

RESEARCH THAT MATTERS

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# SEXUAL ORIENTATION AND GENDER IDENTITY

in the Global Climate  
Change Architecture

March 2026

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Victor Madrigal-Borloz

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**List of Acronyms**

2SLGBTQI	Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex
2SLGBTQIA	Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual
AOSIS	Alliance of Small Island States
CEDAW	United Nations Committee on the Elimination of All Forms of Discrimination against Women
CESCR	United Nations Committee on Economic, Social and Cultural Rights
COP	Conference of the Parties
COVID	Coronavirus Disease
CRC	United Nations Committee on the Rights of the Child
ECtHR	European Court of Human Rights
FEMA	Federal Emergency Management Agency
GCF	Green Climate Fund
GEF	Global Environment Facility
GHG	Greenhouse Gas
IACtHR	Inter-American Court of Human Rights
HIV	Human Immunodeficiency Virus
HOLLIS	Harvard Online Library Information System
IACHR	Inter-American Commission on Human Rights
IASC	Inter-Agency Standing Committee
ICJ	International Court of Justice
IE SOGI	United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity
IFRC	International Federation of Red Cross and Red Crescent Societies
ILO	International Labour Organization
IPCC	Intergovernmental Panel on Climate Change
JSTOR	Journal Storage (Digital Library)
LAC	United Nations Latin America and Caribbean Regional Group
L&D	Loss and Damage
LDC	Least Developed Country
LGBT	Lesbian, Gay, Bisexual, and Transgender
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersex
LGTB	Lesbian, Gay, Transgender, and Bisexual
LWPG	Lima Work Programme on Gender
NAP	National Adaptation Plan
NASA	National Aeronautics and Space Administration
NDC	Nationally Determined Contribution
NGO	Non-Governmental Organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
RBA	Rights-Based Approach
SOGI	Sexual Orientation and Gender Identity
UCLA	University of California, Los Angeles
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
WEOG	United Nations Western Europe and Other States Regional Group

## EXECUTIVE SUMMARY

Global climate governance frameworks do more than manage environmental risk. They determine which communities become legible to climate policy and finance. By embedding particular forms of political recognition and procedural opportunity, these frameworks shape which vulnerabilities attract institutional attention and which do not. Communities that are absent from treaty frameworks face structural barriers to policy recognition, adaptation planning, and access to climate finance. This dynamic is directly relevant to lesbian, gay, bisexual, transgender, and other sexual and gender-diverse (LGBT) persons, communities, and populations.

Environmental hazards such as rising seas, extreme heat, biodiversity loss, and more frequent disasters affect all societies and everyone in society; they nevertheless interact with pre-existing discrimination, exclusion, and marginalization in ways that intensify harms and risks for certain groups. Situations of vulnerability are not necessarily inherent to identities such as sexual orientation and/or gender identity (SOGI). They are created and sustained by social, political, and legal systems that marginalize these identities. These forms of structural discrimination, institutional neglect, and legal exclusion are the source of distinct and often compounded climate impacts that are connected to discriminatory attitudes and actions based on SOGI.

This report provides a comprehensive analysis of how climate change intersects with violence, discrimination, and exclusion perpetrated against LGBT persons worldwide. Drawing on international frameworks and legal standards within the United Nations (UN) and other global and regional institutions, empirical studies, testimonies, and consultations with civil society, it documents how the climate crisis amplifies systemic barriers and why inclusive rights-based approaches are urgently required.

## KEY FINDINGS

### Recognizing vulnerabilities is key to effective inclusion in climate action.

International climate change law acknowledges the vulnerability of certain populations and human rights obligations through instruments like the UN Framework Convention on Climate Change (UNFCCC),<sup>1</sup> the Kyoto Protocol (Kyoto Protocol),<sup>2</sup> and the Paris Agreement to the UNFCCC (Paris Agreement).<sup>3</sup> Vulnerability analysis examines how pre-existing social, economic, and political marginalization shapes why certain populations face disproportionately greater harm from climate hazards than others exposed to the same conditions. The evidence suggests a strong global uptake of community vulnerability analysis in national climate action.

- 84.6% of the parties to the Paris Agreement (165 of 195) have included at least one reference to community vulnerability in Nationally Determined Contributions (NDCs).
- Within UN regions, Africa (AFR), Eastern Europe (EEG), and Latin America and the Caribbean (LAC) show the highest proportion of countries that mention vulnerability (92.4% in AFR, 91.3% in EEG, and 90.9% in LAC).

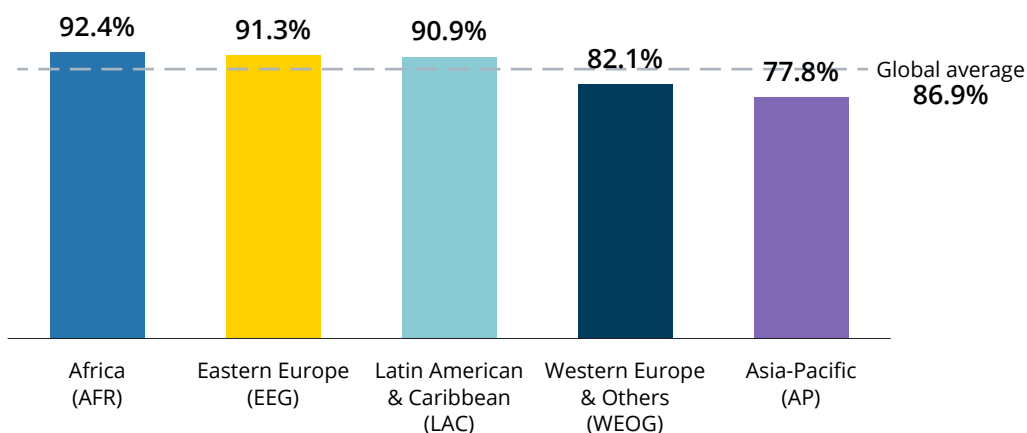
<sup>1</sup> United Nations Framework Convention on Climate Change. May 9, 1992. S.T.I.A.S. No. 102-38, 1771 U.N.T.S. 107.

<sup>2</sup> United Nations. Kyoto Protocol to the United Nations Framework Convention on Climate Change. December 10, 1997. S. Treaty Doc. No. 2303 U.N.T.S. 162.

<sup>3</sup> Paris Agreement to the United Nations Framework Convention on Climate Change, December 12, 2015, T.I.A.S. No. 16-1104.

- Western European and other countries (WEOG) have a relatively high proportion of countries (82.1%) that include vulnerability analysis in NDCs.
- Asia-Pacific (AP) has the lowest proportion, with 77.8% of countries in the region including vulnerability analysis in NDCs.

#### Inclusion of community vulnerability in NDCs by UN regional group (% of States)



Similarly, the evidence suggests that groups explicitly named in the Paris Agreement (i.e., women, persons with disabilities, Indigenous Peoples, local communities, migrants, children) are more often explicitly cited in the NDCs of parties to the Agreement. Of the 165 State parties that include vulnerability mention or analysis in their NDCs:

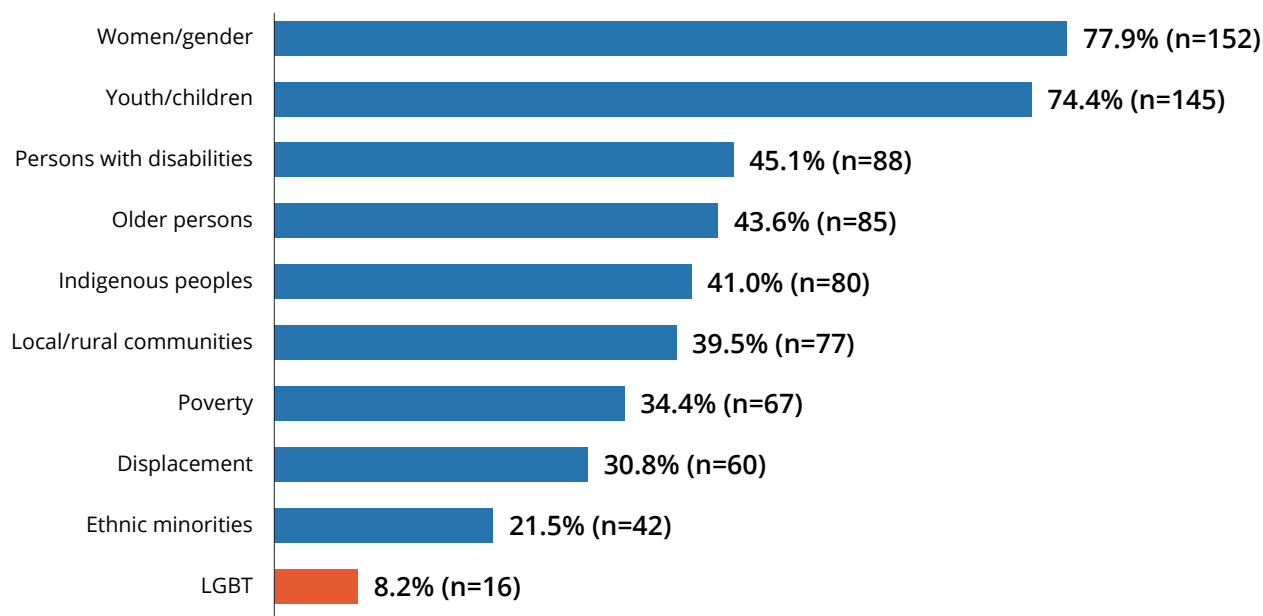
- About three-quarters include mentions to women (77.9%) and youth/children (74.4%).
- Fewer parties mention persons with disabilities (45.1%), older persons (43.6%), Indigenous Peoples (41%), and/or local communities (39.5%).
- About one-third mention forcibly displaced persons and migrants (30.8%).

### The climate change architecture upholds structural imbalances.

The climate architecture reproduces pre-existing patterns of inequality. Treaty-level visibility systematically structures who becomes legible to climate finance and adaptation systems. Groups not named in the Paris Agreement are rarely acknowledged in NDCs, and when recognition occurs, it appears to be fragile:

- Ethnic minorities are recognized by about one-fifth (21.5%) of parties to the Paris Agreement, and LGBT persons by fewer than one out of ten (8.2%).
- Among groups that are seen as politically sensitive in some contexts (i.e., LGBT persons, migrants, and ethnic minorities), including some mentioned in the Paris Agreement, explicit recognition by parties to the Agreement is inconsistent and may even backslide in subsequent NDCs, suggesting that their recognition is not part of consolidated State policy.

## Countries/jurisdictions including vulnerable groups in NDCs (N=195 countries/jurisdictions)

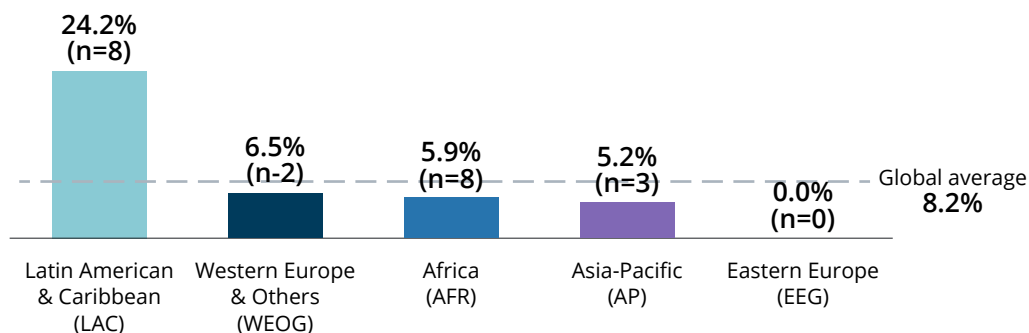


### LGBT/SOGI inclusion remains rare and vulnerable to reversal.

While this report does not establish direct causality between recognition of a particular community in the Paris Agreement and in a State's NDC, the evidence suggests that the Paris Agreement functions as a gatekeeping framework, shaping which communities are considered relevant to national climate planning by States. By failing to recognize LGBT realities, policies overlook both specific risks and sources of resilience:

- LAC is the region with the highest percentage of LGBT/SOGI inclusion in NDCs, with 24.2% of its countries (8 out of 33) mentioning LGBT persons or gender diversity. 6.5% of countries in WEOG include LGBT/SOGI in NDCs, while 5.9% in AFR and 5.1% in AP mention LGBT/SOGI. EEG has a zero-mention rate.
- Within this limited group, evidence suggests that once an NDC explicitly mentions LGBT persons or gender diversity, inclusion tends to persist across subsequent NDC cycles—a pattern observed in 8 of the 10 countries that recognized LGBT persons in their first NDC. However, this inclusion may not be stable where LGBT rights are subject to active political contestation. A change in government can erode practical recognition in national policy implementation even where NDC language formally remains intact.
- The prevailing binary interpretation of gender within climate frameworks prevents operational recognition of sexual and gender diversity, replicating patterns of bias and discrimination seen in disaster risk reduction frameworks and humanitarian responses.

Percentage of countries/jurisdictions within each region with SOGI references in NDCs (N=195)



### Visibility in NDCs affects access to climate finance and adaptation planning.

Climate finance architecture compounds invisibility. Groups not mentioned in the Paris Agreement—and therefore rarely included in NDCs—face greater difficulty accessing climate finance and just transition resources, due to the following:

- Lower likelihood of being included in vulnerability assessments
- Reduced participation in stakeholder processes
- Fewer targeted adaptation measures

Importantly, the absence of SOGI considerations is not isolated to climate change. It reflects broader patterns across humanitarian assistance, disaster risk reduction, national statistical systems, and development planning. The result is a structural, cross-sectoral invisibility that prevents LGBT persons from being identified as rights-holders within adaptation, resilience, or just-transition policies. When communities are invisible in national reporting, they are also absent from needs assessments, stakeholder consultations, and the design of public investment priorities that shape access to climate finance.

### A rights-based lens reveals State responsibility.

The report demonstrates that failure to include SOGI is not merely a policy gap but a failure to comply with established principles of equality, participation, and accountability required under international human rights law.

Evidence suggests that discriminatory practices, legal barriers, and administrative obstacles, which in their turn reverberate on family, community, and social exclusion, exacerbate the risk to which LGBT persons are exposed in connection to climate change, and create differentiated forms of risk, including discrimination and violence in humanitarian settings. Patterns recur across all areas where evidence is available, including health, housing, education, employment, and political participation.

Some barriers—chief among them, the use of State power to criminalize or otherwise render same-sex intimacy and certain forms of gender identity illegal—constitute severe and structural impediments to the furtherance of human rights of LGBT persons. Their specific impact on different realms of life, including climate action, has nevertheless been vastly underexplored. In the same vein, climate change governance is yet to either acknowledge or dedicate proper attention to ascertaining the impact of generalized

discrimination and violence on LGBT persons on the efficiency and effectiveness of climate action in areas such as employment, including the transition away from carbon-intensive economies.

### **Systemic exclusion stems from interconnected and interdependent actions and omissions.**

LGBT persons face persistent invisibility and hostility in climate research and policy. Institutional pathways include data suppression, exclusion from policy processes, and administrative definitions that reinforce normative family models.

Climate impacts intersect with other axes of marginalization. LGBT persons who are also racialized, disabled, Indigenous, youth, elderly, migrants, or economically disadvantaged face layered vulnerabilities.

### **Despite widespread exclusion, the report highlights promising developments.**

- **National Adaptation Plans (NAP):** A small group of States has taken the lead in recognizing LGBT communities and populations among those requiring differentiated approaches in public policy, including climate action. Some States have started to include LGBT persons in adaptation planning, with provisions for participation, health care, and gender-responsive budgeting.
- **NDCs:** While in many cases the recognition of LGBT persons appears to be obscure, formulaic, or of little consequence in terms of policy, a few recent NDCs nonetheless incorporate reference to LGBT persons that draw on evidence, refer to human rights standards, and/or lead to plans of action.
- **Humanitarian Guidelines:** Global headlines and standards such as the 2015 Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action by the Inter-Agency Standing Committee (IASC) explicitly reference LGBT inclusion in humanitarian emergencies.
- **Intersectionality:** A relatively small but growing body of research highlights the importance of intersectionality in climate policy, acknowledging that people experience climate impacts as individuals shaped by multiple and overlapping forms of identity, including race, class, disability, sexual orientation, and gender identity.
- **Community-Led Organizing:** Civil society organizations and LGBT-led groups are increasingly engaging in climate-justice advocacy, documenting community-based responses and demanding inclusion in policy spaces. Despite systemic exclusion, LGBT communities have shown remarkable leadership and resilience in climate response through informal support networks and grassroots organizing.
- **Growing International Recognition:** UN Special Rapporteurs, global and regional treaty bodies, and independent experts and scholars have started to draw attention to the ways in which climate change affects LGBT rights and inclusion.

## INTRODUCTION

Climate change refers to weather patterns and long-term shifts in temperatures. Over the past two centuries, these shifts have been primarily driven by human activity—especially the accumulation of greenhouse gas (GHG) emissions in the global atmosphere. The consensus within the scientific community is that fossil fuel combustion and degradation of natural carbon sinks, like oceans and forests, are at the origin of severe, wide-ranging, and interconnected impacts.<sup>4</sup> Direct impacts include rising temperatures, sea-level rise, ocean acidification, and more intense storms; indirect impacts arise when these interact with other systems, producing cascading consequences: food and water insecurity linked to drought, the spread of vector-borne diseases, biodiversity loss, and social unrest triggered by competition over scarce resources are some of them.<sup>5</sup>

Consequently, climate change has been described as the “largest, most pervasive threat to the natural environment and human societies the world has ever experienced,”<sup>6</sup> seriously threatening the right to life of present and future generations.<sup>7</sup> Data from major climate agencies confirm that 2025 was the third-warmest year on record, trailing behind 2024 (the warmest) and 2023 (the second warmest). 2025 exceeded the pre-industrial (1850–1900) average by 1.34°C/2.41°F.<sup>8</sup> The consequences are already severe, and scientists warn that exceeding a 1.5°C/2.7°F rise in global temperatures will further endanger natural ecosystems and human well-being.<sup>9</sup>

The resulting natural and physical hazards, such as landslides, floods, and wildfires, are not inherently biased. Slow-onset hazards, like glacier and permafrost melt, sea-level rise, salinization, coastal erosion, and desertification, do not distinguish among populations. However, the nature and intensity of their impact are shaped by who is most exposed to them and who has access to resources and support to react to them, and these factors are shaped by pre-existing structural conditions. The UN has stressed that the impacts of climate change fall most heavily on populations already in vulnerable situations,<sup>10</sup> and asymmetries of power, economic status, and institutional responsiveness transform climate-related events into multidimensional crises.

<sup>4</sup> IPCC, 2022: Summary for Policymakers [H.-O.Pörtner, D.C.Roberts, E.S.Poloczenska, K.Mintenbeck, M.Tignor, A. Alegría, M. Craig, S. Langsdorf, S. Lösche, V. Möller, A. Okem (eds.)]. In: *Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [H.-O.Pörtner, D.C.Roberts, M.Tignor, E.S.Poloczenska, K.Mintenbeck, A.Alegría, M.Craig, S. Langsdorf, S. Lösche, V. Möller, A. Okem, B. Rama (eds.)]. Cambridge University Press, Cambridge, UK and New York, NY, USA, pp. 3–33, doi:10.1017/9781009325844.001: 4.

<sup>5</sup> IPCC, 2022: Summary for Policymakers (supra 4): 27.

<sup>6</sup> United Nations Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change, Ian Fry: Promotion and Protection of Human Rights in the Context of Climate Change, A/HRC/50/39, 24 June 2022: Annex, para. 11.

<sup>7</sup> United Nations General Assembly, Report of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change, Ian Fry: Promotion and Protection of Human Rights in the Context of Climate Change, A/77/226, 26 July 2022: 2.

<sup>8</sup> National Centers for Environmental Information, Assessing the Global Temperature and Precipitation Analysis in 2025; <https://www.ncei.noaa.gov/access/monitoring/monthly-report/global/202513>. Accessed on 1 March 2026.

<sup>9</sup> Roy, J., P. Tschakert, H. Waisman, S. Abdul Halim, P. Antwi-Agyei, P. Dasgupta, B. Hayward, M. Kanninen, D. Liverman, C. Okereke, P.F. Pinho, K. Riahi, and A.G. Suarez Rodriguez, 2018: Sustainable Development, Poverty Eradication and Reducing Inequalities. In: *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.)]. Cambridge University Press, Cambridge, UK and New York, NY, USA, pp. 445-538. <https://doi.org/10.1017/9781009157940.007>: 447.

<sup>10</sup> United Nations Human Rights Council, Resolution adopted on 8 July 2025: Human rights and climate change, A/HRC/RES/59/25, 16 July 2025: preamble para. 19.

Very little is known about the way in which the impact of climate change interacts with discrimination and violence based on sexual orientation and gender identity. This report aims to help fill that gap. Based on analysis of international agreements, national plans, regional frameworks, legal cases, and academic and grey literature, as well as consultations with community leaders and organizations, the report shows how SOGI influence the way LGBT persons experience climate change, frames these impacts as human rights issues, and highlights the urgent need for better data to guide effective climate action.

The report pursues three core objectives:

- To identify and describe the differentiated impacts of climate change on LGBT persons, particularly in areas such as health, housing, education, employment, freedom of expression, political participation, human mobility, and access to justice.
- To assess the degree to which international, regional, and national climate frameworks incorporate sexual orientation and gender diversity as factors creating situations of vulnerability—and to highlight persistent gaps, emerging good practices, and existing opportunities.
- To propose concrete, human rights-based policy recommendations to promote equality and nondiscrimination, participation, empowerment, and accountability throughout the climate change architecture.

## UNDERSTANDING VULNERABILITY AND INTERSECTIONALITY

The concept of vulnerable populations or vulnerable communities features prominently throughout the climate change architecture. The Intergovernmental Panel on Climate Change (IPCC) defines vulnerability as the degree to which individuals or groups are likely to be harmed by climate impacts, encompassing both their sensitivity to harm and their limited capacity to cope or adapt.<sup>11</sup> Adaptive capacity, accordingly, refers to the ability of persons, communities, and systems to withstand and respond to climate impacts. As emphasized by the Inter-American Court of Human Rights (IACtHR), vulnerability must be assessed broadly, considering economic status, access to services, community resilience, and the quality of environmental governance.<sup>12</sup>

Anchoring climate action in the lived experiences of communities and populations provides vital relevance to their exposure to risk, damage, and loss. It also provides the evidence necessary to understand how their needs for resilience-building and redress should be reflected in public policy. However, identity-based vulnerability analysis must be analyzed through an intersectional lens. An often-cited axiom aptly observes that humans hold many identities in one body, and higher exposure to risk and damage is determined by a multiplicity of factors that may lead to the marginalization and poverty of a person.

Some LGBT persons have economic and social privilege that protects them from climate risks. However, the evidence suggests that for the vast majority, discrimination and violence based on SOGI are at the base of spirals of poverty, exclusion, and structural discrimination that result in systemic vulnerability.

<sup>11</sup> IPCC, 2022: Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [H.-O. Pörtner, D.C. Roberts, M. Tignor, E.S. Poloczanska, K. Mintenbeck, A. Alegría, M. Craig, S. Langsdorf, S. Löschke, V. Möller, A. Okem, B. Rama (eds.)]. Cambridge University Press. Cambridge University Press, Cambridge, UK and New York, NY, USA, 3056 pp., doi:10.1017/9781009325844: 53-54.

<sup>12</sup> Corte IDH; Opinión Consultiva OC-32/25 de 29 de mayo de 2025, “Emergencia Climática y Derechos Humanos;” para. 62.

A growing body of evidence surveyed for this study suggests that the situations of vulnerability in which LGBT persons are overwhelmingly placed are not only material, but social and political, and that they intensify in moments of crisis.

## WHY INCLUSION MATTERS

In climate policy, as in all areas of governance, visibility matters. Explicit recognition of identities determines whether their needs are considered in planning and whether they benefit from climate finance. The human rights relevance of climate change has been acknowledged since at least 2010, when State parties to the UNFCCC<sup>13</sup> agreed that climate action should fully respect them.<sup>14</sup> The Paris Agreement echoes this commitment, stating that State parties

*should, when taking action to address climate change, respect, promote, and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities, and people in vulnerable situations, and the right to development, as well as gender equality, empowerment of women and intergenerational equity.*<sup>15</sup>

The UNFCCC encourages States to report how their policies reflect this commitment in relation to specific communities (indigenous peoples, local communities), statuses (migrants, persons with disabilities), or populations (women, youth, children).<sup>16</sup>

The climate crisis demands inclusive solutions. To be effective, just, and sustainable, climate action must reflect the diversity of human experiences and respond to the realities of those most at risk. As the international community continues to mobilize against the climate emergency, it must do so in a way that recognizes those who have long been relegated to the margins of policy and protection. This means not only acknowledging the presence of LGBT persons in climate change governance but also embedding their rights and needs throughout all aspects of the climate response, from risk assessment to preparedness and disaster response, from financing to implementation.

Excluding diverse voices from climate decision-making leads to worse outcomes for everyone. Policies that fail to account for the full spectrum of human experience produce incomplete data, inadequate protections, and ineffective responses that leave entire communities behind. Conversely, inclusive climate action grounded in dignity, equality, and participation makes responses more accurate, more just, and more resilient.

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<sup>13</sup> UNFCCC (supra 1).

<sup>14</sup> UNFCCC, Decision 1/CP.16, 'The Cancún Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention', Report of the Conference of the Parties on its sixteenth session, held in Cancún from 29 November to 10 December 2010, UN Doc. FCCC/CP/2010/7/Add.1 (Cancún Agreements).

<sup>15</sup> Paris Agreement (supra 3): Preamble.

<sup>16</sup> Paris Agreement (supra 3): Preamble.

# INTERNATIONAL FRAMEWORKS AND STATE OBLIGATIONS

## CLIMATE CHANGE FRAMEWORKS

International Environmental Law, which began to take shape in the 1960s,<sup>17</sup> refers to the body of treaties, agreements, and legal principles that govern environmental protection and resource management. It encompasses a wide range of issues, including sustainable development, land use, and disputes over shared resources. While international environmental law traditionally focused on responsibilities of States toward one another, its scope increasingly extends to the obligations that States owe to individuals under their jurisdiction.

Under customary international law, States have duties to cooperate and to exercise due diligence to prevent significant environmental harm. This obligation applies in the context of climate change,<sup>18</sup> and international climate change law has emerged as a distinct and expanding field. It consists of treaties, legal instruments, and principles that address climate change specifically, while intersecting with other branches of international law, including human rights, humanitarian, maritime, and trade law.

Over the past three decades, the international community has developed and consolidated a common legal foundation for global climate action around three key treaties: the UNFCCC, the Kyoto Protocol, and the Paris Agreement. The International Court of Justice (ICJ), the main judicial organ of the UN, describes these instruments as mutually supportive, reflecting an evolving consensus on the need for cooperative and sustained global action.<sup>19</sup> Article 2 in the UNFCCC sets out the central objective of global climate action:

*stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system [...] within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.*<sup>20</sup>

The UNFCCC remains the most comprehensive legal framework governing international action in relation to climate change. With 198 parties, it reflects a near-universal recognition that GHG concentrations in the atmosphere are substantially increased by human activity,<sup>21</sup> enhancing the natural greenhouse effect in ways that could severely impact ecosystems and human well-being. Its supreme decision-making body, the Conference of the Parties (COP), convenes annually to assess progress and negotiate future obligations. Until a voting mechanism is adopted, COP decisions are taken by consensus.

The principle of common but differentiated responsibilities and respective capabilities is a foundational principle of climate change governance.<sup>22</sup> Through it, States acknowledge a shared responsibility to

<sup>17</sup> United Nations General Assembly. Problems of the Human Environment. A/RES/2398(XXIII). Adopted December 3, 1968.

<sup>18</sup> International Court of Justice. Advisory Opinion on the Obligations of States in Respect of Climate Change (Advance Version). July 23, 2025: para. 132 to 139.

<sup>19</sup> ICJ Advisory Opinion (supra 18): para. 195.

