

Intersectionality and the human rights implications of climate change

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It's really a pleasure to be here and share some of the early learning from being Special Rapporteur on Climate and Human Rights. Intersectionality was the topic of my first thematic report to the Human Rights Council last year in July. There has been a lot of interest from States, but also civil society, and human rights holders, who have all really appreciated that emphasis. I think there is a lot that we have learned about who's been most affected by climate change and why and what we can do to prevent that from happening again. And this is really the core of what I would like to share with you today and see how we can all contribute to that work going forward.

We have to be aware that we have had 30 years of international climate cooperation and climate action, and yet those negative impacts of climate change, and increasingly also some of the climate solutions that are being put in place, have been experienced by human rights holders in vulnerable situations and in vulnerable countries, for more than a decade.

Extreme climate events - the effects of slow onset climate events - we are now experiencing more and more in other regions - and many of us might have experienced those climate events in the past two to three years, even in the regions we find ourselves in. Those impacts remain deeply experienced unequally due to interconnected situations of vulnerability and multiple grounds of discrimination. And against that, at the moment, we have no indication that climate change and its impacts are being reined in. Rather, we have plenty of indications that we are travelling in the opposite direction; continuing to fuel climate change, ignoring or denying its root causes, and unfortunately, being ill-prepared to address what are increasingly foreseeable, more frequent, more severe, and more widespread human rights impacts.

2024 has been officially declared the warmest year in history, and it has been preceded by a sequence of nine years in a row of highest temperatures recorded. 2024 was also the year where we exceeded the Paris Agreement 1.5° global average temperature guardrail, which existed to prevent us from experiencing catastrophic climate change. And unfortunately, last year, around 44 countries around the globe experienced strong to extreme heat stress on the same day, 10th July 2024. The ocean has never been hotter. If it wasn't for the ocean, our atmosphere today would be 36° hotter. So, if the ocean becomes hotter, that means that the capacity of the ocean and marine life to absorb heat is deeply affected and that, in and of itself, is another element that contributes to excess heat on land.

Because of all these changes, flooding, cyclones, extreme heat, drought and wildfires occurred in large numbers across the world in 2024. So, this could not be more worrying, but it is not surprising. At the end of last year, several UN reports indicated that current and planned climate action up to 2030 is vastly falling short of what we need to prevent more continued crossing of the 1.5° guardrail. If you look at what states have promised to do up until 2030 - even if they were to implement everything they

have promised to do - we would still experience a 2.1 to 2.8° degree temperature increase and this is because what they promised is 43% short of the action we need; that which has been estimated to be needed globally to avoid imminent risk of catastrophic harm, which is also existential harm for some countries, in particular Small Island Developing States (SIDS).

So, in that context, where international climate law making and action has been severely falling short and failing all of us, international, regional, and national human rights experts - the evidence they've collected and their guidance - has been invaluable in understanding and raising public awareness about the causes, the impacts, and more effective climate solutions, that we are not sufficiently discussing and we are not sufficiently seeing on the ground.

That is why in my first thematic report, I decided to synthesise all the work that many other Special Rapporteurs and all the UN Treaty Bodies have done on climate change. My mandate is specifically focused on climate change, but many other Rapporteurs, particularly in the last five years, have seen themselves having to take onboard climate change because of the experienced impacts on the full range of human rights, and particularly children's rights, women's rights, indigenous peoples rights, and many other areas of human rights which we did not expect to be so quickly, so severely impacted by climate change.

That body of work, that body of evidence, that body of guidance, is essential for us to understand who has been most affected by climate change, and really get a finer grip of how important intersectionality is and how central it needs to be for us to understand what climate solutions can really be more effective and meaningful. We need that knowledge now. While we have to be worried about where we are today, the next five years are critical. Changing the direction of climate action in this decade is still possible, and in fact is absolutely necessary, and the Intergovernmental Panel on Climate Change has underscored that there is a rapidly closing but existing window of opportunity for us to secure a liveable and sustainable future, for all of us and generations to come.

We must have as clear an understanding of what has gone wrong and why and what direction we need to take, and I think international human rights law experts have done such invaluable work to really help inform the change in direction. So for that reason my first report was a synthesis of all the guidance that UN Special Rapporteurs, UN Working Groups and the Treaty Bodies have done to clarify how human rights shows where climate change action is falling short, who's been affected, and what we need to do - how we need to proceed - in identifying a more meaningful direction of travel towards a safer climate.

