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ABSTRACT

Changes in the earth's environmental circumstances are referred to as climate change. Numerous internal and external variables contribute to this phenomenon. A major societal and human rights issue that exacerbates already-existing inequalities is climate change. It is not merely an environmental problem. Women, Indigenous peoples, and low-income groups are among the marginalized groups that frequently suffer the most from its effects even if they make the least contribution to global emissions. In the age of climate change, addressing inequality calls for a rights-based strategy that places a high value on accountability, equity, and participation. Climate action must respect human dignity and address systemic inequities, which is made possible by legal frameworks like international accords, environmental legislation, and constitutional protections. It emphasizes the significance of fair resource distribution, climate adaption, and environmental preservation by drawing on international and Indian legal frameworks, including the Paris Agreement, the Indian Constitution, and the National Action Plan on Climate Change. It also looks at how judiciary can protect fundamental rights and promote climate justice. In addition to being morally required, addressing inequality in the face of climate change is crucial for attaining intergenerational fairness and sustainable development.

KEYWORDS

Human Rights, Climate Change, Constitution, Environment, Inequality

INTRODUCTION

One kind of environmental justice that addresses the disparate effects of climate change on underprivileged or otherwise

disadvantaged groups is called climate justice. Climate justice aims to ensure a fair distribution of both the burdens caused by climate change and the efforts made to mitigate its effects.

Equality, human rights, communal rights, justice, and historical responsibility for climate change are some of the ideas that are examined by climate justice¹. This paper examine the relationship between climate justice and human rights, emphasizing how vulnerable groups are impacted by climate change. To find out challenges faced in implementing climate Justice and to provide strategies for bridging inequality in the face of climate change. Climate justice acknowledges that a disproportionate amount of the CO₂ buildup in the earth's atmosphere, and consequently, climate change, is the fault of those who have profited most from industrialization but marginalized groups mainly people living near mountains are affected more due to the effects of climate change.

This could include low-income individuals, indigenous groups, depending on the nation and situation. Responses to climate change may further disadvantage them by exacerbating already-existing disparities in terms of race, gender, sexual orientation, and disability². The 'triple injustice' of climate change occurs when people who have contributed the least to its cause but are most impacted by it are also adversely impacted by climate change measures.

One way to define the objectives of climate justice is as a framework of rights and responsibilities held by corporations, individuals, and governments toward vulnerable populations who are likely to be disproportionately impacted by climate change. The concepts like equality, human rights, collective rights, and historical responsibility for climate change are all examined in the context of climate justice. The foundation of distributive and procedural justice is respect and acknowledgment.

CLIMATE JUSTICE AND ITS TYPES

The phrase "climate justice" refers to presenting global warming as a political and ethical problem as opposed to one that is only environmental or physical. "Climate Justice" recognizes that disadvantaged groups may experience varying negative social, economic, public health, and other effects of climate change. Climate change does not impact all groups equally; disparities

¹ Schlosberg et al "[From environmental to climate justice: climate change and the discourse of environmental justice](#)" 359–374 *WIREs Climate Change*. (5 ed, 2014)

² Jafry & Tahseen,. Routledge handbook of climate justice. (Abingdon, Oxon, ed. 2019)

exist between rich and poor, men and women, and across different generations.

Underserved or historically oppressed populations are frequently disproportionately affected by climate change's effects, which range from extreme weather to rising sea levels³.

Procedural climate Justice:

The fairness and inclusivity of the procedures used to make choices regarding climate change are referred to as procedural climate justice.

To ensure that products are delivered equitably, transparently, and responsibly, fair mechanisms must be in place.

Representative Justice:

The public involvement, and due process can all help to guarantee this. This can involve having access to knowledge, being able to participate meaningfully in decision-making, and decision-makers not being biased. It encompasses concepts such as "objectivity," "impartiality," "fair representation," and "transparency."

Distributive Climate Justice:

How the costs and benefits of climate change are distributed is the subject of this justice component. Identifying the goods being distributed (such as food, clothing, water, power, wealth, or respect) and the entities between which they are to be distributed (such as members of specific communities or stakeholders, specific generations, or all of humanity) are the three main components of distribution. Identifying the most appropriate mode of distribution (such as status, need, merit, rights, or ascriptive and social identities) is the third step⁴.

Recognition Climate Justice:

Its main goal is to acknowledge differences. It entails determining whether individuals are at risk of becoming even more vulnerable as a result of a process like the low-carbon transition. Appreciation Given unequal capacity to defend rights, climate justice emphasizes both respecting individual diversity and ensuring that everyone has equal rights.

³ Steven Humphreys, 'Climate Justice: The Claim of the Past', pp. 134–14, (Journal of Human Rights and the Environment 5(0), 2014),.

⁴ Ludvig Beckman and Edward Page, 'Perspectives on justice, democracy and global climate change', pp. 527-535, (Environmental Politics 17(4), 2008).