<sup>20</sup> UNFCCC (supra 1): art. 2.

<sup>21</sup> UNFCCC (supra 1): Preamble.

<sup>22</sup> UNFCCC (supra 1): art. 3.1.

combat climate change, committing all means at their disposal.<sup>23</sup> The UNFCCC explicitly recognizes that the needs, capabilities, and vulnerabilities of developing countries must be central to the global response: given their historical contributions to GHG emissions and greater economic capacity, developed countries should take the lead and support developing countries in their efforts.

The legal and institutional architecture that emerged over the last 30 years also comprises national laws, implementation frameworks, financial mechanisms, and institutional arrangements. The 2010 Cancun Agreements, which emphasized an integrated approach to mitigation, adaptation, finance, technology, and capacity-building, and through which States committed to formulate NAPs, are a key milestone.<sup>24</sup>

It was also at Cancun that the concept of a just transition of the workforce first appeared in international climate policy, framed around the creation of decent and quality jobs. While its precise policy implications remain somewhat undefined, scholars and human rights bodies agree that a just transition is inextricably linked with the concepts of social and climate justice and requires States to adopt measures that minimize the relative costs borne by persons in vulnerable situations, while assigning less weight to the relative costs incurred by groups with greater responsibility for climate change.<sup>25</sup>

The 2015 Paris Agreement shifted the system from top-down emissions targets toward nationally defined pledges that are voluntarily established by States and linked to a shared framework on a maximum warming limit. Each State is required to communicate its contribution clearly, transparently, and in a way that is understandable, subject to a review process designed to ensure environmental integrity, accuracy, comparability, and consistency.<sup>26</sup> Some scholars argue that the dialogue of States around their commitments does generate a form of “learning-oriented answerability,”<sup>27</sup> but climate governance generally lacks enforceability mechanisms, and the voluntary nature of State obligations under this system is often criticized. The Paris Agreement has near-universal adherence: in total, 195 countries or jurisdictions are or have been parties to it. These include 191 UN Member States,<sup>28</sup> three non-UN Member States (Cook Islands, Niue, and State of Palestine), and one UN Observer State (The Holy See).

Under the framework established in the Paris Agreement, parties communicate their plans through pillars of action: mitigation, adaptation, and loss and damage,<sup>29</sup> and through a range of reporting instruments, including their Nationally Determined Contributions (NDCs), their NAP, and Adaptation Communications. Each party to the Agreement has submitted at least one NDC.

The following sections will provide a brief overview of these key vehicles of the climate change architecture.

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<sup>23</sup> ICJ Advisory Opinion (supra 18): para. 291.

<sup>24</sup> UNFCCC, Decision 1/CP.16 (supra 14): arts. 12, 14(a), 15.

<sup>25</sup> Giorgos Galanis, Mauro Napoletano, Lilit Popoyan, Alessandro Sapio, and Olivier Vardakoulias, “Defining Just Transition,” *Ecological Economics* 227 (2025): 1. <https://doi.org/10.1016/j.ecolecon.2025.108370>

<sup>26</sup> Paris Agreement (supra 3): arts. 4.8 and 4.13.

<sup>27</sup> Aarti Gupta et al., “Performing Accountability: Face-to-Face Account-Giving in Multilateral Climate Transparency Processes,” *Climate Policy* 21, no. 5 (2021): 628.

<sup>28</sup> The Islamic Republic of Iran, Libya, and Yemen are signatories but have not completed the ratification process. Through Executive Order of January 20, 2025, the United States of America signalled its intention to withdraw from it; the withdrawal was reinforced by a Presidential Memorandum of January 7, 2026, and came to be effective on January 27, 2026. In February 2026 the United States notified the UN of its withdrawal from the UNFCCC, a move set to take effect in February 2027.

<sup>29</sup> Cinnamon P. Carlarne, Kevin R. Gray, and Richard Tarasofsky, “International Climate Change Law: Mapping the Field,” in Kevin R. Gray, Richard Tarasofsky, and Cinnamon P. Carlarne (eds.), *The Oxford Handbook of International Climate Change Law* (Oxford Academic, November 2, 2016).

## Mitigation, Adaptation, and Loss and Damage

Mitigation, the first pillar of climate action, refers to policies and activities designed to reduce GHG emissions, phase out from fossil fuels, and enhance natural or artificial sinks—that is, processes that remove GHGs, aerosols, or their precursors from the atmosphere. Mitigation efforts span all sectors, including agriculture, construction, energy production and consumption, forestry and land use, industry, transport, and waste management. It encompasses a wide range of actions: expanding renewable energy use, adopting decarbonization technologies, and increasing forest cover, among others. Mitigation measures often encounter resistance from different quarters: industries concerned about losing competitive advantages or bearing economic costs may litigate and lobby against regulation, and human rights advocates may also oppose certain measures, such as bioenergy, geo-engineering, or nature-based solutions that create human rights risk. The UN Committee on Economic, Social and Cultural Rights (CESCR) has expressed concern that large-scale carbon sequestration projects, such as extensive reforestation or forest protection initiatives, can result in land grabbing, disproportionately affecting vulnerable populations, including peasant communities and Indigenous peoples.<sup>30</sup>

The second pillar, adaptation, involves adjustments that are made in economic, social, or ecological systems to respond to climate effects with the goal of strengthening resilience and reducing vulnerability.<sup>31</sup> Building seawalls and levees, developing drought-resistant crops, expanding urban green spaces, reinforcing public health systems, and implementing early warning systems are some examples of adaptation strategies. These measures, which aim not only to reduce harm but also to harness opportunities created by a changing climate, are guided by the global goal on adaptation introduced in the Paris Agreement. The Intergovernmental Panel on Climate Change (IPCC) uses the term maladaptation to describe adaptive measures that produce negative social impacts, heighten vulnerabilities, or lead to increased GHG emissions:<sup>32</sup> hazard heightened by dams built to protect from rising sea levels but also prevented stormwater drainage, created changes in sediment deposits and threatened the marine ecosystem (infrastructural maladaptation); reductions in knowledge bases, social capital and risk awareness deriving from a focus on insurance cash crops (institutional maladaptation); labor shortages in farming derived from the short-term gains of migration from rural areas (behavioral maladaptation).<sup>33</sup>

A third pillar of climate governance is Loss and Damage (L&D),<sup>34</sup> championed, among others, by small island developing States and a key focus of the climate justice movement. High-emitting countries may provide financial resources to nations disproportionately affected by climate change through L&D mechanisms. While the UN special rapporteurs on the promotion and protection of human rights in the context of climate change and on the right to development have underscored the close connection

<sup>30</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 26 (2022) on Land and Economic, Social and Cultural Rights, E/C.12/GC/26 (2022).

<sup>31</sup> UNFCCC, “Adaptation and Resilience Introduction,” UNFCCC – The Big Picture, <https://unfccc.int/topics/adaptation-and-resilience/the-big-picture/introduction>, accessed August 18, 2025.

<sup>32</sup> IPCC, 2022: Summary for Policymakers (supra 4): 27.

<sup>33</sup> E. Lisa F. Schipper, Maladaptation: When Adaptation to Climate Change Goes Very Wrong, *One Earth*, Volume 3, Issue 4, 2020, Pages 409-414: 412. ISSN 2590-3322, <https://doi.org/10.1016/j.oneear.2020.09.014>.

<sup>34</sup> Alliance of Small Island States, “Media Briefing Note on the Loss and Damage Response Fund,” October 19, 2022, accessed August 18, 2025, <https://www.aosis.org/media-briefing-note-on-the-loss-and-damage-response-fund/>.

between L&D and reparations,<sup>35</sup> current L&D frameworks explicitly rule out the recognition of liability.<sup>36</sup> The Alliance of Small Island States (AOSIS), a bloc representing the interests of small island states in international negotiations and processes, has warned that without a robust L&D mechanism, many of them risk being pushed into unsustainable debt, their development stalled, and their survival dependent on “random acts of charity.”<sup>37</sup>

The success of measures under the three pillars hinges on the social and economic conditions in which people live. Mitigation strategies, such as transitioning to renewable energy, expanding the use of electric vehicles, or promoting sustainable agriculture, and adaptation through equitable access to green jobs, resilient health systems, and disaster preparedness are inextricably linked to access to education, public services, and information. Whether it involves reducing emissions, adapting to new realities, or addressing irreversible harms, measures affect the lived experiences of individuals and communities—and in turn depend on them for their efficacy. Similarly, public policy must consider the profound asymmetries in the contribution of different business sectors to the climate emergency. In 2019, some 79% of global GHG emissions came from the building, energy, industry, and transport sectors, and 10% of households with the highest income per capita globally contributed 34-45% of consumption-based household GHG emissions (households in the bottom 50% contributed 13-15%).<sup>38</sup>

## Climate Finance, Technology Transfer, and Capacity Building

Climate finance refers to the systems, institutions, and mechanisms that mobilize financial resources for climate mitigation, adaptation, and L&D. These resources flow as the result of the actions of a complex web of actors—multilateral institutions, international organizations, States, corporations, foundations, research and academic institutions, civil society, private donors, communities, and even households, all part of an interdependent system.

Some climate action requires large-scale investment. Under the Paris Agreement, developed countries are expected to provide financial support to developing countries to help them meet their mitigation and adaptation obligations.<sup>39</sup> In its recent Advisory Opinion,<sup>40</sup> the ICJ concluded that this support must reach a level conducive to achieving the objectives mentioned in article 2 of the UNFCCC and emphasized that this level should be assessed based on factors such as the financial capacity of donor countries and the needs of recipient States. In practical terms, meeting this obligation will require a substantial increase

<sup>35</sup> A/77/226 (supra 7): 14. See also United Nations General Assembly. Report of the Special Rapporteur on the Right to Development, Surya Deva. A/79/168: para. 27.

<sup>36</sup> United Nations Framework Convention on Climate Change (UNFCCC), Report of the Conference of the Parties on Its Twenty-Eighth Session, Held in the United Arab Emirates from 30 November to 13 December 2023. Addendum: Decisions Adopted by the Conference of the Parties. FCCC/CP/2023/11/Add.1. March 15, 2024, decision 1/CP.28, Preamble.

<sup>37</sup> Alliance of Small Island States, “Statement on Behalf of the Alliance of Small Island States (AOSIS), “COP Presidency Stocktaking: Climate Finance Pledges Must Be High in Quality, Not Just Quantity,” November 8, 2021, accessed August 18, 2025, <https://aosis-83010600d5-drhbxg6h7gce3ep.z03.azurefd.net/flooding-paradise-island-nations-climate-threat-2/>.

<sup>38</sup> IPCC, 2023: Summary for Policymakers. In Climate Change 2023: Synthesis Report. Contribution of working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, H. Lee and J. Romero (eds.)]. IPCC, Geneva Switzerland, 5.

<sup>39</sup> Paris Agreement (supra 3): art. 4(5).

<sup>40</sup> ICJ Advisory Opinion (supra 18): para. 265.

in global climate finance: current estimates place the investment needs of developing countries for implementing their NDCs at nearly \$6 trillion for the pre-2030 period.<sup>41</sup>

Resources flow through a series of mechanisms. Some are embedded within the formal climate change architecture and are collectively referred to as Climate Funds. The UNFCCC originally envisioned a mechanism to provide financial support on a grant or concessional basis, including for technology transfer.<sup>42</sup> The Global Environmental Facility (GEF), launched as a pilot within the World Bank Group ahead of the 1992 Rio Earth Summit, became the first.<sup>43</sup> Since then, the COP has established additional mechanisms, including the Green Climate Fund (GCF), the Special Climate Fund, the Least Developed Countries Fund (LDC Fund), and the Adaptation Fund. Together, these funds provide grants, concessional loans, and guarantees to support mitigation and adaptation initiatives. At COP27 in Egypt in 2022, the parties to the UNFCCC agreed to establish an L&D Fund, intended to assist countries that are particularly vulnerable to the adverse effects of climate change.<sup>44</sup>

In total, there are at least 18 ICFls,<sup>45</sup> with the GEF and the GCF holding a significant critical mass.

Climate finance mechanisms include a variety of tools:

- Green bonds, which are fixed-income instruments for funding environmentally beneficial projects;
- Concessional loans, which offer favorable terms to developing countries for climate projects;
- Grants, which provide non-repayable support for climate-related initiatives.

Other instruments, such as the trading of carbon credits, which are theoretically intended to reflect emission reductions, are identified by some as climate finance, but this classification is debated because credits do not reflect actual reductions in GHG emissions.

In theory, any actor—including States, international institutions, businesses, Indigenous Peoples, civil society organizations, communities, labor unions, youth groups, and research institutions—can access these financial instruments to support climate-related activities in developing countries.

Developed countries pledged to jointly mobilize annually \$100 billion to address the mitigation needs of developing countries, an amount increased to \$300 billion per year in COP29 in Baku,<sup>46</sup> and the Baku to Belem Roadmap calls for scaling up to at least \$1.3 trillion per year by 2035.<sup>47</sup> These figures are far below the estimates of what is required to meet international targets: some place the cost of achieving net-

<sup>41</sup> United Nations Framework Convention on Climate Change (UNFCCC), Decision -/CMA.4: Sharm el-Sheikh Implementation Plan, Advance Unedited Version, FCCC/PA/CMA/2023/L.21, paras. 54, 56.

<sup>42</sup> UNFCCC (supra 1): Preamble, art. 11.1.

<sup>43</sup> United Nations Framework Convention on Climate Change (UNFCCC), Report of the Conference of the Parties on Its Second Session, Held at Geneva from 8 to 19 July 1996. Addendum. Part Two: Action Taken by the Conference of the Parties, FCCC/CP/1996/15/Add.1 (October 29, 1996): Decision 12/CP.2: para. 1.

<sup>44</sup> United Nations Framework Convention on Climate Change (UNFCCC), Decision -/CP.27 and -/CMA.4: Funding Arrangements for Responding to Loss and Damage Associated with the Adverse Effects of Climate Change, Including a Focus on Addressing Loss and Damage (Advance Unedited Version), 2022 United Nations Climate Change Conference, November 20, 2022, pdf

<sup>45</sup> Graham ER, Serdaru A. Power, Control, and the Logic of Substitution in Institutional Design: The Case of International Climate Finance. *International Organization*. 2020;74(4):671-706. doi:10.1017/S0020818320000181: 690.

<sup>46</sup> UNFCCC, Report of the Conference of the Parties Serving as the Meeting of the Parties to the Paris Agreement on Its sixth Session, Held in Baku from 11 to 24 November 2024. Addendum. Part Two: Action Taken by the Conference of the Parties Serving as the Meeting of the Parties to the Paris Agreement, FCCC/PA/CMA/2024/17/Add.1 (2024); Decision 1/CMA.6: para. 8.

<sup>47</sup> Decision 1/CMA.6 (supra 46), para. 7.

zero emissions by 2050 at \$4 trillion annually in renewable energy, \$4 to \$6 trillion annually to support the broader transition to a low-carbon global economy, and, as noted earlier, almost \$6 trillion for implementation of NDCs by developing States.<sup>48</sup>

Climate finance faces significant challenges. The COP has acknowledged that a multiplicity of definitions complicates efforts to ensure clear and consistent accounting<sup>49</sup> and may be behind divergent estimates of the finance gap to cover different pillars of climate action. In addition, the actual amounts disbursed remain contested, with scholars highlighting persistent distrust between States.<sup>50</sup> Concern arises also in the area of disaster response, where funds are sometimes reallocated from existing budgets<sup>51</sup> and fuel tensions between developed States, which often view climate finance as an extension of development assistance, and developing countries, which increasingly frame it as a form of reparation for climate harm.<sup>52</sup> The UN Human Rights Council has observed a decline in climate finance flows, particularly for adaptation, and emphasized that burdensome conditions, including stringent requirements, high transaction costs, complex reporting, and protracted approval procedures, undermine the timely implementation of adaptation measures.<sup>53</sup>

Climate finance is also closely linked to the vision for technology development and transfer in the Paris Agreement, which strengthened the technology mechanism created by the UNFCCC,<sup>54</sup> and called for capacity-building to empower countries, particularly developing States, to carry out effective mitigation and adaptation actions. This includes strengthening access to climate finance, expanding technical education and public awareness, and ensuring transparent and timely communication of information.<sup>55</sup>

Developing countries receive some international assistance from developed nations in the form of financial, technological, and logistical support for climate change response and disaster recovery.<sup>56</sup> Current funding for climate finance, however, is far below what is needed.<sup>57</sup> Most funding is directed toward mitigation.<sup>58</sup> In 2023, adaptation represented only about 3.25% of total climate finance. Small island developing States, which face some of the most acute climate risks, receive only 3% of global climate finance, and half of this funding comes in the form of loans, further exacerbating debt burdens in economies that are already vulnerable.<sup>59</sup>

<sup>48</sup> Decision -/CMA.4: Sharm el-Sheikh Implementation Plan (advance unedited version), 2022 United Nations Climate Change Conference (November 20, 2022), [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf): paras. 54, 56.

<sup>49</sup> UNFCCC, Report of the Conference of the Parties on its twenty-ninth session, held in Baku from 11 to 24 November 2024, FCCC/CP/2024/11/Add.1; Decision 2/CP.29: para. 12.

<sup>50</sup> Weikmans, R., & Roberts, J. T. (2019). The international climate finance accounting muddle: is there hope on the horizon? *Climate and Development*, 11(2), 97–111. <https://doi.org/10.1080/17565529.2017.1410087>: 98.

<sup>51</sup> Carolyn Kousky, “Informing Climate Adaptation: A Review of the Economic Costs of Natural Disasters, Their Determinants, and Risk Reduction Options,” *Resources for the Future Discussion Paper 12-28* (July 2012): 9, <https://media.rff.org/documents/RFF-DP-12-28.pdf>

<sup>52</sup> Graham ER et al. (supra 45): p. 687.

<sup>53</sup> A/HRC/RES/59/25 (supra 10): Preamble paras. 32-33.

<sup>54</sup> Paris Agreement (supra 3): arts. 10.1 and 10.4.

<sup>55</sup> Paris Agreement (supra 3): art. 11.1, [https://unfccc.int/sites/default/files/english\\_paris\\_agreement.pdf](https://unfccc.int/sites/default/files/english_paris_agreement.pdf)

<sup>56</sup> Zinta Zommers, “Addressing Climate Risks in Small Island States – Opportunities for Action,” *International Institute for Sustainable Development Knowledge Hub*, June 22, 2022, <https://sdg.iisd.org/commentary/guest-articles/addressing-climate-risks-in-small-island-states-opportunities-for-action/>.

<sup>57</sup> A/77/226 (supra 7): p. 16.

<sup>58</sup> Carola Klöck and Patrick D. Nunn, “Adaptation to Climate Change in Small Island Developing States: A Systematic Literature Review of Academic Research,” *Journal of Environment and Development* 28, no. 2 (2019).

<sup>59</sup> The Impacts of Climate change on the Human Rights of People in Vulnerable Situations, A/HRC/50/57 (May 6, 2022), 13, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/336/00/PDF/G2233600.pdf?OpenElement>: para. 57.c.

## Nationally Determined Contributions, National Adaptation Plans, and Communications and Reports

Under the Paris Agreement, States committed to presenting their plans toward the objective of limiting global warming to 1.5 or 2.0 degrees Celsius every five years in their NDCs. In these reports, they articulate their contribution to strengthening the global response to climate change in the context of sustainable development and efforts to eradicate poverty.<sup>60</sup>

The Paris Agreement grants States limited discretion in structuring the content and ambition of their contributions.<sup>61</sup> It also provides guidance to enhance clarity, transparency, and understanding.<sup>62</sup> NDCs are expected to include information under seven headings, including reference points, time frames, the scope of actions, planning processes, and methodological assumptions. To date, every State party to the Paris Agreement has submitted at least one NDC; significant resources within the climate architecture are dedicated to aggregating and analyzing NDC content to build a shared global picture of progress and gaps.

NAPs follow their own reporting and review processes. They serve as key instruments for countries to identify, organize, and plan the implementation of their adaptation priorities.<sup>63</sup> The preparation of NAPs follows a set of established guidelines emphasizing a country-driven, gender-sensitive, participatory and fully transparent approach, with specific attention to the needs of vulnerable groups, communities and ecosystems.<sup>64</sup> NAPs serve as a primary gateway for accessing climate finance, and they may also incorporate L&D measures.

To further facilitate monitoring and accountability, the Paris Agreement introduced two formal mechanisms for communicating progress:

- Adaptation communications, through which States periodically report on their priorities, plans, actions, and ongoing needs related to adaptation
- Biennial transparency reports, which require States to submit detailed information on GHG emissions inventories, progress in mitigation and adaptation, levels of support received or provided (including financial, technological, and capacity-building support), and future needs.

These instruments—NDCs, NAPs, adaptation communications, and biennial reports—are designed to be complementary, and their content often overlaps. In 2023, 81% of States included adaptation information in their NDCs.<sup>65</sup> Many also chose to use their NAPs as implementation plans for the adaptation components of their NDCs, aligning the two instruments to create more coherent and actionable national climate strategies.<sup>66</sup>

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<sup>60</sup> Paris Agreement (supra 3): art. 2(1).

<sup>61</sup> ICJ Advisory Opinion (supra 18): para. 245.

<sup>62</sup> Decision 4/CMA.1; FCCC/PA/CMA/2018/3/Add.1

<sup>63</sup> UNFCCC LDC Expert Group; “Aligning National Adaptation Plans, Nationally Determined Contributions and Adaptation Communications;” 2024; in <https://unfccc.int/sites/default/files/resource/Policy-brief-NAPs-NDCs-AdComs.pdf>: 2.

<sup>64</sup> UNFCCC/CP/2010/7/Add.1; arts. 12, 14(a), 15.

<sup>65</sup> UNFCCC LDC Expert Group; Aligning National Adaptation Plans, Nationally Determined Contributions and Adaptation Communications; <https://unfccc.int/sites/default/files/resource/Policy-brief-NAPs-NDCs-AdComs.pdf>: 5.

<sup>66</sup> UNFCCC LDC Expert Group; Aligning National Adaptation Plans, Nationally Determined Contributions and Adaptation Communications; <https://unfccc.int/sites/default/files/resource/Policy-brief-NAPs-NDCs-AdComs.pdf>: 16.

## Settlement of Disputes and Grievance Mechanisms

International and regional tribunals have recently underscored that environmental obligations are inextricably linked to the enjoyment of human rights. Therefore, in addition to national-level litigation and advocacy, claims for State responsibility stemming from breaches of these obligations can also be debated in those venues.

The Paris Agreement creates a grievance process. Individuals, communities, or organizations may present claims relating to adverse social, economic, or environmental effects that local individuals, communities, or businesses suffer, or may suffer, as a direct result of certain activities approved by a supervisory body, also established by the Paris Agreement. Such activities typically include greenhouse gas reduction or removal projects, such as renewable energy initiatives, nature-based solutions like afforestation and reforestation, and sustainable agriculture.<sup>67</sup> As of this report's publication, this machinery is not yet operational.

## CONNECTING FRAMEWORKS

The architecture of climate change law and governance does not operate in a vacuum. It connects with other critical normative frameworks, such as those on disaster risk reduction, the law of the sea, biodiversity protection, human rights, and gender. These frameworks influence how climate commitments are designed, implemented, and assessed. They also offer valuable entry points for analyzing the effects of climate action on structural inequality. A nuanced understanding of these links is essential to crafting effective and equitable climate responses. Yet, when these systems remain misaligned or siloed, they risk failing the communities most vulnerable to climate harms, including those whose identities do not conform to dominant social norms.

For these reasons, to fully realize the principle of nondiscrimination in climate policy and programming, it is essential to adopt an intersectional approach. Such an approach requires a comprehensive, multidimensional analysis of the social determinants that shape the lived experiences of a person, including norms related to gender and sexual orientation. Intersectional frameworks recognize that dominant understandings of gender and sexuality are often framed through binary constructs—male/female, masculine/feminine—which exclude or marginalize those whose identities do not conform to them.

Intersectional frameworks also capture the dynamic and evolving nature of identity over time and across geographic, social, and political contexts. It is particularly relevant to understanding the realities of young or ageing lesbian, gay, bisexual, transgender, and gender-diverse persons; the disparities between urban and rural contexts; and often-overlooked intersections of SOGI with poverty, indigeneity, ethnicity, religion, disability, racism, xenophobia, migratory status, and the factors that force displacement.

Environmental degradation is also inextricably linked to the legacy and ongoing consequences of colonialism. Over the past five centuries, colonial systems established and perpetuated economic models rooted in the exploitation of people and the exploitation of the planet.<sup>68</sup> Colonial rule employed a range

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<sup>67</sup> <https://unfccc.int/sites/default/files/resource/A6.4-PROC-GOV-006.pdf>

<sup>68</sup> OHCHR, Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity, A/HRC/52/33, Human Rights Council, 52nd session, 3 April 2023, <https://undocs.org/A/HRC/52/33>: para. 5.

of mechanisms to assert control over subjugated populations, including the imposition of rigid gender binaries, the suppression of diverse sexual and gender identities, and the enforcement of religious and legal codes that criminalized nonconformity.<sup>69</sup> These interventions disrupted longstanding cultural and spiritual traditions in which gender-diverse individuals played important roles as custodians of land, knowledge, and biodiversity.<sup>70</sup> Two-Spirit persons in Indigenous North American communities are an example. In many contexts, the structures of these legal frameworks introduced during colonial rule continue to shape contemporary systems of development and environmental governance models, reinforcing patterns of exploitation and inequality.

For these reasons, the intersection of colonial legal frameworks, environmental injustice, and structural discrimination remains a critical venue for equitable climate action.

The following sections examine how international frameworks on disaster risk reduction, human rights, and gender equality engage with the challenges created by climate change experienced by LGBT persons. This analysis identifies persistent gaps and emerging good practices that reflect a growing shift toward intersectional, rights-based approaches. It highlights the urgent need for greater coherence and mutual reinforcement across global policy frameworks.

## Disaster Risk Reduction and Disaster Response

Climate change significantly increases the frequency, intensity, and geographic reach of disasters<sup>71</sup> and amplifies their economic, social, and political consequences.<sup>72</sup> As a result, disaster risk reduction has become a central focus of climate-related public policy. The principal international framework guiding these efforts is the Sendai Framework for Disaster Risk Reduction (the Sendai Framework),<sup>73</sup> adopted by 187 countries in 2015 and endorsed by the UN General Assembly shortly thereafter. It outlines global targets, including substantial reductions in disaster-related mortality and the number of people affected by disasters, and it promotes guiding principles that underscore the primary responsibility of States to protect populations, human rights, nondiscrimination, and inclusion of all sectors of society, and the special attention that must be given to individuals and communities disproportionately impacted by disasters. Its preamble explicitly highlights the importance of ensuring the participation of women, persons with disabilities, and other marginalized groups in the design and implementation of disaster planning and response.<sup>74</sup>

At the 2012 Rio+20 UN Conference on Sustainable Development, States emphasized the need for stronger links between disaster risk reduction, post-disaster recovery, and long-term development planning and called for more integration into public and private investment decisions, humanitarian planning, and development processes. This approach is intended to reduce risk, strengthen resilience,

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<sup>69</sup> United Nations General Assembly, Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity, A/78/227, 78th sess., 19 July 2023, <https://undocs.org/A/78/227>: para. 15.

<sup>70</sup> CEC. 2024. Environmental Justice for 2SLGBTQIA+ Communities: Dimensions on Queering Environmental Policy in North America. Montreal, Canada: Commission for Environmental Cooperation. 47pp: p. 19.

<sup>71</sup> Daniel A. Farber, “Climate Change and Disaster Law,” in Cinnamon et al. (supra 29): 593.

<sup>72</sup> Kousky (supra 51).

<sup>73</sup> United Nations, Sendai Framework for Disaster Risk Reduction 2015–2030, adopted at the Third UN World Conference on Disaster Risk Reduction, Sendai, Japan, March 14–18, 2015, A/CONF.224/CRP.1: para. 19.d.

