



**National Human Rights Commission**

## **Human Rights and Climate Change Awareness raising material**



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This document provides simplified explanations of key human rights and climate change standards and concepts. It also includes key aspects of climate change and human rights in The Gambia. This material can be interpreted into the various local languages of The Gambia and be used to improve general understanding of climate change and human rights in The Gambia.

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## **What is climate change?**

Climate change refers to long-term changes in temperature and weather. This can happen naturally, but in recent history the main cause is pollution from human actions like burning coal, oil and gas. These actions release gases (like carbon dioxide) that trap heat in the atmosphere. This is like putting a thick blanket around the Earth. This means that the Earth is getting warmer.

Climate change is a global process, so pollution from one place, contributes to climate change impacts all over the world. Countries like The Gambia have contributed minimally to the global problem but are heavily affected by climate change.

## **The impact of climate change**

While the whole Earth is getting warmer, the impacts of climate change are different in different places. Increased levels of carbon dioxide in the atmosphere changes the world around us, leading to changes to plants, animal life, and also to people, communities and cities.

Impacts can include:

- Extreme weather events, including heavy rains or floods, droughts and water scarcity, heatwaves, strong storms and increased wildfires. For example, the first rains of 2025 caused series of damage on homes, animals and other properties in The Gambia.
- Melting glaciers and ice, leading to rising water and sea levels. This causes floods and coastal erosion in coastal and low-lying areas. Coastal cities such as Banjul are prone to floods associated with this change.
- Increased carbon dioxide making oceans and soil more acidic, this can harm plants and animals and change fish migration patterns.
- Increased heat, or changes in weather patterns can lead to increases and changes in heat-related illnesses, or diseases carried by pests. Additionally, climate change can also lead to mental health challenges such as stress and depression.

These impacts then also effects food, water, work, cultural connections and other things that people rely on, but also have rights to. Dwindling grazing lands for herders, saltwater intrusion in rice farms have all been associated with climate change.

## **What are human rights?**

Human rights are the basic freedoms and protections that every person has, just because they are human. These rights are meant to make sure everyone is treated fairly and can live with dignity.

Human rights have been negotiated by States through long processes and have been defined in international and regional legal instruments. Human rights treaties are legally binding when signed and ratified by States. That means a state can be taken to court if a person's human rights are violated. States have voluntarily signed these treaties.

Governments are supposed to respect, protect and fulfill these rights. And people can speak up when these rights are not respected.

In The Gambia, the 1997 Constitution provides for the protection of several basic human rights under Chapter IV while specific laws such as the Women's Act 2010, the Children's Act, 2005 and the Persons with Disabilities Act, 2021 provides further protection for vulnerable groups.

## **Relevant human rights and human rights standards**

### **General human rights obligations in the context of climate change**

Not all countries have equal responsibilities to reduce greenhouse gas emissions to prevent further climate change. Those that have historically polluted the most and those that are the world's biggest polluters now have the biggest responsibilities.

But **all States have obligations to prevent harms to human rights from climate change** regardless of their contributions to the problem. These obligations include:

- Allocating the **maximum amount of funding available for the realization of economic social and cultural rights** in the context of climate change - such as the right to water, food and housing.

- **Analysing how different groups are impacted** by climate change and **supporting them in targeted ways** to realize their rights as the climate is changing and making life harder.
- **Analysing the human rights impacts of different projects and programs** (including climate change-related projects and programmes) and requiring business and other actors to do the same to **avoid negative impacts on rights**.

### Substantive human rights and related obligations

The Gambia, as a State Party to several human rights instruments has obligations to protect, respect and fulfil human rights. The below is an overview of some of the key rights impacted by climate change and where States have specific obligations to respect protect and fulfil rights of all.

Importantly, the right to equality and non-discrimination cuts across all the substantial rights listed below.

