequality problem is a major step towards the alleviation of climate change. However, climate injustice is still occurring, and States should do their best to reduce its impact on human beings.

Within the consideration of climate justice, the principle of common but differentiated responsibilities should be mentioned. This principle was first enshrined in the UNFCCC. Thus, the principle means that every State is responsible for climate problems, however, not equally. It can be explained from two perspectives. On the one hand, States are mutually obliged to take control over the protection of the environment from climate change in general and to combat issues of common concern. Issues of common concern constitute environmental problems that are not limited to the territory of a single State and require collective action. On the other hand, the required actions should be assessed from the perspective of the level of State development and their ability to address such issues in general. Thus, differentiated responsibility is aimed at ensuring not merely formal, but real and substantive equality between States with different levels of economic development and capacities. It is based on the idea that countries with stronger economies or those that more actively use common natural resources should bear a greater share of obligations than developing States. Accordingly, developed countries should play a leading role

¹²⁶ Nives Dolšak, Aseem Prakash, "Three Faces of Climate Justice", *Annual Review of Political Science* 25 (2022): 283-301, <https://www.annualreviews.org/content/journals/10.1146/annurev-polisci-051120-125514>

¹²⁷ "Climate justice, climate finance and climate security: pillars for a sustainable future", KUNAK, accessed 29 March 2026, <https://kunakair.com/climate-justice-climate-finance-and-climate-security/>

in combating environmental challenges, in particular by providing financial support, transferring technologies and other forms of assistance to less developed States.¹²⁸ Hence, climate justice and the principle of common but differentiated responsibilities are interconnected, since, in order to achieve climate justice, States should apply, inter alia, this principle, which would facilitate the fair allocation of responsibilities between States and regions.

Taking into account interests of future generations, the international community conducted Summit of the future outcome documents in 2024, which addresses the questions of saving the environment for future generations. As a result of such summit, the Pact for the Future, Global Digital Compact and Declaration on Future Generations was adopted. Thus, the Pact consists of 56 actions which the international community should undertake to facilitate interest of future generations. Inter alia, actions for strengthening climate change combating and providing proper financial framework for climate change related policies. The international community recognizes that it is the concern of current generation to maintain decent environmental conditions for the future generations in order to alleviate ways of their rights protection and, in such way, facilitate their interests.¹²⁹ The adoption of such a Pact is, undoubtedly, an important step for the implementation of the interests of future generations. However, the actions seem to be quite general and do not contain specific mechanisms for the practical implementation of those actions.

This issue also occurs at the level of the European Union, where, under the current legal acts, EU institutions do not currently have a clear legal obligation to ensure the protection of the long-term interests of future generations. Additionally, in the EU decision-making process, the factor of taking into account potential long-term negative consequences does not appear to play a decisive role. There is also an existing position of some non-governmental organizations that the current plan of the European Union for emission reductions are insufficient to effectively prevent future negative climate impacts.¹³⁰ The above-mentioned results in the conclusion that the actions of the international community are not sufficient enough to protect the interests of future generations. This issue requires particular and clear steps from States, which can lead to the achievement of visible results.

¹²⁸ Okocha, Orogbum Raymond, "Principle of common but differentiated responsibility on climate change", *African Journal of International Energy & Environmental Law* 10 (2024): 53-55, <https://ajieel.com/index.php/a/article/download/103/97>

¹²⁹ "Pact for the Future, Global Digital Compact and Declaration on Future Generations", UN, accessed 29 March 2026, https://www.un.org/sites/un2.un.org/files/sotf-pact_for_the_future_adopted.pdf

¹³⁰ Katalin Sulyok, "Protecting the interests of Future Generations by the European Union: An overview of the existing powers and legal bases in EU law", Jesuit European Social Centre (Brussels, 2024), <https://jesc.eu/wp-content/uploads/2024/02/Sulyok-FG-EU-law.pdf>

To sum up, State obligations constitute a core mechanism of human rights protection. Therefore, they should be clearly distinguished and properly implemented by States. All of these obligations are primarily aimed at reducing the detrimental effects of climate change through initiatives and technologies that are able to prevent a rapid increasing of the average temperature. In particular, States should adopt proper legislation and regulation in the context of climate change, cooperate with each other on climate change policies and joint projects. Besides, States should ensure effective remedies for affected persons, as well as provide compensation in cases of breach of their obligations. A positive aspect here is the responsibility of States in cases of insufficient regulation of private sector entities, which also contribute to the global issue of climate change. Additionally, States should ensure climate justice. The main issue here is that this problem has only recently been recognized by the international community. Therefore, its impact on regions and separate individuals remains significant. Besides, the issue of protecting the interests of future generations still does not find an appropriate resolution, since all international measures taken are general and lack concrete implementation mechanisms. Therefore, States do not perform their duties in the most appropriate way, which leads to the conclusion that obligations in the context of climate change should be revised and clarified.

3. MECHANISMS FOR THE PROTECTION OF HUMAN RIGHTS AGAINST THE IMPACTS OF CLIMATE CHANGE

3.1. Judicial Mechanisms for the Protection of Human Rights

The rule of law is a fundamental principle that governs the administration of justice and ensures fairness, equality before the law and the protection of rights and freedoms. As stated in the decision of the Constitutional Court of Ukraine in the case concerning the constitutional submission of the Ukrainian Parliament Commissioner for Human Rights: “The rule of law is the supremacy of law in society. The rule of law requires the state to implement it in both law-making and law-enforcing activities, particularly in laws, which in their content must be primarily imbued with the ideas of social justice, freedom, equality, and so on.”.¹³¹

The rule of law encompasses a set of fundamental principles, among which is the principle of a fair, impartial, and prompt trial. Accordingly, the right to such trial is enshrined in numerous international legal instruments, as well as in various national legal acts across the world. In particular, the UDHR stated that everyone has the right to a fair and public trial by an independent and unbiased court.¹³² Similarly in the ECHR enshrined that right with the addition regarding the examination of the case in a reasonable time.¹³³

Therefore, the ECHR guarantees the right to a fair trial. In this regard, the ECtHR, in its Guide on Article 6 concerning the right to and access to a court, establishes that everyone is entitled to effective judicial remedies to protect their rights.¹³⁴ Accordingly, the ECHR provides that any person, non-governmental organization or group of persons may submit an application in the case of an alleged violation of their rights by State party. The ECHR also sets out criteria for declaring an application inadmissible. Such criteria include, among others, failure to exhaust all domestic remedies and failure to comply with time limits, submission anonymously, consideration of a matter that has already been examined by a court, or in the case if the application is ill-founded or constitutes an abuse of the right to apply.¹³⁵