At the very minimum, that means ensuring that we do not repeat mistakes that have been made and ensure that we prevent what have become foreseeable negative impacts on human rights. The intersectional lens is essential because, in fact, it shows how pre-existing conditions - economic and social conditions -, power disparities and the pre-existing intersecting inequalities that many of us on this planet experience are part and parcel of why they find themselves in a situation of vulnerability vis-à-vis climate change, and why we need to look for solutions to climate change that have to do with those deep rooted inequalities.

So several Special Rapporteurs and others in human rights Treaty Bodies have documented how the human rights of indigenous peoples, but also of women and girls, children, older persons, persons with disabilities, persons with albinism, and also persons that find themselves in poverty, in internally displaced situations, or having to migrate, LGBT persons, and persons that live in Small Island States,

and others, have experienced violations of the right to life, to health, to food, to water, to education, and to housing. Very often all these impacts are accumulated, and some have been compounded over time. This has also affected the right to work, their cultural rights, and overall, their human right to a healthy environment.

Just to give you a sense of what these impacts look like, heat waves of over 40° already threaten and have taken people's lives, resulting in heat strokes for the elderly, but also for some categories of workers who find themselves having to work outside in those conditions. It has also led to malnutrition and health conditions for children. It has led to one in seven children missing out on education, in 2024.

We also have incredible medical evidence of how climate change is changing our bodies, our conditions, and our well-being. Some of the most maybe striking pieces of evidence have to do with sexual and reproductive health. Many women find themselves with a much-increased risk of hypertension during pregnancy because of the increased salinity of the water they drink, and that is all due to a chain of events of sea level rise and sea water intrusion into our freshwater sources. Air pollution and heat also worsen, more generally, maternal and neonatal health outcomes.

All of this is just like the tip of the iceberg. But just to give you a sense of how even when we think we are more privileged, that we are far away from some of those extreme climate change events, there are several other deep changes to the conditions that make life and human well-being possible on this planet, that are undermined by climate change.

On top of that, for those who have been bearing the brunt of climate change impacts for over a decade, we see how it compounds and intensifies risks of finding themselves in situation where they may be exposed to human trafficking, to gender-based violence, even to modern forms of slavery, including child marriages. Climate induced human mobility, in and of itself, has become a huge and multi-level source of human rights violations.

So that guidance that my colleagues across the UN human rights system has provided is remarkable for helping us to navigate the dramatic situations, both in the countries where those severe impacts have already been experienced, but also in those countries or regions where we have been lucky enough not yet to have experienced that, and we are able to learn and prepare better for what may come.

The guidance that my colleagues have developed is both very practical in terms of steps that need to be taken, in terms of the knowledge and understanding that needs to be integrated in decision making, but also in providing an opportunity for thinking through and understanding how this, that may appear in the abstract rooms of decision making, the very far-fetched connections between climate change and our everyday life, once they've been experienced and when they have become part of the lived experience of human beings, they become vivid and immediately understandable. They become something that we need to react to.

They have addressed those issues across the full scope of climate action; the activities that we need to take to change the trend in climate change, looking at areas related to fossil fuel regulation, energy efficiency, but also nature, protection and restoration, and food systems. Really trying to understand, across the board, where we need to take action and how to mitigate climate change. And in that work, we have identified some climate solutions that are still prioritised in funding and decision making, but which I have revealed as false solutions – that are not protecting us from this unsafe climate.

They have looked at this also in terms of adaptation; how we protect ourselves from the effects of climate change, which are going to continue even if tomorrow we change that direction of travel. Looking at where action needs to be taken on land, but also our decisions that affect the ocean and our human connections to the oceans. And really looking for how we need to centre local priorities, concerns, and understanding to really drive meaningful adaptation action, rather than allowing for assumptions and understandings coming from abroad, particularly when adaptation is supported by international cooperation efforts and resourcing.

There's a lot of discussion on just transition - this is a very live issue in this country as well - and of course there is a lot of concerns around how decisions about climate mitigation may affect workers' rights. But they do affect every one of us; our workers, our community members, our family members. They may themselves face multiple grounds of vulnerability in the context of climate change. So, we need to think about the just transition, not just as an energy transition that is multi-sectoral, and think about everyone's human rights that may be affected as we try and change our direction of travel.