<sup>74</sup> Sendai Framework (supra 74): paras. 19.(a) to 19(d).

and ensure smoother transitions from relief to recovery to development.<sup>75</sup> The UN High-Level Political Forum on Sustainable Development, also created at Rio+20, continues to monitor and advance these commitments.

Disaster risk reduction frameworks are increasingly anchored in international human rights law.<sup>76</sup> In its recent Advisory Opinion OC-32/25, the IACtHR found that LGBT persons face heightened risks of violence during and after climate-related disasters, and advised States to ensure access to nondiscriminatory health services and protection measures in emergency shelters.<sup>77</sup> Similarly, the 2006 UN Convention on the Rights of Persons with Disabilities obligates States Parties to take “all necessary measures” to safeguard the rights, protection, and safety of persons with disabilities in situations of risk, including disasters and humanitarian emergencies,<sup>78</sup> and the Draft Articles on the Protection of Persons in the Event of Disasters, adopted by the International Law Commission, affirm that disaster responses must be guided by the principles of humanity, neutrality, and impartiality, and must be implemented without discrimination and considering vulnerable populations.<sup>79</sup>

Taken together, these normative developments reinforce the growing view that disaster prevention, response, and recovery are not only humanitarian imperatives but also human rights obligations, and therefore are guided by the principle of nondiscrimination, including SOGI. The UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity (IE SOGI) has underscored that LGBT people face unique risks in times of crisis and noted the role of intersecting forms of discrimination in preventing them from accessing critical support during times of deprivation. These risks can arise even when they are not directly targeted, including in areas that may go overlooked, such as climate change.<sup>80</sup>

## Business

Through its doctrine, the UN Working Group on Business and Human Rights has affirmed that, as part of their duty to prevent and address negative impacts of their activities, businesses also bear obligations related to climate change. It has recommended that States adopt legislation requiring companies to disclose their GHG emissions, contribute to mitigation targets, and implement adaptation measures consistent with human rights and the principles of a just transition.<sup>81</sup>

The working group issued a wide range of recommendations to businesses, ranging from the incorporation of climate change in their policies, plans, and operations to remedial action to bring detrimental climate change-related human rights impacts to an end. This would entail a duty to consider the risk of damage to those in situations of vulnerability, including LGBT persons. The working group has further stressed the importance of regulations to deter both undue corporate influence over political

<sup>75</sup> UN General Assembly, Resolution adopted by the General Assembly on 27 July 2012: The Future We Want, A/RES//66/288 (September 11, 2012).

<sup>76</sup> Daniel A. Farber, “Climate Change and Disaster Law,” in Cinnamon et al. (supra 29): p. 593.

<sup>77</sup> Corte IDH; OC-32/25 (supra 12): para. 618.

<sup>78</sup> UN General Assembly, Convention on the Rights of Persons with Disabilities (CRPD), A/RES/61/106 (December 13, 2006), art. 11.

<sup>79</sup> International Law Commission, Report of the International Law Commission on the Work of Its Sixty-Eighth Session (2 May–10 June and 4 July–12 August 2016), UN Doc. A/71/10 (2016): para. 48; draft article 6.

<sup>80</sup> United Nations Human Rights Council, Report of the Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity, A/HRC/59/43, 17 April 2025: para. 32.

<sup>81</sup> United Nations Special Procedures, Information Note on Climate Change and the Guiding Principles on Business and Human Rights, June 2023: 4.

and regulatory processes and the practice of “greenwashing (claiming to be doing more to protect the environment than one actually is doing);”<sup>82</sup> the Office of the UN High Commissioner for Human Rights (OHCHR) has added that scientific inquiry must be protected against conflict of interest by States.<sup>83</sup>

In 2022, a High-Level Expert Group appointed by the UN Secretary-General found that “if greenwash premised upon low-quality net zero pledges is not addressed, it will undermine the efforts of genuine leaders, creating both confusion, cynicism and a failure to deliver urgent climate action,” and identified practices of businesses that are incompatible with zero-net pledges and make greenwashing possible, including building or investing in new fossil fuel supply, deforestation, purchase of cheap credits instead of cutting emissions across their value chain, lobbying to undermine ambitious governmental climate policies. The Expert Group called for regulation starting with large corporate emitters, and mandatory annual progress reporting.<sup>84</sup>

## Human Rights

There is no single formula for a human rights-based approach. However, there is a broad consensus on certain core principles that must be part of it:<sup>85</sup>

- **Equality and Nondiscrimination:** States must prohibit differences in treatment that are not objective or reasonable, avoid prejudicial distinctions based on protected categories (such as permanent personal traits tied to identity or membership in historically marginalized groups), and take positive steps to create conditions of real equality for those most at risk of exclusion. Diligent fulfilment of this obligation includes collecting disaggregated data and designing inclusive public policies on that basis. Political recognition of statuses, identities, and characteristics that serve as grounds for discrimination is thus a central component of State accountability under international human rights law, with implications across demographic, health, social, and economic sectors.
- **Public Participation:** Every individual has the right to engage in public affairs and to enjoy equal access to public services, ensuring that decision-making reflects the voices and needs of all affected groups.
- **Empowerment:** Rights-holders must have the assets and capabilities to challenge discrimination, violence, and other violations. This includes access to justice and to effective remedies that make rights meaningful in practice.
- **Accountability:** Rules, processes, and institutions must hold both States and individuals responsible for their actions. Under international law, accountability flows from findings of State responsibility, which in turn entitle affected persons and communities to reparations.

Mary Robinson, former President of Ireland and UN High Commissioner for Human Rights, emphasized that climate action must shift “from a discourse on greenhouse gases and melting ice caps into a civil

<sup>82</sup> Information Note 2023 (supra 81): 4.

<sup>83</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), Key Messages on Human Rights and a Just Transition (n.d.), accessed March 3, 2026, pdf

<sup>84</sup> United Nations High Level Expert Group on the Net Zero Emissions Commitments of Non-State Entities; Integrity Matters: Net Zero Commitments by Businesses, Financial Institutions, Cities and Regions. Report (2022): 6,12.

<sup>85</sup> United Nations Sustainable Development Group (UNSDG), UN Cooperation Framework Internal Guidance (June 1, 2022), <https://unsdg.un.org/sites/default/files/2022-06/UN%20Cooperation%20Framework%20Internal%20Guidance%20-%201%20June%202022.pdf> accessed on 3 March 2026.

rights movement with the people and communities most vulnerable to climate impacts at its heart.”<sup>86</sup> The ICJ has recognized that a clean, healthy, and sustainable environment is a human right, inherent to the enjoyment of other human rights and essential for it.<sup>87</sup>

A robust body of international law gives life to the right to a clean, healthy, and sustainable environment. This right is expressly included in the African Charter on Human and Peoples’ Rights and the Inter-American human rights framework,<sup>88</sup> and recognized in two major regional environmental treaties.<sup>89</sup> More than 164 States have enshrined it in their Constitutions, treaties, or legislation.<sup>90</sup> At the global level, it was recognized without opposition in resolutions of the UN Human Rights Council in 2021<sup>91</sup> and the UN General Assembly in 2022.<sup>92</sup> Several UN treaties and treaty bodies also underscore the link between environmental protection and the enjoyment of human rights: the 1989 Convention on the Rights of the Child notes that environmental pollution poses “dangers and risks” to access to food and clean water, affecting the right to health,<sup>93</sup> and the UN Committee on the Rights of the Child (CRC) recognizes the right of children to a clean, healthy and sustainable environment.<sup>94</sup> The 1966 International Covenant on Economic, Social and Cultural Rights affirms that the right to health includes “the improvement of all aspects of environmental and industrial hygiene.”<sup>95</sup>

The human rights relevance of climate change has been acknowledged since at least 2010, when State parties to the UNFCCC agreed that climate action should fully respect them.<sup>96</sup> The Paris Agreement echoes this commitment, stating that State parties

*should, when taking action to address climate change, respect, promote, and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities, and people in vulnerable situations, and the right to development, as well as gender equality, empowerment of women, and intergenerational equity.*<sup>97</sup>

<sup>86</sup> Climate Justice.” United Nations Sustainable Development Goals, May 31, 2019. <https://www.un.org/sustainabledevelopment/blog/2019/05/climate-justice/>.

<sup>87</sup> ICJ Advisory Opinion (supra 18): para. 393.

<sup>88</sup> OAS, “Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, Protocol of San Salvador,” November 17, 1988, OEA/Ser. A/44: art. 11.

<sup>89</sup> The Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) (June 25, 1998); Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement), March 4, 2018, U.N. Doc. LC/CNP10.9/5, entered into force April 22, 2021.

<sup>90</sup> United Nations Human Rights Council, Report of the Special Rapporteur on the human right to a clean, healthy and sustainable environment, Astrid Puentes Riaño: the ocean and human rights, A/HRC/58/59, 31 December 2024: para. 10.

<sup>91</sup> UN Human Rights Council, The Human Right to a Clean, Healthy and Sustainable Environment, UN Doc. A/HRC/RES/48/13 (October 8, 2021), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/289/50/PDF/G2128950.pdf>

<sup>92</sup> United Nations General Assembly: The human right to a clean, healthy and sustainable environment, A/76/L.75 (July 26, 2022), <https://documents-dds-ny.un.org/doc/UNDOC/LTD/N22/436/72/PDF/N2243672.pdf?OpenElement>

<sup>93</sup> United Nations General Assembly, Convention on the Rights of the Child, U.N.T.S. vol. 1577 (November 20, 1989), art. 24(2), The Committee on the Rights of the Child is expected to release a General Comment elaborating on the rights of the child in the context of climate change.

<sup>94</sup> Committee on the Rights of the Child, General Comment No. 26 (2023) on Children’s Rights and the Environment, with a Special Focus on Climate Change, UN Doc. CRC/C/GC/26 (2023): para. 31.

<sup>95</sup> UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), U.N.T.S. vol. 660 (December 21, 1965), art. 12(2)(b).

<sup>96</sup> UNFCCC, Decision 1/CP.16 (supra 14).

<sup>97</sup> Paris Agreement (supra 3): Preamble.

There is well-established doctrine acknowledging that climate change significantly threatens the enjoyment of human rights protected under international law. These include the rights to life, water, food, sanitation, health, housing, property, an adequate standard of living, self-determination, culture, and development, all of which are jeopardized by climate-related impacts such as death via extreme heat, increase in disease, and degradation—or risk of degradation—of people’s living conditions. The OHCHR has affirmed that

*States have a human rights obligation to prevent the foreseeable adverse effects of climate change and ensure that those affected by it, particularly those in vulnerable situations, have access to effective remedies and means of adaptation to enjoy lives of human dignity.*<sup>98</sup>

The ICJ likewise canvassed the impact of climate change on a range of rights, including the rights to life, health, an adequate standard of living, privacy, and family and home life.<sup>99</sup>

UN treaty bodies and domestic courts have also confirmed that inadequate responses to climate change may constitute violations of States’ human rights obligations. In 2022, in *Daniel Billy v. Australia*, the UN Human Rights Committee found that Australia’s failure to adequately act on climate change violated the rights of Torres Strait Islanders under articles 17 (right to privacy, family, and home) and 27 (right of minorities to enjoy and maintain their culture) of the International Covenant on Civil and Political Rights.<sup>100</sup> Even in cases where procedural grounds prevented a finding of violation, such as the complaint brought by several children before the CRC, the Committee nonetheless acknowledged that States may have obligations under the Convention on the Rights of the Child in relation to climate change.<sup>101</sup> Similarly, the CESCR has interpreted the right to health as encompassing the prevention and reduction of exposure to harmful environmental conditions, including pollutants and other risks linked to climate change.<sup>102</sup> The Committee on the Elimination of Discrimination against Women (CEDAW) observed that responses to climate change should be

*designed and implemented in accordance with the human rights principles of substantive equality and nondiscrimination, participation and empowerment, accountability and access to justice, transparency, and the rule of law.*<sup>103</sup>

The European Court of Human Rights (ECtHR) has long held that environmental degradation can infringe on the rights to life and to privacy and family life,<sup>104</sup> and in its recent decision in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, it found that article 8 of the European Convention on Human Rights entails a right to effective protection by State authorities from serious adverse effects of climate change on life, health, well-being, and quality of life. The Court outlined a framework for evaluating State responsibility, comprising four key elements: (a) causation between GHG emissions and climate change;

<sup>98</sup> “OHCHR and Climate Change,” United Nations Human Rights Office of the High Commissioner, <https://www.ohchr.org/en/climate-change>.

<sup>99</sup> ICJ Advisory Opinion (supra 18): paras. 372-381.

<sup>100</sup> Human Rights Committee, *Billy and others v. Australia*, Communication No. 3624/2019, UN Doc. CCPR/C/135/D/3624/2019 (2022).

<sup>101</sup> Committee on the Rights of the Child, *Sacchi v. Argentina*, Communication No. CRC/104/2019 (October 8, 2021).

<sup>102</sup> UN Committee on Economic, Social and Cultural Rights (2000) General Comment No. 14, *The Right to the Highest Attainable Standard of Health*, para 15, UN Doc. E/C.12/200/4: para. 15.

<sup>103</sup> Committee on the Elimination of Discrimination against Women, *General Recommendation No. 37 (2018) on Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change*, UN Doc. CEDAW/C/GC/37 (2018), para. 14; cited in ICJ Advisory Opinion (supra 18): para. 383.

<sup>104</sup> ECtHR, *López Ostra v. Spain*, App. No. 16798/90, Judgment of December 9, 1994, 20 Eur. H.R. Rep. 277.

(b) the link between climate change consequences and the enjoyment of human rights; (c) the connection between State action or inaction and specific impacts on individuals or groups; and (d) the attribution of responsibility to a particular State. Applying this framework, the Court found significant shortcomings in Switzerland's domestic regulatory response, including a failure to quantify national GHG emissions targets and meet its own past commitments.<sup>105</sup>

Advisory Opinion OC-32/25, issued by the IACtHR in May 2025,<sup>106</sup> situates climate change squarely within the human rights framework and describes the current situation as a global climate emergency that particularly endangers the most marginalized. The Court concluded that States have obligations to address the anthropogenic causes of climate change, protect the most at-risk communities, and allocate the maximum available resources toward these ends.

The Paris Agreement's recognition of human rights obligations applies broadly to all climate-related government actions—ranging from disaster response and infrastructure investments to conservation policies. Climate action can itself infringe upon rights if not designed carefully:<sup>107</sup> forest-based mitigation strategies can increase demand for land and restrict access to food, water, sanitation, or housing;<sup>108</sup> renewable energy projects may displace populations in vulnerable situations or alter ecosystems in ways that harm livelihoods and well-being; child labor may be used in mines of cobalt destined for portable devices and rechargeable batteries, including electric car batteries.<sup>109</sup> All of these are breaches of international human rights law and therefore oblige States not only to act on climate change, but to do so in a manner that prioritizes human dignity, equity, and justice at every stage.<sup>110</sup>

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<sup>105</sup> ECtHR, *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, no. 53600/20, judgment (Grand Chamber) of 9 April 2024: para. 573.

<sup>106</sup> Corte IDH; OC-32/25 (supra 12).

<sup>107</sup> United Nations Environment Programme (UNEP), *Climate Change and Human Rights* (2015), [https://wedocs.unep.org/bitstream/handle/20.500.11822/9530/Climate\\_Change\\_and\\_Human\\_Rights.pdf](https://wedocs.unep.org/bitstream/handle/20.500.11822/9530/Climate_Change_and_Human_Rights.pdf)

<sup>108</sup> A/77/226 (supra 7): p. 5. See also Aditi Sen and Nafkote Dabi, *Tightening the Net: Net Zero Climate Targets – Implications for Land and Food Security* (Oxfam, 2021), <https://policy-practice.oxfam.org/resources/tightening-the-net-net-zero-climate-targets-implications-for-land-and-food-equ-621205/>.

<sup>109</sup> International Labour Organization. *Child Labour in Mining and Global Supply*. May 2019, 2. [https://www.ilo.org/global/topics/child-labour/publications/WCMS\\_720743/lang-en/index.htm](https://www.ilo.org/global/topics/child-labour/publications/WCMS_720743/lang-en/index.htm)

<sup>110</sup> United Nations Environment Program (supra 107): 8-9.

## SEXUAL AND GENDER DIVERSITY IN CLIMATE ACTION

The integration of a gender perspective into climate change frameworks has been gradual and limited in scope. The original text of the UNFCCC does not refer to the term at all. In 2001, drawing from the Beijing Declaration,<sup>111</sup> States parties to the UNFCCC formally encouraged the full participation of women in decision-making processes.<sup>112</sup> For years thereafter, gender efforts remained focused on achieving parity in the membership and governance of the UNFCCC and the Kyoto Protocol.<sup>113</sup>

In 2009, the CEDAW expressed concern over the absence of a gender perspective in both the UNFCCC and national climate strategies, underscoring that gender equality encompasses more than just numerical representation—it requires acknowledging the differentiated impacts of climate change on men and women, and ensuring equal participation in shaping responses. Echoing criticism of the characterization of women as intrinsically vulnerable, it also emphasized that women are powerful agents of change and not “just helpless victims of climate change.”<sup>114</sup>

Some progress occurred in 2012 with the adoption of the Lima Work Program on Gender (LWPG),<sup>115</sup> which sought to clarify the meaning and implementation of gender-responsive climate policy. Following the adoption of the Paris Agreement three years later, early guidance on the preparation of NDCs encouraged States to develop plans using gender-sensitive approaches aligned with sustainable development goals.<sup>116</sup> In 2017, the COP took a significant step by mandating the integration of a gender perspective across all areas of climate action and establishing the LWPG Gender Action Plan.<sup>117</sup> A 2019 review of the LWPG revealed continued gaps, and the COP reaffirmed that “the full, meaningful and equal participation and leadership of women in all aspects of the UNFCCC process and in national and local climate policy and action is vital for achieving long-term climate goals.”<sup>118</sup> The Enhanced LWPG, adopted in 2024, will remain in effect until 2034.

<sup>111</sup> At the Fourth World Conference on Women in Beijing, the UN adopted a global commitment to gender equality and a call for women’s empowerment. The Beijing Declaration’s formulated strategic objectives on “women and the environment,” including: (1) involving women in environmental decision-making at all levels; (2) integrating gender concerns and perspectives in policies and programmes for sustainable development; and (3) establishing mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women.

<sup>112</sup> United Nations Framework Convention on Climate Change (UNFCCC), Report of the Conference of the Parties on Its Seventh Session, Held at Marrakesh from 29 October to 10 November 2001. Addendum. Part Two: Action Taken by the Conference of the Parties, UN Doc. FCCC/CP/2001/13/Add.4 (2001): Decision 36/CP.7; Preamble.

<sup>113</sup> Kyoto Protocol (supra 2).

<sup>114</sup> Committee on the Elimination of All Forms of Discrimination Against Women (2009), ‘Statement of the CEDAW Committee on Gender and Climate Change’, 44th session, New York (20 July – 7 August 2009); [https://www2.ohchr.org/english/bodies/cedaw/docs/Gender and climate change.pdf](https://www2.ohchr.org/english/bodies/cedaw/docs/Gender%20and%20climate%20change.pdf)

<sup>115</sup> United Nations Framework Convention on Climate Change (UNFCCC). Report of the Conference of the Parties on its Twentieth Session, held in Lima from 1 to 14 December 2014. Addendum. Part Two: Action taken by the Conference of the Parties at its twentieth session. FCCC/CP/2014/10/Add.3. Bonn: UNFCCC, 2 February 2015. Decision 18/CP.20, “Lima Work Programme on Gender.”

<sup>116</sup> United Nations Framework Convention on Climate Change (UNFCCC). Report of the Conference of the Parties on its Seventeenth Session, held in Durban from 28 November to 11 December 2011. Addendum. Part Two: Action Taken by the Conference of the Parties at Its Seventeenth Session. FCCC/CP/2011/9/Add.1. Bonn: UNFCCC, 15 March 2012: para. 3.

<sup>117</sup> United Nations Framework Convention on Climate Change (UNFCCC). Report of the Conference of the Parties on Its Twenty-Third Session, Held in Bonn from 6 to 17 November 2017. Addendum. Part Two: Action Taken by the Conference of the Parties at Its Twenty-Third Session. FCCC/CP/2017/11/Add.1. Bonn: UNFCCC, 8 February 2018. Decision 3/CP.23, “Establishment of a Gender Action Plan.”

<sup>118</sup> United Nations Framework Convention on Climate Change (UNFCCC). Report of the Subsidiary Body for Implementation on Its Fiftieth Session, Held in Bonn from 17 to 27 June 2019. FCCC/SBI/2019/15 and Add.1. Bonn: UNFCCC, 26 September 20. See also United Nations Framework Convention on Climate Change (UNFCCC). Report of the Conference of the Parties on Its Twenty-Fifth Session, Held in Madrid from 2 to 15 December 2019. FCCC/CP/2019/9. Bonn: UNFCCC, 16 March 2020..

In November 2025, COP 30 adopted the Belem gender action plan, which will guide gender-sensitive action for 2026-2034. The plan refers neither to sexual orientation nor to gender diversity, and underlines differentiated impacts of climate change “for all women and girls,” suggesting a limited understanding of gender. Additionally, some conceptual shortcomings persist. In 2016, the UNFCCC Secretariat identified a “continuing lack of clarity” on widely used terminology, including the concepts of gender-responsive and gender-sensitive,<sup>119</sup> as a major barrier to implementing the LWPG,<sup>120</sup> and yet there is still no agreed language on them. This challenge is echoed in connecting frameworks, such as the Sendai Framework, which has a 2015-2030 gender action plan to support its implementation,<sup>121</sup> qualified by scholars as a weak foundation for gender-sensitive disaster risk reduction, due to its limited references to gender equality or rights, its failure to engage with key international women’s rights instruments and a general lack of robust policy recommendations on women’s roles in disaster response.<sup>122</sup>

Similarly, as in other areas of international law, the very meaning of gender within climate frameworks remains relatively ambiguous. For some stakeholders, gender is interchangeable with women and girls. For others, it emphasizes equality and parity between men and women. A more expansive understanding recognizes gender as a social construct that shapes roles, behaviors, expressions, activities, and attributes according to the meanings ascribed to sex characteristics.<sup>123</sup> This broader interpretation is particularly relevant for LGBT and gender-diverse persons: an inclusive understanding of gender enables deeper analysis of the systemic roots of violence and discrimination, shedding light on the way in which social expectations of a male-female binary and a masculine-feminine exclusionary frame contribute to climate vulnerability. These different interpretations appear to coexist within the climate change architecture.

Scholars have criticized facially neutral policies that sustain social hierarchies and reinforce inequity by ignoring the realities of those already marginalized,<sup>124</sup> and the evaluation of impacts of climate change through a binary normative lens that excludes those who live outside traditional gender norms.<sup>125</sup> This invisibility of LGBT persons is not unique to climate frameworks: it is replicated across international policy domains, including peace and security, sustainable development, and humanitarian action. That includes frameworks addressing disaster risk reduction: while the Sendai Framework for Disaster Risk Reduction (the Sendai Framework),<sup>126</sup> promotes an all-of-society approach and calls for the integration of gender, age, disability, and cultural perspectives, it implements gender as exclusively referring to women,

<sup>119</sup> For definitions provided by UN agencies see, for example, UNICEF; Gender Equality: Glossary of Terms and Concepts” (published 2018): 3; [https://www.unicef.org/rosa/media/1761/file/Genderglossarytermsandconcepts.pdf?utm\\_source=chatgpt.com](https://www.unicef.org/rosa/media/1761/file/Genderglossarytermsandconcepts.pdf?utm_source=chatgpt.com). See also UN Women, “Glossary of Terms” (20 December 2022):

<sup>120</sup> United Nations Framework Convention on Climate Change (UNFCCC). Report of the Subsidiary Body for Implementation on Its Forty-Fourth Session, Held in Bonn from 16 to 26 May 2016. FCCC/SBI/2016/10. Bonn: UNFCCC, 22 July 2016.

<sup>121</sup> United Nations Office for Disaster Risk Reduction, United Nations Population Fund, and United Nations Entity for Gender Equality and the Empowerment of Women. Gender Action Plan to Support Implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030. 2024. [https://wrd.unwomen.org/sites/default/files/2024-03/Sendai%20GAP\\_en.pdf](https://wrd.unwomen.org/sites/default/files/2024-03/Sendai%20GAP_en.pdf)

<sup>122</sup> R. Zehra Zaidi and Maureen Fordham, “The Missing Half of the Sendai Framework: Gender and Women in the Implementation of Global Disaster Risk Reduction Policy,” *Progress in Disaster Science* 10 (April 2021): 4, <https://doi.org/10.1016/j.pdisas.2021.100170>, p. 4.

<sup>123</sup> United Nations Human Rights Council, Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz: The Law of Inclusion, A/HRC/47/27 (June 3, 2021): para. 13.

<sup>124</sup> Karlijn Van den Broeck, Gender and Climate: The Effect of Climate Change on Gender (In)Equality (University of Ghent: Unpublished Master Thesis, 2017), [https://libstore.ugent.be/fulltxt/RUG01/002/376/129/RUG01-002376129\\_2017\\_0001\\_AC.pdf](https://libstore.ugent.be/fulltxt/RUG01/002/376/129/RUG01-002376129_2017_0001_AC.pdf)

<sup>125</sup> Kath Browne and Catherine J. Nash, eds., *Queer Methods and Methodologies: Intersecting Queer Theories and Social Science Research* (Routledge: 2010).

<sup>126</sup> Sendai Framework (supra 74): para. 19.d.

fails to engage with other forms of gendered vulnerability<sup>127</sup> and renders invisible the differentiated vulnerabilities of sexual and gender minorities and the risks that they face.<sup>128</sup> A 2021 UN Women-sponsored report found that the failure of humanitarian and disaster risk reduction systems to recognize LGBT persons often leaves them to navigate crises alone, or worse, exposes them to further rights violations.<sup>129</sup>

Some inclusive practices have begun to emerge. The 2015 Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action by the Inter-Agency Standing Committee<sup>130</sup> and the 2018 Minimum Standards for Protection, Gender, and Inclusion in Emergencies by the International Federation of Red Cross and Red Crescent Societies<sup>131</sup> include references to LGBT persons. An LGBTI Stakeholder Group within the UN Stakeholder Engagement Mechanism<sup>132</sup> was a key, long-sought-after achievement of civil society advocacy. The evaluation of challenges and actions using intersectional approaches is usually a highly effective avenue to include the concerns of sexual and gender minorities. Notable examples include the 2024 technical guide on integrating human mobility and climate change linkages into relevant national climate change planning processes developed by the Task Force on Displacement of the Executive Committee of the UNFCCC Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (WIM ExCom);<sup>133</sup> the 2018 Toolkit for a Gender-Responsive Process to Formulate and Implement National Adaptation Plans developed by the UNFCCC and IISD;<sup>134</sup> and the 2018 paper on Considerations regarding vulnerable groups, communities and ecosystems in the context of the national adaptation plans developed by the UNFCCC Least Developed Countries Expert Group.<sup>135</sup>

An inclusive understanding of gender draws from a robust foundation in international and regional human rights law. Over three decades ago, the UN Human Rights Committee interpreted the prohibition of sex-based discrimination in the International Covenant on Civil and Political Rights to include sexual orientation (*Toonen v. Australia*) and, later, gender identity (*G v. Australia*).<sup>136</sup> Since then, other UN human rights bodies have similarly recognized violations based on gender identity and expression, and have

<sup>127</sup> J. C. Gaillard, Andrew Gorman-Murray, and Maureen Fordham, "Sexual and Gender Minorities in Disaster," *Gender, Place & Culture* 24, no. 1 (2017): 19, <https://www.tandfonline.com/doi/full/10.1080/0966369X.2016.1263438>.

<sup>128</sup> Zehra Zaidi et al. (supra 122): 4, <https://doi.org/10.1016/j.pdisas.2021.100170>.