¹³¹ “Judgement of the Constitutional Court of Ukraine. Case №1-25/2010”, Verkhovna Rada of Ukraine, accessed 19 March 2026, <https://zakon.rada.gov.ua/laws/show/v017p710-10#Text>

¹³² *Supra note*, 29

¹³³ *Supra note*, 33: article 6

¹³⁴ “Guide on Article 6 of the European Convention on Human Rights Council of Europe/European Court of Human Rights (2013), <https://rm.coe.int/1680700aaf>

¹³⁵ *Supra note*, 33: article 34, 35

First of all, the ECtHR established that climate change is a global issue, the harmful effects of which are responsibility of all States. However, each State is responsible for the protection of the Convention rights within its territory, therefore, it may not rely on the argument that violations of rights stem from extraterritorial causes. Moreover, the Court in the case assessed questions of standing in disputes related to climate change. Thus, in order for an association to be an appropriate subject for lodging a complaint, it should be established in accordance with the law of the State or have the right to perform its activities there, demonstrate its aim of protecting human rights against climate change in accordance with its statutory provisions and possess sufficient standing to represent or act on behalf of affected persons in the relevant jurisdiction who are experiencing specific threats or impacts of climate change on their rights under the Convention.¹³⁸

Turning to the key significance of this decision, namely the determination of victim status for individuals, natural persons should follow other requirements to be considered victims of climate change and to be able to apply to the court for protection of their rights. Thus, two criteria were established, particularly a high intensity of the negative influence of climate change on human rights and a real necessity to ensure the applicant's individual protection. Moreover, the level for meeting these criteria is particularly high. Thus, an analysis of the ECtHR case law demonstrates that, for individual applicants, it is very difficult to prove the existence of such requirements. For instance, in the case considered, the natural persons, namely four Swiss nationals who lodged the application did not prove a high risk to their well-being due to climate change and therefore the Court declared this part of the application inadmissible.

Therefore, although in this case the Court declared the application of individuals inadmissible, its interpretation of the scope of protection under the Convention, as well as the fact of possibility to lodge complaints concerning violations of the rights are very important precedent in case law related climate change. In particular, the Court noted that: "Article 8 may be applied because of adverse effects not only on people's health but also on their well-being and quality of life, and not only because of the actual adverse effects but also the sufficiently serious risks of such effects on people."¹³⁹ Within the framework of climate change obligations of the State under Article 8, the Court considered that States have a duty to provide effective measures to combat climate change, Nevertheless, States have a margin of appreciation in the area of adopting climate policies.

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

Regarding the application of Article 6 of the Convention to climate change cases, the Court noted that there should be a serious dispute concerning the impact of climate change and, at the same time, national bodies resolving such a dispute should assess the status of victims and the link between climate change and the alleged violation of the applicants' rights. Therefore, the Court held the violation of the right to a fair trial, arguing that national courts did not ensure proper consideration of the complaint, thereby failing to guarantee the right to a fair trial under Article 6 of the Convention. In this context, the national court argued that global warming caused by climate change had not yet reached a critical level. However, according to the ECtHR: "Indeed, the existing evidence and the scientific findings on the urgency of addressing the adverse effects of climate change, including the grave risk of their inevitability and their irreversibility, suggest that there was a pressing need to ensure the legal protection of human rights as regards the authorities' allegedly inadequate action to tackle climate change."¹⁴⁰

Hence, in substance, it was the first case in which the ECtHR recognized a violation of human rights in the context of climate change. Moreover, it became an important step in the formation of consistent court practice on climate change, including the recognition of victim status in cases related to climate change and the possibility for individuals to bring applications regarding alleged violations or other effects on human rights before the ECtHR.

Indeed, an analysis of several cases concerning human rights violations in the context of climate change shows that many of them refer to the established approach developed in this decision. In particular, the case of *Carême v. France* (Application № 7189/21).

Thus, turning to the facts of the case *Carême v. France*, Mr. Damien Carême, the applicant, lodged an application against the French Republic, alleging a violation of his right to life and his right to respect for private and family life, due to the failure of the State to take effective and sufficient measures to prevent climate change. Notably, the President of the Court decided that, in order to ensure the proper administration of justice, it is appropriate to form the same composition of the Grand Chamber as in other climate-related cases, in particular the cases of *KlimaSeniorinnen Schweiz and Others v. Switzerland* and *Duarte Agostinho and Others v. Portugal and 32 Others*.¹⁴¹

Therefore, the Court examined the alleged failure of France to take effective and efficient measures to prevent climate change. In particular, the applicant claimed that his rights were violated due to the risk of climate change-induced flooding affecting to which his municipality

¹⁴⁰ *Ibid.*, para. 635

¹⁴¹ "Case of *Carême v. France*. Application № 7189/21", HUDOC, accessed 13 March 2026, [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-233174%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-233174%22]})

will be subject in the period 2030–2040. Importantly, that the Government noticed that Conseil d’État had recognized the harmful effects of climate change in this municipality, but it is not established that the applicant himself would suffer, due to the absence of a direct effect on his rights.¹⁴²

Indeed, the Court held that the application is inadmissible on the ground as being incompatible *ratione personae*. Thus, in its judgement, the Court held that the applicant, having regard to the criteria for victim status established in the abovementioned case of *KlimaSeniorinnen v. Switzerland*, : “the Court finds no reason to question the hypothetical nature of the risk relating to climate change affecting the applicant, as stated by the Conseil d’État”.¹⁴³ The Court substantiated this conclusion by noting that Mr Carême no longer resided in the municipality concerned, which is exposed to the adverse effects of climate change, therefore, he is not directly subject to harmful effects.

In conclusion, the Court examined the case by relying on the approach established in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, which again highlights its significance. The main point of which is that, in addition to the possibility of lodging a complaint concerning the infringement of rights due to climate change, applicants bear the burden of sufficiently proving the direct impact of climate change on their rights. In my opinion, such a standard of proof may be difficult to provide in practice, since climate change is global and transboundary in nature.

Another case which the Court considered, based on the conclusions in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, was *Duarte Agostinho and Others v. Portugal and 32 Others*. Here, the Court did not even consider the victim status of the applicants, since it was not necessary given the non-exhaustion of domestic remedies by the applicants.¹⁴⁴ However, in my opinion, it would have been preferable to assess the standing of the applicants in this case, since it would have facilitated persons in similar situations in evaluating their chances of having their cases considered by the Court.