PILLARS OF CLIMATE JUSTICE

The pillars of “climate justice” are classified as follows

Transitioning from fossil fuel-based economies to equitable, regenerative, renewable energy-based systems is known as a "just transition."

Social Racial and Environmental Justice: It acknowledges that low-income and impoverished groups worldwide, who bear the least responsibility for the issue, are disproportionately affected by climate change⁵.

Indigenous Climate Action: Some of the worst effects of climate change are being felt by indigenous populations worldwide. The environments in which they live and work are extremely important to indigenous tribes. Globally, Indigenous Peoples are spearheading initiatives to mitigate and adapt to climate change. Their importance and expertise should be recognized by Climate Action.

Community Resilience and Adaptation: Social justice and equity must be considered while examining community resilience and adaptation. It would enable local communities to directly profit from local climate action while also assisting them in creating their own answers.

Natural Climate Solutions: Regenerative farming, agroforestry, permaculture, urban gardening, and forest restoration are examples of natural climate solutions that adopt a systems approach from a climate justice standpoint.

RELATIONSHIP BETWEEN CLIMATE JUSTICE AND HUMAN RIGHTS

There are two ways that human rights and climate change are related. Firstly Climate Change causes ill effects to basic human rights. However, local populations' rights, especially those of indigenous peoples, may be violated as a result of climate policies.

All three facets of human rights such as civil and political rights, economic, social, and cultural rights, and collective rights may be under jeopardy in the face of climate change.

Extreme weather occurrences, such as heat waves, floods, storms, droughts, and other climate-related phenomena, can jeopardize

⁵ What is Climate Justice, UC Center for Climate Justice, (July 16, 2022), <https://centerclimatejustice.universityofcalifornia.edu/what-is-climate-justice/>,

civil and political rights, especially the right to life. The rights to food, water, health, and suitable housing can all be adversely impacted by sea level rise, temperature increases, and precipitation variations⁶.

“The International Covenant on Economic, Social, and Cultural Rights (ICESCR, 1966)” includes all of these social rights. However, they are also based on fundamental UN human rights treaties, including the 1989 Convention on the Rights of Persons with Disabilities (CRPD). The effects of climate change also have an impact on cultural rights. In this field, human rights arguments are made to support international collaboration for adaptation and mitigation initiatives aimed at safeguarding global cultural assets against climate change, rising temperatures, floods, storms, and droughts.

Some rights reveals that peoples should have the freedom to choose their political status as well as their economic, social, and cultural advancement, and it is based on the ICESCR and the ICCPR. Rising sea levels and catastrophic weather events that jeopardize the territorial existence of low-lying island states can pose a threat to the right to self-determination. If indigenous peoples lose their customary habitat as a means of livelihood, it may also be in danger⁷. Humans' legal position and protection in the international system are in doubt when they are forced to leave their state territory.

INTERNATIONAL LEGAL FRAMEWORK

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)

The UN process for negotiating a deal to minimize harmful climate change is known as the United Nations Framework Convention on Climate Change (UNFCCC). A treaty that was signed by nations to resist "dangerous human interference with the climate system" Limiting the growth of greenhouse gases in the atmosphere is the primary method for achieving this. The pact became operative on March 21, 1994. Additionally, the Secretariat responsible for assisting with the convention's operation is known as the "UNFCCC" and has offices on the UN Campus in Bonn, Germany⁸.

⁶ OHCHR, Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship between Climate Change and Human Rights, p.13, (Office of the High Commissioner for Human Rights, 2009),

⁷ Silvia Maus, 'Hand in Hand against Climate Change: Cultural Human Rights and the Protection of Cultural Heritage', p.13, (Cambridge Review of International Affairs 27(4), 2014, pp. 699–716)

⁸ "United Nations Framework Convention on Climate Change (UNFCCC)". World Health Organization (WHO)

Under Article 3(1) of the UNFCCC, developed nations are expected to *take the initiative* in addressing climate change, acting in line with the principle of common but differentiated responsibilities⁹. In accordance with Article 4, all member states commit to tackling climate change, which includes reducing its impacts and preparing for those that are unavoidable. Article 4(7) further clarifies that the ability of developing nations to meet their commitments depends significantly on the extent to which developed nations honour their own responsibilities—particularly in terms of providing financial assistance and facilitating technology transfer. This consideration must also acknowledge that, for developing countries, the foremost priorities remain poverty reduction and the advancement of economic and social development.¹⁰ Environmentalists and climate experts have criticized the slow progress on crucial climate finance issues and the progressive transfer of the weight of climate action to developing countries. Climate justice is allegedly being violated by this¹¹. It encourages developed nations to give underdeveloped nations financial and technical assistance.