<b>Right to equality and non-discrimination</b>	<p>“Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.</p> <p><i>International Covenant on Civil and Political Rights Art. 2(1).</i></p> <p>“The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.</p> <p><i>International Covenant on Economic, Social and Cultural Rights Art. 2(2).</i></p>
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	<p><i>“Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status”.</i></p> <p><i>African Charter on Human and Peoples' Rights (ACHPR) Article 2</i></p>
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<b>Right to life</b>	<p>Everyone has a right to life</p> <p><i>International Covenant on Civil and Political Rights Article 6</i></p> <p><i>“Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right”.</i></p> <p><i>African Charter on Human and Peoples' Rights Article 4</i></p> <p>State obligations include a duty to protect life. Therefore, governments must develop disaster management plans to increase preparedness and address climate change-related disasters which could have an impact on the enjoyment of the right to life. <i>See the Human Rights Committee General Comment No. 36 on the right to life</i></p> <p>The right to life encompasses not only survival but also the <b>right to a dignified life</b>, requiring the realization of economic, social, and cultural rights such as access to food, water, and healthcare. The obligations of the State extend to preventive steps to preserve and protect the natural environment and humanitarian responses to natural disasters, famines,</p>
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	<p>outbreaks of infectious diseases, or other emergencies.</p> <p>See General Comment No. 3 on the African Charter on Human and Peoples’ Rights</p>
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<p><b>Right to an adequate standard of living</b></p>	<p>Everyone has a right to an adequate standard of living. And to continuous improvements in your living conditions. This includes the right to <b>adequate food, water and sanitation, housing,</b> and other things.</p> <p><i>ICESCR Article 11</i></p> <p>These rights to adequate food, water and sanitation are explained in detail below.</p>
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<p><b>Right to water</b></p>	<p>Everyone has the right to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use.</p> <p><i>Based on ICESCR Article 11</i></p> <p>Climate change can lead to changes in water access and quality. This includes through droughts and water scarcity, floods or pollution of water sources.</p> <p>The standards for this right are outlined in <a href="#">CESCR General Comment 15</a>. For everyone to have access to their right to water, the following things need to be met:</p> <ul style="list-style-type: none"> <li>• Availability: There needs to be a continuous and sufficient supply of water</li> <li>• Quality: Water needs to be safe, and have an acceptable taste, colour and odour.</li> <li>• Accessibility: Water needs to physically accessible and financially affordable for everyone. There cannot be discrimination in access to the water. Everyone has the right to</li> </ul>
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look for and receive information about water issues.

- Acceptability: Water must have an acceptable odour, taste and colour, and be culturally acceptable.

While the African Charter does not directly protect the right to water and sanitation, the African Commission has clarified that it is implied in the protections of a number of rights, including but not limited to the rights to life, dignity, work, food, health, economic, social and cultural development and to a satisfactory environment (Articles 4, 5, 15, 16, 22 and 24).

#### **Minimum Core Obligations (under ACHPR)**

- a. Ensure access to the minimum essential amount of water, that is sufficient and safe for personal and domestic use, including preventing disease, together with access to adequate sanitation.
- b. Ensure safe physical access to water facilities or services that provide sufficient, safe and regular water; that have an adequate number of water outlets to avoid prohibitive waiting times; and that are at a reasonable distance from the household; educational institution, workplace or health institution.
- c. Refrain from using access to water as a political tool.

*From the Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights*

<p><b>Right to adequate food</b></p>	<p>Everyone must have access to sufficient, healthy and culturally appropriate food.</p> <p><i>Based on ICESCR Article 11</i></p> <p>Climate change impacts sources of food. Drought, storms, floods and changes in temperatures on land and in oceans can result in crop failure, declining numbers of fish, and increased numbers of pests.</p> <p>The government has an obligation to:</p> <ul style="list-style-type: none"> <li>• <i>Respect</i> this right (by not preventing access to food and means of production)</li> <li>• <i>Protect</i> (for example make sure that company activities do not block access to food)</li> <li>• <i>Fulfil</i> (help to ensure that you have the means to produce or buy food and earn a livelihood).</li> <li>• After disasters, the government also has a duty to also provide food to victims of disasters (emergency food support) until you are able to produce or access food again.</li> </ul> <p>The standards of this right are outlined in <a href="#">CESCR General Comment 12</a>. For everyone to have access to their right to adequate food, the following things need to be met:</p> <ul style="list-style-type: none"> <li>• <b>Availability:</b> Food must be available from natural resources or markets</li> <li>• <b>Accessibility:</b> Food must be physically accessible and financially affordable for everyone</li> <li>• <b>Adequacy:</b> Food must be nutritionally healthy and safe</li> <li>• <b>Sustainability:</b> there must be long term access to food for future generations</li> </ul> <p>Although the African Charter does not expressly protect the right to food the African Commission has explained that the right to food is inherent in the</p>
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	<p>Charter’s protection of the rights to life, health and the right to economic, social and cultural development.</p> <p><b>Minimum Core Obligations (under ACHPR)</b></p> <p>a. Take the necessary action to guarantee the right of everyone to be free from hunger and to mitigate and alleviate hunger even in times of natural or other disasters;</p> <p>b. Refrain from and protect against destruction and/or contamination of food sources;</p> <p>c. Refrain from using access to food as a political tool to reward supporters, punish opponents or recruit militias.</p> <p>From the <a href="#">Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights   African Commission on Human and Peoples' Rights</a></p>
<p><b>Right to health</b></p>	<p>Everyone has the right to live as healthy as possible. This includes both physical and mental health.</p> <p><i>Based on ICESCR Article 12</i></p> <p>Climate change can lead to increases and changes in diseases caused by for example mosquitos, or by unsafe water, leading to for example cholera. Extreme temperatures can also lead to heat-related illnesses such as heat stress or hyperthermia. Climate change can also have an impact on mental health, and increase experiences of stress, depression and anxiety.</p> <p>The standards for this right are outlined in <a href="#">CESCR General Comment No. 14</a>. For everyone to have</p>