As regards the next court to be examined, namely the CJEU, its establishment was provided for in the founding treaties, in particular the Treaty on European Union. It is designed to ensure that the Treaties are interpreted and applied in accordance with the law. The CJEU is empowered to adjudicate actions brought by a Member State, an institution or a natural or legal person, as well

¹⁴² *Ibid.*

¹⁴³ *Ibid.*, para. 80

¹⁴⁴ “Case of Duarte Agostinho and Others against Portugal and 32 Others, Application no. 39371/20”, HUDOC, accessed 13 March 2026, paras. 229-230, [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-233261%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-233261%22]})

as to give preliminary rulings concerning the interpretation of Union law or the validity of acts adopted by the institutions, upon the request of courts or tribunals of Member States.¹⁴⁵

As a result of its review, the CJEU may declare the contested act of the institution concerned void. It may also require the institution whose act has been annulled or which has failed to act in accordance with the Treaties, to take the necessary appropriate measures to comply with its judgment.¹⁴⁶

Therefore, in Case C-297/20, Peter Sabo and others brought an action seeking the partial annulment of Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources. The importance of this case lies in the fact that the CJEU also analyzed the victim status.¹⁴⁷

Thus, the CJEU, in its case C-297/20 P, concluded that in order to be recognized as an affected person, the applicant should demonstrate that they are differentiated from all other persons individually. Hence, it is not enough to rely on the general impact of environmental issues to allege a violation of rights, the person should prove a direct individual link which particularly affects their rights. Besides, according to the settled case law of the CJEU, the established global consequences of environmental issues cannot lead to exemption from the need to prove the admissibility of the application.¹⁴⁸ An application to the CJEU in general on behalf of a private individual is not easy and in cases related to climate change the Court applies the same approaches as in other cases. However, the complication lies in the nature of environmental issues and its global spread. Therefore, the establishment of victim status in environmental cases remains a particularly complicated element to prove before the European Union courts as well.

The above-mentioned judicial protection mechanisms relate primarily to the international and regional levels. However, it should be noted that protection also exists at the national level. As an example of judicial protection of human rights in the context of climate change, the decision of the Dutch Supreme Court should be mentioned. Thus, in the case of Urgenda Foundation v. State of the Netherlands, the Court examined obligations of the State to reduce greenhouse gas emissions. In its lawsuit, the Urgenda Foundation, an organization established to protect human rights against climate change, requested the Court to oblige the State to reduce emissions by at

¹⁴⁵ “Treaty on European Union”, EUR-lex, accessed 18 April 2026, https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

¹⁴⁶ “The Treaty on the functioning of the European Union”, EUR-lex, accessed 20 March 2026, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF>

¹⁴⁷ “Peter Sabo and Others v European Parliament and Council of the European Union. Case C-297/20 P”, EUR-lex, accessed 15 March 2026, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62020CO0297>

¹⁴⁸ *Ibid.*

least 25% in comparison to 1990 levels. In fact, the judgment of the Court provides a detailed analysis of the phenomenon of climate change and assesses its impact on Convention rights, while also distinguishing the obligations of the Netherlands in this regard.¹⁴⁹

In my opinion, the decision is particularly solid, as it explains the development and impact of climate change in clear and accessible terms, demonstrating a responsible and thorough approach by the Court in addressing this complex issue of climate change.

Moreover, the decision is also important with regard to the issue of standing in climate change cases. Thus, the Court emphasized the status of the Urgenda Foundation as an organization which represents the interests of citizens of the Netherlands and confirmed its standing in the case. This indicates a more modern and progressive approach to the question of standing in climate litigation, facilitating broader recognition of persons as possible victims of climate change. As a result of the proceedings, the Court upheld the lawsuit and ordered the State to adopt effective and efficient policies to reduce greenhouse gas emissions by at least 25% in comparison to 1990 levels. The grounds for this decision were based on the dangerous nature of climate change and its detrimental impact on human rights, in particular the right to life and the right to respect for private and family life.¹⁵⁰

The next example is the decision of the German Federal Constitutional Court in Neubauer et al. v. Germany. In this case, the Court examined complaints by citizens alleging that the Government had failed to take sufficient and proper measures to reduce greenhouse gas emissions by 55% by 2030. The applicants alleged that the State had not adopted an adequate legal framework to achieve the established goals. The Constitutional Court confirmed both the standing of the applicants and the admissibility of the case. Furthermore, the Court noted that Government, through its inappropriate climate action, had limited the fundamental rights of both the present generation and future younger generations. As a result, the Court confirmed that the Federal Climate Change Act was partially unconstitutional, due to the insufficiency of the measures it contained for combating climate change.¹⁵¹

On the basis of the above, it can be concluded that the question of standing in climate change cases differs between the international/regional and national levels. Thus, national courts generally apply fewer and less strict requirements for standing in cases related to protection against climate

¹⁴⁹ “Urgenda Foundation v. State of the Netherlands”, Columbia Law School, accessed 4 April 2026, https://www.climatecasechart.com/documents/urgenda-foundation-v-state-of-the-netherlands-judgment_ed17

¹⁵⁰ *Ibid.*

¹⁵¹ “Neubauer, et al. v. Germany”, Columbia Law School, accessed 4 April 2026, https://www.climatecasechart.com/documents/neubauer-et-al-v-germany-order_7977

change, whereas international and regional courts remain more cautious in assessing admissibility and victim status in such cases.

Having analysed judicial mechanisms for the protection of human rights in the context of climate change, it can be generally observed that the number of such cases has increased in recent years. On my opinion, this reflects two important conditions. First, individuals are becoming more aware of the impact of climate change on the realization of their fundamental rights. Second, it also indicates the growing threat that climate change poses to the full enjoyment of these rights.

Undoubtedly, the analyzed case law is of particular significance, as it has laid the foundation for recognizing human rights violations resulting from the adverse effects of climate change. At the same time, as mentioned earlier, it remains quite difficult to meet the established requirements, in particular to prove victim status through demonstrating a direct negative impact of climate change. As regards national courts, although the analysed decisions in general suggest less strict admissibility requirements, the practice of examining cases concerning human rights violations caused by climate change remains limited.

3.2. Alternative Mechanisms for the Protection of Human Rights

The existence of alternative, non-judicial mechanisms for the protection of human rights is important for ensuring the rule of law and access to justice, as they also act as instruments for restoring or protecting violated human rights. Therefore, this part of the work will provide an analysis of several non-judicial mechanisms, particularly the ombuds institution and committees.

