

CLIMATE CHANGE ADAPTATION: IMPACTS ON HUMAN RIGHTS IN THE MEDITERRANEAN REGION

ARTICLE

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Once a problem for a distant future, the effects of anthropogenic climate change have become increasingly and painfully visible. According to the Intergovernmental Panel on Climate Change (IPCC), hosted by the United Nations (UN), global surface temperature in 2011-2020 has already reached an approximate 1.1°C rise compared to the pre-industrial benchmark of 1850-1900.¹ The European Union (EU)'s Copernicus Climate Change Service similarly reported that 2024 was the first single year to globally exceed 1.5°C above pre-industrial levels.² These numbers also have a clear human face. Recent droughts, wildfires and heatwaves across the Mediterranean region are clear illustrations of the human and natural costs of climate change.³

The first quarter of this century saw the development of different local and international efforts to alleviate the most immediate effects of climate change. On different levels of government and to varying degrees, policy-makers are investing in adaptation programmes, including investments in urban planning, irrigation, behavioural changes, water storage, early warning systems against natural disasters and more. These actions are necessary and show certain levels of success in limiting the potential harm of climate change. Nevertheless, there are soft and hard limitations to what adaptation programmes can achieve.⁴ Efforts to reduce global CO₂ emissions remain necessary. While adaptation programmes can be implemented locally, mitigation poses inherently global challenges.

Negotiating an International Governance of Climate Change

Addressing climate change requires coordination beyond the national level, which has prompted the development of several international agreements. An increased scientific understanding of anthropogenic climate change during the 1980s led to the negotiation of the UN Framework Convention on Climate Change (UNFCCC) in 1992 and the Kyoto Protocol in 1997. Over three decades later, the centrepiece of international climate governance can be found in the 2015 Paris Agreement and the annual Conference of the Parties (COP), where states aim to negotiate new steps in terms of mitigation, adaptation, climate finance and related questions.

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¹ IPCC, 'Climate Change 2023 Synthesis Report - Summary for Policymakers' (2023) 4.

² Copernicus Climate Change Service, '2024 Is the First Year to Exceed 1.5°C Above Pre-Industrial Level' (2025) <<https://climate.copernicus.eu/copernicus-2024-first-year-exceed-15degc-above-pre-industrial-level>> accessed 20 March 2026.

³ IPCC (n 1) 5-7.

⁴ *ibid* 8.

The Paris Agreement can build – with the United States as the most notable exception – on near universal ratification and participation, but its bottom-up approach has its limits. Rather than setting out stringent substantive obligations for individual member states, this approach leaves a substantial amount of discretion as to what steps countries should take to limit their carbon emissions. In doing so, the Paris Agreement leaves it to each country to decide for itself what share of the effort in mitigating climate change is considered ‘fair’ and ‘equitable’.

The Paris Agreement sets out to keep the increase in global average temperature limited to 2°C, and if possible 1.5°C, compared to pre-industrial temperatures.⁵ However, there is increased awareness of the fact that it will soon be too late to reach either target on the current trajectory.⁶ Despite recent investments in renewable energy sources such as solar and wind, the global economy remains one based on fossil fuels, with few concrete commitments to regulate and eventually downsize its exploitation.

Reframing Climate Change as a Human Rights Issue

Parallel to the annual climate negotiations under the UNFCCC framework, low-emitting states, Non-Governmental Organizations (NGOs) and other actors have explored the possibilities of human rights venues to push for more climate action. Under international human rights law, states assume the role of duty-bearers to protect, respect and fulfil a certain set of human rights with the individual as the right-holder. The effects of climate change may, either through a failure to mitigate climate change or to adapt to it, have a negative effect on a wide range of rights, including the right to life, right to health and the right to housing. By taking a human rights lens to climate change, this reframes climate inaction as a duty-bearing failure, rather than a negotiation shortfall.

This is not (only) a philosophical debate. Climate change has been formally on the human rights agenda since 2008, when the UN Human Rights Council (UNHRC) mandated a report to conduct “a detailed analytical study on the relationship between climate change and human rights.”⁷ What started with efforts to map the human rights effects of climate change has since extended into discussions on safeguarding human rights when implementing climate measures and the possible emergence of a standalone ‘right to a safe climate’ – including the corresponding state duty to decrease emissions and stabilise global temperatures.⁸ In July 2025, the International Court of Justice (ICJ) confirmed that international human rights law forms a relevant legal framework for assessing state obligations in relation to climate change.⁹

In conjunction with the normative debates at the UN, human rights litigation has been brought as an alternative venue to put pressure on states to take the measures necessary to comply with the objectives set out under the Paris Agreement. In domestic courts, landmark cases such as

⁵ 2015 Paris Agreement, art 2(1).