<sup>129</sup> Emily Dwyer, *The Only Way is Up: Monitoring and Encouraging Diverse SOGIESC Inclusion in the Humanitarian and DRR Sectors* (2021), 9, [https://www.edgeeffect.org/wp-content/uploads/2021/03/TheOnlyWaysUp\\_Web.pdf](https://www.edgeeffect.org/wp-content/uploads/2021/03/TheOnlyWaysUp_Web.pdf)

<sup>130</sup> The Inter-Agency Standing Committee (IASC) is the longest standing and highest-level coordination forum in the United Nations system, bringing together the executive heads of 19 organizations and consortia to formulate policy, set strategic priorities and mobilize resources in response to humanitarian crisis. It was created by United Nations General Assembly resolution 46/182 in 1991.

<sup>131</sup> 2018 Minimum Standards for Protection, Gender, and Inclusion in Emergencies by the International Federation of Red Cross and Red Crescent Societies

<sup>132</sup> United Nations, *Major Groups and Other Stakeholders (MGoS), High-Level Political Forum 2025*, United Nations, accessed March 3, 2026, <https://hlpf.un.org/2025/major-groups-and-other-stakeholders-mgos>

<sup>133</sup> United Nations Framework Convention on Climate Change (UNFCCC), *Technical Guide on Integrating Human Mobility and Climate Change Linkages into Relevant National Climate Change Planning Processes*, UN Climate Change Secretariat, November 2024, accessed March 3, 2026, <https://unfccc.int/technical-guide-on-integrating-human>

<sup>134</sup> Julie Dekens and Angie Dazé, *A Framework for Gender-Responsive National Adaptation Plan (NAP) Processes*, Brief (International Institute for Sustainable Development, August 9, 2017), accessed March 3, 2026, <https://www.iisd.org/publications/brief/framework-gender-responsive-national-adaptation-plan-nap-processes>

<sup>135</sup> United Nations Framework Convention on Climate Change (UNFCCC), *Considerations Regarding Vulnerable Groups, Communities and Ecosystems in the Context of National Adaptation Plans* (Bonn: UNFCCC, December 2018), accessed March 3, 2026, <https://unfccc.int/topics/adaptation-and-resilience/resources/publications/considerations-regarding-vulnerable-groups-communities-and-ecosystems-in-the-context-of-national>

<sup>136</sup> Human Rights Committee, *Toonen v Australia*, Communication No. 488/1992, UN Doc CCPR/C/50/D/488/92; Human Rights Committee, *G v Australia*, Communication No. 2216/2012, UN Doc CCPR/C/119/D/2216/2012.

called on States to adopt responsive measures.<sup>137</sup> This legal foundation supports a broader interpretation of gender that includes the experiences of women and girls but also recognizes the specific harms experienced by LGBT persons as a result of rigid gender norms and systemic discrimination.

Although gender in the climate change context has historically been framed within a male-female binary, there is some evidence of a more inclusive interpretation beginning to take shape. Terms like gender-sensitive and gender-responsive have enabled countries that recognize SOGI as protected characteristics to interpret these concepts in broader and inclusive ways:

- In 2022, during the mid-term review of the Gender Action Plan, the UNFCCC secretariat issued several reports incorporating inputs from States and stakeholders. One report acknowledged that vulnerability to climate impact is shaped by intersecting social factors, including gender identity and sexual orientation, and noted that individuals from marginalized groups, including sexual and gender minorities, face heightened barriers to adaptation. It also cited submissions recommending that climate analysis adopt an intersectional approach that accounts for the identities of the persons belonging to these communities.<sup>138</sup>
- Another UNFCCC secretariat report highlighted work by the Australia Pacific Climate Partnership to challenge discriminatory narratives that blame LGBT communities for climate disasters and emphasize the need to address persistent data gaps,<sup>139</sup> and referenced contributions to the Sixth Assessment Report of the IPCC that recognized non-conforming gender orientation and sexuality as compounding factors of climate vulnerability.<sup>140</sup>

The COP took note of these findings in its review of the Gender Action Plan.<sup>141</sup>

The final review report, published two years later by the UNFCCC secretariat, noted that some State and stakeholder submissions emphasized the unique climate-related challenges faced by LGBT persons and other marginalized groups and stressed the need for intersectional, inclusive approaches.<sup>142</sup> These

<sup>137</sup> Report of the Office of the United Nations High Commissioner for Human Rights: Discrimination and violence against individuals based on their sexual orientation and gender identity, A/HRC/29/23 (May 4, 2015), paras 21 and 36, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/088/42/PDF/G1508842.pdf?OpenElement>; Committee on Economic, Social and Cultural Rights, General comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights) (May 2, 2016): paras. 23 and 40; Committee on the Rights of the Child, General comment No. 20 (2016) on the implementation of the rights of the child during adolescence (December 16, 2016): paras. 33-34; United Nations Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Dainius Pūras: Addendum—Visit to Malaysia (19 November–2 December 2014), A/HRC/29/33/Add.1 (May 1, 2015): paras. 86, 88 and 111(q); Human Rights Committee, Concluding observations on the third periodic report of Kuwait, CCPR/C/KWT/CO/3 (August 11, 2016): paras. 12 and 13; Human Rights Committee, Concluding observations on the seventh periodic report of the Russian Federation, CCPR/C/RUS/CO/7, (April 28, 2015): para. 10.

<sup>138</sup> United Nations Framework Convention on Climate Change (UNFCCC), Report of the Subsidiary Body for Implementation on Its Fifty-Seventh Session, Held in Bonn from 6 to 16 June 2022, FCCC/SBI/2022/7 (Bonn: UNFCCC, 12 October 2022): paras. 44, 94.

<sup>139</sup> United Nations Framework Convention on Climate Change (UNFCCC), Report of the Subsidiary Body for Implementation on Its Fifty-Seventh Session, Held in Bonn from 6 to 16 June 2022, FCCC/SBI/2022/8 (Bonn: UNFCCC, 12 October 2022): paras. 32.d and 127.d.

<sup>140</sup> IPCC, 2022: Climate Change 2022: Impacts, Adaptation and Vulnerability (supra 11).

<sup>141</sup> United Nations Framework Convention on Climate Change (UNFCCC), Report of the Conference of the Parties on Its Twenty-Seventh Session, Held in Sharm el-Sheikh from 6 to 20 November 2022. Addendum. Part Two: Action Taken by the Conference of the Parties at Its Twenty-Seventh Session, FCCC/CP/2022/10/Add.3 (Bonn: UNFCCC, 17 March 2023), Decision 24/CP.27, “Intermediate Review of the Implementation of the Gender Action Plan”: paras. 3 and 6.

<sup>142</sup> United Nations Framework Convention on Climate Change (UNFCCC), Progress, Challenges, Gaps and Priorities in Implementing the Gender Action Plan, and Future Work to Be Undertaken on Gender and Climate Change: Synthesis Report by the Secretariat, FCCC/SBI/2024/11 (Bonn: UNFCCC, 27 May 2024).

submissions also pointed out that the Lima Work Program on Gender (LWPG),<sup>143</sup> its enhanced version, and its gender action plan had not sufficiently incorporated intersectionality or explicitly addressed the differentiated climate impacts linked to SOGI.<sup>144</sup> The following year, the synthesis report prepared by the Secretariat noted that the Technology Executive Committee, an institutional pillars of the Technology Mechanism, highlighted in its policy brief that “[p]eople of different genders often have different travel needs and behaviors owing to gender roles and social norms, as well as to characteristics of individuals such as race, ethnicity, sexual orientation, gender identity, disability status and class, which intersect to create unique dynamics and effects, necessitating gender-specific policy considerations;”<sup>145</sup> and made reference to “considerable evidence that existing urban mobility systems neither provide women and gender-diverse people with the same level of access, safety and connectivity as they do for men, nor provide equal employment opportunities.”<sup>146</sup>

These rare mentions notwithstanding, current gender-sensitive approaches in climate policy remain narrow and binary, effectively excluding LGBT persons as such. A 2024 analysis by the UNFCCC secretariat of 166 Party submissions found that gender was overwhelmingly used to mean biological sex, with male and female as the only recognized categories. Only one Party referred to “2SLGBTQI+” persons, and another to “people with nonbinary genders.”<sup>147</sup>

To fulfil the commitment to coherence with international human rights instruments, including those cited in foundational climate governance texts like the Paris Agreement, the process of developing and evaluating climate policy instruments such as NDCs and NAPs must integrate the full spectrum of gender identities and experiences. Doing so is essential to meaningfully address intersectional climate vulnerability and to ensure that climate action upholds the rights and dignity of all people. The following section assesses the extent to which inclusivity is reflected in those key instruments.

## NATIONALLY DETERMINED CONTRIBUTIONS

In total, there are 195 countries or jurisdictions that are or have been Parties to the Paris Agreement, including 191 UN Member States, two self-governing jurisdictions (Cook Islands and Niue), and two UN Observer States (State of Palestine and The Holy See). Each has submitted one or several NDCs, for a total of 312 NDCs publicly available and accessible for this study as of November 21, 2025 (a complete account of the methodology is provided in Appendix I). The outcomes of the review suggest a strong uptake in global vulnerability analysis:

- 84.6% of the parties to the Paris Agreement (165 of 195) have included at least one reference to community vulnerability in Nationally Determined Contributions (NDCs).

<sup>143</sup> Lima Work Programme on Gender (supra 115).

<sup>144</sup> FCCC/SBI/2024/11 (supra 142).

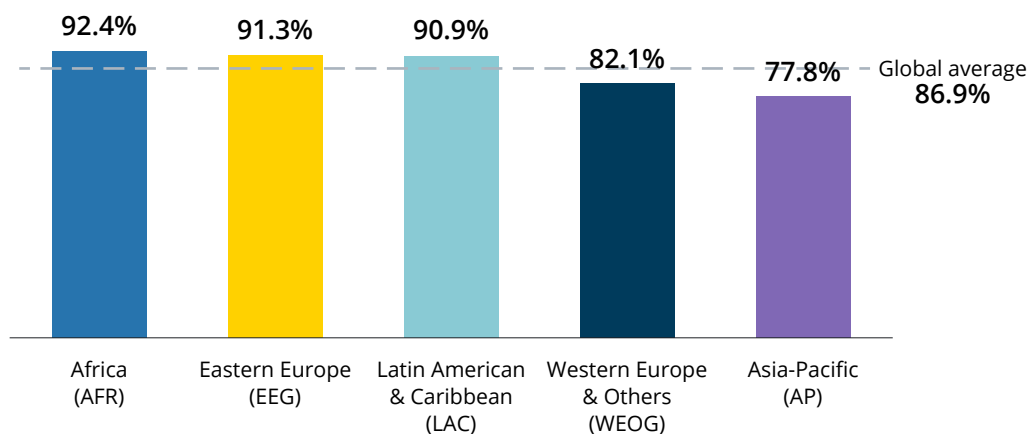
<sup>145</sup> United Nations Framework Convention on Climate Change (UNFCCC), Progress in Integrating a Gender Perspective into Constituted Body Processes: Synthesis Report by the Secretariat, FCCC/CP/2025/6, pre-session documents for the UN Climate Change Conference (COP 30), Belém, 12 September 2025 (Bonn: UNFCCC, 12 September 2025): para. 121.d.(iv).

<sup>146</sup> FCCC/CP/2025/6 (supra 145): para. 121.d.(v).

<sup>147</sup> United Nations Framework Convention on Climate Change (UNFCCC), Implementation of Gender-Responsive Climate Policies, Plans, Strategies and Action as Reported by Parties in Regular Reports and Communications under the UNFCCC: Synthesis Report by the Secretariat, FCCC/CP/2024/5 (Baku: UNFCCC, 5 September 2024), accessed March 3, 2026, <https://unfccc.int/documents/640613>: para. 54.

- Within UN regions, Africa (AFR), Eastern Europe (EEG), and Latin America and Caribbean (LAC) show the highest proportion of countries that mention vulnerability (92.4% in AFR, 91.3% in EEG, and 90.9% in LAC).
- Western European and other countries (WEOG) have a relatively high proportion of countries, including vulnerability analysis (82.1%) in NDCs.
- Asia-Pacific (AP) has the lowest proportion, with 77.8% of countries in the region including vulnerability analysis in NDCs.

Figure 1. Inclusion of community vulnerability in NDCs by UN regional group (% of States)



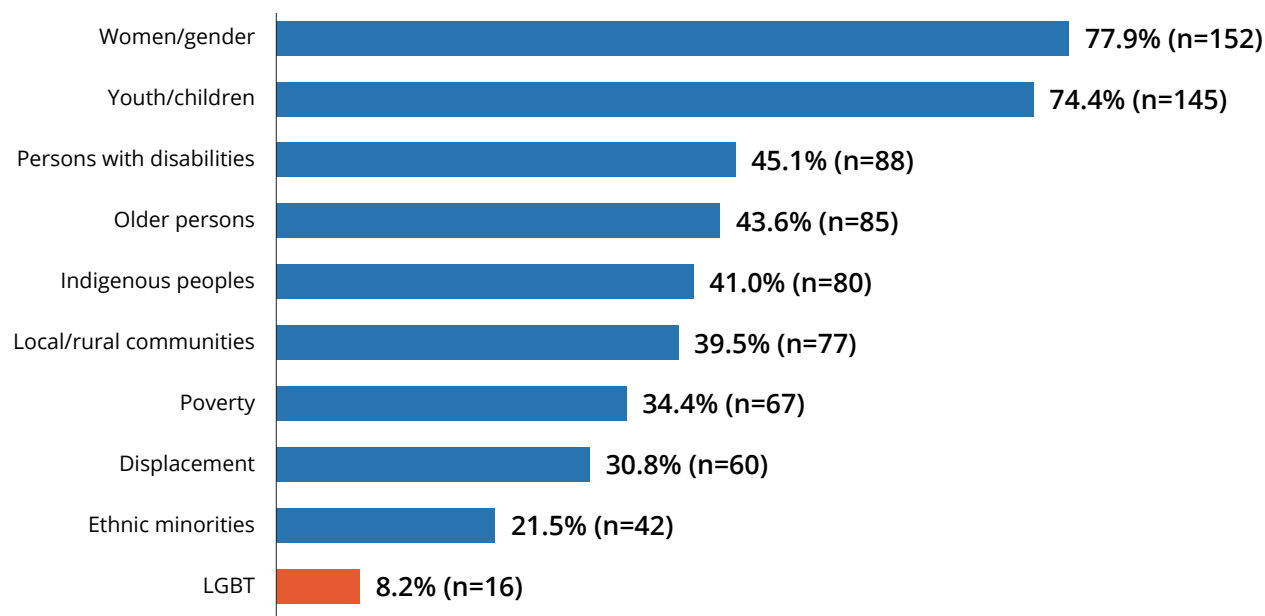
Inclusion in such reporting affects a wide range of actions, from data collection and monitoring to program budgeting, resource allocation, and effective participation. Visibility directly shapes how communities participate and are empowered in climate action.

Similarly, the evidence suggests that groups explicitly named in the Paris Agreement (i.e., women, persons with disabilities, Indigenous Peoples, local communities, migrants, children) are more often explicitly cited in the NDCs of parties to the Agreement. Of the 165 parties that include vulnerability mention or analysis in their NDCs:

- About three-quarters include mentions to women (77.9%) and youth/children (74.4%).
- Fewer parties mention persons with disabilities (45.1%), older persons (43.6%), Indigenous Peoples (41%), and/or local communities (39.5%).
- About one-third mention forcibly displaced persons and migrants (30.8%).

In contrast, communities and groups that have historically experienced discrimination but are not explicitly mentioned in the Paris Agreement appear in very few NDCs.

- Ethnic minorities are recognized by about one-fifth (21.5%) of parties to the Paris Agreement, and LGBT persons by fewer than one out of ten (8.2%).
- Among groups that are seen as politically sensitive in some contexts (i.e., LGBT persons, migrants, and ethnic minorities), including some mentioned in the Paris Agreement, explicit recognition by parties to the Agreement is inconsistent and may even backslide in subsequent NDCs, suggesting that their recognition is not part of consolidated State policy.

**Figure 2. Countries/jurisdictions including vulnerable groups in NDCs (N=195)**

These findings suggest that explicit reference in the Paris Agreement is likely associated with a group's inclusion in national climate commitments. Conversely, the absence of a group or population in the Agreement's language could reduce its chances of being explicitly mentioned in vulnerability assessments, stakeholder consultations, or adaptation priorities, and subsequently impose higher barriers to benefiting from climate finance, project targeting, and just transition measures. In other words, this evidence suggests that explicit inclusion in international climate frameworks, such as the Paris Agreement, plays a gatekeeping role, structuring whose climate vulnerabilities become visible and actionable within national and international climate governance—and whose remain overlooked.

Sixteen countries explicitly include a reference to LGBT or gender-diverse persons in their NDC.

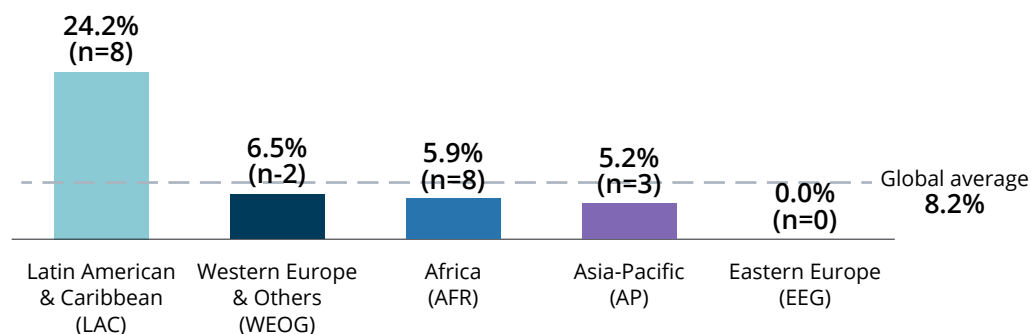
**Table 1. Countries with LGBT/SOGI references in NDCs by UN region**

UN REGION	COUNTRIES
Latin America & Caribbean (LAC)	Antigua and Barbuda, Belize, Colombia, Costa Rica, Ecuador, Mexico, Panama, Saint Kitts and Nevis
Africa (AFR)	Cabo Verde, Eswatini, Kenya
Asia-Pacific (AP)	Nepal, Philippines, Vanuatu
Western Europe & Others (WEOG)	Canada, United States of America
Eastern European Group (EEG)	None

As illustrated in Figure 2, regional disparities in SOGI inclusion are pronounced. LAC stands out as the only region exceeding the global average: it has 50% of all countries with SOGI references (8 of 16), with 24.2% of countries in the region including SOGI references—nearly three times the global average of 8.2%. All other regions fall below the average: WEOG has a 6.5% mention rate (2 out of 28); AFR, 5.9% (3 out of 53); and AP, 5.1% (3 out of 54). No country in the EEG region has mentioned SOGI in an NDC cycle.

This regional concentration suggests that SOGI inclusion in climate commitments may be shaped by broader regional norms around legal recognition and rights protections for LGBT persons, rather than by climate vulnerability or exposure alone.

Figure 3. Percentage of countries/jurisdictions within each region with SOGI references in NDCs (N=195)



In the cases in which there is explicit mention of LGBT persons, or use of language that suggests a recognition of gender and sexual diversity through NDCs, the terminology and scope differ substantially:

Table 2. Countries with LGBT/SOGI references in Nationally Determined Contributions

COUNTRY	# OF NDC PRESENTED	NDC DOCUMENT MENTIONING SOGI OR LGBT	ROUND	LANGUAGE SUGGESTING SOGI OR LGBT RECOGNITION
Antigua and Barbuda	1	<a href="#">Antigua and Barbuda First NDC (Updated submission)</a>	2	"The aim is to integrate international and regional standards for equitable investment opportunities for its citizens of different gender[.]" (p. 32)
Belize	2	<a href="#">Belize NDC 3.0 Update</a>	3	"[T]he LGTBQ+ community" (p. 55).
Cabo Verde	2	<a href="#">Cabo Verde NDC 3.0</a>	3	"Targeted Climate action will ensure LGBTQI+ individuals are protected from discrimination and have equal access to services and safe spaces during climate-related emergencies." (p. 74)
Canada	2	<a href="#">Canada First NDC (updated submission)</a>	1	"2SLGBTQQA [...] are an essential part of climate leadership and action" (p. 7); "In 2021, the Government of Canada also released the Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQA+ People, which supports systemic change to address the tragedy of missing and murdered Indigenous women, girls and Two Spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual people" (p. 22).

COUNTRY	# OF NDC PRESENTED	NDC DOCUMENT MENTIONING SOGI OR LGBT	ROUND	LANGUAGE SUGGESTING SOGI OR LGBT RECOGNITION
Canada	2	<a href="#">Canada's 2035 NDC</a>	3	"In setting the 2035 target, the Government of Canada undertook a GBA Plus assessment on the impacts of various levels of climate ambition on diverse groups of people, including [...] 2SLGBTQIA+ individuals" (p. 32).
Colombia	1	<a href="#">Colombia NDC 3.0</a>	3	"NDC 3.0 reaffirms this commitment and advances the full and effective inclusion of women in all their diversity [...], as well as people with diverse sexual orientations, gender expressions and identity, in decision-making processes on climate change and biodiversity. It also seeks to strengthen equality in access to resources, opportunities and benefits derived from climate action" (p. 17). Translation by author.
Costa Rica	2	<a href="#">Costa Rica NDC 2025 - 2035</a>	1	"Women in their diversity" (p. 24); "Enhance young people's climate leadership through capacity building, spaces for binding participation, and financing mechanisms that allow them to design and implement joint mitigation and adaptation solutions in their territories, integrating gender, intersectionality, and intergenerational justice approaches to ensure the active inclusion of [...] LGBTIQ+ youth" (p. 107). Translation by author.

COUNTRY	# OF NDC PRESENTED	NDC DOCUMENT MENTIONING SOGI OR LGBT	ROUND	LANGUAGE SUGGESTING SOGI OR LGBT RECOGNITION
Costa Rica	2	Costa Rica First NDC (Updated submission)	3	“Starting in 2021, the country will develop spaces for dialogue and participation, both virtual and face-to-face, for groups particularly vulnerable to climate change, including the [...] trans community [...] in a way that is appropriate and accessible to the realities, worldviews, and traditions of the different communities and populations” (p. 50); “By 2030, the country will monitor the indicators required to ensure gender equality and the empowerment of the trans community [...] in the climate agenda in the action sectors” (p. 52); “By 2030, the country will have differentiated data on the reality of the historically excluded and most vulnerable groups to the effects of climate change, including at least the Afro-descendant community, organized groups of women, youth, the transsexual community, Indigenous Peoples, people with disabilities and older adults (p. 53); reference to consultations with the trans community (pp. 95; 100). Translation by author.
Ecuador	1	Ecuador Second NDC	2	Mentions the participation of LGBTI+ representatives during public consultations (p. 38).
Eswatini	2	Eswatini First NDC (Updated submission)	1	“Eswatini has recognized several such vulnerable groups such as [...] LGBTQI [...]” (p. 8)
Kenya	2	Kenya First NDC (Updated submission)	1	“These impacts [of climate change] are not gender neutral, impacting men, women and other gender groups differently” (p. 2).
Kenya	2	Kenya’s Second NDC 2031 - 2035	3	“Different gender groups” (p. 19); “vulnerable gender groups” (p. 28).
Mexico	2	Mexico: Updated NDC 2022	2	“Mexico stresses that climate action must be respectful of human rights, and that it must at all times monitor and promote all rights for all, [including the] LGBTQ population” (p. 6).
Mexico	2	Mexico NDC 3.0	3	Extensive policy measures for the LGBTIQ+ populations.
Nepal	2	Nepal NDC 3.0	3	“[...] Dalits, diverse genders” (p. 35).

COUNTRY	# OF NDC PRESENTED	NDC DOCUMENT MENTIONING SOGI OR LGBT	ROUND	LANGUAGE SUGGESTING SOGI OR LGBT RECOGNITION
Panama	1	Panama Second NDC	2	"Women in all their diversity" (p. 43).
Philippines	1	Philippines First NDC	1	"[T]he Philippines NDC upholds the importance of meaningful participation of [...] persons with diverse sexual orientation and gender identity" (p. 1).
Saint Kitts and Nevis	1	Saint Kitts and Nevis First NDC (Updated submission)	1	"Diverse women and men" (p.16).
United States of America	2	United States of America 2035 NDC	3	"gender-diverse persons" (p. 14).
Vanuatu	2	Vanuatu NDC Revised and Enhanced	1	"The lesbian, gay, bisexual, transgender, queer, intersex, asexual and ally (LGBTQIA+) community is one such group, which, because of its social vulnerability, is a hidden victim of climate change to a wide extent. LGBTQIA+ individuals are uniquely vulnerable to exclusion, violence and exploitation because of the cumulative impacts of social stigma, discrimination and hatred. The social stigma around the LGBTQIA+ community also makes several social opportunities and infrastructure unavailable to them. The roots of climate change are tied with the roots of multiple oppressions." (p. 22)
Vanuatu	2	Vanuatu NDC 3.0	3	"Women in all their diversity" (p. 21).

Source: UNFCCC NDC Registry. N=21 NDC documents from 16 countries

Of these 16 States, six (Antigua and Barbuda, Colombia, Ecuador, Panama, the Philippines, and Saint Kitts and Nevis) have presented only one NDC, and therefore, it is not possible to assess continuity. Among the remaining 10 States that have presented two NDCs, three (Belize, Nepal and the United States) mentioned LGBT persons or gender diversity in their most recent NDC only, six (Cabo Verde, Canda, Cost Rica, Kenya, Mexico and Vanuatu) mentioned LGBT/SOGI in both rounds of their NDCs, and one (Eswatini) mentioned it in its first NDC but discontinued the reference in its second. It would therefore appear that an initial mention of LGBT persons or gender diversity is a predictor of continuity.

Even within this group, it is not possible to infer that the recognition or inclusion of LGBT persons in the NDC followed a clear policy to address discrimination:

- While suggesting recognition of gender diversity, Antigua and Barbuda, Saint Kitts and Nevis, Kenya, and Panama nevertheless use ambiguous language that does not offer conclusive evidence of LGBT-inclusive policies.

- In the case of Ecuador, which reported that LGBT representatives were involved in the NDC development process, and of Eswatini, which recognized that LGBT persons are in situations of vulnerability, the mention appears to be of limited consequence since the governments did not offer measures to address the needs of these communities.
- In other cases, governmental action after the presentation of the NDC suggests reversals of recognition. The United States, which also mentioned gender-diverse persons in its 2024 NDC, later adopted a series of Executive Orders that barred legal recognition of gender identity and terminated differentiated approaches based on sexual orientation and other statuses in public policy. Vanuatu also referred to LGBT persons, but since then announced the creation of a task force to draft legislation banning all LGBT promotion and advocacy.

Some NDCs provide promising models of how recognition in NDCs can serve as a foundation for advocacy, data collection, and policy development.

- Belize, Costa Rica, and Nepal created entry points by including LGBT persons in broader frameworks related to gender, equality, disability, and social inclusion.
- Canada committed to advancing inclusive labor policies during the energy transition, specifically identifying “women, 2SLGBTQIA+ individuals,” and other underrepresented groups in sectors such as oil and gas, heavy industry, and construction, as beneficiaries of green job initiatives.

Mexico’s most recent NDC<sup>148</sup> is unique in its intentionality and scope. It identifies the lived realities of LGBT persons as part of the evidence base (see pp. 35, 41, and 150 of the NDC, for example) and the consultation processes (pp. 17, 65, 89, and 135), and recognizes them as a priority population (p. 144). The NDC establishes four lines of action: promoting legal recognition of these communities and populations “in legal, policy, and institutional frameworks;” data collection disaggregated by sex, gender identity, and sexual orientation; responding to weather events considering the differentiated needs of LGBT persons; and promoting actions of awareness of the challenges faced by them by the impact of climate change.<sup>149</sup>

## NATIONAL ADAPTATION PLANS

In theory, effective adaptation projects should illustrate how they reduce vulnerability—from baseline conditions to future projections—by transforming social and economic systems.<sup>150</sup> As such, adaptation offers concrete entry points for advancing social inclusion and strengthening community resilience. A recent mapping exercise of NAPs from UNFCCC State parties<sup>151</sup> found that 23 countries (11.6%) acknowledged sexual and gender-diverse groups in the context of adaptation. Among them:

- 15 NAPs referenced “sexual and gender minorities,” three referred only to “sexual minorities,” and five only to “gender minorities.”