To begin with the examination of the institution of an ombudsman, it is important to note the absence of one universally accepted definition of this concept, nor a uniform recognized characteristics and features. However, as, for instance, set out in the Recommendation CM/Rec(2019) 6 of the Committee of Ministers to member States on the development of the Ombudsman institution, the institute of ombudsman is an independent body aimed at protecting and promoting human rights and freedoms, which should be accessible to everyone, including vulnerable groups of people.¹⁵²

With regard to the EU level, the institution of the European Ombudsman was established in 1992 by adopting the Maastricht Treaty. Notably, pursuant to the Treaty on the Functioning of the

¹⁵² “Recommendation CM/Rec(2019)6 of the Committee of Ministers to member States on the development of the Ombudsman institution”, Council of Europe, accessed 20 March 2026, <https://rm.coe.int/090000168098392f>

European Union, the authorities emphasized that the Ombudsman should be: “completely independent in the performance of his duties”¹⁵³, which is crucial for ensuring his impartiality and transparency in exercising his power over public administration bodies, aimed at the implementation of the principles of good governance.

In June 2021, Regulation 2021/1163 of the European Parliament was adopted, which covers issues related to the exercise of the Ombudsman’s duties. According to this Regulation, any citizen of the EU, as well as any natural or legal person residing or having their registered office within the Union, has the right to lodge a complaint to the Ombudsman concerning cases of maladministration. Such a complaint may be submitted either directly or through a Member of the European Parliament.¹⁵⁴

Afterwards, if the Ombudsman declares the complaint admissible and decides to open an inquiry where he finds sufficient grounds, the EU body concerned shall be duly informed. Notably, the Ombudsman is empowered to conduct inquiries not only in response to complaints, but also on his own initiative. In particular, in situations involving serious maladministration or where it has a repeated or systemic character, the Ombudsman may address such issues on the basis of their importance and public interest. In such cases, he is also empowered to submit proposals and initiatives aimed at promoting and improving administrative practices within public administration bodies. Simultaneously, the Ombudsman, while cooperating with the concerned administrative authorities to find an appropriate solution, shall inform the complainant of the measures taken to address cases of maladministration.¹⁵⁵

In conclusion, the competences of the European Ombudsman include: “Where appropriate, the Ombudsman shall make recommendations, proposals for solutions and suggestions for improvement to address the issue.”¹⁵⁶ In the case 2000/2022/PVV, the European Ombudsman considered the refusal of the European Commission to provide the public with the necessary information regarding greenhouse gas emissions. Thus, after examination, the Ombudsman proposed that the European Commission reassess the document or information that could be disclosed to the public in order to ensure their rights under the Aarhus Regulation of the EU or provide the public with additional reasoning on why the information is not related to emissions and therefore may not be disclosed to citizens. Subsequently, the Commission provided with “The reply to a proposal for a solution from the European Ombudsman” in this case. In particular, it

¹⁵³ Supra note, 146: article 228

¹⁵⁴ “Regulation (EU, Euratom) 2021/1163”, EUR-lex, accessed 21 March 2026, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1163>

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*, article 1

stated that the Commission had considered all suggestions of the European Ombudsman and reassessed the case. Moreover, it followed the first recommendation and added further reasoning on why the information could not be considered as related to emissions.¹⁵⁷

Therefore, the legal acts of the European Ombudsman do not have binding effect. However, existing practice of the Ombudsman demonstrates that its decisions are of high value and are respected and always taken into account by EU bodies in order to improve public administration within the EU.

Regarding the establishment of the institution of an ombudsman, the mentioned Regulation (EU) 2021/1163 of the European Parliament provides that it should be established in all Member States of the EU. However, each State makes a decision regarding the number of such institutions, taking into account its organisational structure and needs.¹⁵⁸ Therefore, in my research on “The institution of a specialised environmental Ombudsman” examined the necessity of establishing a separate environmental ombudsman and concluded that, given the current environmental situation around the world, as well as the existing challenges and the need for effective mechanisms to protect violated environmental rights, the creation of such an institution is appropriate and will contribute to the protection of human rights and the strengthening of environmental security.¹⁵⁹

Thus, turning to the definition of the institution of a specialised ombudsman, by summarising approaches provided by various scholars in the literature on this issue, a specialised ombudsman is an independent authority that acts as an intermediary between individuals and state authorities, monitors legislation and the activities of administrative bodies, issues recommendations aimed at addressing factors of poor governance and eliminating violations of human rights, and promotes public awareness.¹⁶⁰

Therefore, in a number of countries, a separate institution of a specialised environmental ombudsman has been established. For instance, in New Zealand, the Parliamentary Commissioner for the Environment has been established, in Hungary the Deputy Commissioner for the Rights of Future Generations operates, and in Austria, at the federal level, Environmental Ombudsman Offices have been established.

¹⁵⁷ “Reply of the European Commission to a proposal for a solution from the European Ombudsman”, European Ombudsman, accessed 21 March 2026, <https://www.ombudsman.europa.eu/en/doc/correspondence/en/179181>

¹⁵⁸ *Supra note*, 154

¹⁵⁹ Khelaia, *supra note*, 80

¹⁶⁰ Roghovenko, O.V., Bondar, N.A., Kuznetsova, M.Yu., “Specialized ombudsman as an institution for the protection of environmental human rights: international experience and Ukrainian realities”, *Electronic scientific publication “Analytical and Comparative Law”*, 4 (2025) : 234, <http://journal-app.uzhnu.edu.ua>

Of course, the powers of the Ombudsman differ across countries. However, its core function is to act as an intermediary between the State and individuals. Moreover, the Ombudsman's activities are aimed at ensuring and protecting human rights, including environmental rights, responding to their violations and promoting the implementation and development of environmental policy. Thus, the Ombudsman constitutes an important mechanism for the protection of rights against the adverse impacts of climate change despite the fact that its decisions are non-binding.

In my opinion, the importance of establishing the institution of a specialized environmental ombudsman is best illustrated by an example of its functioning in a country where such an institution has already been established.

As has already been mentioned, in Hungary the Deputy Commissioner for the Rights of Future Generations has been established. In this context, an important opinion was issued by this ombudsman. The Deputy expressed concern that the Hungary had failed to adequately protect natural resources, as required under the Constitution of Hungary. In particular, the draft Act on Water Management, which was not yet in force at that time, provided for uncontrolled water abstraction, thereby posing a risk of pollution. Moreover, the Act did not clearly define or sufficiently regulate the conduct of such activities.¹⁶¹

Therefore, the Deputy claimed that Hungary had already achieved a high level of protection of natural resources and that the adoption of such legislation would not contribute to maintaining this level of environmental protection. The significance of this decision lies in the fact that, taking into account, *inter alia*, this opinion among other factors, the Constitutional Court of Hungary declared the draft Act on Water Management unconstitutional. This decision was undoubtedly necessary to preserve a high level of environmental quality and to protect the interests of future generations.¹⁶²

With regard to another important alternative mechanism for the protection of human rights, namely the activity of Committees established under international conventions and covenants. In accordance with their provisions, specialized committees are created with the purpose of monitoring compliance with the conventions and covenants by States parties.