They have also looked into climate finance. You may have heard that last year the climate COP was supposed to be a climate finance COP. That's definitely a huge issue we can discuss in what ways the COP as a process, and in terms of outcomes, has fallen short of what are very clearly quantified needs of finance, both to ensure adaptation, particularly in the countries that have least contributed to climate change, but also in terms of already experienced loss and damage of cultures, of livelihoods, and of natural ecosystems that support our human well-being.

It is not just a matter of quantity. Again, human rights colleagues have clarified how the quality of that finance, the conditions, the assumptions, the modalities, who has access and a voice in deciding what needs to be financed first and how, matters as much as the sufficient quantity and predictability of climate finance. The independent monitoring and redress - that learning about where things have gone wrong, even if they were backed up by well-meaning international climate finance - needs to be there for us to make sure that whenever we hit an unpredictable roadblock, or even inadvertently contribute to the worsening of human rights situations in the context of climate change, that we are as prepared to learn and change course as we can.

That aspect of loss and damage is also an area on which more and more human rights experts have been speaking. You may know that in the context of the international climate negotiation, we speak about economic and non-economic loss and damage, and that's already a very difficult framing where non-economic is actually to do, again, with our health, with our cultures, with our ways of living. How can that not be a part of the equation? And, if it's not immediately economically quantifiable, is it receiving the attention it needs and what kind of knowledge and understanding is being used to fully appreciate what we are losing and what we are damaging because of our climate inaction, or insufficient or inappropriate climate action?

So, let's move then into that understanding: what have those colleagues understood in terms of who has been most affected by climate change and why? And what does that mean for the action we need? And I think what is interesting for me is that while it is painful to look at where we have gone wrong, and while it is painful to look at the evidence for some countries, for some people, we are looking at a decade of pain and loss. But it is so essential because it shows us that we cannot expect action to be effective even from an environmental perspective. Those effects and those impacts on human rights show us how the interdependence of human well-being from a healthy environment is essential, and we

cannot look at climate change in isolation from the other elements that make life possible on this planet – for example, nature and pollutants - when we decide which climate action we need to take.

And so, several Rapporteurs and Treaty Bodies have looked at how protecting nature, protecting agricultural landscape, forests, and marine areas is essential to climate change mitigation and human rights protection. That any climate measure that leads to land grabbing have been ineffective from a climate perspective, as well as worsened the ongoing violations of human rights, particularly of indigenous peoples and peasants. Even from the aspect of human health, we all benefit from climate measures - the support and restoration of the well-being of ecosystems - because this is where we heal ourselves, where our mental health, and in fact, our physical health benefit, and where we find a sense of community healing too. In fact, the Special Rapporteur on human rights has also encouraged that to be the place and approach for intergenerational alliances.

Of course, for that to happen we need effective spaces and meaningful spaces for participation. We need to hear the stories of those who have most disproportionately been affected. We can read the work that the Rapporteurs have done, and the Treaty Bodies have done, but it's really understanding those stories where we see all these elements that, in the abstract seem separate, are often looked at by different departments within governments, by different areas of research, be that within law and in other sciences, and see how they all come together in the lives of those most affected. How those persons will have the deepest insights, the most effective insights, for us to prevent what have become foreseeable negative impacts on their rights.

Engaging and understanding the temporary measures that may be put in place to allow women and girls who have been left behind in the effort to mitigate climate change, in understanding their own connections to nature and their own priorities, is one example. How we effectively listen to women and girls that have experienced violence in the context of efforts to respond to climate events; the nitty gritty of what we learned that they need is so essential to prevent the very same violations from happening again.

What about the conditions of those living in informal settlements who might not have been consulted and might not have been even reached by any of the efforts to ensure climate resilience housing? And there is, of course, much more research and evidence showing how we're just piling up injustices. We have what are called 'green sacrifice zones' that were already affected by unsustainable natural resource developments - where areas that were selected for highly polluting activities, often on the basis of identifying racially and ethnically marginalised groups - and these are the areas where we have also the most impacts of climate change and the least access to services and resources to respond to climate change. And that, again, is the tip of the iceberg to understand how we can have ineffective climate mitigation if we don't look at systemic racism and historic and contemporary legacies of colonialism and slavery, that still shape public action and the development of business enterprises in ways that are damaging for human rights and damaging for the planet.