<sup>148</sup> México, Contribución Determinada a Nivel Nacional 3.0 (NDC 3.0), Spanish PDF, submitted 17 November 2025, United Nations Framework Convention on Climate Change (UNFCCC), accessed March 3, 2026, [https://unfccc.int/sites/default/files/2025-11/NDC%203.0%20Me%C3%81xico\\_spanish.pdf](https://unfccc.int/sites/default/files/2025-11/NDC%203.0%20Me%C3%81xico_spanish.pdf)

<sup>149</sup> México NDC 3.0 (supra 148): p. 41.

<sup>150</sup> Commonwealth Secretariat; “Toolkit to Enhance Access to Climate Finance. A Commonwealth Practical Guide;” 2022; [https://unfccc.int/sites/default/files/resource/Toolkit\\_to\\_Enhance\\_Access\\_to\\_Climate\\_Finance\\_UPDF.pdf](https://unfccc.int/sites/default/files/resource/Toolkit_to_Enhance_Access_to_Climate_Finance_UPDF.pdf): 38.

<sup>151</sup> Goodwin, Sean and Goldsmith, Leo; “Mapping Sexual and Gender Minority Inclusion in National Adaptation Plans Globally;” in Research Square; Posted Date June 16, 2025; <https://doi.org/10.21203/rs.3.rs-6870576/v1>.

- 15 NAPs were categorized by the study's authors as "gender-sensitive," meaning they acknowledged risks for these communities without proposing specific actions.
- Six NAPs were deemed "gender-responsive," as they outlined concrete actions.
- Two NAPs (Argentina and Bangladesh) were classified as "gender-transformative" because they included measures for community participation, targeted interventions, and measurable indicators.

Argentina's NAP set a goal of increasing awareness about the climate vulnerability of cisgender heterosexual women and LGBT persons. It included consultations with LGBT civil society, created working groups, proposed labor inclusion measures, and addressed climate-related health risks (such as those associated with extreme temperatures and drought) with a focus on populations in vulnerable situations, including LGBT persons.<sup>152</sup>

Bangladesh is a unique case study. The legislation and policy on same-sex intimacy of the Bangladeshi State are highly regressive (section 377 of the Penal Code criminalizes same-sex intercourse with imprisonment for life). Nevertheless, its 2023-2050 NAP recognizes gender diversity, and hijra and nonbinary persons. The plan gives priority to the voices of people with diverse gender identities and commits to their participation in policymaking processes, and includes provisions for gender-responsive budget reporting that include nonbinary individuals. The NAP also mentions inclusive climate-resilient health care and training programs in climate finance and skills for a just transition.<sup>153</sup> These measures are especially significant because hijra communities remain among the most marginalized and economically disadvantaged in the country.<sup>154</sup> Civil society organizations partly attribute this positive step to the enabling environment created by legal gender recognition of hijra persons in 2014 and their own advocacy through the multi-tiered consultation process through which the NAP was prepared. They describe implementation as modest.<sup>155</sup>

## CLIMATE FINANCE

There are no indications of systemic action to recognize or include LGBT persons in climate finance, and gender-specific strategies and policies issued by international climate finance institutions (ICFIs) appear to largely reproduce the identification of gender with women and girls, excluding SOGI. For example, the gender action plan of the Climate Investment Funds refers to World Bank policies that include sexual orientation among the identities to consider when implementing intersectional approaches,<sup>156</sup> but its scope of action leaves out gay, bisexual, and trans men and does not acknowledge lesbian, bisexual, or trans women.<sup>157</sup>

<sup>152</sup> Ministry for the Environment and Sustainable Development of the Argentine Republic. 734 National Adaptation Plan (2022): 121, 125, 132; pdf

<sup>153</sup> Ministry of Environment, Forest and Climate Change of the Government of the People's Republic of Bangladesh. National Adaptation Plan of Bangladesh (2023-2050); October 2022; <https://unfccc.int/sites/default/files/resource/NAP-Bangladesh-2023.pdf>; pp. 118, 165, 182-183, 193, 200, 202.

<sup>154</sup> Osuagwu, U. (no date) "Human rights violations and associated factors of the Hijras in Bangladesh—A cross-sectional study," PLOS ONE. Public Library of Science (PLoS). doi: 10.21203/RS.3.RS-403420/V1: 6.

<sup>155</sup> Bandhu Social Welfare Society; Briefing by Jannate Nayeem; 21 August 2025 (on file with author).

<sup>156</sup> Climate Investment Funds (CIF), CIF Gender Action Plan – Phase 3 (Joint CTF-SCF/TFC.22/7/Rev.1) (Washington, DC: Climate Investment Funds, June 5, 2020), accessed March 3, 2026, [https://www.cif.org/sites/cif\\_enc/files/knowledge-documents/ctf\\_scf\\_22\\_7\\_rev.1\\_cif\\_gender\\_action\\_plan\\_phase\\_3\\_final.pdf](https://www.cif.org/sites/cif_enc/files/knowledge-documents/ctf_scf_22_7_rev.1_cif_gender_action_plan_phase_3_final.pdf): p. 3.

<sup>157</sup> CIF Gender Action Plan (supra 156): 12,13.

LGBT persons remain largely invisible in national climate policies and are seldom identified as beneficiaries of climate-related programs in climate action instruments such as NDCs, NAPs, and ICFIs. This reflects a wider pattern in comparative law and policy, where SOGI are often ignored, minimized, or treated as contentious rather than central to justice, rights, and vulnerability.

At the same time, emerging inclusive practices signal potential for change. The Adaptation Fund issued studies that encourage the use of intersectional frameworks in gender mainstreaming and recommend grounding adaptation actions on strategies for social inclusion to increase participation regardless of sexual orientation, and collecting data disaggregated by sex and gender identity.<sup>158</sup> As human rights courts and treaty-monitoring bodies increasingly acknowledge that climate change amplifies structural inequalities, they open space for asserting the rights of LGBT persons in climate governance.

## RESILIENCE AND ACTIVISM

Scholars have pointed out that groups and communities historically subjected to discrimination must also be seen through the lens of their resilience and adaptive capacity.<sup>159</sup> Strong community-led mechanisms are often activated to respond to the impacts of climate change and disasters; as one practitioner aptly observed, “vulnerability and resilience are not mutually exclusive.”<sup>160</sup> During and in the aftermath of crises, LGBT individuals often turn to one another for support, particularly when barriers limit access to state or humanitarian assistance. As a civil society representative noted, LGBT communities “find their own coping strategies, ways to access what they need. Whether it’s disasters or general climate adaptation mitigation strategies ... they’re adapting as people and communities, outside of official mechanisms.”<sup>161</sup>

To reinforce support ecosystems, States and humanitarian actors should work with existing community networks. These informal systems can provide protection and assistance, particularly in the interim before mainstream services become inclusive. Engagement must also respect the ownership and autonomy of these community-based mechanisms.<sup>162</sup> Crucially, such engagement must be complemented by legal and policy reforms that uphold LGBT inclusion and guarantee protection under human rights law.

Increasingly, LGBT civil society groups and allied funders are focusing on the intersection of climate change and SOGI, undertaking research, advocacy, and targeted funding initiatives. Recognition of leadership in this space continues to grow. Canada’s policy recognizes the stewardship of Two-Spirit

<sup>158</sup> Adaptation Fund Board, *A Study on Intersectional Approaches to Gender Mainstreaming in Adaptation-Relevant Interventions* (AFB/B.37-38/Inf.1) (Bonn: Adaptation Fund Board, 17 February 2022), accessed March 3, 2026, [https://www.adaptation-fund.org/wp-content/uploads/2022/02/AF-Final-Version\\_clean16Feb2022.pdf](https://www.adaptation-fund.org/wp-content/uploads/2022/02/AF-Final-Version_clean16Feb2022.pdf): 85. Other practices seem reflective of progress that subsequently disappeared: the GCF’s Gender Equality and Social Inclusion Policy and Action Plan 2018-2020, issued by the Secretariat, recognised sexual orientation and gender identities as categories protected from discrimination in the implementation of a human based approach for the Fund’s activities, but the Gender Policy of the Fund does not. See Green Climate Fund Board, GCF/B.19/25: [Title of Document], report of the nineteenth meeting of the Board, 26 February–1 March 2018 (Songdo, Republic of Korea: Green Climate Fund, 25 June 2018), accessed March 3, 2026, <https://www.greenclimate.fund/sites/default/files/document/gcf-b19-25.pdf>

<sup>159</sup> Angela Hefti, *An Ecofeminist Approach to Climate Risks*, 46 MICH. J. INT’L L. 363 (2025); <https://repository.law.umich.edu/mjil/vol46/iss3/2>: 381.

<sup>160</sup> Brigid Larkin, “Pride and Prejudice: LGBTIQ Community Responses to Disaster Events Worldwide,” *Australian Journal of Emergency Management* (October 2019), <https://knowledge.aidr.org.au/resources/ajem-october-2019-pride-and-prejudice-lgbtiq-community-responses-to-disaster-events-worldwide/>.

<sup>161</sup> Edge Effect Interview, November 2, 2022.

<sup>162</sup> Dwyer et al (supra 129): 10.

persons, who uphold deep cultural relationships with the land.<sup>163</sup> A representative of the Rainbow Pride Foundation noted that many civic leaders on climate change in Fiji identify as LGBT, even if their work is not explicitly tied to LGBT rights organizations,<sup>164</sup> and in North America, others have noted that the youth climate movement has queered climate justice and just transition in the conviction that “defending territory also means defending diverse bodies.”<sup>165</sup>

Building on this evolving landscape, the next section offers a rights-based analysis of the differentiated impacts of climate change on LGBT persons. It moves beyond institutional frameworks to examine how exclusion from essential services, legal criminalization, and pervasive stigma interact with environmental stressors to produce specific patterns of harm. The analysis seeks to root climate responses in a more inclusive conception of human rights—one that recognizes LGBT persons not only as disproportionately exposed to risk, but as rights-holders entitled to protection, participation, empowerment, and redress.

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<sup>163</sup> CEC 2024 (supra 70): p. 16.

<sup>164</sup> Rainbow Pride Foundation Interview, October 23, 2022.

<sup>165</sup> CEC 2024 (supra 70): p. 21.

## EXCLUSION OF LGBT PEOPLE FROM CLIMATE CHANGE FRAMEWORKS

The Paris Agreement and the Sendai Framework call for disaggregated data and vulnerability-informed strategies. The IPCC emphasizes that adaptation and mitigation measures are most effective when they are grounded in equity, social and climate justice, rights-based approaches and inclusivity; that policies redistributing resources across sectors and regions protect vulnerable populations through social safety nets; that promoting just transitions can reduce trade-offs and support climate-resilient development, and that ensuring broad and meaningful participation in decision-making fosters social trust, strengthens fair distribution of costs and benefits, and builds durable support for transformative change.<sup>166</sup>

Stigma is rooted in the social construction of difference—an “us versus them” dynamic that others LGBT persons. This process of alienation and dehumanization often precedes and enables acts of discrimination and violence. At the core is the intent to punish individuals for defying normative expectations of gender and sexuality—rigid conceptions of what it means to be male or female, masculine or feminine.

These forms of gender-based violence, driven by irrational hatred, are frequently aimed at preserving existing power structures and social hierarchies. They give rise to a cycle of marginalization that excludes LGBT persons from public services, spaces, and rights. In many contexts, this exclusion is not only social but institutional: anti-LGBT bias is codified in law and embedded within policy. Criminalization and the medical pathologization of LGBT identities, for example, constitute forms of State-sponsored discrimination and violence.

This section explores the critical relationship between social exclusion of LGBT persons and the effectiveness of climate-related responses. It examines how the denial or neglect of LGBT lived experience impairs policy coherence, misinforms humanitarian and disaster risk reduction interventions, and reinforces structural discrimination. It also highlights the importance of investing in inclusive data systems and community-based knowledge as both a moral imperative and a practical necessity for equitable climate adaptation and resilience-building.

### EXCLUSION IN RESEARCH AND DATA

The Paris Agreement emphasizes the importance of reliability, objectivity, and timeliness of evidence to determine adaptive responses to climate change through multi-pronged approaches that should be country-driven, gender-responsive, participatory, and transparent,

*taking into consideration vulnerable groups, communities and ecosystems [...] based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.*<sup>167</sup>

<sup>166</sup> Intergovernmental Panel on Climate Change (IPCC), Climate Change 2023: Synthesis Report. Summary for Policymakers, contribution of Working Groups I, II and III to the Sixth Assessment Report of the IPCC, ed. H. Lee and J. Romero (Geneva: IPCC, 2023), sec. C.5.2, <https://www.ipcc.ch/report/ar6/syr/summary-for-policymakers/>: para. c.5.2.

<sup>167</sup> Paris Agreement (supra 3): Preamble, para.4.

The Sendai Framework underscores that disaster risk management policies and practices must be grounded in a comprehensive understanding of risk, taking into account vulnerability, capacity, patterns of exposure, the characteristics of hazards, and environmental factors.<sup>168</sup> It also recognizes that relevant data and practical information must be collected, analyzed, and managed with due regard to the needs of users and understanding the impact of factors that include cultural and social heritage.<sup>169</sup> This is a point emphasized by the ECtHR, which has ruled that appropriate investigations and studies must be used in Governmental decision-making processes on environmental issues.<sup>170</sup>

However, the paucity of SOGI-sensitive climate data limits the capacity of States and institutions to uphold their obligations under international law, including those related to nondiscrimination, dignity, and the right to an adequate standard of living. The realities of LGBT persons in the context of climate vulnerability, displacement, and disaster response are rendered statistically insignificant and invisible to policy. As a result, climate-related planning often fails to reflect the lived experiences, resilience strategies, or specific needs of LGBT populations. This exclusion not only undermines the quality and legitimacy of climate action but also reproduces structural inequalities that exacerbate the marginalization of already at-risk communities.

State-sponsored attitudes to LGBT persons and their rights are often subject to political vicissitude, with seismic shifts depending on the result of one election. When the Biden administration established the Office of Climate Change and Health Equity in the United States, the design included an Interagency Working Group specifically tasked with the reduction of the risk of climate change to the vulnerable.<sup>171</sup> With the advent of the Trump administration, and as a result of deliberate policies of elimination of references to climate change and LGBT persons and data from official discourse, the Working Group was decommissioned, and references to LGBT persons, including the 2020 recognition by the United States Federal Emergency Management Agency (FEMA) that they are more likely than others to be severely impacted by disasters, was eliminated from public policy.<sup>172</sup>

Many States take exclusionary positions to extremes. Some allege that violence and discrimination based on SOGI do not exist under their jurisdiction, and others claim that LGBT persons do not exist in their culture or national identity. In these contexts of non-recognition, perpetrators are enabled and provided motivation to suppress or punish diversity. Invariably, any data gathered will be unreliable, unsystematic, and biased, and discrimination will permeate through State measures to address violence and discrimination, be it public policy, access to justice, law reform, or administrative actions.

In countries where same-sex intimacy is criminalized, where laws and policies are used to discriminate against LGBT persons, or where stigma and prejudice are rampant, the probability that victims

<sup>168</sup> Sendai Framework (supra 74): para. 23.

<sup>169</sup> Sendai Framework (supra 74): para. 24(b).

<sup>170</sup> Verein KlimaSeniorinnen Schweiz and Others v. Switzerland, (supra 105): para. 539(e).

<sup>171</sup> The White House. "FACT SHEET: Biden-Harris Administration Makes Historic Investments to Build Community Climate Resilience," June 19, 2023. Archived at the Biden White House Briefing Room. Accessed March 3, 2026; <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2023/06/19/fact-sheet-biden-harris-administration-makes-historic-investments-to-build-community-climate-resilience/>

<sup>172</sup> The White House, Ending Radical And Wasteful Government DEI Programs And Preferencing, Presidential Action, January 20, 2025, accessed March 3, 2026, <https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-and-wasteful-government-dei-programs-and-preferencing/>; 2020 National Preparedness Report, FEMA 1, 61 (Dec. 22, 2020), <https://www.hsd.org/c/abstract/?docid=848274>; 2022 National Preparedness Report, FEMA, 1, 39 (Dec. 2022), [https://www.fema.gov/sites/default/files/documents/fema\\_2022-npr.pdf](https://www.fema.gov/sites/default/files/documents/fema_2022-npr.pdf)

will interact with data collection processes is low, owing to fear of prosecution, stigma, reprisals or victimization, unwillingness to be “outed,” or lack of trust. Even in contexts of recognition, a major challenge in data collection is underreporting.<sup>173</sup>

The IE SOGI noted that lack of data is at the origin of irrational State policy and renders the LGBT community invisible.<sup>174</sup> Limited data availability creates limitations for research that seeks to apply a diverse gender and sexuality,<sup>175</sup> and the consequences of climate change for LGBT people then remain “vastly understudied,”<sup>176</sup> impacting the efficiency and efficacy of related public policy responses.

Some scholars attribute the scarcity of research and data on the effects of climate change on LGBT people to a lack of diversity in the climate change and related science fields, which “tend to be comprised of people, mainly men, who are almost completely lacking in gender expertise or even gender policy awareness.”<sup>177</sup> The argument has also been made that LGBT invisibility in climate change can be partially traced to LGBT rights advocates; some argue that they have largely neglected to “recognize the LGBT population as an environmental justice community in research and practice.”<sup>178</sup> Others note that in climate change research, it is often the case that different factors, including the scarcity of data, lead to the characterization of LGBT people as a homogenous group and to the oversight of specific subgroups’ diverse experiences.<sup>179</sup> Indeed, in general, there are significant asymmetries in the data available for certain identities, while others (particularly lesbian and bisexual women) are scarcely represented in global evidence gathering.

The absence or incompleteness of data carries serious consequences that are likely to intensify over time. Much of the existing research relies on binary classifications, thereby excluding individuals whose identities fall outside the male–female binary, including transgender, gender-fluid, genderqueer, and nonbinary persons.<sup>180</sup> Inclusive gender frameworks that take an intersectional approach are critical because they enable analysis of power asymmetries that stem from how sex is understood within a given society.<sup>181</sup> However, just as gender-neutral climate research and frameworks perpetuate patriarchal

<sup>173</sup> Human Rights Council, Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity on His Mission to Argentina, A/HRC/38/43/Add.1, Human Rights Council, 38th session, 18 June 2018, accessed March 3, 2026, <https://docs.un.org/en/A/HRC/38/43/Add.1>: para. 52

<sup>174</sup> A/HRC/47/27 (supra 123): para. 28..

<sup>175</sup> One article acknowledged a limitation to the research the authors conducted, stating: “our own studies used aggregated Decennial Census data on same-sex partner households, which comprise a fraction of the LGBT population, and we could only differentiate households based on binary biological sex categories.” Timothy W. Collins, Sarah E. Grineski, and Danielle X. Morales, “We Need Environmental Health Justice Research and Action for LGBT People,” *American Journal of Public Health* 112, no. 1 (2022): 54–56.

<sup>176</sup> Annabel Gong and Darbi Berry, “Understanding the Intersections of the LGBT Community & Climate Change,” San Diego Regional Climate Collaborative (2022), <https://digital.sandiego.edu/cgi/viewcontent.cgi?article=1022&context=npis-climate>.

<sup>177</sup> Chantal de Jonge Oudraat and Michael E. Brown, “Gender, Climate Change, and Security: Making the Connections,” Wilson Center (January 25, 2022), <https://www.wilsoncenter.org/article/gender-climate-change-and-security-making-connections>.

<sup>178</sup> Collins et al. (supra 175): 54–56.

<sup>179</sup> Billy Tusker Haworth, Scott McKinnon & Christine Eriksen, *Advancing Disaster Geographies: From Marginalisation to Inclusion of Gender and Sexual Minorities*, 16 *Geography Compass* e12664 (2022), <https://doi.org/10.1111/gec3.12664>.

<sup>180</sup> Katherine E. Simmonds et al., “Health Impacts of Climate Change on Gender Diverse Populations: A Scoping Review,” *Journal of Nursing Scholarship* 54 (2022): 81, DOI: 10.1111/jnu.12701.

<sup>181</sup> Human Rights Council, Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, A/HRC/38/43 (May 11, 2018); Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz: Data collection and management as a means to create heightened awareness of violence and discrimination based on sexual orientation and gender identity, A/HRC/41/45 (May 14, 2019); Report of the Working Group on the issue

biases that favor cisgender men, gender-binary climate research and frameworks exclude gender-diverse people and ignore how they are uniquely impacted by climate change. Without a more inclusive gender framework that accounts for the full spectrum of identities, there will continue to be a shortage of research and data that represent all LGBT communities and populations.

## DISCRIMINATORY RELIEF POLICIES AND RESPONSES

A study that examined the economic fallout of the COVID-19 pandemic identified a correlation between economic downturns and rising discriminatory attitudes based on SOGI, a trend that may extend to climate-related crises,<sup>182</sup> and researchers consider it likely that there will be an increase in discriminatory bias against LGBT persons as climate change impacts the economy.<sup>183</sup>

Humanitarian responses to disasters frequently include emergency procedures that operate within a male-female binary and exclude LGBT persons, especially gender-diverse people, and reproduce the stigma and bias present in society, negatively exposing a vast majority of them to disaster risks<sup>184</sup> and hindering their ability to recover.<sup>185</sup> Disaster risk reduction policies and initiatives that exclude or harm people on the basis of SOGI implicate the right to an adequate standard of living, which includes the right to food, clothing, housing,<sup>186</sup> water, and sanitation.<sup>187</sup> A civil society representative noted that transgender women have questioned whether the “dignity kits” the government of Fiji provides to women in the aftermath of cyclones meet the needs of trans women.<sup>188</sup> In Haiti, gay and bisexual men struggled to access international aid after the 2010 earthquake because private humanitarian organizations prioritized distributing aid to women.<sup>189</sup> In Malawi, a study revealed that 67% of LGBT individuals reported discrimination during aid distribution.<sup>190</sup>

Transgender individuals without legal recognition of their gender may be denied identity-affirming services or encounter heightened risk of violence in emergency contexts. Emergency shelters frequently segregate people based on sex. LGBT people, particularly those with diverse gender identities, have

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of human rights and transnational corporations and other business enterprises: Connecting the business and human rights and the anticorruption agendas, A/HRC/44/43 (June 17, 2020); A/HRC/47/27 (supra 123): 7; A/76/152.

<sup>182</sup> G. Mattei, T. Russo, T. Addabbo, and G. M. Galeazzi, “The COVID-19 Recession Might Increase Discriminating Attitudes toward LGBT People and Mental Health Problems due to Minority Stress,” *International Journal of Social Psychiatry* 67, no. 4 (2021): 400, <https://doi.org/10.1177/0020764020960770>.

<sup>183</sup> Mann, Samuel, Tara McKay, and Gilbert Gonzales. “Climate Change-Related Disasters & the Health of LGBTQ+ Populations.” *The Journal of Climate Change and Health*, February 2024, 100304: 3, <https://doi.org/10.1016/j.joclim.2024.100304>.

<sup>184</sup> Dwyer (supra 129): 16.

<sup>185</sup> Bleeker, Amelia, et al. “Advancing Gender Equality in Environmental Migration and Disaster Displacement in the Caribbean.” United Nations ECLAC Subregional Headquarters for the Caribbean: Studies and Perspectives Series 98 (2021): 46.

<sup>186</sup> Statement by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, and the Special Rapporteur on adequate housing: The Right to Housing of LGBT youth: An Urgent Task in the SDG Agenda Setting (2019), <https://www.ohchr.org/en/statements/2019/08/right-housing-lgbt-youth-urgent-task-sdg-agenda-setting>.

<sup>187</sup> Kyle Knight and Richard Sollom, “Making Disaster Risk Reduction and Relief Programs LGBTI-Inclusive: Examples from Nepal,” *Humanitarian Practice Exchange*, October 2, 2012, <https://odihpn.org/publication/making-disaster-risk-reduction-and-relief-Programs-lgbti-inclusive-examples-from-nepal/>.

<sup>188</sup> Rainbow Pride Foundation Interview (supra 164).

<sup>189</sup> SEROVie et al., Supplementary Information on Haiti Regarding the Treatment of Lesbian, Gay, Bisexual and Transgender Individuals (LGBT), Submission to Country Report Task Forces for the Adoption of Lists of Issues for the Government of Haiti, Scheduled for Review by Human Rights Committee during Session No. 107 (11-28 March 2013), [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/HTI/INT\\_CCPR\\_NGO\\_HTI\\_105\\_8997\\_E.doc](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/HTI/INT_CCPR_NGO_HTI_105_8997_E.doc).

<sup>190</sup> Youth for Change and Development; The Impact of Discrimination on Access to Disaster Relief Items Among LGBTQ and Key Populations Aged 18-35 in Malawi, Nkatabay District, 2023 (mimeograph, on file with author): 11.

been denied access to gender-appropriate accommodations in emergency shelters and suffered gender-based discrimination and violence when trying to access shelters. Following Cyclone Evan in Samoa, fa'afafine persons had to evacuate public shelters because they faced discrimination in shower and toilet facilities.<sup>191</sup> In Vanuatu, V-Pride documented LGBT people avoiding evacuation centers during cyclones for fear of being attacked and experiencing harassment and violence when they did access centers.<sup>192</sup> After hurricane Dorian, LGBT people in the Bahamas feared experiencing violence in emergency shelters and instead relied on finding accommodations with the help of civil society organizations.<sup>193</sup> As noted by the UN High Commissioner for Refugees, when LGBT people are excluded from humanitarian assistance, they can be forced to shelter in informal camps where they are at increased risk of violence.<sup>194</sup> Some LGBT people report having to adapt to these discriminatory policies by altering their behavior to access support and maintain their safety. One lesbian couple pretended to be siblings after Hurricane Katrina, and some men reportedly acted “more masculine” to avoid harassment and obtain services after the Haiti earthquake.<sup>195</sup>

Another factor is raised by the organizations or groups that are deputized for the provision of humanitarian aid. In interviews held in 2023, representatives of the Tonga Leitis Association highlighted the problems LGBT people have faced accessing evacuation centers during disasters because most are run by churches and other religious organizations.<sup>196</sup> During the cyclone seasons, LGBT people have faced discrimination, exclusion, and abuse. A Rainbow Pride representative shared the story of a group of LGBT people who chose not to go to an evacuation center during a cyclone, even after the house they lived in together collapsed; they remained in the collapsed structure because they felt that the evacuation center would be more unsafe for them.<sup>197</sup> Similarly, 84% of respondents in a survey conducted by J-Flag in 2019 expressed not feeling safe in “non-LGBT spaces like shelters and drop-in centers.”<sup>198</sup>

Some disaster relief efforts require individuals to show legal identification to receive aid. Where countries lack legal gender recognition, transgender, nonbinary, and other gender-diverse people whose gender identity or expression does not match their legal documentation may be denied aid or have to misidentify in order to receive it.<sup>199</sup> Such policies can prevent aid from reaching LGBT people or deter them from seeking assistance for fear of being turned away.<sup>200</sup>

The extent to which hostile environments are relevant in ascertaining risk for LGBT persons is underlined by the link between discrimination and disaster or emergency risk: of the ten countries in which same-sex intimacy is punishable by death, four have the lowest levels of food security as a result of factors that

<sup>191</sup> Gaillard et al (supra 127): 19.

<sup>192</sup> VPride, *Effective SOGIE Inclusion in Times of Disaster: A Guide for Humanitarian Agencies in Vanuatu and the Pacific* (2022): 23-24, <https://sogie.invanuatu.net/wp-content/uploads/sites/38/2022/03/VPride-Disaster-Inclusion-Guide-FINAL.pdf>

<sup>193</sup> Bleeker et al. (supra 185): 44.