In particular, pursuant to the ICCPR, the Human Rights Committee has been established. The International Covenant on Civil and Political Rights imposes on States parties an obligation

¹⁶¹ "Decision 13/2018", Constitutional Court of Hungary, accessed 18 April 2026, [https://public.mkab.hu/dev/dontesek.nsf/0/cbb2386065131e71c12582da004720cb/\\$FILE/13_2018_ENG_Final.pdf](https://public.mkab.hu/dev/dontesek.nsf/0/cbb2386065131e71c12582da004720cb/$FILE/13_2018_ENG_Final.pdf)

¹⁶² *Ibid.*

to submit reports on the measures they have taken to ensure the human rights enshrined in the Covenant. These reports are submitted to the Secretary-General of the UN, who subsequently transmits them to the Human Rights Committee for consideration. The Human Rights Committee, in turn, submits an annual report on its activities to the UN General Assembly. Accordingly, the Human Rights Committee is empowered to issue reports and to provide observations and recommendations as a result of its examination and analysis of the reports submitted by States parties.¹⁶³ Undoubtedly, the Human Rights Committee's observations have significant international authority and influence the development of State policies and the advancement of human rights protection.

Notably, the ICCPR provides a procedure allowing a State party to submit a communication concerning another State party. Thus, a State party may complain about the alleged failure to perform the obligations by another State party. An important element for the functioning of this inter-State communication mechanism is the fact that both States must have recognized the competence of the Committee to receive and examine such communications.¹⁶⁴

Furthermore, a very important aspect of the human rights protection mechanism is the adoption of the Optional Protocol to the ICCPR, which entered into force in 1976. This Protocol expanded the powers of the Human Rights Committee. Thus, the Committee was empowered to receive and consider communications from individuals claiming violations of their rights under the Covenant by a State party, provided that the State concerned is a party to the Optional Protocol, meaning that the State has acceded to or ratified it.¹⁶⁵

The Optional Protocol, together with the Rules of Procedure of the Human Rights Committee, sets out in more detail the procedure for the submission, consideration, and examination of communications from individuals, including the criteria for admissibility, the process of consideration, interaction with the State party concerned, and the issuance of observations and recommendations.

In particular, regarding the admissibility criteria of such communications, an individual has the right to submit a communication to the Committee only if all available domestic remedies have been exhausted and the matter is not being examined under other international procedures. The Committee also does not consider communications submitted anonymously or not in written form, or cases recognized as an abuse of the right of submission. Separately, it should be noted that a

¹⁶³ *Supra note*, 32

¹⁶⁴ *Ibid.*

¹⁶⁵ "Optional Protocol to the International Covenant on Civil and Political Rights", UN, treaties, accessed 22 March 2026, https://treaties.un.org/doc/treaties/1976/03/19760323%2007-37%20am/ch_iv_5p.pdf

communication may be submitted exclusively against a State that is a party to the Optional Protocol. Upon receipt of a communication, the Committee is required to decide on its registration as promptly as possible. The next step is the transmission of this communication to the State party concerned, which is given six months to submit its reply, including explanations and observations regarding both the admissibility and the merits of the case. Additionally, during the examination of the case, both parties, the author of the communication and the State party concerned have the right to provide further explanations and responses in order to clarify the circumstances and substance of the case.¹⁶⁶

Moreover, an important element of this human rights protection mechanism is the Human Rights Committee's ability to: "request that the State party concerned take on an urgent basis such interim measures as the Committee considers necessary to avoid possible actions which could have irreparable consequences for the rights invoked by the author".¹⁶⁷ This provision is intended to ensure effective protection of human rights by preventing imminent harm to such rights.

Turning to the consideration of the communication, the Committee examines and analyses all information received from both the individual and the State party concerned in closed meetings, on the basis of which it adopts its decision, so called Views. In its Views, the Committee determines whether a violation of rights has occurred and, if so, formulates recommendations to the State party concerned.¹⁶⁸ Thus, these decisions are not legally binding and are not enforceable. However, they undoubtedly have international authority.

Therefore, the Human Rights Committee is one of the mechanisms for the protection of violated human rights as a result of climate change. In particular, it is appropriate to mention one of communications submitted by an individual against a State, namely *Ioane Teitiota v. New Zealand*.

The Committee considered individual communication by Ioane Teitiota №2728/2016 regarding an alleged violation of the right to life of a person in the context of climate change. Although the Committee found that there was no violation of the rights under the Covenant, this opinion is significant in the context of the interpretation of State duties to prevent detrimental harm of climate change. Thus, the Committee established that, in the absence of active measures at the national and international levels, the effects of climate change in certain countries may lead to violations of human rights guaranteed by Article 6 and 7 the Covenant, particularly the right to life

¹⁶⁶ "Rules of procedure of the Human Rights Committee", UN, accessed 22 March 2026, <https://digitallibrary.un.org/record/3902695?v=pdf>

¹⁶⁷ *Ibid.*, rule 94

¹⁶⁸ *Supra* note, 166

and prohibition of torture. Moreover, if there is a serious risk of total inundation of a State due to rising sea levels, living conditions in that State may become incompatible with the right to a dignified existence even before the actual occurrence of such a threat. Additionally, the significance of this Views lies in the fact that the communication concerning the impact of climate change was recognized as admissible, and the author was considered a potential victim of climate change.¹⁶⁹

The above-mentioned developments lead to the conclusion that climate change is a real and pressing issue today, and that international justice mechanisms are beginning to develop relevant case law and interpretative approaches in this area. Moreover, an increasing number of individuals may be regarded as direct victims of climate change and may suffer from its impacts.

Turning to another committee, particularly to the Committee on Economic, Social and Cultural Rights also constitutes a mechanism for the protection of human rights. In contrast to the Human Rights Committee, which creation was founded in the Covenant, the Committee on Economic, Social and Cultural Rights was established under the Optional Protocol to the ICESCR. The Optional Protocol is also an important tool, since it enshrines the procedure for the submission of individual communications to the Committee. In general, the procedure for the examination of communications is similar to that of the Human Rights Committee. The Committee considers the admissibility of applications, analyses relevant documentation, and holds closed meetings with the parties concerned. As a result of the examination, the Committee adopts its views and recommendations on the issue in question. The Protocol imposes an obligation on the State to provide a written response to the Committee's recommendations within six months, including information on any action taken in the light of those recommendations.¹⁷⁰

A crucial part of the Protocol is inter-State communications, when a State alleges that another State has violated human rights enshrined in the Covenant. As under the Human Rights Committee mechanism, both States parties to the Optional Protocol to the ICESCR should recognize the competence of the Committee. The procedure for the examination of inter-State communications is similar to that of individual communications.¹⁷¹

