**Shape

Description automatically generated with medium confidence**

**Inputs**

**Special Rapporteur on the promotion and protection of human rights   
in the context of climate change**

**“Enhancing climate change legislation, support for climate change litigation and advancement of the principle of intergeneration justice”**

**Enhancing Climate Change Legislation:**

1. Can you provide examples of climate change legislation that incorporates human rights elements, or a reference to obligations relating to loss and damage?

**Answer:** It is possible to mention the existence of diverse climate change legislations such as Australia’s Climate Change Act 2022, and Uganda’s Climate Change Act 2021, in those examples will observe the sharing of a common goal, as is the definition, characteristics, element, establishment of obligations, responsibilities and sanctions of who and how emits greenhouse, but in any legislation that was or not mentioned is possible to observe the incorporations of Human Rights elements in Climate Change Legislations.

1. How do you think climate change legislation should frame a connection to human rights obligations?

**Answer:** Climate Change legislation should frame a connection with Human Rights obligations through the increase of legislation, and legal norms of Climate Change-Human Rights, establishing and demonstrating the relation and importance that exit between Climate Change and Human Rights, and establishing Court procedures, responsibilities, obligations, and sanctions.

1. How do you think climate change legislation should engage the concept of loss and damage?

**Answer:** The concept of Loss and damage is a delicate aspect to develop for Climate Change engages the concept of loss and damage it is an ample and difficult situation due to the complexity and challenges of Climate Change, this point must be taken into consideration two (2) aspects as the general and particular development of loss and damage, those aspects must consider the characteristics, particularities, similarities, differences of each country, the region that are affected by the consequences of Climate Change.

1. Should climate change legislation that incorporates loss and damage be different for major greenhouse gas emitting countries to those that are mostly affected by climate change? What would this difference look like?

**Answer:** No, the incorporation of loss and damage should be equal for major greenhouse gas-emitting countries to those that are most affected by climate change. The difference likes to be related to the action or omission of the reduction of greenhouse emissions. All the countries of the world have the obligation to protect the world, the environment, and all living beings from the effects of greenhouses gas emissions and climate change even though there is a difference between the countries that emit more greenhouse gas than others, others that are more affected by the effects that don’t reduce climate change, reduce, their obligations and responsibilities.

**Supporting Climate Change Litigation:**

1. How are human rights considerations being incorporated into climate change litigation?

**Answer:** Human Rights are not being well incorporated into the climate change legislation due to the existence of weaknesses and aspects that have not been taken into consideration.

1. Are there issues with making the link between human rights and climate change litigation?

**Answer:** Yes, exist different types and levels of issues making the link between human rights and climate change litigations due to weakness in knowledge, legislation, and legal norms that can support a conflict in a court of justice as the way to obtain and manage the probes of human rights and climate change.

1. What do you think are the major barriers to initiating climate change litigation?

**Answer:** Exist many barriers that difficult and reduce the possibilities of climate change litigation to obtain an acceptable solution, some of those barriers are lack of knowledge, not enough legislation, and legal norms, the not existence of a court of justice in the country with the capacity to know, manage and decide the climate change-human right conflict.

1. Are the barriers different in different parts of the world? What are they?

**Answer:** Yes, exist many different types of barriers, even when also exist similarities in the world, those difference marks an important challenge in relation to climate change legislation. Some of those barriers are treating climate change and human rights as different subjects without relation, no existence or little existence of climate change legislation, countries’ particularities, and the existence or not of climate change courts of justice.

1. Is the judiciary in your country well equipped to understand the connection between human rights and climate change?

**Answer:** Unfortunately, no, the judiciary in my country is not well equipped to understand the connection between human rights and climate change due to diverse factors (political, knowledge, capacity, lack of legislation, and legal norms related to the subject).

1. How could this be improved?

**Answer:** It can be improved by:

1. Straightening the link between human rights and climate change.
2. Creating and increasing courses and information on the relationship between human rights and climate change.
3. Increasing the existence of legislation and legal norms related to human right-climate change.
4. Creating groups, and committees specialized in human rights-climate change.
5. Creating specialized courts of justice related to human rights – climate change.
6. Preparing lawyers, law professionals, and society on human rights-climate change.
7. Are there particular issues with getting access to the courts?

**Answer:** Depending on the country it is possible to say that it does exist issues getting access to the courts, the particularities of them depend on the country’s human right-climate change court, limitations, also it is possible to mention one of the particularities that all the countries share is the lack or not existences of legislation and legal norms related to human right-climate change.

**Advancement of the principle of intergenerational justice**

1. What examples do you have of how intergenerational justice, as it applies to climate change and human rights, has been incorporated into international law, national constitutions or domestic law?

**Answer:** Exist numerous movements, actions, and activities that include, accept, and integrate intergeneration to justice as it applies to climate change and human rights to be incorporated into international law, national constitutions, or domestic law have not been really accepted and incorporated into justice.

1. How would you best define intergenerational justice in the context of climate change and human rights?

**Answer:** In the context of intergenerational justice, climate change, and human rights can be defined as the integration, participation, and involvement of all the generations to comply with the principles of climate change legislation and human rights to protect all living being according to the obligations, responsibilities, and sanctions established by the legislations, legal norms, and court of justice.

1. Has the concept of intergenerational justice been incorporated into climate change litigation?

**Answer:** No, the concept of intergenerational justice has not been incorporated into climate change litigations due to the existence of diverse factors (social, cultural, political, generations challenges, knowledge, capacity) that have negatively affected the advancement in this subject.

1. What options are available for enshrining the principle of intergenerational justice in international law?

**Answer:** Some options for enshrining the principle of intergenerational justice in International Law can be:

1. Increase of discussions, assemblies, conferences, and workshops.
2. Creation of intergenerational committees or commissions, groups.
3. Incorporation of intergenerational committees or commissions, groups in the legal norms, and legislations.
4. Acceptations of the capacities, qualifications, and skills of intergeneration into justice from all over the world without any distinction or discrimination.
5. How can States incorporate the concept of intergenerational justice in their national constitutions and legislation? What are some good practices in that respect?

**Answer:** Creation of round tables, with the intergeneration commissions, or groups to discuss legislation, legal norms

1. Can you share some good practices that allow youth to be represented in courts and to have their views and concerns properly expressed in the judicial process?

**Answer:** every day is possible to observe how intergenerational groups intend diverse types of actions to protect the world against the negative effects of climate change, some of those activities/actions that can be mentioned are: assemblies, reunions, networks, social media discussions presentations of their concerns to International Organizations as UN, an also their participation on pacific protest.

Author: Dr. Fatima Korisha Ali Shah Hosein

Email: [korishafatima.ashosein@gmail.com](mailto:korishafatima.ashosein@gmail.com)

Mobile: +58 4126135327