access to their right to health, the following things need to be met:

- Availability: Sufficient health facilities and services
- Accessibility: Health services are non-discriminatory and are physically and financially accessible to everyone.
- Acceptability: Health services are respectful of different cultures
- Quality: Health services are scientifically and medically appropriate

Article 16 of the African Charter states: “(1). Every individual shall have the right to enjoy the best attainable state of physical and mental health. (2) States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick”

### **Minimum Core Obligations (ACHPR)**

The minimum core obligations of the right to health include at least the following:

- a. Ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalised groups;
- b. Ensure the provision of essential drugs to all those who need them, as periodically defined under the WHO Action Programme on Essential Drugs, and particularly anti-retroviral drugs;
- c. Ensure universal immunisation against major infectious diseases;
- d. Take measures to prevent, treat and control epidemic and endemic diseases;

	<p>e. Provide education and access to information concerning the main health problems in the community, including methods of preventing and controlling them.</p> <p><i>From <u>Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights</u></i></p>
<p><b>Right to housing</b></p>	<p>Everyone should have a safe, secure and affordable place to live. This does not only mean shelter, but a place to live in dignity and peace.</p> <p><i>Based on ICESCR Article 11</i></p> <p>Climate disasters or climate change-related projects can result in people losing access to their homes. However, climate change can also impact other elements of the right to housing, including access to services and rights to land and resources of Indigenous peoples and “peasants”.</p> <p>The standards of this right are outlined in CESCR General Comment 4, 7 and 26. For everyone to have access to their right to housing, the following things need to be met:</p> <ul style="list-style-type: none"> <li>• Legal security of tenure (a recognised and protected right to stay in their home) and legal protection against eviction</li> <li>• Availability: of services, materials, facilities and infrastructure, which are essential for health, security, comfort and nutrition</li> <li>• Affordability: Elements of housing, such as rent or building materials are affordable for everyone.</li> <li>• Habitability: There is adequate space and protection from cold, damp, heat, rain, wind or other threats to health, as well as protection from any hazards or things that cause disease.</li> </ul>

- Accessibility: All housing should be accessible, including for different social groups, such as people with disabilities.
- Location: Housing is in a place that allows access to employment options, health-care services, schools, childcare centres, and other social facilities.
- Cultural adequacy: Housing allows for expression of cultural identity, and there are a diversity of housing options available.

Governments have an obligation to provide all persons with a reasonable degree of tenure security that guarantees legal protection against forced evictions.

To comply with human rights law, in case of evictions/relocation/resettlement the government must:

1. Explore alternatives in consultation with you to avoid or minimize the need for eviction/displacement
2. Share plans in a transparent manner and in a language that you understand well
3. Pro-actively inform you in reasonable time
4. Consult with you before, during, after with opportunities to influence decisions?
5. Provide you with means to seek justice and be compensated for the harm you have suffered and legal aid
6. Provide you with prompt, adequate, fair and just compensation for any material or other losses

The African Commission has explained that although the right to housing or shelter is not explicitly provided for under the African Charter, housing rights are protected through the combination of provisions protecting the right to property (Art 14), the right to enjoy the best attainable standard of mental and

	<p>physical health (Art 16), and the protection accorded to the family (Art 18(1)).</p> <p><b>Minimum Core Obligations (ACHPR)</b></p> <p>a. Refrain from and protect against forced evictions from home(s) and land, including through legislation. All evictions must be carried out lawfully and in full accordance with relevant provisions of national and international human rights and humanitarian law. States should apply appropriate civil or criminal penalties against any public or private person or entity within its jurisdiction that carries out evictions in a manner inconsistent with applicable national and international law, including due process.</p> <p>b. Guarantee to all persons a degree of security of tenure which confers legal protection upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land, against forced evictions, harassment and other threats.</p> <p>c. Ensure at the very least basic shelter for everybody</p> <p><b>NB: Vulnerable Groups, Equality and Non-discrimination</b></p> <p>Ensure that priority in housing and land allocation should be given to members of vulnerable and disadvantaged groups;</p> <p>From the <a href="#">Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights   African Commission on Human and Peoples' Rights</a></p>
<b>Land rights</b>	Security of tenure (protection against eviction and dispossession and feeling secure) is a core aspect of