The Committee may also conduct inquiries on its own initiative. In case the Committee receives reliable information regarding serious or repeated violations by a State party of any

¹⁶⁹ "Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2728/2016", UN, accessed 29 March 2026, <https://digitallibrary.un.org/record/3979204>

¹⁷⁰ "Optional Protocol to the International Covenant on Economic, Social and Cultural Rights", UN, treaties, accessed 22 March 2026, https://treaties.un.org/doc/publication/ctc/ch_iv_3_a.pdf

¹⁷¹ *Ibid.*

economic, social, or cultural rights under the Covenant, it should invite that State to cooperate in examining such information and requests its explanations and comments. At the end of the inquiry, it issues its observations to the State, which is required to provide its response.¹⁷²

The Committee on Economic, Social and Cultural Rights has also adopted concluding observations and recommendations regarding the performance of State duties in the context of climate change. Thus, in its concluding observations on the sixth periodic report of Germany E/C.12/DEU/CO/6, the Committee, after conducted examination of all relevant documents and policies of Germany concerning climate change mitigation, concluded that Germany did not fully implemented its obligations under the Paris Agreement regarding the reduction of greenhouse gas emissions. It suggested Germany to intensify its efforts to meet its emission targets, so that it ensures compliance by submitting its 2030 target as part of its nationally determined contribution.¹⁷³ Such practice demonstrates the important role of the Committee in ensuring the human rights protection in the context of climate change. Additionally, the obligation of States to provide responses and comments to the recommendations of the Committee demonstrates their authority and high level of respect.

The next alternative mechanism for the protection of human rights is the Aarhus Convention Compliance Committee. Thus, article 15 of the Aarhus Convention provides that, in order to ensure the proper implementation of the Convention, States may establish different compliance mechanisms. In accordance with this provision, the Meeting of the Parties created a Working Group to develop such a mechanism. At its first session in October 2002, the Meeting adopted Decision I/7 on Review of compliance procedures and elected the first members of the Committee.¹⁷⁴

The Compliance Committee consists of nine members who serve in their personal capacity. It is composed of citizens of Parties and Signatories to the Convention who are of high moral character and possess recognized competence in relevant fields. The members should be elected by the Meeting of the Parties, either by consensus or, in the absence of consensus, by secret ballot. The Committee is responsible for monitoring compliance by Parties with the provisions of the Convention and reporting to the Meeting of the Parties. A review of compliance may be initiated in several ways, particularly through a submission by another Party or by a Party concerning its own compliance, upon a request by the Secretariat, on the basis of communications from members

¹⁷² *Ibid.*

¹⁷³ “Concluding observations on the sixth periodic report of Germany”, UN, accessed 29 March 2026, <https://docs.un.org/en/E/C.12/DEU/CO/6>

¹⁷⁴ “Background of the Aarhus Convention Compliance Committee”, UNECE, accessed 23 April 2026, <https://unece.org/env/pp/cc/background>

of the public or at the request of the Meeting of the Parties to consider a specific situation. Moreover, Parties may request the Committee to provide opinions or recommendations regarding the implementation of the Aarhus Convention.¹⁷⁵

From the above, it is clear that the Committee has the authority to consider communications from individuals concerning violations of their rights of access to information and public participation in decision-making in the area of environment. Any natural or legal person may submit a communication to the Committee, regardless of their nationality. Such communication must be submitted in writing, include the name of the author and outline the main issues, anonymous submissions are not considered. Upon receipt of a communication, the Committee first examines its admissibility. If the communication is declared admissible, the Committee proceeds to consider its substance. The consideration begins in an open session, during which the Chairman invites representatives of the Party concerned and the author of the communication to present brief statements, after which Committee members may ask clarifying questions. The communication is then examined in detail during a closed session. Following this process and after taking into account all relevant comments, the Committee finalizes its findings and adopts appropriate measures or recommendations.¹⁷⁶

For instance, Communication ACCC/C/2017/159 concerning compliance with the Convention by Spain may be mentioned. In this case, the applicants alleged that Spain had failed to ensure public participation in the preparation of a transitional national plan under the European Union Industrial Emissions Directive. The Committee accepted that the Plan was clearly related to environmental matters and therefore fell within its competence. Moreover, the Committee reaffirmed the important role of public participation in environmental decision-making and emphasized that the time provided for participation must be reasonable, allowing the public sufficient opportunity to understand the issues and submit comments during the decision-making process. As a result of its examination, the Committee concluded that Spain had failed to comply with its obligations under the Convention by not ensuring proper public participation in the preparation of the transitional national plan concerning emissions.¹⁷⁷ As can be seen from this decision, the Committee plays a significant role in the protection of rights in environmental matters

¹⁷⁵ “Guide to the Aarhus Convention Compliance Committee”, UNECE (2019), https://unece.org/DAM/env/pp/Publications/Guide_to_the_Compliance_Committee_second_edition_2019_English/Guide_to_the_Aarhus_Convention_Compliance_Committee_2019.pdf

¹⁷⁶ *Ibid.*

¹⁷⁷ “Communication ACCC/C/2017/159”, UNECE, accessed 23 April 2026, https://unece.org/sites/default/files/2025-11/ECE.MP_PP_C.1.2025.14_E.pdf

and, in particular, in ensuring public participation in decision-making processes related to climate change policies and measures.

As noted above, the UN Special Rapporteur on the human right to a clean, healthy and sustainable environment examines State obligations in the field of human rights related to the realization of the right to a clean, healthy and sustainable environment. In addition, the mandate includes promoting the exchange of best practices and experience in strengthening environmental policies. It is also important that the Special Rapporteur identifies challenges and obstacles to the implementation of State obligations in the field of human rights. Notably, the Special Rapporteur carries out this work in consultation with governments, international and intergovernmental organizations, as well as programmes aimed at promoting environmental human rights protection. Overall, the main role of the Special Rapporteur is to facilitate dialogue between States and individuals in order to support the protection of environmental human rights.¹⁷⁸

Although the UN Special Rapporteur on the human right to a clean, healthy and sustainable environment does not examine individual complaints regarding alleged human rights violations, its work remains an important instrument for ensuring the environmental human rights. Through monitoring the current situation and fulfilling its obligation to submit annual reports, including conclusions and recommendations, the Special Rapporteur contributes to identifying existing gaps in the protection of the right to a healthy environment and provides recommendations to States regarding the implementation of their obligations in a way that ensures the full enjoyment of the right to a clean, healthy and sustainable environment.

