

The Role of Human Rights-based Approach in Facilitating Climate Litigation in Post-Paris Era

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Abstract

Climate change and its destructive consequences are considered as one of the major global challenges today. Various measures are being taken to tackle this issue. A key issue in this process is the possibility of litigation against harmful actions or inactions by governments or other actors on the global stage. Activists from different areas are working to enhance the capacity of national and international judicial and quasi-judicial bodies to address climate change litigations by strengthening the legal relationship between climate change consequences and human rights. Therefore, this research examines how, from a theoretical perspective, the relation between climate change and human rights is justified, what mechanisms are being utilized for litigation, what characteristics judicial and quasi-judicial proceedings have in the context, how technical barriers to litigation are overcome, and ultimately, how the prospects in this area can be evaluated. These are the main topics of the present research, utilizing library tools and studying various documents, including relevant judicial and quasi-judicial practices, and inferring generalizable conclusions from diverse data. The research findings underscore the high capacity of a human rights-based approach concerning litigation against the perpetrators of climate change and the potential impact of these findings on future climate change litigation.

Key Words: climate change; litigation; human rights; judicial procedure; quasi-judicial proceedings; responsibility.

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