<sup>194</sup> United Nations High Commissioner for Refugees and Potsdam Institute for Climate Impact Research, *Gender, Displacement and Climate Change* (November 2022), 3, <https://www.unhcr.org/5f21565b4.pdf>

<sup>195</sup> United Nations High Commissioner for Refugees and Potsdam Institute for Climate Impact Research, *Gender, Displacement and Climate Change* (November 2022), 3, <https://www.unhcr.org/5f21565b4.pdf>

<sup>196</sup> Tonga Leitis Interview, November 10, 2022.

<sup>197</sup> Rainbow Pride Foundation Interview (supra 164).

<sup>198</sup> Carla Moore MA, “The Jamaican LGBT Community Experience and Needs Assessment Survey Results,” J-Flag, (December 2019).

<sup>199</sup> Nicole Anshell, “Climate Justice Means Involving Gender and Sexual Minorities in Policy and Action,” Stockholm Environment Institute, May 5, 2021, <https://www.sei.org/perspectives/climate-justice-gender-sexual-minorities/>.

<sup>200</sup> Anshell (supra 199).

include climate change (Nigeria, Pakistan, Uganda, and Yemen),<sup>201</sup> and six are among the watchlist of the International Rescue Committee's assessment for 20 countries at greatest risk of worsening humanitarian emergency (Afghanistan, Nigeria, Somalia, South Sudan, Syria, and Yemen).<sup>202</sup>

Even when relief services are made available to LGBT people, discrimination and harassment from community members can prevent LGBT people from effectively accessing aid. Reports from Haiti have shown that in the aftermath of disasters, LGBT people have been unable to access relief because they faced discrimination and harassment.<sup>203</sup>

## NARROW CONCEPTIONS OF FAMILY AND FAITH-BASED DISCRIMINATION

In the aftermath of disasters, government aid and relief can often be tied to narrow conceptions of families. Studies on disaster risk reduction recognize that heterosexual or single-parent families are usually favored in disaster assistance,<sup>204</sup> and families of same-sex couples that are not recognized as legitimate by the State may be refused aid.<sup>205</sup> Given that a significant number of jurisdictions around the world (including small island states in the Pacific and Caribbean) do not recognize same-sex relationships, LGBT couples and families in these regions are particularly at risk.

Aid policies that discriminate against LGBT families can reduce their recovery abilities. Research in Fiji records LGBT people struggling to get government assistance to find stable long-term housing. One report records the experience of a lesbian woman who said that, over a year after cyclone Winston, "[s] till today we are moving from place to place looking for a fixed place to stay and live like a normal lesbian couple. If the housing assistance by the government was granted to people like us, we would have already built a house for ourselves."<sup>206</sup>

Discrimination based on narrow definitions of family that exclude LGBT people has been recorded elsewhere. Same-sex couples in Japan (who lack the right to marry) have been unable to live together in temporary public housing due to not legally qualifying as a family.<sup>207</sup> In Nepal, LGBT families have reported being denied food rations and other forms of government aid in the aftermath of disasters on account of not being part of traditional heteronormative nuclear family structures.<sup>208</sup> Disaster research in Japan and the United States documented that, when their relationships are not legally recognized, same-sex couples face barriers after disasters, when one partner is hospitalized. The other partner can struggle

<sup>201</sup> Global Food Security Index (<https://impact.economist.com/sustainability/project/food-security-index/>); cross-referenced with ILGA Criminalization Map (<https://database.ilga.org/criminalisation-consensual-same-sex-sexual-acts>).

<sup>202</sup> IRC Emergency Watchlist Report 2025 ([https://www.rescue.org/sites/default/files/2024-12/WatchlistAtAGlance2025\\_DIGITAL\\_FINAL.pdf](https://www.rescue.org/sites/default/files/2024-12/WatchlistAtAGlance2025_DIGITAL_FINAL.pdf)); cross-referenced with ILGA Criminalization Map (supra 201).

<sup>203</sup> SEROVie et al., Supplementary Information on Haiti Regarding the Treatment of Lesbian, Gay, Bisexual and Transgender Individuals (LGBT), Submission to Country Report Task Forces for the Adoption of Lists of Issues for the Government of Haiti, Scheduled for Review by Human Rights Committee during Session No. 107 (11-28 March 2013), [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/HTI/INT\\_CCPR\\_NGO\\_HTI\\_105\\_8997\\_E.doc](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/HTI/INT_CCPR_NGO_HTI_105_8997_E.doc).

<sup>204</sup> Bleeker et al. (supra 185): 44.

<sup>205</sup> Anshell (supra 199).

<sup>206</sup> Dwyer (supra 129): 8.

<sup>207</sup> Azusa Yamashita et al., "Segregation, Exclusion and LGBT People in Disaster Impacted Areas: Experiences from the Higashinohon Dai-Shinsai (Great East-Japan Disaster)," *Gender, Place & Culture*, 24, no. (2017): 69, doi:10.1080/0966369X.2016.1276887.

<sup>208</sup> Kyle Knight and Richard Sollom, "Making Disaster Risk Reduction and Relief Programs LGBTI-Inclusive: Examples from Nepal," *Humanitarian Practice Exchange*, October 2, 2012, <https://odihpn.org/publication/making-disaster-risk-reduction-and-relief-programs-lgbti-inclusive-examples-from-nepal/>.

to get hospital visitation rights, is not necessarily informed of a partner's death, and can lack authority to make medical decisions for the incapacitated partner.<sup>209</sup> In the United States, because a "family" was defined as a heterosexual couple with children at the time of Hurricane Katrina, some same-sex partners were separated from one another and settled into different cities.<sup>210</sup>

In some instances, if faith-based groups that do not recognize sexual and gender diversity are deputized to intervene in disaster planning and humanitarian response, discrimination may be one of the consequences. Research in Fiji, where faith-based organizations play important roles in disaster preparedness and response, documented that they frequently exclude and marginalize LGBT persons.<sup>211</sup> In Tonga, shelters that house people affected by storms during the hurricane season are run by the church, and LGBT people have faced discrimination in accessing them.<sup>212</sup>

Further, community members and faith-based and political leaders frequently blame LGBT people for causing disasters. This often involves religious narratives that frame being LGBT as a sin and the disaster as a form of divine punishment.<sup>213</sup> Researchers documented instances of such narratives in Fiji,<sup>214</sup> Vanuatu,<sup>215</sup> Malaysia,<sup>216</sup> Kenya,<sup>217</sup> Tonga,<sup>218</sup> and the Bahamas.<sup>219</sup>

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<sup>209</sup> Azusa Yamashita et al., "Segregation, Exclusion and LGBT People in Disaster Impacted Areas: Experiences from the Higashinihon Dai-Shinsai (Great East-Japan Disaster)," *Gender, Place & Culture*, 24, no. (2017): 69, doi:10.1080/0966369X.2016.1276887; Bonnie Haskell, *Sexuality and Natural Disaster: Challenges of LGBT Communities Facing Hurricane Katrina* (2014).

<sup>210</sup> Claire Kilpatrick, Kieran Higgins, Seth Atkin & Stephan Dahl, *A Rapid Review of the Impacts of Climate Change on the Queer Community*, 17 *Env't Just.* 306 (2024), <https://doi.org/10.1089/env.2023.0010>.

<sup>211</sup> Dwyer (supra 129): 31.

<sup>212</sup> GiveOut Interview, November 1, 2022.

<sup>213</sup> Edge Effect Interview (supra 161).

<sup>214</sup> Dwyer (supra 129): 10.

<sup>215</sup> VPride (supra 192): 23.

<sup>216</sup> Steve Brown, *Malaysia's Opposition Leader Blames LGBT Community for Indonesian Earthquake and Tsunami*, *Attitude* (London), Oct. 23, 2018; <https://proxy.lib.umich.edu/login?url=https://www.proquest.com/magazines/malaysia-s-opposition-leader-blames-lgbt/docview/2766089237/se-2?accountid=14667>.

<sup>217</sup> *Innovators 4 Climate Action; The Impacts of Climate Change on LBQ Individuals in Kenya*; 2024: 23.

<sup>218</sup> Tonga Leitis Interview (supra 197).

<sup>219</sup> D'Marco Foundation Interview, October 26, 2022.

## IMPACT OF CLIMATE CHANGE ON LGBT PEOPLE

Climate change creates differentiated harm across populations, and understanding its impact on LGBT persons requires a rights-based analysis (RBA) framework. This approach recognizes that climate-related damage does not occur uniformly but is mediated by pre-existing inequalities, discriminatory laws and policies, and patterns of social exclusion. An RBA starts from international human rights standards and treats LGBT people as rights-holders and governments and other actors as duty-bearers. It foregrounds core principles—equality and nondiscrimination, participation, transparency, and accountability—and asks not only who is harmed but also whose obligations are engaged, what remedies are owed, and how progress should be measured. For climate policy, this lens is useful because it moves beyond general notions of “vulnerability” to identify concrete gaps in protection, participation, and service delivery; it clarifies where exclusion is produced (laws, institutions, programs), and it links evidence to actionable duties (e.g., nondiscriminatory access to relief, inclusive data collection, safe participation in decision-making).

Climate-related harms to LGBT persons operate along three interrelated dimensions: environmental exposure, social vulnerability, and institutional exclusion. Environmental exposure captures the direct impacts of extreme weather and ecological degradation. Social vulnerability reflects how stigma, poverty, and displacement shape the capacity to cope and recover. Institutional exclusion points to state and structural barriers that deny protection, visibility, or resources. These dimensions interact, producing compounded risks rather than discrete categories of harm.

While documentation of social vulnerability and institutional exclusion of LGBT persons is substantial, empirical evidence directly linking these dynamics to differentiated climate impacts remains limited. This evidentiary gap reflects general challenges in data collection, including the absence of disaggregated data in most contexts, resource constraints, and the political contingency of inclusive methodologies. In its recent decision in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, the ECtHR set out a framework for evaluating State responsibility. This determination included two key criteria for the recognition of victim status in the context of climate change: “(a) high intensity of exposure of the applicant to the adverse effects of climate change; and (b) a pressing need to ensure the applicant’s individual protection.”<sup>220</sup> In subsequent cases, the Court has reiterated the need for medical documentation of the impact on an alleged victim’s physical and mental health or evidence of imminent risk to their life as a result of exposure to the adverse effects of climate change to ascertain their status as a victim.<sup>221</sup> Given the paucity of empirical data, individual lived experiences and testimonies—already critically important as sources that illuminate connections, motivate working theories and document realities that quantitative approaches have yet to capture—become indispensable. As one Fijian LGBT individual described after Tropical Cyclone Winston: “After the cyclone, I went to my friend’s house, who is a trans woman. The wall of her bedroom was gone, and her clothes were gone. We had to share clothes and things. I don’t know if I would be here if we were not friends.”<sup>222</sup> In Jamaica and Grenada, LGBT persons frequently rely on family, peers, and local LGBT organizations during and after disasters.<sup>223</sup>

<sup>220</sup> *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, (supra 105): para. 527.

<sup>221</sup> ECtHR, *Uricchio v. Italy and 31 Others*, no. 14615/21, Decision of 7 May 2025: paras. 9, 14; see also ECtHR, *Engels and others v. Germany*, no. 46906/22, decision of 1 July 2025: paras. 10-11.

<sup>222</sup> Dwyer (supra 129): 9.

<sup>223</sup> EnGENDER, *Gender Inequality of Climate Change and Disaster Risk in Jamaica* (November 2021): 10.

Despite marginalization, community members have mobilized to distribute relief goods, assist in clean-up efforts, and support recovery.<sup>224</sup> Following the 2022 volcanic eruption and tsunami in Tonga, when the headquarters of the Leitis Association was flooded, its president sheltered LGBT individuals in her home;<sup>225</sup> the organization has continued providing emergency shelter during and after natural disasters.<sup>226</sup>

The following sections examine how these climate-related experiences and adaptive capacities intersect with barriers to accessing rights—to health, housing, education, employment, political participation, and legal protections concerning expression, and access to information and justice. The identification of these rights as a basic platform for the analysis of social inclusion is consistent with the practice of the mandate of the IE SOGI and other international entities, including the World Bank and the UN Development Program.<sup>227</sup> Particular attention is paid to the differentiated impacts experienced by LGBT persons in human mobility.

## RIGHT TO HEALTH

The right to the highest attainable standard of physical and mental health has been incorporated into five core international human rights treaties<sup>228</sup> as well as the Sendai Framework, for which health is a key priority. This right “must be ensured to all without discrimination, based on any prohibited grounds, which has the intention or effect of nullifying or impairing its equal enjoyment or exercise.”<sup>229</sup> Climate change threatens all people’s health and well-being, particularly in developing countries. It has the effect of exacerbating extreme weather events, increasing the spread of certain infectious diseases, reducing access to food, water, and sanitation, and impacting health care infrastructure and capacity.<sup>230</sup>

Many LGBT people are disproportionately at risk of experiencing community-specific adverse health impacts from climate change because of pre-existing health risks and needs that are exacerbated by its effects, particularly after disasters. In the United States, it is documented that 21% of LGBT adults live with asthma, compared to 14% of heterosexual adults,<sup>231</sup> creating a risk of disproportionate impact of deteriorated air quality (wildfire smoke and carbon emissions, for example). Some studies suggest that higher rates of smoking, HIV prevalence, and certain gender affirming practices, such as chest binding, expose LGBT people to a higher risk of respiratory illness.<sup>232</sup>

<sup>224</sup> Kilpatrick et al. (supra 210).

<sup>225</sup> Tonga Leitis Interview (supra 197).

<sup>226</sup> GiveOut; Bridging the Gap: Resourcing LGBTQI Climate Action. Summary and Recommendations from GiveOut’s LGBTQI Climate Convening; March 2025: 26; [www.giveout.org](http://www.giveout.org).

<sup>227</sup> See, for example, UNDP; 2024 LGBTI Inclusion Index; Report on the Pilot Implementation; 2024: 10.

<sup>228</sup> Human Rights Council, Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz: Report on the right to the enjoyment of the highest attainable standard of physical and mental health of persons, communities and populations affected by discrimination and violence based on sexual orientation and gender identity in relation to the Sustainable Development Goals, A/HRC/50/27 (2022).

<sup>229</sup> United Nations Committee on Economic, Social, and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health (article 12 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/2000/4 (August 11, 2000): para. 18.

<sup>230</sup> “Climate Change and its Impact on Health on Small Island Developing States,” World Health Organization, November 15, 2017.

<sup>231</sup> Human Rights Campaign: The lives and livelihoods of many in the LGBTQ community are at risk amidst COVID-19 crisis. Hum. Right Camp Found 2020; <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/files/assets/resources/COVID19-IssueBrief-032020-FINAL.pdf>

<sup>232</sup> Leo Goldsmith and Michelle L. Bell, “Queering Environmental Justice: Unequal Environmental Health Burden on the LGBTQ+ Community,” *American Journal of Public Health* 112 (2022): 80, 83.

Differentiated impact also exists at the intersection of several identities. An analysis of nine disaster risk reduction policies and 28 response reports from Fiji, Vanuatu, and Tonga in the aftermath of Tropical Cyclone Harold found that the sexual and reproductive health needs of LGBT youth were overlooked.<sup>233</sup> Older LGBT persons are more likely to live in isolation and be estranged from their biological families, and therefore less likely to receive emergency messages and assistance.<sup>234</sup>

Disruption to health systems poses risks that are specific to the lived realities of LGBT people. Evidence suggests that disasters strain health systems and consequently disrupt HIV prevention and treatment services, which disproportionately impact groups with the highest prevalence rates, including men who have sex with men and transgender women.<sup>235</sup> The UN qualified HIV as a crisis in Dominica and found barriers in access to HIV treatment and prevention in the aftermath of disaster,<sup>236</sup> and in Puerto Rico, when persons living with HIV were among the populations under significant stress due to the closure of many pharmacies after hurricanes Irma and Maria.<sup>237</sup> In the Bahamas, after hurricane Dorian in 2019, the main government shelter in New Providence was equipped with only a single health desk placed in an open area, which meant that private consultations were not possible. This lack of privacy likely made safely accessing appropriate health care particularly difficult for groups with specific and stigmatized health needs.<sup>238</sup>

Disasters can have further particularized health consequences for transgender persons and other people with diverse gender identities. In New Zealand and Japan, researchers documented barriers to accessing hormone therapy that is physically and psychologically critical for trans persons when clinics are destroyed or health services are disrupted.<sup>239</sup>

The extreme forms of violence and exclusion that LGBT persons endure have a detrimental impact on their health and well-being: when seeking health care in many countries, they encounter persecution, rejection, humiliation, derision, or substandard services. Social determinants of health, such as housing conditions and economic opportunities, disproportionately affect the LGBT population<sup>240</sup> and reduce their capacity to respond to environmental harm. Research has found that a 10% increase in the level of homophobia in a country is associated with a reduction of 1.7 years in the life expectancy of its male population.<sup>241</sup>

<sup>233</sup> Murphy, N., Azzopardi, P., & Bohren, M. A. (2023). Safeguarding youth sexual and reproductive health and rights in the context of increasing climate-related disasters in the Pacific: A scoping review of policies and responses. *International Journal of Disaster Risk Reduction*, 86, 103561. <https://doi.org/10.1016/j.ijdr.2023.103561>.

<sup>234</sup> Center for Disaster Philanthropy; "LGBTQIA+ Communities and Disasters;" <https://disasterphilanthropy.org/resources/lgbtqia-communities-and-disasters/#>

<sup>235</sup> UNAIDS, Country Progress Report – Dominica (2019), 15, [https://www.unaids.org/sites/default/files/country/documents/DMA\\_2019\\_countryreport.pdf](https://www.unaids.org/sites/default/files/country/documents/DMA_2019_countryreport.pdf)

<sup>236</sup> Bleeker et al. (supra 185): 50.

<sup>237</sup> Goldsmith, L., Raditz, V., & Méndez, M. (2022). Queer and present danger: understanding the disparate impacts of disasters on LGBTQ+ communities. *Disasters*, 46(4), 946–973: 954. <https://doi.org/10.1111/disa.12509>

<sup>238</sup> Bleeker et al. (supra 185): 50.

<sup>239</sup> Andrew Gorman-Murray et al., "Listening and Learning: Giving Voice to Trans Experiences of Disasters," *Gender, Place & Culture*, 25, no. 2, (2018): 179-80, <https://doi.org/10.1080/0966369X.2017.1334632>; Azusa Yamashita et al., "Segregation, Exclusion and LGBT People in Disaster Impacted Areas: Experiences from the Higashinohon Dai-Shinsai (Great East-Japan Disaster)," *Gender, Place & Culture*, 24, no. (2017): 68-69, doi:10.1080/0966369X.2016.1276887.

<sup>240</sup> A/HRC/50/27 (supra 228).

<sup>241</sup> Erik Lamontagne, Marc d'Elbée, Michael W Ross, Aengus Carroll, André du Plessis, Luiz Loures, A socioecological measurement of homophobia for all countries and its public health impact, *European Journal of Public Health*, Volume 28, Issue 5, October 2018, Pages 967–972, <https://doi.org/10.1093/eurpub/cky023>.

Abuses and discriminatory attitudes in health care institutions are explicitly condoned in countries where nonconforming sexual orientation and gender identities are criminalized and health policies are discriminatory; even in instances in which health workers may not intend to discriminate, they often lack basic information or training about specific health concerns and appropriate medical and counselling practices. Such an environment hinders access to health care services, health-related information, the quality of the services available, and processes through which policy responses to global and public health concerns are built.<sup>242</sup>

A key obstacle to health care for transgender and other gender-diverse people is the lack of legal gender recognition and documentation, including citizenship cards and passports that do not accurately reflect their identity. Interviews with civil society organizations showed that people who lack accurate documentation because they are transgender may struggle to access health care facilities.<sup>243</sup> This phenomenon has even been recorded in various disaster contexts, even when the State does recognize gender identity, as was the case in 2008 after flooding in Nepal. In that instance, despite the fact that the State acknowledges a third gender, obstacles existed to access relief camps, medical attention, and schools.<sup>244</sup> Lack of official documentation also inhibits access to employment, bank accounts, and education, which in turn are determinants of health: “trans people are not employed because of paperwork, can’t open a bank account, or can’t complete school, university—or perhaps their certificates are issued with their dead names. Everything circles back to paperwork.”<sup>245</sup>

Disasters have particularly severe mental health impacts on many people across all communities and populations. Documentation of disaster experiences in Guyana shows that the increased discrimination LGBT Guyanese experience after disasters leads them to suffer disproportionate mental health issues,<sup>246</sup> and researchers have also documented that discrimination and victimization are linked to elevated substance abuse amongst LGBT populations in the Caribbean who suffer psychosocial stress linked to loss of livelihood.<sup>247</sup> Research in the Philippines suggests that marginalization and discrimination after climate-related phenomena likely worsen depression, suicide ideation, and suicide attempts among LGBT persons.<sup>248</sup>

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<sup>242</sup> OHCHR, “Call for the Effective Implementation of SDG Goal 3: Removing Barriers and Closing the Gap of Health Disparities for Lesbian, Gay, Bisexual, Trans and Gender-Diverse People,” October 11, 2019, accessed March 3, 2026, <https://www.ohchr.org/en/statements-and-speeches/2019/10/call-effective-implementation-sdg-goal-3-removing-barriers-and>

<sup>243</sup> Tonga Leitis Interview (supra 197); D’Marco Foundation Interview (supra 219).

<sup>244</sup> Claire Willey Sthapit, “Gendered Impacts of the Earthquake and Responses in Nepal,” *Feminist Studies* 41, no. 3, (2015): 685, <https://doi.org/10.15767/feministstudies.41.3.682>.

<sup>245</sup> Tonga Leitis Interview (supra 197).

<sup>246</sup> EnGenDER (supra 223): 7.

<sup>247</sup> United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), *The Status of Women and Men Report: Innovating Financing, Climate Change and Disaster Risk Reduction in the Caribbean* (New York: UN Women, May 2022): 16.

<sup>248</sup> Rowalt Alibudbud, *Gender in Climate Change: Safeguarding LGBTQ+ Mental Health in the Philippine Climate Change Response from a Minority Stress Perspective*, 56 *J. Preventive Med. & Pub. Health* 196 (2023), <https://doi.org/10.3961/jpmph.22.501>.

## RIGHT TO HOUSING

Access to adequate housing free from discrimination is a human right.<sup>249</sup> The CESCR further articulates the right to housing “as the right to live somewhere in security, peace and dignity.”<sup>250</sup>

In addressing climate-related displacement and risk, the UN Special Rapporteur on Adequate Housing has noted that disaster risk management measures frequently overlook their impact on vulnerable communities and on the right to adequate housing.<sup>251</sup> In 2020, FEMA recognized that LGBT persons are more likely than others to suffer severe disaster-related impacts.<sup>252</sup> A recent study by the Williams Institute, which used National Aeronautics and Space Administration (NASA) risk projections alongside the FEMA National Risk Index concluded that there is a significant relationship between a U.S. county’s exposure to climate-related harms stemming from environmental, infrastructural, and social vulnerabilities and the proportion of same-sex couples living there: “the greater the share of same-sex couples in a county, the greater the climate risk.”<sup>253</sup> This heightened exposure was attributed to factors such as geographic location, inadequate infrastructure, and reduced access to resources in the communities where LGBT individuals are more likely to reside. Similarly, researchers in Houston, Texas, found that sexual orientation strongly predicted residence in areas with high levels of hazardous air pollution, with same-sex enclaves facing a 9.8–13.3% higher risk of respiratory illness and cancer.<sup>254</sup> Further evidence from the U.S. Census Household Pulse Survey found that LGBT persons are disproportionately affected by displacement during climate events: 4% of gay or lesbian respondents reported having been forced to evacuate their homes due to a natural disaster, compared to 1.2% of heterosexual respondents.<sup>255</sup>

The extent to which LGBT persons are disproportionately impacted by climate change in other settings is yet to be ascertained. However, the evidence suggests that social exclusion will create differentiated impact on housing: LGBT persons are more likely to live in informal settlements, low-income neighborhoods, or coastal areas, all highly susceptible to extreme heat, flooding, and environmental degradation.<sup>256</sup>

Globally, LGBT persons are disproportionately affected by homelessness. A national survey in Jamaica found that 21% of LGBT respondents and more than half of transgender respondents had experienced homelessness at some point in their lives. For half of those who had experienced homelessness, the main

<sup>249</sup> UN General Assembly, International Covenant on Economic, Social and Cultural Rights (ICESCR), U.N.T.S. vol. 993, (December 16, 1966), art. 2(2), 11(1).

<sup>250</sup> United Nations Committee on Economic, Social, and Cultural Rights, General Comment No. 4: The Right to Adequate Housing (article 11(1) of the International Covenant on Economic, Social and Cultural Rights) (1991): paras 6-7.

<sup>251</sup> Human Rights Council, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to nondiscrimination in this context: Guidelines for the Implementation of the Right to Adequate Housing, A/HRC/43/43 (December 26, 2019): para. 70, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/353/90/PDF/G1935390.pdf?OpenElement>.

<sup>252</sup> Frank, Thomas. “LGBTQ People Are at Higher Risk in Disasters.” *Scientific American*, December 23, 2020. <https://www.scientificamerican.com/article/lgbtq-people-are-at-higher-risk-in-disasters/>.

<sup>253</sup> Mahowald, L., and A. Shaw. *Climate Change Risk for LGBT People in the United States*. Los Angeles: The Williams Institute, UCLA School of Law, 2024: p. 10.

<sup>254</sup> Collins TW, Grineski SE, Morales DX. Sexual orientation, gender, and environmental injustice: unequal carcinogenic air pollution risks in Greater Houston. *Ann Am Assoc Geogr*. 2017; 107(1):72–92. <https://doi.org/10.1080/24694452.2016.1218270> Crossref, Medline, Google Scholar

<sup>255</sup> Mann et al. (supra 183).

<sup>256</sup> Collins et al. (supra 175): 54–56.

or only cause was family rejection based on their LGBT identity.<sup>257</sup> This is also the trend in Fiji,<sup>258</sup> Kenya,<sup>259</sup> and the United States.<sup>260</sup> LGBT persons also face discriminatory evictions and morality clauses in rental agreements can be used as legal pretexts for displacement.<sup>261</sup> Housing insecurity is further compounded by climate change, which intensifies risk factors such as inadequate sanitation, lack of insurance, and the absence of disaster preparedness infrastructure and measures, including fire and emergency safety equipment.<sup>262</sup>

Climate change also disrupts personal and communal spaces that serve as critical hubs of resilience. Urban areas often referred to as gayborhoods have historically provided LGBT populations with protective environments that encourage solidarity, safety, and mutual support. Scholars emphasize that the creation of homes—individual dwellings and neighborhoods—serves as a key source of resilience. When these spaces are disrupted by disaster, the networks established to counter exclusion and compensate for policy gaps are significantly weakened.<sup>263</sup> A 2024 analysis of peer-reviewed research concluded that the climate change-related destruction of homes, dwellings, and neighborhoods has had particularly severe effects on queer communities. These spaces function not only as places of residence but also as sites of memory central to the construction and preservation of queer identity.<sup>264</sup>

## RIGHT TO EDUCATION

The right to education is enshrined in article 26 of the Universal Declaration of Human Rights (UDHR), as well as in numerous international and regional human rights instruments. Among them, the UN Convention on the Rights of the Child explicitly links education to environmental awareness, requiring that education foster respect and care for the natural environment as part of children’s overall development.<sup>265</sup> The UN Special Rapporteur on human rights and the environment highlighted that environmental education should extend beyond childhood into adulthood, ensuring that individuals are informed not only about environmental risks and protective measures but also about broader policy issues. This knowledge base is essential for enabling public participation in environmental decision-making processes.<sup>266</sup> The UN Special Rapporteur on the right to education underscored that States are obligated to respect, protect, and fulfil this right under all circumstances, including during emergencies. Furthermore, the right to education applies universally, regardless of an individual’s legal status—whether refugee, child soldier, or internally displaced person.<sup>267</sup>

<sup>257</sup> Carla Moore MA, “The Jamaican LGBT Community Experience and Needs Assessment Survey Results,” J-Flag, (December 2019).