Another alternative mechanism for the protection of human rights specifically related to the climate change context is the Special Rapporteur on the promotion and protection of human rights in the context of climate change. Its mandate was established by a Resolution adopted by the UN Human Rights Council on 8 October 2021. In this regard, its establishment may be regarded as a significant step towards strengthening climate governance and enhancing human well-being, given the Special Rapporteur's specific mandate to monitor and control human rights issues arising in the context of climate change.¹⁷⁹

The powers of the Special Rapporteur include analysing the nature of climate change and its impact on the full enjoyment of human rights. On this basis, the Rapporteur provides recommendations on the better integration of human rights into climate policies, legislation and planning, the promotion of sustainable development and the strengthening of international

¹⁷⁸ *Supra* note, 85

¹⁷⁹ "Resolution A/HRC/RES/48/14 adopted by the Human Rights Council on 8 October 2021", the United Nations, accessed 20 April 2026, <https://docs.un.org/en/A/HRC/RES/48/14>

cooperation between States in the area of resistance against climate change. Moreover, the Rapporteur contributes to climate change mitigation efforts and supports the development and implementation of various initiatives in the field of climate action. The Rapporteur may also send communications to governments or private entities in order to draw attention to existing issues related to the climate crisis. In such cases, the relevant States or entities should provide a response and inform the Rapporteur of the measures taken to address the issues raised.¹⁸⁰

However, an analysis of the Resolution establishing the mandate demonstrates that, despite the broad range of powers granted to the Special Rapporteur, it does not include the authority to examine individual complaints or to adopt decisions on their merits.

Given the significant adverse impact of climate change on the enjoyment of human rights, as well as the difficulties that individuals may face when applying to other protection mechanisms, it would be appropriate to consider expanding the mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change.

In conclusion, the importance of the existence and further development of alternative mechanisms for the protection of human rights in the context of climate change is undeniable. Taking into account that judicial mechanisms often involve more stricter admissibility criteria, as well as lengthy and costly procedures, alternative mechanisms may be considered as a more accessible instrument for achieving effective protection. Accordingly, even though the decisions of the mechanisms analysed, in particular ombuds institutions and committees, are non-binding, nevertheless they have a recognized authority.

Therefore, these institutions, through monitoring the current situation of the environment and examining complaints concerning a violation of environmental rights, have the capacity to provide States with recommendations or observations that contribute to the improvement of both environmental policy and human rights protection.

¹⁸⁰ *Ibid.*

CONCLUSIONS

After implementation of the first objective, particularly to present the historical development of the recognition of climate change as an important contemporary challenge, a number of international legal acts were analyzed that gradually addressed this issue, as well as the link between climate change and human rights. Thus, it can be argued that the Rio de Janeiro Conference in 1992 marked as the most significant point in the protection of human rights in the context of climate change, although earlier conferences and legal acts were also important, as they laid the foundations for the conveying of this Conference. As a result of Rio de Janeiro Conference, the so-called triad of climate conventions was adopted, namely UN Framework Convention on Climate Change, the Kyoto Protocol and the Paris Agreement. These steps demonstrate that the international community recognized the necessity of taking measures to address climate change. In particular, due to the fact that UNFCCC was further developed and obtained its renewal through the Kyoto Protocol in 1997 and the Paris Agreement in 2015 shows that States attempted to adapt legal acts to the contemporary challenges caused by climate change and to new scientific knowledge about its causes, thereby continuously improving the legal framework. However, the implementation of the next objective, which is examined in the next part of the Chapter, namely the assessment of the impact of climate change on human rights, undoubtedly demonstrates that, despite all these measures, adopted legal acts and imposed obligations, the harmful impact still persists due to insufficiency of mitigation efforts, which leads to constant human rights violations. Therefore, the research presents a range of numerical data that demonstrates violation of the right to life, the right to health and the right to an adequate standard of living, including the right to adequate food, water and sanitation and housing. The increase in mortality and diseases, as well as forcing displacements of people to achieve an adequate standard of living conditions and even the threat to the existence of entire islands, affects the realization of fundamental human rights and impacts the health and well-being of individuals and entire populations. Therefore, despite the importance of the efforts taken, and taking into account the adverse impacts of climate change on human rights, the current regulations aimed at preventing and mitigating climate change still remains not sufficient to ensure the full enjoyment of human rights worldwide. In particular, with regard to climate injustice, which refers to the fact that those who are least responsible for causing climate change are often the most affected by its consequences.

After the implementation of the next objectives, namely the examination of the emergence of environmental rights, a number of environmental rights were analyzed. In particular, the thesis addressed the right to a healthy environment, which includes the right to a safe climate, clean air,

safe and sustainable food and water, a non-toxic environment, as well as a range of procedural rights, particularly the three access rights: access to information, public participation and access to justice. Therefore, the international recognition of environmental rights is declared as an important step in strengthening the protection of human rights, as it provides individuals with the opportunity to directly address the mechanisms for their enforcement and helps prevent violations in specific areas of life. Some court cases were analyzed which demonstrate the real existence of environmental rights and show a high possibility of their violation in cases of States refusal to perform their duties. Simultaneously, after the implementation of the next objective in this Chapter, namely State obligations in the environmental area, it was established that the main role in the implementation of human rights in the context of climate change is dedicated to States, which are entrusted with the obligation to combat climate change. In particular, such obligations were analyzed, including the implementation of effective legislation, the development of international cooperation, the monitoring of private sector activities, the provision of access to legal protection and adherence to the principles of climate justice. However, due to insufficient regulation and proper implementation of these obligations, the problem remains relevant, in particular regarding the protection of the interests of future generations. Therefore, the need for further improvement and clearer definition of the international obligations of States in the field of climate change must be one of the primary goals of the international community.

After implementation of the last objective, namely examining mechanisms for the protection of human rights against the adverse impacts of climate change on their realization and enjoyment, it can be concluded that a number of such mechanisms have been established and persons have the right to file complaints alleging violations of their rights in the context of climate change. Thus, within this Chapter, judicial protection mechanisms were examined, and the analysed case law demonstrates that courts do recognize the negative impact of climate change on ensuring human rights. However, it also shows that the established standard of proof, in particular the requirements for obtaining victim status, is difficult to satisfy. Taking into account the global and transboundary nature of climate change, it is complicated to prove its direct negative impact on an individual. As a result, as reflected in the large number of cases declared inadmissible on the ground of lack of locus standi, persons are often unable to obtain any compensation or restoration due to strict admissibility requirements. In addition, alternative mechanisms for the protection of human rights were also examined, including the institution of the Ombudsman and treaty-based committees. Their role is undoubtedly important, as they contribute to the promotion and protection of human rights, particularly environmental rights, and to the improvement of environmental policies. Granting such bodies the authority to examine alleged violations caused by climate change is a

positive approach. Nevertheless, the analyzed cases reveal the same requirement to demonstrate a direct negative impact of climate change. Therefore, even where human rights are in fact violated, individuals may face difficulties in protecting their rights due to the high requirements applied on their claims. In my opinion, if persons are unable to effectively protect their rights, such mechanisms cannot be considered sufficient.