⁶ UNEP, ‘Emissions Gap Report 2025: Off Target’ (2025) <https://www.unep.org/resources/emissions-gap-report-2025>.

⁷ UNHRC Resolution 7/23 (2008) para 1.

⁸ Lavanya Rajamani, ‘Climate Change’ in Daniel Moeckli and others (eds), *International Human Rights Law* (4th edn, Oxford University Press 2022) 647.

⁹ *Advisory Opinion on Climate Change* (23 July 2025) International Court of Justice.

*Urgenda v. Netherlands*¹⁰ were built on the argument that the global accumulation of CO2 emissions leads to climate change, which in turn results in human harm and – ultimately – in a violation of the legal rights protected by international human rights law. In France, Spain and Italy, among others, domestic courts were asked to respond to similar claims against the respective states.¹¹

On 9 April 2024, the European Court on Human Rights (ECtHR) decided on *Verein Klimaseniorinnen v. Switzerland*, where it held that the state has failed to comply with its positive obligations to prevent future climate change-related harm. The applicants, in this case, were a group of Swiss senior women who emphasised the risk of intensified heatwaves to their health. The Court followed this logic and held that the government's inaction amounted to a violation of Article 8 (right to respect for private and family life) and Article 6(1) (right to a fair trial/access to court) of the European Convention on Human Rights (ECHR).¹² Covering 46 States Parties to the Convention, this judgment is set to have a legal effect far beyond the Swiss borders.

The importance of rights-based climate litigation goes beyond its legal impact. Importantly, these climate cases are part of a broader social movement to influence climate policy – one in which success in court is not always the primary goal. Instead, litigators may use cases such as the *Klimaseniorinnen* to frame climate issues strategically, expand legal boundaries, and maintain public awareness. These cases are often supported by international networks, including civil society organizations (CSOs) like Greenpeace and a wide range of grassroots movements. Climate litigation is rooted in national or regional legal systems, but its political impact reflects a broader transnational movement.

The Added Value of the Rights Lens

How, then, should we assess this so-called 'rights turn' in climate litigation?¹³ Legal cases also have their limits, and the physical limitations of climate mitigation and adaptation faced by policy-makers do not fade away through human rights obligations. Governments will have to balance the climate transition with energy dependency, economic competitiveness and geopolitical tensions. Although the IPCC emphasises the long-term benefits of both decarbonisation and adaptation,¹⁴ the short-term implementation costs may also lead to political resistance. Switzerland's parliament has, for instance, called into question the democratic legitimacy of the ECtHR, and has initially rejected the judgment.

The individual cases might only have a limited role in the development and implementation of climate policies, and material effects in terms of decarbonisation are uncertain. However, they do have an important social function in politicising the fossil fuel industry and in shifting public opinion. Strategic litigation cases provide answers to some of the major legal questions that


¹⁰ *Urgenda Foundation v Government of the Netherlands* (09 October 2018) The Hague Court of Appeal.

¹¹ A full list of climate litigation cases can be found at the Climate Litigation Database, operated by the Sabin Center for Climate Change Law at Columbia University: <https://www.climatecasechart.com/> (accessed 01 April 2026).

¹² *Verein Klimaseniorinnen Schweiz and Others v. Switzerland* (9 April 2024) ECtHR.

¹³ Jacqueline Peel and Hari M Osofsky, 'A Rights Turn in Climate Change Litigation?' (2018) 7 *Transnational Environmental Law* 37.

¹⁴ IPCC, 'Climate Change 2023 Synthesis Report - Summary for Policymakers' (2023) 26.



come with the global nature of climate change. How can we prove, for instance, the causal link between the emission of CO₂ (which is not unlawful) and its effects (which will be a violation of human rights)? And who should be allowed to bring a case before the court, if we do not know yet who will eventually be harmed by climate change? How should we finally interpret the (positive) human rights obligations for governments and corporations?

In conclusion, human rights litigation should not be seen as a silver bullet, but rather as one of the different lenses to approach climate change. It pushes us to rethink how to see decarbonisation not as a voluntary choice by governments, but as a moral and legal obligation to protect citizens from the negative effects of climate change. Because of the long-term nature of climate change, it also helps to keep the issue on the agenda in times when other issues may seem more urgent. Ultimately, its impact will depend on how effectively legal, political, and social strategies can be combined in the years ahead.