Of course, children are the most affected of all; they are most vulnerable to climate change, and it's impacts, and they will live the longest with the impacts of climate change. They have plenty to say about climate change, and they're just not being listened to. They are not even necessarily being properly informed, in order to be able to participate in a dialogue. And so, the importance of age appropriate, safe, meaningful spaces for children's views to be heard for the intergenerational dialogue to happen has been identified, time and again, as essential for us to take a different direction in terms of climate mitigation and adaptation. And fundamentally, moving the scale, prioritising persons that are in the

most vulnerable situations, as the climate experts - the ones that can help us understand what action would be more meaningful at the local level, but then really shedding that light on global trends and dynamics that explain why we have climate change in the first place, and why our climate change efforts are not really reaching the objectives that the international community has agreed upon.

Understanding the barriers that persons with disabilities, including women and girls, or persons of colour, or indigenous peoples face, when we have plans for responding to climate impacts. Understanding, for instance, the importance of making sure that quality sunscreen is provided in immediate efforts responding to climate events, to make sure the persons with albinisms are fully protected, or understanding what the conditions are for older persons where it is safe for them to be offered affordable housing, in terms of not being located in areas that are prone to disasters, or what their needs are, in terms of early warning systems.

It's very detailed guidance that has been provided. Many Special Rapporteurs and Treaty Bodies have looked at intersectionality, but I think this is still the start of the journey - and really putting all of that together and looking at when some individuals or groups face multiple dimensions of discrimination and of vulnerability and what that means, what we're learning about, where we're falling short. It is still an area where more work can be done and were, in fact, by bringing these sources together in my report, I think different Treaty Bodies and Special Rapporteurs have realised that they can go themselves further in what they are asking of states, in terms of clarifying their action, and which considerations are being taken into account, and which still are not fully having a bearing on the choice of measures, the approaches, the budgeting of action, and the kind of monitoring and learning to really improve whatever action is being put in place.

Also realising how the choice of some climate actions, in and of themselves, creates new sources of human rights violations, where maybe some of the climate measures contribute to an exploitative pattern vis-à-vis the natural environment, indigenous territories, other traditional or important spiritual areas, and how we can't accept that that can be the very same model - that which has brought us climate change - is also the model that we're relying upon to try and respond to climate change, because it does ignore that same understanding of our essential interdependence of human well-being from a healthy environment.

Within this context, I think a lot of work has also been done on understanding an additional wave of complexity and human rights impact that arises from climate induced mobility, and that may have to do with crossing borders. But it might also be mobility within the territory of a State, internal displacement, and how many people have experienced multiple situations in which they have to keep moving. And moving maybe from voluntary into forced mobility, sometimes into planned relocation. And through all these situations, how their vulnerability changed because of multiple forms of discrimination; some of which they were experiencing at the outset, some of which became real for them as they were abandoning their place and moving to another, and where resources became more and more limited for them to ensure that those movements could be adaptive.

And that again is another area which has almost taken a third wave of human rights impacts related to climate change, in and of themselves - the mobility has created these situations where the opportunities of finding themselves in situations of heightened risks of human trafficking, of violence, or forms of slavery, have realised themselves.

And there is significant work that has been done to both understand what kind of measures can be taken

while mobility has already happened and is in the course of happening - really trying to understand, again, the work that needs to happen in support of the communities who are moving and the ones who are receiving those that are displaced by climate change - and this is more on the response and the adaptation side of things. But crucially, this is yet another critical wake up call for us to think of this as preventable and as increasingly predictable. We cannot just think of climate change induced mobility as a matter of adaptation or a matter of loss and damage - we must - but we also critically need to put this central to our decision on mitigation. This is an element of both evidence, understanding, and political willingness that is not quite happening, to my knowledge at least.

Even that in, the area of adaptation, and also prevention of loss and damage, once again the importance of ecosystem restoration - this is an area that, even for environmental lawyers we tend to look at separately. You might not know as much about ecosystems, even among the international biodiversity experts. We have not done that much work on ecosystem restoration, let alone thinking through what this means from a human rights-based perspective. What is a human rights-based approach to restoration? Unfortunately, we can get things wrong in terms of ecosystem restoration as well. And yet, that is crucial for us to be able to adapt to climate change and to protect, and in fact, support the fulfilment of human rights.