<sup>258</sup> Dwyer (supra 129): 24.

<sup>259</sup> Innovators 4 Climate Action (supra 217): 31.

<sup>260</sup> Goldsmith et al. 2022 (supra 237): 952.

<sup>261</sup> J-Flag Interview, January 9, 2023 (“Let’s say I rent a space, and the landlord suspects I am LGBT; they could evict you”)

<sup>262</sup> Goldsmith et al. 2022 (supra 237): 951.

<sup>263</sup> Gorman-Murray, A., McKinnon, S., & Dominey-Howes, D. (2014). Queer Domicide: LGBT Displacement and Home Loss in Natural Disaster Impact, Response, and Recovery. *Home Cultures*, 11(2), 237–261: 239.

<sup>264</sup> Kilpatrick et al. (supra 210).

<sup>265</sup> UN Convention on the Rights of the Child, article 29(e).

<sup>266</sup> United Nations Human Rights Special Procedures, Framework Principles on Human Rights and the Environment: The Main Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment (2018): 10.

<sup>267</sup> OHCHR, Report of the Special Rapporteur on the Right to Education, “Right to Education in Emergency Situations”, A/HRC/8/10, Human Rights Council, Eighth Session, 2–20 June 2008 (Geneva: United Nations, 20 May 2008), accessed March 3, 2026, <https://docs.un.org/en/A/HRC/8/10> para. 37.

The evidence base relating to differentiated impact of climate change on access to education of LGBT persons appears to be particularly scarce. However, a robust body of research documents the situation of relative disadvantage of LGBT persons in education. Discrimination and violence—often rooted in SOGI—affect both LGBT students and children of LGBT parents. According to UNESCO, LGBT students are up to five times more likely to experience bullying than their non-LGBT classmates.<sup>268</sup> Forms of abuse include verbal harassment, intimidation, social exclusion, physical and sexual assault, cyberbullying, and even death threats.<sup>269</sup> These incidents occur across multiple environments—classrooms, playgrounds, transit routes, and online spaces—and contribute to broader exclusion from extracurricular, cultural, and sporting activities.<sup>270</sup>

Institutional responses are frequently inadequate, either due to negligence or active resistance. Teachers, school administrators, and policymakers often lack the training and support to address bullying and discrimination effectively and fear backlash from parents or social groups for advocating inclusive policies or comprehensive sex education. As a result, systemic failures persist. In some States, policies explicitly prohibit discussion of SOGI in schools, restrict the distribution of related educational materials, or ban visible support for LGBT inclusion.<sup>271</sup> Such measures, along with the absence or misrepresentation of LGBT realities in curricula, foster stigma and reinforce feelings of isolation and low self-worth among LGBT students, while perpetuating discriminatory attitudes among their peers. Transgender and gender-diverse students may also experience harms, including forced conformity through gendered uniforms and discriminatory practices in accessing sex-segregated toilets, changing rooms, and sports.

The evidence suggests that it is likely that climate change exacerbates these challenges; the 2023 Global Report of the UN Educational, Scientific and Cultural Organization (UNESCO) identified a range of structural impediments affecting access to education in displacement contexts. These include the destruction or repurposing of school buildings for emergency shelters, economic hardship that forces families to deprioritize education, physical and mental health issues affecting learning, language, and integration barriers in new communities, and inadequate planning for urban school capacity;<sup>272</sup> all these factors create barriers that are unsurmountable for marginalized populations and communities.

## RIGHT TO WORK

The UDHR enshrines the right to work, to free choice of employment, and to just and favorable conditions of work.<sup>273</sup> The International Labor Organization (ILO) recognizes climate change as one of the forces widening the inequalities that affect the populations that have the fewest resources to manage its

<sup>268</sup> UNESCO. School violence and bullying: global status report. 2017. <http://unesdoc.unesco.org/images/0024/002469/246970e.pdf>

<sup>269</sup> OHCHR, Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity, A/74/181, seventy-fourth session of the General Assembly, 17 July 2019, accessed March 3, 2026, <https://docs.un.org/en/a/74/181>: para. 5.

<sup>270</sup> UNESCO, “Out in the open: education sector responses to violence based on sexual orientation or gender identity/expression”, 2016; cited in A/74/181: para. 5; International Labour Organization (ILO), “Gender identity and sexual orientation: promoting rights, diversity and equality in the world of work – results of the ILO’s PRIDE project”.

<sup>271</sup> United Nations General Assembly, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, A/69/335, sixty-ninth session, 21 August 2014, accessed March 3, 2026, <https://docs.un.org/en/A/69/335>.

<sup>272</sup> UNESCO, “Reimagining our futures together: a new social contract for education;” 2021; ISBN 978-92-3-100478-0: 32.

<sup>273</sup> United Nations General Assembly, Universal Declaration of Human Rights, adopted December 10, 1948, UN Doc. A/RES/217 A (III), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>: art. 23.

consequences.<sup>274</sup> The Paris Agreement adopts a nuanced approach to the interplay between climate action, equitable access to sustainable development, and poverty eradication, explicitly acknowledging the implications of climate change for decent work and livelihoods and the need for just transition.<sup>275</sup> In 2023, the State parties to the Paris Agreement adopted the Just Transition Work Program that creates a forum for knowledge exchange, multilateral collaboration, and dialogue.<sup>276</sup>

Employment is fundamentally dependent on a healthy and stable environment. An estimated 1.2 billion jobs rely directly on the sustainable management of natural systems. Agriculture, fishing, and forestry are especially dependent on ecosystem services, including air and water purification, soil renewal and fertilization, pollination, pest control, and the regulation of extreme temperatures, storms, floods, and high winds.<sup>277</sup> Climate change and environmental degradation, including local air, water, and soil pollution, undermine these essential natural processes. The resulting impacts are far-reaching, threatening workers' health, income stability, and access to food and fuel.

Climate-related disruptions pose direct risks to job security and to the livelihoods of those most reliant on natural resources for survival as they increase in frequency and intensity,<sup>278</sup> and the evidence suggests that LGBT persons may face grave impact during periods of job loss and economic disruption: a global survey conducted during the COVID-19 pandemic among approximately 20,000 LGBT individuals across 138 countries revealed that 47% experienced economic hardship, 13% had already lost their jobs and 21% anticipated losing their employment soon thereafter. These figures highlight the vulnerability of LGBT populations in times of crisis and underscore the need for inclusive recovery strategies and labor protections that address structural inequalities in employment outcomes.<sup>279</sup>

Climate change will be a driver of job loss, and studies note that losses are likely to be substantial and will extend to direct costs of lost houses that double as business centers, equipment and supplies, and indirect costs of lost employment and income.<sup>280</sup> Similarly, the evidence suggests that there will be a grave impact on the informal sector, in which LGBT persons are disproportionately represented.<sup>281</sup>

At the same time, the climate change response will be a catalyst for new jobs. The transition to a low-carbon economy is expected to generate substantially more jobs in clean technology and renewable energy than will be lost in carbon-intensive sectors such as oil and gas. This shift gives rise to the concept of "green jobs"—roles that contribute to decarbonizing the economy and enhancing resilience to the impacts of a warming planet. The ILO projects that with the right policies for successful implementation

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<sup>274</sup> ILO; "Resolution concerning inequalities and the world of work;" 11 December 2021; 109<sup>th</sup> Session, 2021: para. 21.

<sup>275</sup> Paris Agreement (supra 3): Preamble.

<sup>276</sup> United Nations Framework Convention on Climate Change (UNFCCC), Report of the Conference of the Parties Serving as the Meeting of the Parties to the Paris Agreement on Its Fourth Session, Held in Sharm el-Sheikh from 6 to 20 November 2022: Addendum. Part Two: Action Taken by the Conference of the Parties Serving as the Meeting of the Parties to the Paris Agreement at Its Fourth Session, FCCC/PA/CMA/2022/10/Add.1 (Bonn: UNFCCC, 17 March 2023): para. 52.

<sup>277</sup> ILO; "World Employment and Social Outlook 2018; Greening with Jobs;" Geneva: 2018: 2.

<sup>278</sup> ILO 2018 (supra 278): 2.

<sup>279</sup> ILO; Inclusion of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) persons in the world of work: A learning guide; 2022: 14; [https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40gender/documents/publication/wcms\\_846108.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40gender/documents/publication/wcms_846108.pdf)

<sup>280</sup> Anderson, M.B., 1990. Which costs more: prevention or recovery? In: Kreimer, A., Munasinghe, M. (Eds.), *Managing Natural Disasters and the Environment*. World Bank, Washington, DC, pp. 17–27.

<sup>281</sup> Kousky (supra 51). See also *Innovators 4 Climate Action* (supra 217): 25.

of the target of limiting global average temperature rise to below 2°C/3.6°F above pre-industrial levels, the transition to a climate-safe economy could generate up to 24 million new jobs by 2030.<sup>282</sup>

Ensuring that these and other emerging opportunities are inclusive and equitable will be essential to avoid reproducing or deepening existing labor market inequalities, including those affecting LGBT workers. A just transition is understood as a pathway to limit the negative consequences of environmental and climate change while creating opportunities for decent work in a green economy. Properly implemented, it broadens access to labor markets and ensures that those who are most vulnerable and disadvantaged can share in the benefits.<sup>283</sup> Just transition to a green economy requires meaningful participation in decisions on land and resources and recognition of the differentiated human rights impacts faced by persons, communities, and peoples in vulnerable situations, including the asymmetries between those who may be negatively impacted by the phasing out of fossil fuels and carbon-intensive industries and those who may benefit from it.

The relation of LGBT persons with just transition remains vastly unexplored,<sup>284</sup> and the resulting invisibility will exact a high toll, making it unlikely that LGBT persons will benefit from the shift to sustainable, regenerative economies and clean energy sources. For example, the United Kingdom's guidance on integrating gender equality, disability, and social inclusion into energy projects and investments outlines a range of strategies to support historically marginalized communities. These include instituting quotas, offering skills development and technical training, adopting inclusive workplace policies, and promoting career advancement and leadership opportunities. The guidance specifically identifies women, persons with disabilities, people in remote or rural areas, Indigenous Peoples, and ethnic and religious minorities as priority beneficiaries.<sup>285</sup> While the document frequently references excluded groups, the absence of any explicit mention of LGBT persons limits the likelihood that their specific needs and barriers will be addressed.

In this wider context, the impact of climate change on employment requires an acknowledgement of structural inequalities and historical patterns of exclusion that shape access to economic opportunity. In the very limited contexts where data is available, the evidence suggests that LGBT individuals experience higher rates of unemployment and underemployment,<sup>286</sup> and discrimination based on SOGI occurs at every stage of the employment cycle, from recruitment and hiring to training, promotion, and termination, and extends to the unequal application of employment benefits.<sup>287</sup>

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<sup>282</sup> ILO 2018 (supra 278): p. 37.

<sup>283</sup> ILO 2021 (supra 275): para. 23(a).

<sup>284</sup> Anderson, M.B., 1990. Which costs more: prevention or recovery? In: Kreimer, A., Munasinghe, M. (Eds.), *Managing Natural Disasters and the Environment*. World Bank, Washington, DC, pp. 17–27.

<sup>285</sup> UK PACT; GEDSI Entry Point Series: Guidance to Promote Equitable and Inclusive Climate Change Mitigation; Version One; 4 June 2025; <https://www.ukpact.co.uk/about/resources>

<sup>286</sup> Williams Institute, UCLA School of Law, LGBT Data & Demographics, accessed March 3, 2026, <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT#demographic>.

<sup>287</sup> Human Rights Committee, “Communication No. 1361/2005, Ali v. Australia,” in Views Adopted by the Committee under Article 5 (4) of the Optional Protocol, Concerning Communication No. 1361/2005, CCPR/C/89/D/1361/2005 (Office of the United Nations High Commissioner for Human Rights, 2007): paras. 7.2–7.3

As a result, many LGBT workers are compelled to conceal their identities in the workplace, leading to increased stress, reduced job satisfaction, and diminished productivity.<sup>288</sup> Yet even concealment does not fully shield them from bias: discriminatory practices remain widespread, and national legal frameworks often provide insufficient protection. Currently, only 78 countries prohibit employment discrimination based on sexual orientation, 46 on the basis of gender identity, and just 20 with regard to gender expression.<sup>289</sup> In jurisdictions lacking such protections, employers may legally dismiss, demote, or refuse to hire individuals perceived to be LGBT or gender-diverse.<sup>290</sup> Even when employed, LGBT persons report unequal access to training, professional development, and promotion opportunities.<sup>291</sup> A study by the Williams Institute found that, compared to their heterosexual counterparts, young gay men earned 11.7% less on average and young bisexual men earned 12.4% less.<sup>292</sup> The disparities are even more pronounced for individuals who are visibly gender non-conforming. In Colombia's largest national LGBT survey, 40% of transgender respondents reported having been fired or denied employment due to their gender identity or expression.<sup>293</sup> Without targeted protections and inclusive labor policies, the transition to sustainable economies risks reproducing or deepening these patterns of exclusion.

## RIGHT TO FREEDOM OF ASSOCIATION AND PUBLIC PARTICIPATION

The rights to peaceful assembly and association and the right to public participation are enshrined in the UDHR.<sup>294</sup> In environmental matters, the right of public participation is well established and explicitly included in the Paris Agreement as well as the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)<sup>295</sup> and the Escazu Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement),<sup>296</sup> reflecting the conviction that environmental challenges are best addressed when citizens can participate meaningfully and at the appropriate level of decision-making.<sup>297</sup>

<sup>288</sup> ILO, "Un estudio sobre la discriminación en el trabajo por motivos de orientación sexual e identidad de género en Costa Rica", PRIDE at work working paper, No. 1 (Geneva, 2016): 10; ILO, "A study on discrimination at work on the basis of sexual orientation and gender identity in Indonesia", PRIDE at work working paper, No. 3 (Geneva, 2016).

<sup>289</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA): Protection against discrimination in employment map (<https://database.ilga.org/discrimination-employment-lgbti>).

<sup>290</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR). Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Rashida Manjoo: Integration of the Human Rights of Women and the Gender Perspective — Violence against Women and Climate Change. A/HRC/19/41. Human Rights Council, Nineteenth Session, 19 March 2012. Geneva: United Nations, 2012. Accessed March 3, 2026. <https://undocs.org/A/HRC/19/41>.

<sup>291</sup> ILO, "Une étude sur la discrimination au travail pour motifs d'orientation sexuelle et d'identité de genre en France", PRIDE at work working paper, No. 2 (Geneva, 2016).

<sup>292</sup> Joseph Sabia, Sexual orientation and wages in young adulthood: new evidence from Add Health, *Industrial and Labor Relations Review*, vol. 67, No. 1 (2014).

<sup>293</sup> The Colombia Collaborative.\* (2019) Stress, Health, and Well-being of LGBT People in Colombia. Results from A National Survey. Los Angeles, CA: The Williams Institute: 31.

<sup>294</sup> Universal Declaration of Human Rights (supra 272): arts. 20 and 21.

<sup>295</sup> Aarhus Convention (supra 89).

<sup>296</sup> Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement), March 4, 2018, U.N. Doc. LC/CNP10.9/5, entered into force April 22, 2021.

<sup>297</sup> Rio Declaration on Environment and Development, A/CONF.151/26 (Vol.I); Principle 10.

Transparent and inclusive governance is essential for environmental laws and policies,<sup>298</sup> and participation is a core procedural element of the right to a clean, healthy, and sustainable environment.<sup>299</sup> Meaningful participation is not a formality: it is a safeguard against policy gaps that deepen inequality, and the UN Special Rapporteur on the promotion and protection of human rights in the context of climate change has emphasized that excluding persons who are in situations of vulnerability to impacts of climate change from political and decision-making spaces constitutes a breach of the procedural obligations of the State.<sup>300</sup>

Multiple, interlocking factors, often manifesting as concentric circles, limit the ability of LGBT persons to fully exercise their right to public participation. Foremost among these is the criminalization of same-sex intimacy or gender expression, whether explicit or de facto: more than three billion people live in the 62 countries in which law or other measures criminalize sexual orientation on the basis of interpretations of sharia or Islamic law or of legislation that derives from French or British colonial systems of justice.<sup>301</sup> Despite independence, many former British colonies continue to enforce these colonial legal provisions, perpetuating State-sanctioned discrimination and undermining both the dignity and the environmental leadership of LGBT and gender-diverse persons. In contexts of criminalization, advocacy based on personal or community experience is tainted by the threat of criminal prosecution.<sup>302</sup>

Criminalization is also deeply intertwined with pathologizing views of LGBT persons that are at the origin of discredited practices such as “conversion therapy” and the denial of gender affirming care to trans and gender-diverse persons. Pervasive societal stigma further deters engagement.

When LGBT identities are criminalized, full and effective participation in public decision-making is simply not possible. As IE SOGI observed, the most insurmountable obstacles to electoral participation are violence and the threat of violence.<sup>303</sup> In addition to these structural barriers, the lack of legal recognition of gender identity in official documents results in the formal disenfranchisement of many trans and gender-diverse individuals. Without identification that reflects their gender identity, access to polling places, candidacy processes, and public forums is often denied or compromised.

Interviews with civil society organizations highlighted that these forms of systemic exclusion are compounded by denial or negligence, including the lack of government ministries tasked with addressing the needs and rights of LGBT persons. This is generally compounded with difficulties created by the dispersion of climate change policies and actions across governmental departments.<sup>304</sup> A Rainbow Pride representative noted the large number of resources and time the organization spent trying to engage with a multitude of decision-makers, all of whom only had partially relevant responsibilities.<sup>305</sup>

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<sup>298</sup> Ebbesson, Jonas, ‘ Principle 10: Public Participation ‘, in Jorge E Viñuales (ed.), *The Rio Declaration on Environment and Development: A Commentary*, Oxford Commentaries on International Law (2015; online edn, Oxford Law Pro), <https://doi.org/10.1093/law/9780199686773.003.0014>, accessed 18 June 2025.

<sup>299</sup> United Nations Human Rights Council, Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, A/HRC/79/270, 2 August 2024: paras. 43-46.

<sup>300</sup> A/77/226 (supra 7): pp. 17-18.

<sup>301</sup> ILGA Criminalization Map (supra 201).

<sup>302</sup> Innovators 4 Climate Action (supra 217): 36.

<sup>303</sup> A/79/151: para. 3.

<sup>304</sup> Rainbow Pride Foundation Interview (supra 164); Edge Effect Interview (supra 161).

<sup>305</sup> Rainbow Pride Foundation Interview (supra 164).

Excluding diverse voices from across a community in climate change decision-making leads to worse outcomes for everyone. When the Fijian government relocated the village of Vunidogoloa in 2014, it infamously constructed homes without kitchens after consulting only with “a few male village leaders” on priorities. A local activist observed that the omission resulted from the government’s failure to consult women.<sup>306</sup>

Studies of national frameworks confirm these trends. The Philippines’ 2010 Disaster Risk Reduction and Management System<sup>307</sup> law is considered by some as one of the most progressive in the world, but it overlooks the local bakla [gender-diverse] population.<sup>308</sup> The Indian Disaster Management Act of 2005 similarly made no mention of aravanis, who do not identify as men or women.<sup>309</sup> In their NDCs, States sometimes highlight different communities and populations with which they have held consultations, but as shown previously, a survey of these documents yielded little evidence of consultation with LGBT organizations. Conversely, some legislation at the state level in the United States requires that State Emergency Plans include policies and practices to equitably serve LGBT persons, and the coordination with LGBT organizations in the preparation of these documents.<sup>310</sup>

Regional and inter-State coordination is a critical component of climate change adaptation, as shown by examples in Pacific and Caribbean small island States: Pacific States approach adaptation under the Framework for Resilient Development for the Pacific, and the Pacific Regional Environment Program supports adaptation efforts across the region. Many Pacific small island States have also created Joint National Action Plans to establish coordinated climate change adaptation approaches. In the Caribbean, the Caribbean Community Climate Change Centre helps support and coordinate regional adaptation planning.<sup>311</sup> Globally, the Alliance of Small Island States (AOSIS) is a powerful bloc in lobbying for the interests of small island States in international climate negotiations.<sup>312</sup> A Rainbow Pride Foundation representative noted, however, that LGBT issues are largely absent from regional discussions.<sup>313</sup>

An emerging body of evidence draws connections between the LGBT movement and activism focused on climate change, with some activists declaring that “focus on climate justice is a logical extension of their advocacy for sexual and gender rights”<sup>314</sup> precisely because LGBT persons are among those who are disproportionately impacted by climate disasters. However, defenders of the human rights of LGBT persons and environmental defenders are among the most violently and intensely targeted in the world.

<sup>306</sup> Kate Lyons, “How to Move a Country: Fiji’s Radical Plan to Escape Rising Sea Levels,” *The Guardian*, November 8, 2022, <https://www.theguardian.com/environment/2022/nov/08/how-to-move-a-country-fiji-radical-plan-escape-rising-seas-climate-crisis>.

<sup>307</sup> Republic of the Philippines, Republic Act 10121: An Act Strengthening the Philippine Disaster Risk Reduction and Management System, providing for the National Disaster Risk and Management Framework and Institutionalizing the National Disaster Risk Reduction and Management Plan, Appropriating Funds Therefore and for Other Purposes (May 27, 2010), <https://www.officialgazette.gov.ph/2010/05/27/republic-act-no-10121/>.

<sup>308</sup> Gaillard et al (supra 127): 19.

<sup>309</sup> Chaman Pincha and Hari Krishna, “Aravanis: Voiceless Victims of the Tsunami,” *Humanitarian Exchange* 41 (December 2008): 41–43.

<sup>310</sup> Senate Bill No. 990; California legislature – 2023–2024 Regular Session. January 30, 2024; amended in Senate March 11, 2024 and April 24, 2024; Section 2 (c)(1) and Section (2).

<sup>311</sup> Carola Klöck and Patrick D. Nunn, “Adaptation to Climate Change in Small Island Developing States: A Systematic Literature Review of Academic Research,” *Journal of Environment and Development* 28, no. 2 (2019).

<sup>312</sup> Leila Mead, “Small Islands, Large Oceans: Voices on the Frontlines of Climate Change,” *International Institute for Sustainable Development*, 2021, <https://www.iisd.org/articles/deep-dive/small-islands-large-oceans-voices-frontlines-climate-change>.

<sup>313</sup> Rainbow Pride Foundation Interview, October 23, 2022.

<sup>314</sup> Cohen, Ilana; “Across America, Activists work at the Confluence of LGBTQ Rights and Climate Change;” <https://insideclimatenews.org/news/02072020/across-america-activists-work-confluence-lgbtq-rights-and-climate-justice/>

Legal barriers to the mere forming of associations under the LGBT or SOGI umbrellas exist in at least 33 States, with at least 28 others being identified as having barriers likely to exist or operate in practice.<sup>315</sup> At the conclusion of her country visit to Vanuatu, the UN Special Rapporteur on the promotion and protection of human rights in the context of climate change conveyed her concern over a draft national policy banning LGBT advocacy in the country because of its alleged conflict with “Christian principles and Melanesian values.”<sup>316</sup>

These formal barriers to association are compounded with killings and other forms of violence that are often met with impunity: digital attacks, online threats and harassment, hacking on social media, and surveillance in all spaces, physical and digital. These limitations have an impact on participation in decision-making at the national level.

Canada’s recent consultation process in the determination of its NDC, carried out in the Canadian spring of 2024, applied a comprehensive participative model. The State reported that the Government of Canada provided provinces and territories, Indigenous Peoples, the Net-Zero Advisory Body, and interested Canadians with the opportunity to make a submission to the 2035 target-setting process. The State received over 100 submissions and 23,000 comments; over 11,000 participants shared their views through an online engagement platform, including LGBT individuals and organizations. The State produced a detailed report of the findings and included the report and the submissions in its NDC.<sup>317</sup>

An example of how national governments can include LGBT communities in climate change adaptation is the government of the Bahamas’ collaboration with the D’Marco Foundation to produce a questionnaire asking citizens, including LGBT people, about their perspectives on climate change.<sup>318</sup> By asking respondents what sex they were assigned at birth and their gender identity, this questionnaire is affirming of gender nonconforming identities. Additionally, the questionnaire asks what aspects of climate change respondents are familiar with, such as GHG effects and climate resilient health systems, and more subjective questions regarding personal opinions as to the scope and urgency of climate change.<sup>319</sup>

In Fiji, the government recently announced new Standard Operating Procedures for Planned Relocations, which provide procedures for relocating villages and other communities as climate change increasingly renders parts of the country uninhabitable or dangerous. Although the procedures are not publicly available, they reportedly include a requirement that assessments or discussions about relocation can only occur if 90% of all community members and 90% of people from various groups agree, including 90% of LGBT people.<sup>320</sup>

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<sup>315</sup> ILGA Freedom of Association Map; <https://database.ilga.org/legal-barriers-freedom-of-association>

<sup>316</sup> <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/statements/2024-12-5-eom-sr-climate-vanuata-en.pdf>: 5.

<sup>317</sup> Canada’s 2035 NDC; in <https://unfccc.int/NDCREG>

<sup>318</sup> D’Marco Foundation Interview (supra 219).

<sup>319</sup> Survey questions included: “What sex were you assigned at birth: Choose one of the following answers – male, female, intersex, other”; “Do you think that climate change is real?”; “Why do you think climate change is real? Check all that apply – more floods, stronger hurricanes, more droughts, hotter temperatures, colder winters, rising sea levels, more forest fires, melting glaciers, animal/plant species dying out, strange diseases, other”; “In your opinion, which gender is most affected by climate change? Men, women, transsexuals, nonbinary persons, gender-neutral persons, other.”

<sup>320</sup> Lyons (supra 306).

## RIGHT TO FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION

The right to freedom of expression includes the right to seek, receive, and impart information<sup>321</sup>, and it is described as vital to the protection of a clean, healthy, and sustainable environment in unopposed resolutions of the UN Human Rights Council and General Assembly.<sup>322</sup> This right also features prominently in the Aarhus Convention and the Escazu Agreement. Under international human rights law, States have a duty to provide adequate information about the impacts of climate change and about the steps being taken to mitigate its effects and support adaptation.<sup>323</sup>

State obligations regarding access to environmental information encompass two key dimensions. First, States must collect, update, and proactively disseminate information, including data relevant to climate change and its actual and anticipated impacts in ways that enable individuals and communities to take protective measures. Second, they are required to ensure affordable, effective, and timely access to information held by public authorities upon request, particularly information concerning climate change and its effects. Crucially, both obligations are active and positive. It is not enough for States to simply provide information when it is requested; they must actively take steps to ensure it is available, including to marginalized communities and individuals.<sup>324</sup>

Accordingly, States have a duty to ensure that affected communities: receive timely and accessible information about climate risks and policy responses; are genuinely engaged in decisions concerning climate action, including mitigation and adaptation; and have access to administrative, judicial, and other remedies when their rights are undermined by climate impacts or by measures adopted to respond to them.<sup>325</sup>

The fulfillment of these obligations must be understood through the lens of different communities and their access to knowledge. In many countries, LGBT persons navigate an unequal information landscape. They often lack access to accurate, relevant, and inclusive information on climate impacts and risks, State duties, and available mitigation and adaptation strategies that could shape their safety and well-being. Although the right to access information applies universally, it remains largely unrealized for many LGBT individuals. This is due not only to systemic exclusion, such as underrepresentation in climate research, policymaking, and communication, but also to disparities linked specifically to SOGI.

Evidence gathered during a series of workshops in Indonesia and the Philippines illustrates this point. It suggests that LGBT people “may not receive adequate information about climate change, because of exclusion, isolation, and restricted social networks, which would otherwise allow them to prepare and respond properly.”<sup>326</sup> In some cases, the obstacles to access to information are tied to ancestral roles of communities: a civil society representative observed that LGBT people in indigenous Fijian communities

<sup>321</sup> Universal Declaration of Human Rights (supra 272): art. 19; UN General Assembly, International Covenant on Civil and Political Rights (ICCPR), S. Exec. Rep. 102-23, 999 U.N.T.S. 171 (December 16, 1966): art. 19.