In recent years, the UNFCCC's COP27 came to an end in Sharm el-Sheikh, Egypt. The announcement about the establishment of a Loss and Damage Fund was the summit's only noteworthy result. However, skeptics are cautious since the Fund's operationalization is the true difficulty, and there's a good chance the Loss and Damage Fund may turn out to be a hollow promise like other Climate Finance initiatives. In reference to the efforts of developed nations, former US Vice President and environmentalist Mr. Al Gore said at the opening of the COP27 that "we are not doing enough." Developed countries have persisted in weakening the climate talks and are placing more and more of the responsibility for tackling climate change on poor countries, such as India. Environmentalists and climate experts have criticized the slow progress on crucial climate finance issues and the progressive transfer of the weight of climate action to developing countries. Climate justice is allegedly being violated by this.

PARIS AGREEMENT

The Paris Agreement, a landmark international accord on climate change, was adopted in 2016. Its scope includes measures related to climate finance, adaptation strategies, and mitigation efforts. Negotiated by 196 parties during the 2015 United Nations Climate Change Conference held near Paris, France, the agreement builds

⁹ United Nations Framework Convention on Climate Change art. 3(1), May 9, 1992, S. TREATY DOC. NO. 102-38, 1771 U.N.T.S. 107.

¹⁰ UNFCCC Article 4: Commitments, paragraph 7, in United Nations 1992.

¹¹ UNFCCC Article 3: Principles, in United Nations 1992

upon the framework of the UNFCCC. As of February 2023, 195 UNFCCC parties have joined the accord, with Iran standing out as the only major emitter among the three member states that have yet to ratify it. The agreement's overarching aim is to keep the rise in global average temperature well below 2°C (3.6°F) above pre-industrial levels.¹²

Additionally, according to the treaty, the increase should ideally not exceed 1.5°C (2.7 °F). The worldwide temperature averages over a long period of time are used to define these limitations.

- Article 2: Seek to eradicate poverty, advance sustainable development, and restrict the increase in global temperatures.
- Article 7: Stresses the significance of adaptation initiatives for ecosystems and populations that are at risk.
- Article 8: Acknowledges that loss and harm brought on by climatic changes must be addressed.

A decision on how to accelerate action in all areas—mitigation, adaptation, and finance—by 2030 was reached at COP28 in 2023, marking the conclusion of the first "global stock take" of global efforts under the Paris Agreement. That decision included a call for governments to accelerate the shift from fossil fuels to renewable energy sources like wind and solar power in their upcoming round of climate commitments¹³.

CONSTITUTIONAL MANDATE

In the Indian legal system, "climate justice" is mainly acknowledged through the interpretation of current environmental protection laws, specifically Article 21 of the Constitution (Right to Life), which includes protection against ill effects of climate change. This effectively establishes a "right to a clean environment" and protection against the effects of climate change. The court's landmark decision in the case of "M.K. Ranjitsinh & Ors. v. Union of India" further linked this right to Article 14 (Right to Equality), emphasizing how vulnerable communities are disproportionately affected by climate change.

Article 21 (Right to Life) and Article 48A (Directive Principle of State Policy), which require the state to preserve and enhance the environment, both support the right to a clean environment. The state is required by Article 39 to guarantee the fair allocation of

¹² Jepsen, Henrik; et al. *Negotiating the Paris Agreement: The Insider Stories*. (Cambridge University Press, 2021).

¹³ The Paris agreement, United Nations, January 29, 2025, <https://www.un.org/en/climatechange/paris-agreement>,

resources. Citizens have an obligation to preserve and enhance the natural environment, which includes woods, lakes, rivers, and wildlife, as stated in Article 51A(g).

The "M.K. Ranjitsinh" case, which specifically acknowledged the right to be shielded from the negative consequences of climate change under Articles 21 and 14 of the Constitution, is seen as a major stride in Indian climate jurisprudence¹⁴.

The Supreme Court has linked the right to equality under Article 14 to climate justice, emphasizing that it must take into account the disproportionate impact of climate change on underprivileged people. The Indian judiciary has been instrumental in promoting climate justice by holding the government responsible for climate action and interpreting current legislation to reflect climate change concerns.

INDIAN LEGAL FRAMEWORK

- Environment Protection Act, 1986: This enacted to carry out the guidelines established at the 1972 United Nations Conference on the Human Environment. It lays out a thorough plan for stopping and managing environmental pollution.
- Forest Conservation Act, 1980: This act focuses on forest preservation and forbids deforestation without permission and also safeguards Indigenous groups whose lives depend on trees.
- Biological Diversity Act, 2002: supports biodiversity conservation and sustainable use while acknowledging the rights of Indigenous peoples and local communities.
- Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974: These acts strive to protect the quality of the air and water by setting emission standards, thus preventing the environment from being polluted.