This has been something that, for instance, the General Comment on children rights to a healthy environment has emphasized. Also the International Tribunal for the Law of the Sea has really underscored how existing obligations under the law of the sea, which we did not think had anything to do either with climate change, or children's human rights, or everyone's human rights, are essential and need to be taken seriously and prioritised compared to how they are at the moment, if we want to survive in the context of those ongoing impacts of climate change. The benefits, in terms of human health, physically and mentally, both for the individual and for communities, are almost, in and of themselves, reason alone to really understand the obligations and the approaches to ecosystem restoration.

I have a few thoughts about how we promote this understanding of intersectionality: the lived experiences, the human rights guidance. How do we make that have an impact? On the one hand, bringing that together, making it visible, should be enough. But the reality is that the spaces in which we take decisions on climate change, be they at the international level or at the national level, are not yet spaces where we are fully engaged with human rights norms, with human rights approaches, and with human rights practises. In fact, they are very often spaces that are not sufficiently transparent, and my second report was focused on access to information on climate change and human rights, and just saying how many of us know whether our own governments, local or national, do enough to protect our human rights? How do we know? And how do we know if the company next door is doing everything they can to protect our human rights in the context of climate change?

With how much information and misinformation there is out there on climate change, on the very basics of how it is happening, how serious it is and what we need to do and what we don't need to do - that's a huge piece of it, but again, it's part of the bigger question of participation and really making sure that the lived experiences of those most severely affected - affected for the longest - can be heard. It can help us shape a different direction that we all need.

And so, I have some thinking; some of it is based on my observations and what I have heard from colleagues and agents of change, climate advocates, and human rights advocates, who have been knocking on those doors for a long time. And we should not forget them. That's the array of hope for

all of us. So many people are working so hard, very often at very high risk for themselves and their families, to contribute to that change of direction.

But also, I think there's an important role for researchers, for academics, for all of us, to help think creatively. It is not just about knocking hard enough and long enough on those doors, even when we have those with lived experiences - human rights experts - at the table. That doesn't necessarily mean that people will change their mind about how we understand climate change as a problem and the decisions we take. We have to be aware of what the power dynamics are, the importance of also the presence of the business sector, who is contributing to climate change in those spaces, and really think as creatively and as hopefully as we can about how we change those conditions, and if we create conditions for meaningful engagement with those lived experiences, and human rights norms, and practises, and insights.

I think the first thing is connecting; trying to show how those local experiences that may seem so far away from the decision-making spaces, are very much talking about, and showing, and magnifying the deeper roots of climate change - the deeper roots causes and the changes that have to do also with inequality, which we need to bring about. Which for a long time have been seen as purely as an environmental issue. Showing that local experiences are relevant nationally and internationally, and help us to think through what is working and what is not working and why. Those experiences help us to think through history, through time, through generations, and think about how older people, grown-ups, children, and future generations to come - how we're all part of a process and how we can all be a part of that system-thinking that needs to happen.

Some of it has to do with how we understand evidence. We know that there are certain sciences that have been very prominent, very much recognised as 'climate science', and of course those are essential - there's a lot about climate change that we might not have experienced yet in our lives, even in those areas that have been most affected, and yet they are happening, and we need that knowledge. But it is not the only knowledge that can help us change course. We need a range of natural sciences, including biodiversity science, and deep-sea biodiversity science, to help us truly understand how the life system on this planet works, and how any proposed changes may either support or undermine that life supporting system. And we need social sciences to see that those lived experiences, and what we are gathering in terms of human and more-than-human experiences of climate change, are an evidence base, and bridge that conversations between the natural sciences and lived experiences in helpful ways, to see how we can integrate those areas of knowledge. Even more shockingly for some, we need arts and we need cultural heritage to help our imagination -help our cognitive skills that are usually not part of decision making - to emphasise and to imagine a different course for each of us individually, for our communities, for our nations, and for humanity to really be able to respond to climate change - to effectively mitigate it within this decade.

We must not be overwhelmed and crippled with guilt and pain for all those negative human rights impacts that have been documented, but really to honour them and learn from them in a way that helps us transform our way of thinking. Empathise with what we may not have experienced, but be fully responsive to that, and whatever we may have contributed individually, as a community, as decision makers, historically and today, really wanting to change and respond to that and really prevent what is now foreseeable. But doing it in a way that is codeveloped with those human rights holders that have been bearing the brunt, and really learning from them, listening to them, and recognising them as the most expert climate experts, but also those that can give us that meaningful understanding of what action is needed.