Summarising the above conclusions, it can be stated that there is a direct link between climate change and the ensuring of human rights. The impacts of climate change have large adverse effects on the enjoyment of fundamental human rights and pose a direct threat to their realization for both present and future generations, thereby violating the principle of climate justice. Furthermore, existing mechanisms are not sufficient to ensure the full protection of human rights in the context of climate change. Despite all measures taken by States to adopt legal acts and regulations, as well as to establish protection mechanisms, there is still a lack of clear and effective measures aimed at preventing the harmful impact of climate change on human well-being.

RECOMMENDATIONS

1) The first recommendation generally concerns State obligations. In particular, State obligations to reduce climate change and mitigate its adverse effects should be interpreted in a broad sense. Specifically, when examining cases of human rights violations caused by the adverse impacts of climate change, it is necessary to assess not only whether the State has taken relevant measures, but also whether these measures are sufficient and effective, as well as whether they are as ambitious as possible, taking into account available resources and circumstances.

2) The second recommendation is based on the global and transboundary nature of climate change. In this regard, it is necessary to further strengthen cooperation between States, international organizations and other relevant stakeholders in order to intensify and coordinate efforts, as well as to establish a more systematic approach to combating climate change. Considering the scale of the adverse impacts of climate change and the speed at which they are intensifying, it appears appropriate to ensure a more regular review of international approaches, obligations and legal mechanisms in this field, particularly through the adoption of new international legal acts, the revision of existing standards and the development of recommendations aimed at adapting legal regulation to contemporary climate challenges.

3) An important area for further development is educational and awareness-raising activities aimed at increasing public understanding of climate change, its adverse impacts and possible measures for its prevention. For instance, this may include organizing lectures, training sessions and information campaigns, as well as public discussions with invited experts in the field. Such activities would contribute to increasing environmental awareness among the population and fostering a more responsible attitude toward climate change causes.

4) The next recommendation concerns the improvement of human rights protection mechanisms in climate-related cases. Based on the results of the research, it is appropriate to simplify the procedure for recognizing victim status for persons belonging to vulnerable groups at the international and regional levels. Considering the existing practice of various international bodies, which has already confirmed the disproportionate adverse impact of climate change on certain groups of the population, particularly children and indigenous people, it appears both reasonable and useful to establish a presumption of the potential impact of climate change on such categories of persons. This would relieve applicants of the need to additionally prove victim status in each individual case. The adoption of such an approach would contribute to strengthening the protection of the rights of vulnerable groups, since, in order to obtain a decision, they would only need to demonstrate compliance with the other admissibility criteria and establish that the State

has failed to take the necessary measures to protect them from the adverse impacts of climate change or has otherwise failed to fulfil its obligations.

5) The final recommendation concerns the need to strengthen the mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change by granting it the authority not only to conduct monitoring and prepare analytical reports, but also to examine individual and collective complaints concerning alleged human rights violations caused by climate change. Given the particularly detrimental impacts of climate change on the enjoyment of human rights, as confirmed by this research, such a mechanism could enhance the effectiveness of international human rights protection.

The introduction of such a procedure, by analogy with the mechanisms of the UN Human Rights Committee, would allow for a more formalized and structured examination of complaints, as well as contribute to the harmonization of approaches within the UN system.

Furthermore, it may be appropriate to expand the system of UN Special Rapporteurs through the creation of additional mandates dedicated to various environmental human rights, particularly on the right to biodiversity or non-toxic environment. Considering the possible deficiencies of an overly fragmented institutional system, it may be appropriate, for the purpose of its optimization, to establish new Special Rapporteur mandates responsible for monitoring several rights simultaneously, provided that such rights are interconnected. Therefore, the mandates of the Special Rapporteurs on the right to food and the right to water could be combined or a new Special Rapporteur on the right to healthy ecosystems and biodiversity could be established. The establishment of such mandates would contribute to stronger protection of these rights and more effective monitoring of their implementation. Individuals appointed to such positions should possess in-depth knowledge in the fields of environmental protection and international law, which would ensure a high level of professional expertise and improve oversight of compliance with relevant rights.

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ABSTRACT

The master thesis examines the link between climate change and the realization of fundamental human rights. Through a range of legal acts, it analyses the gradual recognition of this link and its significance. The study addresses the adverse impacts of climate change on the enjoyment of several fundamental human rights, including the right to life, health and an adequate standard of living, as well as its impact on the rights of vulnerable groups. It also examines the emergence and development of environmental human rights, particularly the right to a clean, healthy and sustainable environment, together with the corresponding State obligations in the field of environmental protection.

The thesis evaluates the effectiveness of human rights protection mechanisms, both judicial and alternative, and their adequacy in the context of climate change. It analyses relevant case law concerning climate-related human rights violations and approaches to assessing the admissibility of relevant applications. The research identifies challenges in ensuring adequate protection of human rights against the adverse effects of climate change and highlights the need for further development of existing legal policies and protection mechanisms.

Keywords: climate change, adverse impact of climate change, human rights, environmental rights, mechanism for the protection of human rights, State obligations.

SUMMARY

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The global and transboundary nature of climate change increasingly affects the protection and realization of fundamental human rights. Therefore, the master thesis is devoted to the analysis of the impact of climate change on the enjoyment of human rights, as well as to the determination of the scope of corresponding State obligations in the field of environment and the examination of human rights protection mechanisms in the context of climate change.

Considering that the nexus between climate change and human rights has been recognized relatively recently, it is necessary to assess whether the measures taken are sufficient to mitigate the adverse effects of climate change and eliminate human rights violations. Accordingly, the main body of the thesis consists of three chapters, each aimed at examining the set of issues that are objectives of the research: (1) explores the evolution of the legal framework recognizing climate change as a global challenge and its impact on the enjoyment of human rights; (2) examines the development of environmental human rights, particularly the right to a healthy environment, and outlines corresponding State obligations in the field of environmental protection, climate action and climate justice for present and future generations, with reference to the practice of relevant international bodies; (3) analyzes judicial and alternative mechanisms for the protection of human rights against the adverse effects of climate change, including potential challenges individuals may encounter.

The findings of the master thesis demonstrate that climate change poses a serious threat to the realization of human rights. Despite the measures taken by States, such efforts remain insufficient to effectively address this crisis, which highlights the need to improve existing judicial and alternative mechanisms in order to ensure more effective protection of human rights against the adverse impacts of climate change.