Some of initiatives taken by India are National Action Plan on Climate Change (NAPCC)

It was established in 2008 and has eight missions that address climate adaptation and mitigation, including:

1. The National Solar Mission
2. The National Green India Mission
3. The National Water Mission

¹⁴ 1981 AIR 461 1981 SCR (1) 847 1980 SCC (4) 311

4. The National Sustainable Agriculture Mission

State Action Plans on Climate Change (SAPCCs) which helps states match climate resilience and sustainability with their development objectives.

CHALLENGES

1. Gradual Dilution of Common but Differentiated Responsibilities (CBDR): The UNFCCC's Article 3 acknowledges the concept of CBDR, which is based on the distinctions between developed and developing nations' past contributions and contemporary situations. But wealthier nations continue to pressure developing nations to make greater promises. Coal is an inexpensive resource, and developing nations bear significant costs when it is reduced.
2. Avoiding Binding Targets: The Paris Agreement's Nationally Determined Contributions (NDCs) are entirely optional. They are not legally enforceable or binding. Although the Kyoto Protocol contained legally binding goals for wealthy nations, it hasn't worked. Developed nations have failed to fulfill their obligations by avoiding enforceable targets¹⁵.
3. Climate Finance Shortfall: The industrialized nations have promised to contribute \$100 billion year to Climate Finance, but have not done so. According to climate experts, \$100 billion annually is insufficient to combat climate change. According to IPCC projections, US\$1.6–3.8 trillion is needed each year to prevent temperatures from going above 1.5°C.
4. Unfair Effect on Communities at Risk; Despite having the fewest means to deal with the effects of climate change, marginalized groups—such as low-income, indigenous, and rural communities—suffer the most. Their vulnerability is increased by a lack of access to disaster aid, healthcare, and clean water.
5. Environmental Sustainability vs. Economic Growth: Developing nations depend on sectors like mining, deforestation, and fossil fuels that fuel climate change. Economic growth is given priority by governments, frequently at the expense of social justice and the environment.
6. Inability to Get Green Resources and Technology: Financial assistance, climate-resilient infrastructure, and renewable energy are not available to impoverished communities.

¹⁵ Human Rights Watch, There is No Time Left: Climate Change, Environmental Threats, and Human Rights in Turkana County, Kenya, (New York, Human Rights Watch, 2015)

Green technology are still pricy and mostly found in more developed countries.

7. Misinformation and Public Awareness: Many individuals are unaware of climate change and its effects, particularly in developing nations. Proper education should be provided to create awareness and take action to reduce effects of climate change.
8. Poor Governance and Policy Implementation Issues: Despite the existence of climate policies, their implementation is frequently weakened by industrial lobbying, political will, or corruption. Many times, environmental rules are broken with no repercussions¹⁶.

SUGGESTIONS

1. Inclusive Policy Development: To guarantee that their needs are satisfied and that they are not left behind in the shift to a low-carbon economy, policies should be created with the involvement of marginalized groups.
2. Equitable Resource Distribution: To guarantee that all populations, particularly marginalized communities, have access to the resources and assistance they require to confront climate problems, governments and institutions should distribute resources in an equitable manner.
3. Building Resilience: By providing early warning systems, adaptive infrastructure, and access to recovery funding, programs should concentrate on enhancing the resilience of communities that are at risk.
4. Climate Education and Awareness: Spreading knowledge about the connection between social injustice and climate change can inspire people to call for legislative reforms and persuade companies to embrace sustainable practices.

WAY FORWARD

A stable and reliable climate finance system can help address intra generational equity. Developed nations may be required to meet financial targets for vulnerable nations that are equivalent with their past contributions.

Transferring technology to poor countries and hastening their shift to low-carbon economy will enhance Climate Finance. It's possible that "climate-induced disasters" will become the "new normal." It is important to include climate justice issues into disaster relief initiatives.¹⁷ Acknowledging their historical obligation, developed nations ought to set legally binding goals for

¹⁶ Steve Vanderheiden, 'Justice in the Greenhouse: Climate Change and the Idea of Fairness', pp. 89–101, (Social Philosophy Today 19, 2004),.

¹⁷ Humphreys, 'Climate Justice', pp. 141-147.

cutting their emissions. Ensuring intra generational equity within their own cultures should be a priority for developing nations as well.

CONCLUSION

India's climate jurisprudence has undergone a sea change with the Supreme Court's recognition of a constitutional right to be free from negative climatic impacts. It is now crucial to implement comprehensive climate legislation in order to turn this historic ruling into real progress. The secret to successfully tackling climate issues, achieving sustainable development objectives, and strengthening India's position as a global climate leader lies in such legislation, which is founded on a rights-based framework and is backed by strong implementation mechanisms.

Adopting climate justice would enable us to build a future that is resilient, just, and peaceful for everybody by enabling us to build a society where the costs of climate change are distributed fairly, marginalized people are lifted up, and sustainable practices thrive.

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