



Executive summary: Human rights on a warming Earth

November 2025

Foreword

The evidence on the human threat posed by climate change is clear. The planet is getting hotter. Seas are rising. Rainfall patterns are changing. In Australia, our bushfire seasons are getting longer and more dangerous. The risk of drought, floods and heatwaves is increasing.

Climate change is already impacting a growing number of Australians, particularly in the bush. Predictions and modelling are becoming a reality. Lives and livelihoods are being lost to more frequent and severe disasters. Billions are being lost in property and infrastructure damage and lost productivity. Insurance will become increasingly unaffordable or simply unavailable in disaster-prone areas.

Things are projected to get much worse without concerted action. The Australian Government's recent National Climate Risk Assessment details the extreme and escalating risks climate change poses to our lives, our health, our economy, our housing, our food systems and more.

Climate change can sometimes sound abstract, technical and insurmountable. The purpose of this report is to squarely focus on the human impact of climate change and highlight how human rights

can help to spur action from governments and business to protect people from harm.

Human rights are standards that governments have promised to uphold so that everyone of us can live well in dignity and safety. The Australian Government has committed under international law to protect people's rights in Australia. Parliaments in Victoria, Queensland and the Australian Capital Territory have passed Human Rights Acts which protect people's rights in those jurisdictions.

Climate change threatens the most fundamental of rights – our right to life. Extreme heat is already reported to cause more deaths in Australia than any other natural hazard. Climate change will affect our right to health and to a healthy environment. It will also impact our right to an adequate standard of living which covers access to food, water and adequate housing. Particularly for rural communities, climate change will affect our rights to work and property.

Of course, the impacts of climate change will not be felt equally. Those who are already disadvantaged are more vulnerable. People living in poverty, older people, people with a disability,

First Peoples and rural communities will be hit harder.

By looking at the impacts of climate change through the lens of human rights, we can help to plan, adapt and respond. People's right to housing is not achieved if they are spending years living in caravans because of delayed insurance claims and rebuilding processes. Women's right to safety is not upheld if they are forced to share an evacuation centre with their abusive partner. Children's right to education is not achieved if their school is destroyed in a disaster, their schooling is disrupted for months or longer.

Human rights require that Australian governments and businesses act with greater urgency to prevent harm from climate change. Central to this is ensuring our rapid transition from fossil fuels to renewables. The International Court of Justice in its recent landmark decision confirmed that nations have a legal duty to prevent significant harm to the climate system and could be liable for harm caused by continued fossil fuel production, consumption and subsidisation.

Australia's rapid transition to renewables must be just and fair. Just as human rights require action to address climate change, they also provide a compass to help ensure we take the right action and avoid harms to others in the process. We must support those communities affected by the closure of mines and other fossil fuel projects. We must respect everyone's rights to freedom of expression, peaceful protest and property. We must respect First People's land and cultural rights and ensure their informed consent for projects affecting them.

This report sets out recommendations for Australian government and businesses to comply with their human rights obligations to

protect people from the harm caused by climate change. Central to these is urgently phasing out fossil fuels. We also recommend that the Australian Government establish an Australian Human Rights Act. A Human Rights Act would protect in Australian law our rights to life, health, an adequate standard of living, to a healthy environment and more. It would help to guide governments to make the right decisions to respond to climate change. It would give people and communities power to ensure government is accountable for its human rights obligations.

Climate change can only be fully addressed through concerted global action. This is why Australia's leadership is so vital to bring other nations with us. The pace at which we cut climate pollution from fossil fuels will determine how dangerous the future is. Australians already have the highest proportion of households with rooftop solar systems in the world. With abundant wind and sun, we have vast untapped potential to shift from being a major consumer and exporter of coal, oil and gas, to becoming a world leader in renewables.

This report highlights the connection between climate change and people's human rights. By focussing on the human impact, we can focus on the actions governments and businesses must take to protect current and future Australians. The message of the report is clear: if we want to protect our quality of life, we must address climate change with greater urgency.



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Executive summary

The Australian Human Rights Commission (Commission) wrote this report to raise awareness of the connection between climate change and human rights and to outline the critical importance of addressing climate change to protect people's rights in Australia.

Since the mid-1700s, human activity, particularly the escalating use of fossil fuels (coal, oil and gas), has dramatically increased the amount of greenhouse gases in the Earth's atmosphere.¹ The high and increasing levels of greenhouse gases are causing global temperature rises that are changing the Earth's weather and climate systems.

Nation States around the world have committed under the Paris Agreement to take action to limit global average temperature increases to 1.5°C above pre-industrial levels.² However, efforts to date are insufficient to achieve this aim.