	<p>the right to housing (see above) and therefore essential to this universal right.</p> <p>Access to land and natural resources is essential for the realization of many economic social and cultural rights (see CESCR General Comment 26).</p> <p>People living in rural areas (small-scale farmers, fishers, pastoralists and many others both women and men) also have <i>specific rights to land and natural resources</i>. These groups have a right to land, and to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein.</p> <p>This is described in the <i>UN Declaration on the Rights of Peasants and Other People Living in Rural Areas</i>.</p>
<p><b>Right to social security</b></p>	<p>Everyone has a right to social security. This means the right to access and maintain benefits whether in cash or in-kind, without discrimination in order to secure protection from circumstances such as lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member, unaffordable access to healthcare, and insufficient family support, particularly for children and adult dependents.</p> <p>The right to social security is enshrined in several core human rights treaties and ILO Conventions, for example in ICESCR Article 9.</p> <p>The standards are described in CESCR’s General Comment 19 and in General Comments by other treaty bodies. CESCR has specified that special attention should be given to ensuring that the social security system can respond in times of emergency, for example during and after natural disasters.</p> <p>The UN Committee on the Rights of the Child has specifically called on states to introduce features to</p>

	<p>social security policies and social protection floors which provide protection against environmental shocks and slow-onset harms, including from climate change (CRC General Comment 26).</p> <p>The right to social security is implicit to a number of rights in the African Charter as clarified by the ACHPR.</p> <p><b>Minimum Core Obligations (ACHPR)</b></p> <p>a. Ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education consistent with human life, security and dignity.</p>
<p><b>Right to just and favourable conditions of work</b></p>	<p>Everyone has a right to just and favourable conditions of work.</p> <p><i>ICESCR Article 7</i></p> <p><i>“Every individual shall have the right to work under equitable and satisfactory conditions, and receive equal pay for equal work.”</i></p> <p><i>ACHPR Article 15</i></p> <p>To ensure this right, States must assess how climate change changes working conditions and labour relations. For example, climate change will lead to new risks to decent working conditions and exacerbate existing ones, including rising temperatures threatening the health of those working outdoors, such as agricultural and construction workers. States must develop adequate response measures to address these risks.</p>
<p><b>Cultural Rights</b></p>	<p>Everyone has a right to take part in cultural life –and to enjoy their own culture, to profess and practise their own religion, or to use their own language.</p>

*ICESCR Article 15 and ICCPR Art. 27*

*Every individual may freely, take part in the cultural life of his community.*

*ACHPR Article 17.2*

Climate change impacts the enjoyment of cultural rights in different ways. It threatens *cultural heritage* meaning both sites, structures and remains of archaeological, historical, religious, cultural or aesthetic value (for example flooding of burial grounds); traditions, customs and practices, aesthetic and spiritual beliefs (as traditional practices may be disrupted or people relocated); and natural heritage (destroying biologically diverse areas or cultural landscapes).

The UN Special Rapporteur in the field of cultural rights (A/HRC/17/38 and Corr.1, para. 4).

Governments must take steps to protect cultural rights when these are threatened by climate change. This could be through for example climate change adaptation and disaster risk reduction to protect cultural heritage and enable people to stay in a place that has cultural importance to them.

### **Other rights that are important in the context of climate change**

It is important for people to be able to participate in decision-making and to express themselves and to be able to gather and discuss or protest developments in the country including the response to climate change and specific projects and programs.

People who defend their rights to land and natural resources or are concerned about destruction of the environment and the impact this will have on people can be considered “environmental human rights defenders” and have a right to defend their rights.