<sup>322</sup> A/HRC/RES/48/13 (supra 91): Preamble. For examples of specific obligations arising from regional treaties, see Aarhus Convention (supra 89); Escazu Agreement (supra 89).

<sup>323</sup> United Nations Environment Program (supra 107): IX.

<sup>324</sup> United Nations Human Rights Council, Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment: Framework Principles on Human Rights and the Environment, A/HRC/37/59, 2 January 2018: para. 18.

<sup>325</sup> United Nations Environment Program (supra 107): IX.

<sup>326</sup> Anshell (supra 199).

often live on the fringes of settlements as they are expected to live outside the boundaries of the village, to ensure it is sacred. This means they are often excluded from community information sharing, which revolves around the central meeting space in the village.<sup>327</sup>

## RIGHTS RELATED TO HUMAN MOBILITY

Human mobility is the quintessential adaptive response to the interaction of a series of circumstances, including armed conflict, poverty, persecution, environmental factors, and disasters. The evidence strongly suggests that human mobility will increase significantly in the coming decades as a result of climate change, as its effects drive persons, communities, and populations to self-protect by moving out of areas of high risk or fleeing a decline in livelihood, land quality, or availability of water.<sup>328</sup> In addition, climate action through mitigation and adaptation measures may drive human movement, not least when these result in forced evictions.

Competition over limited resources will increase as the impacts of climate change result in more frequent and more devastating disasters, and persons and communities in impacted areas will, in all likelihood, be forced or choose to move elsewhere.<sup>329</sup> Storms, floods, droughts, wildfires, and landslides triggered a staggering 247 million forced movements of people in the decade 2015-2024. In any given year, 32 million persons are likely to be displaced by riverine and coastal floods;<sup>330</sup> it is estimated that at the end of 2024, 9.8 million persons were internally displaced as a result of disasters.<sup>331</sup> Lower socioeconomic status will create barriers to moving to more climate-resilient areas that tend to be more desirable and therefore scarce. These barriers to adaptive mobility are common to marginalized communities and populations and will be exacerbated by factors such as race, national origin, and ethnicity.

The evidence suggests that some of the conditions that determine the impacts of climate change-related human mobility are highly specific to SOGI. In the United States, for example, displacement from coastal states that have robust legal protections to central parts of the country where LGBT people are more likely to live under restrictive legal frameworks and experience bias could significantly limit the enjoyment of rights.<sup>332</sup> Disaster forces people to become more reliant on Government and social services, but seeking vital support within discriminatory contexts may mean significant alterations in behavior to avoid harassment or forced coming out due to loss of privacy.<sup>333</sup> The destruction of homes and community centers can mean the destruction of painstakingly built safe spaces and informal networks, driving LGBT persons to spaces that are hostile to them.

<sup>327</sup> Rainbow Pride Foundation Interview, October 23, 2022.

<sup>328</sup> United Nations High Commissioner for Human Rights. Report on human rights protection gaps in the context of migration and displacement of persons across international borders resulting from the adverse effects of climate change and on support to adaptation and mitigation plans of developing countries to bridge the protection gaps. A/HRC/38/21. April 23, 2018: para. 8.

<sup>329</sup> UNFCCC, Climate-Induced Displacement and Migration: Policy Gaps and Policy Alternative (2015), [https://unfccc.int/files/adaptation/groups\\_committees/loss\\_and\\_damage\\_executive\\_committee/application/pdf/briefing\\_paper\\_climate\\_induced\\_displacement\\_and\\_migration.pdf](https://unfccc.int/files/adaptation/groups_committees/loss_and_damage_executive_committee/application/pdf/briefing_paper_climate_induced_displacement_and_migration.pdf)

<sup>330</sup> Internal Displacement Monitoring Centre; "Countdown to 2030 <https://api.internal-displacement.org/sites/default/files/publications/documents/idmc-2025-countdown-to-2030-achieving-global-targets-on-disaster-displacement.pdf>: p. 11.

<sup>331</sup> Internal Displacement Monitoring Centre (IDMC). Global Report on Internal Displacement 2025 (GRID). Geneva: Internal Displacement Monitoring Centre, 2025: p. xi.

<sup>332</sup> Samuel Mann, Tara McKay, & Gilbert Gonzales. (2024). Climate change-related disasters & the health of LGBTQ+ populations Climate change-related disasters & the health of LGBTQ+ populations. *The Journal of Climate Change and Health*, 18, 100304.

<sup>333</sup> Larkin (supra 160).

When LGBT persons cross borders, their status exacerbates structural vulnerabilities and often reproduces them in the different stages: LGBTI and gender-diverse displaced persons are exposed to multiple forms of harm. These include gender-based violence and systematic exclusion from essential services such as safe shelter, food and non-food distributions, medical care, sexual and reproductive health services, mental health and psychosocial support, financial systems, and livelihood opportunities. Structural barriers that deny access to the formal labor market increase vulnerability to exploitation and pressure to engage in high-risk livelihoods. Discrimination and abuse can also continue within displaced communities, where LGBTI persons are often excluded from decision-making bodies designed to represent the displaced population.<sup>334</sup>

When crossing borders, persecution on the basis of one's real or perceived SOGI is considered a potential ground for claiming asylum according to the 1951 Refugee Convention and the 1967 Protocol. However, as noted by the UN High Commissioner for Human Rights, Refugee Law excludes most people who cross borders because of climate change.<sup>335</sup> Further, seeking to receive protection in countries that maintain criminalization or pathologizing policies, or fail to recognize gender identity, particularly when the originating country has a more progressive policy that enables the issuance of gender-appropriate documents, creates risk for trans and gender-diverse persons.

## RIGHT OF ACCESS TO JUSTICE

The UDHR enshrines the right to an effective remedy,<sup>336</sup> and myriad international and regional treaties reinforce it. The right to an effective remedy has an inextricable connection with notions of risk and damage, prevention, protection, accountability, and reparations. In 2005 the UN General Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law<sup>337</sup> that establish that under international human rights law States have obligations to adopt laws and policies to prevent violations of human rights, to investigate violations efficiently, thoroughly and impartially and to provide effective remedies. In regional law, the Aarhus Convention<sup>338</sup> and Escazu Agreement<sup>339</sup> provide access to review procedures to challenge breaches of environmental law.

Access to environmental justice, therefore, has two dimensions: the duty to provide a legislative or policy framework through which competent authorities protect all persons under the jurisdiction of a State from violations of their human rights, and the duty to guarantee that their decisions will lead to actual enforcement. All rights examined in this section must therefore be protected throughout those dimensions, including rights that are in nature substantive, such as the rights to a clean, healthy, and sustainable environment, to health, to education, to employment, and to housing, or procedural, such as the rights to access to information and to public participation.

<sup>334</sup> IE SOGI, "LGBTI and Gender-Diverse Persons in Forced Displacement;" <https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity/lgbt-and-gender-diverse-persons-forced-displacement>

<sup>335</sup> A/HRC/38/21 (supra 328): para. 24.

<sup>336</sup> Universal Declaration of Human Rights (supra 272): art. 8.

<sup>337</sup> United Nations General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, adopted December 16, 2005, <https://undocs.org/A/RES/60/147>

<sup>338</sup> Aarhus Convention (supra 89): art. 9.

<sup>339</sup> Escazu Agreement (supra 89): art. 8.

UN treaty bodies and domestic courts have confirmed that denying an effective remedy to breaches of climate obligations will generate international responsibility for a State. In the case of Daniel Billy, the UN Human Rights Committee observed that the highest court in Australia had ruled that State entities are not responsible for failure to regulate environmental damages,<sup>340</sup> and therefore the Committee examined the allegations of human rights violations without requiring the exhaustion of domestic remedies. The UN Committee on the Elimination of Violence against Women (CEDAW) has observed that responses to climate change should be “designed and implemented in accordance with [...] access to justice, transparency and the rule of law.”<sup>341</sup>

Access to justice has an inextricable connection to the issue of standing, that is, the legally recognized ability to raise a complaint before a judicial or administrative authority. Standing usually depends on a legally relevant causal relation between the actions or omissions of the State and the actual harm, or risk of harm, that these would cause to the complainants.<sup>342</sup> In this respect, LGBT persons face significant barriers to raising cases and presenting evidence of differentiated impact of climate change: in contexts of LGBT criminalization, it would be unreasonable to assume that climate-related harm based on SOGI, or somehow related to it, will be examined objectively and impartially. Other contexts prohibit the existence of associations or entities created with the objective of promoting the enjoyment of human rights by LGBT persons, which therefore cannot exercise the fundamental role of non-governmental advocacy.

In the climate change architecture, there is a paucity of enforceability mechanisms, and the grievance procedure established in article 6.4 of the Paris Agreement is not yet operational. The issue of standing has therefore not been tested.

## SUMMARY OF IMPACTS

Across these rights domains—expression and information, association and participation, health, housing, education, work, and mobility—the pattern is consistent: climate change compounds pre-existing inequalities and turns legal and policy blind spots into concrete harms for LGBT persons. Criminalization, pathologization, gaps in data, and the absence of explicit recognition in climate and disaster frameworks limit access to life-saving information, undermine participation in decisions that shape risk, disrupt essential health care (including HIV and gender-affirming services), heighten housing precarity, erode educational continuity, and constrain fair access to jobs and recovery. Where identity documents do not reflect lived gender, even basic entitlements—shelter admission, clinic triage, compensation, relocation consent—can be out of reach. These are not marginal issues; they diminish the effectiveness, equity, and legitimacy of climate action overall.

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<sup>340</sup> Billy and others v. Australia (supra 100): para. 7.3.

<sup>341</sup> CEDAW/C/GC/37, para. 14, cited in ICJ Advisory Opinion (supra 18): para. 383.

<sup>342</sup> Verein KlimaSeniorinnen Schweiz and Others v. Switzerland, (supra 105): para. 610.

## RECOMMENDATIONS

The neglect of LGBT persons in climate response is not an oversight. Where such neglect results in discrimination, exclusion from protection, or denial of effective remedies, it may amount to a breach of States' obligations under international human rights law. Addressing SOGI-based discrimination is both a legal imperative and a practical necessity for effective climate action. Governments must repeal laws criminalizing same-sex intimacy and gender identity, recognize the colonial origins of such legislation, enact comprehensive anti-discrimination laws, and provide legal gender recognition in line with best practices identified by the UN High Commissioner for Human Rights. International climate governance must reckon with its own blind spots. Embedding SOGI considerations in climate finance, data collection, and disaster risk planning is not a matter of political preference but of legal obligation under the Paris Agreement and international human rights law.

Good practices for addressing SOGI discrimination in other contexts can be adapted to climate action. The ASPIRE Guidelines—developed through extensive consultation with over 1,000 activists, human rights defenders, and officials across 100 countries—provide a framework for an inclusive humanitarian response that translates directly to climate and disaster contexts. The Guidelines emphasize that policymakers should not rely on intuitive thinking when designing responses that impact LGBT communities. Instead, they call on states to:

**Acknowledge:** LGBT and gender-diverse persons are everywhere.

**Support:** the work of LGBT civil society and human rights defenders.

**Protect:** LGBT persons from violence and discrimination.

**Identify:** recognize indirect discrimination as a risk of seemingly neutral policies.

**Representation:** LGBT persons must participate in public policy processes in a meaningful way.

**Evidence-based approaches:** data must guide the formulation of public policy relevant to LGBT persons.

Based on these guidelines, climate change stakeholders (among others, government, international organizations, academia, businesses, civil society) should ensure the following within their respective spheres of action:

## CLIMATE POLICY AND DECISION-MAKING

- Ensure explicit inclusion of SOGI in climate frameworks within the frame of vulnerability established in the Paris Agreement and other key instruments in the climate change architecture, and ensure that all measures prioritize an intersectional, non-heteronormative, and non-cisnormative perspective.
- Incorporate references to SOGI in Nationally Determined Contributions, National Adaptation Plans, Adaptation communications, Biennial transparency reports, disaster preparedness strategies, and climate finance mechanisms. Other stakeholders, including International Climate Finance Institutions, should promote the inclusion of that information. This inclusion signals recognition and opens pathways for participation, targeted support, tapping into the contribution of the global LGBT movement, and promoting accountability.
- Incorporate intersectional analysis in their consideration of the Enhanced Lima Work Program on Gender and its Gender Action Plan, and explicitly address differentiated climate impacts linked to SOGI in them. Policymakers should complement binary understandings of gender with gender-responsive policies that recognize persons who identify beyond the binary male/female and address the realities of trans, nonbinary, and other gender-diverse individuals. This includes legal gender recognition, inclusive shelter policies, and tailored health care services during and after disasters.
- Recognize that persons impacted by violence and discrimination based on SOGI are diverse, and that SOGI issues intersect with other systemic and historical forms of inequality, such as classism, racism, and ableism.
- Further incorporate SOGI in human rights and gender approaches, as well as in migration frameworks.
- Follow the lead of the IPCC and recognize non-conforming gender orientation and sexuality as compounding factors of climate vulnerability. Inspiration can be drawn from the few existing international guidelines that promote LGBT inclusion, including the 2015 IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action and the 2018 International Federation of Red Cross and Red Crescent Societies' Minimum Standards for Protection, Gender, and Inclusion in Emergencies.
- Mainstream LGBT inclusion in regional and international cooperation: donor agencies, regional bodies, and international climate funds should include consideration of SOGI in their frameworks, guidelines, and reporting mechanisms to ensure consistency and support for inclusive implementation across borders.
- Facilitate LGBT participation in climate decision-making: Climate governance must be participatory. This includes removing legal barriers to LGBT organizing, creating proactive mechanisms for consultation with LGBT civil society, ensuring representation in climate-planning bodies, ensuring safe environments for advocacy, and creating mechanisms for LGBT voices to be heard in decision-making arenas. This should include a review of existing consultation mechanisms to identify

indirect barriers to LGBT participation. To strengthen support ecosystems, State and humanitarian actors should work through existing community networks, building on trusted mechanisms until mainstream services become inclusive. Engagement must respect the ownership of informal networks and be reinforced by legal and policy reforms that guarantee LGBT inclusion and equal protection under human rights law.

- Ensuring that SOGI is mainstreamed in long-term adaptation, including by meaningfully including LGBT civil society in adaptation decision-making and ensuring that aid and other adaptation assistance are SOGI-inclusive.

## CLIMATE FINANCE AND INVESTMENT

- Gather disaggregated data on the lived realities of LGBT persons and their interaction with areas of climate action.
- Establish programs providing grants to advance the evidence base available on SOGI-specific issues and climate change, and make them accessible to LGBT-led and LGBT-serving organizations.
- If social assessments carried out at the stage of project design reveal differentiated needs and lived realities of LGBT persons, consult with LGBT communities and consider developing project components with SOGI targets.
- Make climate finance and technology transfer mechanisms accessible to LGBT-led and LGBT-serving organizations and ensure that such mechanisms also benefit these groups, historically subjected to discrimination and violence.
- Include mechanisms to help ensure states formulate human rights-based approaches in international financial and logistical assistance for developing states to design and implement climate change responses, including specific protections and procedures for LGBT people. For example, international financial assistance must prioritize adaptation that advances the human rights of persons, communities, and populations most affected by climate change, including ensuring nondiscrimination based on SOGI. UN assistance for formulating National Adaptation Plans could also include awareness of the need to incorporate human rights protections, including SOGI protections, into their National Adaptation Plans.

## CAPACITY-BUILDING

- Include nondiscrimination based on SOGI in the technical training of relevant State officers and the protocols and systems that they implement; this should include State officers involved in the climate change architecture.
- Support capacity-building among marginalized communities and populations, including LGBT persons: Climate adaptation and mitigation strategies should empower communities through education, funding, training, and access to employment in green sectors. Inclusive economic transition planning can reduce both vulnerability and inequality.
- Develop climate literacy programs specifically tailored for sexual and gender minorities.

## SOCIAL INCLUSION

- Implement legal protections in conformity with human rights standards, including anti-discrimination measures.
- Recognizing LGBT leadership in broader social movements, where it exists, or promoting it where it does not is one way to ensure that information is disseminated to these communities. LGBT leaders and non-LGBT persons with inside knowledge and access to LGBT individuals, and who have their trust, will be best equipped to tap into these spaces. Forge partnerships with LGBT organizations and leadership.
- Ensure that LGBT people can access complete, accurate, and accessible information about the realities of climate change, the impacts of climate change in the context in which they live, and the State's responses to climate change.
- Ensure participation in climate and environmental policy-making processes, including consultations for the preparation of Nationally Determined Contributions and National Adaptation Plans, as well as Adaptation Communications, and promote representation across advisory bodies that are put in place to this end. The design of consultation or participation processes should consider that LGBT persons are not a homogeneous community and cater to the possibility that persons or communities identify under different identities.
- Acknowledge and address health disparities impacting the LGBT population and integrate LGBT considerations in health-related disaster preparedness and response.
- In disaster preparedness and response, ensure that LGBT persons have access to services, including mental, sexual, and reproductive health, and trans medical and post-sexual assault services.
- Include information about climate change-related disasters as well as information about long-term climate impacts, adaptation, and modalities of participation in climate action in the education curricula. States must ensure such information is specifically targeted to reach LGBT communities, including by leveraging LGBT communities' existing informal networks.
- Include LGBT-relevant data in urban planning and urban development.
- Uphold the principle of nondiscrimination in all stages of the work cycle, and particularly in employment in climate-adaptive sectors. Obtain and analyze data on the relation between the LGBT community and employment sectors that are particularly vulnerable to the effects of climate change. Include LGBT persons in the opportunities of just transition quotas, skills development, and technical training, along with other priority beneficiaries belonging to communities and populations historically subjected to discrimination.
- Adopt inclusive approaches in internal displacement assistance policies and in all processes dealing with forcefully displaced persons, including asylum processes.
- Ensure freedom from discrimination based on SOGI from evacuation and transitory residence spaces and shelters, including registration documentation, the installation of gender-neutral toilets, and inclusive accommodations.
- Prohibit publicly funded agencies and organizations providing post-disaster services from discriminating on the basis of SOGI.

## DISASTER RECOVERY AND RESILIENCE

- Recognize sexual orientation and gender identities as categories protected from discrimination in international, regional, and local disaster risk reduction frameworks, laws, and plans of action, including within the designation of “marginalized populations” in the Sendai Framework.
- Establish national-level climate adaptation and disaster risk reduction policies in consultation with LGBT civil society representatives that meaningfully respond to the needs of LGBT people in the state. States need to put in place measures that ensure subnational governments, such as provincial and local governments, do the same.
- Refrain from instrumentalizing stigma and hatred based on SOGI, including in the context of the climate emergency, and vigorously challenge mischaracterizations that link LGBT persons to disasters.
- Create and implement policies that ensure LGBT people’s human rights are respected in the context of disaster and humanitarian assistance, including the provision of inclusive and targeted disaster information and the ability to receive assistance without discrimination based on family structures.
- National governments, subnational governments, and humanitarian organizations should implement specific disaster risk reduction policies that include changes before, during, and in the aftermath of disasters, including:
  - Ensure that State and non-State entities responsible for administering humanitarian assistance and other forms of assistance related to disaster are aware of their duty not to discriminate based on SOGI.
  - Ensure that all aid, including food and water rations, hygiene kits, and other personal items, and financial assistance, is available to all people without discrimination.
  - Training decision-makers and staff providing on-the-ground on best practices for SOGI inclusion.
  - Ensure that meaningful information about disasters is available to everyone, and make targeted efforts to ensure that this information reaches LGBT communities.
  - Ensure that emergency shelters have non-sex-segregated spaces that are safe and welcoming to all LGBT people, especially gender-diverse people.
  - Guarantee uninterrupted access to gender affirming health services during displacement.

## DATA AND INFORMATION ACCESS

- Invest in disaggregated data collection and research. Policymakers in all quarters should mandate and fund the collection of SOGI-disaggregated data in climate vulnerability assessments, impact studies, and post-disaster evaluations, ensuring ethical and safe data practices, following best and good practices validated by LGBT communities and populations. Data collection and management should comply with the principle of Do No Harm in line with the recommendations of the UN Independent Expert on protection from violence and discrimination based on SOGI. Where appropriate, such data should be shared with the LGBT community and civil society.

- Promote the collection of qualitative information from stakeholders through international public mechanisms that allow community-based organizations and LGBT leaders to provide feedback on public policy, legislation, and access to climate justice.
- Strengthen the collection of SOGI-relevant data in climate surveillance.
- Monitor progress through specific indicators that measure LGBT inclusion.

## APPENDIX

### METHODS

The research behind this report was prepared in two stages.

#### Stage One

Stage One was carried out by students in the Harvard Law School International Human Rights Clinic from September to November 2022. It was produced based on a review of literature—174 academic articles, UN reports, NGO studies, and news articles—available in the Harvard Online Library Information System (HOLLIS). The Clinic also conducted interviews with representatives from seven civil society organizations working at the intersection of climate change and SOGI, particularly in small island states.<sup>343</sup> The group prepared a memorandum with findings and observations.

#### Stage Two

Stage Two was carried out under the auspices of the Williams Institute at UCLA from October 2024 to September 2025. The list of sources was updated with the most recent academic literature through HeinOnline, JSTOR, and Google Scholar through a combination of terms in column A and B in the following table.

**Column A:** climate change, environment, global warming

**Column B:** vulnerable, gender, género, genre, sexual orientation, orientación sexual, orientation sexuelle, gender identity, identidad de género, identité de genre, gay, homosex (to identify homosexual and homosexual), lesbian (to also identify lesbiana), lesbienne, bisexual, bisexuel, trans, two spirit, LGBT, LGTB, orienta (to identify sexual orientation, orientación sexual and orientation sexuelle).

Terms were designed to identify sources in three languages: English, French, and Spanish.

All search terms were combined with Boolean terms and truncation symbols. Results were classified under four categories: a) international instruments (e.g., treaties, conventions, declarations) and reports; b) peer-reviewed academic articles; c) non-peer-reviewed articles; d) interviews, blogs, and other informal sources.

All international instruments were read in full. Reports and peer-reviewed articles published after the conclusion of Stage One were reviewed in full. Other materials were scanned to determine if they contained compelling new information and evidence not documented in stage one; if so, they were reviewed in full. This process yielded 46 new relevant publications.

In total, 220 publications were reviewed: 21 international treaties, resolutions, and declarations; nine judgements and advisory opinions; four national laws; two policy statements; 80 reports, general comments, and Views; 33 peer-reviewed academic articles; and 71 articles, interviews, and blogs.

<sup>343</sup> D'Marco Foundation (Bahamas; Leisl Theron and Alexis D'Marco); United Caribbean Trans-Network (Caribbean Region; Leisl Theron and Alexis D'Marco); GiveOut (UK; Rupert Abbott and Lee Dibben); Tonga Leitis Association (Tonga; Joleen Brown Mataele and Cruella Kingnukuturn); Rainbow Pride Foundation (Fiji; Abdul Mufeez Shaheed); Edge Effect (Australia; Emily Dwyer and Lana Woolf); J-Flag (Jamaica; Nickoy Wilson).

## Assessment of Nationally Determined Contributions

An analysis of Nationally Determined Contributions (NDCs) was done via the UNFCCC NDC registry, which, as of November 21, 2025, contained a total of 315 NDCs. NDCs in English, French, and Spanish were included in the analysis; three NDCs that were only available in Arabic or Russian were excluded, and therefore a total of 312 NDCs were examined.

Documents available in English were searched for the following terms: vulnerable, gender, women, girls, youth, children, indigenous, disability (to capture disability and disabilities), poor, older, elder, local, regional, community (to capture community and communities). Documents in French were searched for the following terms: genre, femme, fille, jeune, enfant, autochtone, handicap, pauvre, âgée, commun (to capture communauté and communautaire). Documents in Spanish were searched for the following terms: género, mujer, niña, joven, jóvenes, juventud, niñez, niños, indígena, discapacidad, pobre, adulto, mayor, comuni (to capture “comunidad” and “comunitaria/o”).

All documents were searched for the terms vulnerab (to capture vulnerable, vulnerability, vulnerabilities), local, regional, LGBT, LGTB, orienta (to capture orientación, orientation, orientaciones and orientations), sexu (to capture sexual, sexuelle, sexualité).

The resulting group of NDCs included at least one mention of one of the terms. A localized reading was done to determine if the inclusion of the term was the result of a citation or the use of a template issued by the UNFCCC Secretariat that included the term. In the case of documents that only had such type of reference, they were excluded. With the remaining documents, a localized search was done to determine which one of the following assumptions is true: a) the State recognizes the existence of LGBT persons within the context of populations vulnerable to climate change in relation to which measures of adaptation should be considered), b) a State commitment in relation to the LGBT community or population; c) a State action to include the LGBT community or population in its adaptation actions.

## TERMINOLOGY

This report aims to address the lived realities of all persons, communities, and populations who suffer discrimination and violence based on SOGI. Beyond persons, communities and populations impacted negatively by violence and discrimination, the report also strives to address processes through which bias or hatred against SOGI minorities are instrumentalized for political, social, economic, or any other purposes.

The report uses the expressions lesbian, gay, bisexual, trans, and gender-diverse, and the acronym LGBT as a form of shorthand. While the acronym is widely recognized as an ordering principle of advocacy and community-building around the world, the following limitations are acknowledged:

- The acronym refers to social, political, and legal identities, the meanings of which are contextual.
- The acronym may fail to capture the lived realities of persons who suffer discrimination and violence because of the perceptions of other persons about their orientation or identity.
- The evidence suggests that the acronym may not fully capture the diversity of sexual orientations and gender identities in life experiences of persons, communities and populations around the globe, such as Two-Spirit (North America), kathoey (Thailand), bakla (the Philippines), travestis (Argentina and Brazil), fa’afafine (Samoa), leiti (Tonga), babaylan and bakla (Philippines), ogbanje

(Nigeria), bonju (Europe), muxe (Mexico), hijra (India and Bangladesh), aravanis (India), bissu (Indonesia), sida-sida (Malaysia), Khwaja siras (Pakistan), Oromo (Kenya), Dagaaba (Ghana), Arman Ai (Kyrskystan), and mähū (Hawaii and Tahiti). The same can be said of identities under which persons identify and establish community in different latitudes, such as queer, questioning, and asexual.

- The use of the acronym could suggest a homogeneity of the evidence available in relation to different identities, communities, and populations. This risk is exacerbated by asymmetries in data available: for example, in most regions of the world, the evidence available in relation to the health of gay men vastly exceeds that available on the health of lesbian or bisexual persons. A homogenizing effect is also related to data deficiencies: with very few exceptions, data is not cross-referenced with other identities or statuses protected from discrimination, among them race, language, religion, political or other opinion, national or social origin, property, birth, age, nationality, marital status, disability, or migratory status.
- The use of the acronym could suggest a homogeneity of the evidence available in relation to different family configurations that include LGBT persons. There is no universally accepted notion of what constitutes an LGBT family, and expressions like same-sex marriages fall short in capturing nuance in the description of family units that are significantly impacted by discrimination and violence, including families with LGBT children, LGBT persons with children, and family configurations that do not receive legal protection in certain contexts.

The terms LGBT, sexual and gender minorities, and persons affected by violence and discrimination based on SOGI are used interchangeably throughout this report.

## AUTHOR

**Victor Madrigal-Borloz** is a Distinguished Visiting Scholar at the Williams Institute. He is also the Eleanor Roosevelt Senior Visiting Researcher at the Harvard Law School Human Rights Program (2019-2025) and a Trustee of the UN Voluntary Fund for Torture Victims.

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### ABOUT THE WILLIAMS INSTITUTE

The Williams Institute is dedicated to conducting rigorous, independent research on sexual orientation and gender identity law and public policy. A think tank at UCLA Law, the Williams Institute produces high-quality research with real-world relevance and disseminates it to judges, legislators, policymakers, media, and the public. These studies can be accessed at the Williams Institute website.

### FOR MORE INFORMATION

The Williams Institute, UCLA School of Law  
williamsinstitute@law.ucla.edu  
williamsinstitute.law.ucla.edu

RESEARCH THAT MATTERS



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