After the hottest decade on record,³ 2024 became the hottest year in history, with an average temperature of 1.55 degrees Celsius above pre-industrial levels, the first year to be more than 1.5 degrees Celsius.⁴ Scientists predict that by the end of the century the global temperature increase will be 2.4-2.6 degrees Celsius.⁵

As climate change intensifies, the risk of crossing Earth system 'tipping points' increases – critical thresholds beyond which natural systems can no longer sustain their current state, triggering irreversible and widespread environmental damage.⁶ The world's leading climate scientists have said:

without urgent, effective, and equitable mitigation and adaptation actions, climate change increasingly threatens ecosystems, biodiversity, and the livelihoods, health and well-being of current and future generations.⁷

Climate change is a global threat, but it will manifest differently across the world. In 2024, the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and the Bureau of Meteorology (BoM) reported Australia's climate had warmed by an average of 1.51 degrees Celsius.⁸ This follows decades of average temperature increases, more frequent hot weather,

shifting rainfall patterns and warming oceans.⁹ Environmental risks in Australia and globally from climate change impacts include:

- increased frequency and intensity of heatwaves
- increased severity of storms and rainfall events
- increased flooding
- increased drought
- increased bushfire risk
- increased air pollution
- rising sea levels
- loss of species – flora, fauna and ecological communities.¹⁰

Food production, fresh water sources, low lying land, transportation networks, housing, infrastructure, employment, health, social services, peace and national security are all threatened by the impacts of climate change.

All of these issues are human rights issues. Climate change has been described by the UN Environment Programme (UNEP) as:

one of the greatest threats to human rights of our generation, posing a serious risk to the fundamental rights to life, health, food and an adequate standard of living of individuals and communities across the world.¹¹

The human right to a clean, healthy and sustainable environment has been recognised by the International Court of Justice (ICJ),¹² United Nations General Assembly (UNGA)¹³ and Human Rights Council (UNHRC).¹⁴ It is an essential precondition for all other human rights.¹⁵ The human rights to life, food, water, health, work and an adequate standard of living are all directly impacted by climate change. For example, in relation to the right to life in Australia, the CSIRO reports that extreme heat causes more deaths locally than any other natural hazard.¹⁶ Researchers also suggest that deaths attributed to excessive heat could be far higher than what is currently being reported.¹⁷

Other human rights are indirectly impacted by climate change. For example, natural disasters, which are more commonly occurring because

of climate change, may destroy school facilities, impacting the right to education.

Economic, social and cultural rights that relate to self-determination, political status, social, economic and cultural development are directly and indirectly impacted by climate change in various ways. The rights of First Peoples and the rights of children are 2 areas uniquely impacted by climate change.

First Peoples, their cultures and their connection to Country are particularly vulnerable to climate change impacts, which are further exacerbated by the ongoing effects of colonisation.¹⁸ Children and young people will experience more severe and prolonged effects of climate change over their lifetimes, particularly if climate change is not adequately addressed today, with greater impacts on their physical and psychological development compared to adults.¹⁹

Procedural rights enable people to realise other human rights and participate meaningfully in decisions that affect their lives, their communities and the environment. Grounded in both human rights and environmental law, these procedural rights include the right to information, right to participate in decision-making and the right to access justice.²⁰ Lack of access to climate information has led to preventable deaths and negative health impacts. Excluding affected communities from meaningful participation can result in ineffective climate policies.²¹

Protest is an important feature of climate justice movements.²² However, Australian governments are increasingly restricting protest rights and environmental human rights defenders face increasing levels of intimidation and harassment.²³

People who already experience rights violations and discrimination such as migrants, people impacted by racism, women, people with disability and older persons are likely to face greater risks from climate change.²⁴ Nation States and communities that have contributed little to cause climate change, today face an existential threat due to rising sea levels. Climate justice recognises the disproportionate impact on people in vulnerable situations, marginalised groups and less developed countries who are often the least responsible for the problem.

The ICJ has found that Nation States have extensive obligations under international law in relation to climate change, including a duty to

prevent significant harm to the climate system,²⁵ which may be breached through continued fossil fuel production, consumption and subsidisation.²⁶ International human rights law in particular requires Nation States to respect, protect and fulfil human rights from the adverse impacts of climate change.²⁷ Failure to take measures to prevent foreseeable harm to human rights caused by climate change, or failure to regulate activities contributing to such harm, could violate Nation States' human rights obligations.²⁸ UN treaty bodies and the UN Special Rapporteur on climate change and human rights have said to be human rights compliant, Nation States must, amongst other things, phase out fossil fuels projects, including by regulating the export of fossil fuels and phasing out fossil fuel subsidies.²⁹ Australia risks violating its human rights obligations by continuing to approve new fossil fuel projects,³⁰ heavily subsidising the fossil fuel industry³¹ and exporting the majority of its fossil fuel production.³²

Australia has committed to and must report on its progress towards achieving the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs).³³ The 2030 Agenda is grounded in human rights instruments³⁴ and its 17 SDGs seek to realise the human rights of all.³⁵ SDG 13 specifically demands urgent action to combat climate change and its impacts.³⁶