<p><b>Right to peaceful assembly</b></p>	<p>The right to hold peaceful assemblies is a fundamental human right</p> <p><i>Based on ICCPR Article 21</i></p> <p>State obligations are elaborated in the Human Rights Committee: General Comment No. 37. Here it is also mentioned that restrictions without a specific assessment and compelling justification for prohibitions or restrictions (such as blanket restrictions) are not permissible.</p> <p>Therefore, if you or your community wishes to peacefully meet to discuss matters that affect you or wish to peacefully protest specific developments you have a right to do so and the state must respect this right.</p>
<p><b>Right to liberty and security of person</b></p>	<p>Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.</p> <p><i>ICCPR Article 9. (1)</i></p> <p>Hence, nobody must be subjected to arbitrary arrest or detention for example when peacefully protesting a development in the country.</p>

**Procedural rights**

<p><b>Right to participation</b></p>	<p>The right to participate in public affairs is a universal human right</p> <p><i>Based on ICCPR Art. 25</i></p> <p>For participation and consultation to be meaningful, certain human rights standards must be met. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Prior consultation, giving sufficient time for information to be provided and understood</li> <li>• Full disclosure of information about both potential positive and negative impacts of the</li> </ul>
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	<p>policy measures or project, including possible mitigation measures and potential benefits</p> <ul style="list-style-type: none"> <li>• Provision of information in a language and format that can be understood by the concerned rights-holders</li> <li>• Good faith</li> <li>• Consultation in a form appropriate to the circumstances or context</li> <li>• Consultation with legitimate representatives of the concerned rights-holders</li> <li>• Providing a genuine opportunity to influence any decisions made</li> <li>• An ongoing process, not a single moment in time</li> <li>• Consultation free of pressure or coercion</li> </ul> <p>The OHCHR has issued guidelines on what constitutes meaningful participation in non-electoral contexts: <a href="#">Guidelines on the effective implementation on the right to participate in public affairs   OHCHR</a></p>
<p><b>Right to information</b></p>	<p>The right to seek, receive and impart information is a fundamental human right and a pre-condition for effective participation.</p> <p><i>Based on ICCPR Article 19</i></p> <p>The Human Rights Committee has indicated that to give effect to the right of access to information, <i>States should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information. States parties should also enact the necessary procedures, whereby one may gain access to information, such as by means of freedom of information legislation.</i></p> <p>See HRC General Comment 34.</p> <p>In a Report of the UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, it is recommended that</p>

States should regularly collect, disseminate and increasingly improve quality, trustworthy and evidence-based information on:

- The causes and consequences of climate change, including emission levels and high-emitting activities from both State and non-State actors, as well as future climate change projections based on different greenhouse gas emission trajectories and transparent models, and detailed weather, climate and disaster patterns;
- Short- and long-term risks and negative impacts of climate change on human rights, integrating the outcomes of climate vulnerability assessments,
- Strategic environmental assessments and environmental impact assessments, as well as the lived experiences of affected communities;
- The environmental effectiveness and the human rights impacts of mitigation and adaptation plans and activities, climate finance projects, just transition programmes and projects, carbon markets and climate mitigation technology research and deployment;
- Public budgets allocated to the fight against climate change, as well as subsidies to fossil fuels and other high-emitting activities;
- Disaggregated data on human rights impacts of climate change and response measures on individuals and groups in situations of heightened vulnerability and marginalization;
- Activities that are within the State's influence or control and have impacts outside a State's territories, and international cooperation having an impact on human rights in the context of climate change.

[A/79/176: Access to information on climate change and human rights- Report of the Special Rapporteur](#)

	<p><a href="#"><u>on the promotion and protection of human rights in the context of climate change   OHCHR</u></a></p>
<p><b>Right to remedy</b></p>	<p>The right to remedy is a human right enshrined in binding human rights instruments</p> <p><i>Based on ICCPR Article 2(3)</i></p> <p>The right includes the following elements:</p> <ul style="list-style-type: none"> <li>• Equal and effective access to justice;</li> <li>• Adequate, effective and prompt reparation for harm suffered;</li> <li>• Access to relevant information concerning violations and reparation mechanisms.</li> </ul> <p>The right to remedy also applies in a climate change context.</p> <p>Concretely, rights violations due to an act or omission by the State or abuses by companies must be effectively remedied.</p> <p>The question of compensation for harms to rights caused by climate change is complex from a legal perspective due to the global nature of the phenomenon of climate change where those responsible for the bulk of the emissions leading to climate change may be in different jurisdictions.</p> <p>Hence, in a particular context, any judgement on whether there is a violation of rights and whether the state can be held responsible for harms would have to be judged by a court. There is an obligation for the state to take steps to protect rights-holders from the adverse impacts of climate change, but liability in a specific situation would depend on whether the State did all it could reasonably be required to do under the circumstances to prevent harm. Human rights bodies acknowledge the significant costs of adaptation to climate change and the limited resources that so-called developing countries have at their disposal and hence the need for significant international cooperation and assistance including through loss and damage mechanisms.</p>

**National Human Rights Commission (NHRC)**

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