The majority of historical global carbon dioxide emissions can be attributed to only 78 state and corporate entities known as the 'Carbon Majors',³⁷ including 5 Australian-based companies: BHP, Rio Tinto, Woodside Energy, Santos and Whitehaven Coal.³⁸ All businesses, including Carbon Majors, have a 'responsibility to respect' human rights under the UN Guiding Principles on Business and Human Rights (UNGPs).³⁹ To respect human rights, the former UN Special Rapporteur on the right to a healthy environment has said all businesses must reduce emissions from their activities and supply chains.⁴⁰ The UN Special Rapporteur on climate change and human rights has said fossil fuel companies in particular must urgently develop plans to phase out existing operations by 2030, amongst other things.⁴¹

The Australian Government has led and co-sponsored UN resolutions recognising the vital role of National Human Rights Institutions (NHRIs), such as the Commission, in monitoring, reporting on and advising governments and businesses on climate change and human rights.⁴²

At the Global Alliance of National Human Rights Institutions (GANHRI) conference in 2020, NHRIs from around the world, including the Commission, pledged to advance rights-based climate action both individually and collectively.⁴³ GANHRI has emphasised that, while NHRI mandates vary, their shared objective should be to promote government and corporate measures to mitigate and adapt to climate change in ways that uphold human rights.⁴⁴ Mitigation refers to reducing the greenhouse gases that cause climate change, while adaptation means adjusting to its effects on our environment, society and economy.

The Commission's functions include promoting understanding, acceptance and public discussion of human rights, reviewing existing and proposed laws, policies and practices and providing expert advice on how they can better protect people's human rights.⁴⁵ In relation to climate change, those functions could include: public education on the human rights impacts of climate change; investigating and conciliating human rights and discrimination complaints that relate to climate change; advocacy for law reform such as a national Human Rights Act that protects the right to a healthy environment; intervening in climate change litigation; and monitoring and reporting on Australia's compliance with relevant international human rights obligations.

Australia's current federal human rights and environmental laws need to be strengthened to protect the human rights of Australians from the impacts of climate change. The Australian Parliament's human rights committee has recommended a national Human Rights Act be enacted, broadly reflecting the Commission's model proposed in its *Free and Equal* report, which includes the right to a healthy environment.⁴⁶ An Australian Human Rights Act would help to prevent human rights breaches from occurring by requiring government bodies to properly consider and act compatibly with human rights. If breaches of rights do happen, a Human Rights Act would give people the power to take action to address the breaches. These benefits are already being realised in Australia's state and territory jurisdictions where Human Rights Acts have been enacted. The Australian Capital Territory (ACT) recently became the first jurisdiction to explicitly recognise the right to a healthy environment in its *Human Rights Act 2004*.⁴⁷

Climate change is a global problem requiring collective action. Every country must take action. Wealthy countries like Australia that use and export large amounts of fossil fuels have a greater responsibility to act. The human impact of climate change will become more severe and widespread within the next few decades if urgent and significant action is not taken now. The window is rapidly closing to correct the course of climate change, to limit global warming to 1.5 degrees Celsius and prevent irrevocable damage.⁴⁸ A rapid and transformative shift away from fossil fuel production and consumption is required to alter the trajectory scientists have laid out.⁴⁹ This transformation should be guided by a human rights-based approach.⁵⁰

Recommendations to address the human rights impacts of climate change

Nation States have the primary duty to uphold international human rights law. The responsibility to respect human rights is also a global standard of expected conduct for all businesses wherever they operate and whether or not the Nation States in which they operate are upholding human rights. This means that both the Australian Government and Australian businesses have human rights obligations in the context of climate change.

The Commission has outlined below a number of recommended priority actions for the Australian Government and Australian businesses to comply with their obligations to protect people's human rights from harm caused by climate change. These recommendations are drawn from international human rights law as well as authoritative guidance from international courts and tribunals, UN treaty bodies, UN Special Rapporteurs and Australian courts interpreting human rights laws. The relevant human rights reasons for the recommendations are explored in the body of this report.

Recommendations

For the Australian Government:

Recommendation 1:

The Australian Government should urgently phase out fossil fuels by adopting and enforcing measures to prohibit new fossil fuel projects and strictly regulate the import and export of fossil fuels.

Recommendation 2:

The Australian Government should phase out fossil fuel subsidies and instead provide climate finance that supports human rights-based climate mitigation and adaptation measures.

Recommendation 3:

The Australian Government should undertake stringent due diligence to identify and assess risks of serious harm to the climate system and consequent risks of serious harm to people's human rights.

Recommendation 4:

The Australian Government should enact a national Human Rights Act that includes the right to a healthy environment.

For Australian businesses generally:

Recommendation 5:

Australian businesses should reduce greenhouse gas emissions from their activities, subsidiaries, products, services and supply chains.

Recommendation 6:

Australian businesses should publicly disclose their emissions, climate vulnerability and the risk of stranded assets (fossil fuels and infrastructure that can no longer be used as the world transitions to renewables).

For Australian fossil fuel businesses in particular:

Recommendation 7:

Australian fossil fuel businesses should:

- urgently develop plans to phase out their existing fossil fuel operations
- finance the retraining of their workers
- fully cover the costs of closure and clean-up

Endnotes

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