

## Commentary

# The Unsettled but Promising Interconnection of Human Rights, Mental Health, and Climate Change

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### Abstract

Human rights courts may be on the cusp of recognizing linkages between the mental health impacts of climate change and human rights. However, several significant obstacles must be overcome before human rights protections are likely to be extended to cover the mental health impacts of climate change. Thus, the push for recognition of human rights protections for people facing mental health harms imposed by climate change must be pursued along with a multifaceted effort that employs regulatory and advocacy strategies alongside litigation, and more clearly establishes the interconnections between mental health, climate change, and human rights.

**Keywords:** human rights; mental health; climate change; global health; international law

As the effects of human-induced climate change have continued to unfold, increased risks to mental health attributable to the current and future climate crisis have become a significant, although still considerably underappreciated, concern. Climate researchers have long predicted that more frequent environmental disruptions would increase levels of anxiety, depression, post-traumatic stress disorder (PTSD), suicidality, and other mental health conditions,<sup>1</sup> and recent studies have supported this projection.<sup>2</sup> The precarity and insecurity introduced by an uncertain climate future also contributes to mental health harms, with the Intergovernmental Panel on Climate Change concluding with “very high confidence” that “mental health challenges, including anxiety and stress, are expected to increase under further global warming in all assessed regions, particularly for children, adolescents, elderly, and those with underlying health conditions.”<sup>3</sup>

Despite this mounting evidence and attention, few governments have taken explicit action to address the mental health impacts of climate change.<sup>4</sup> Where regulation and policymaking falter, litigation can attempt to fill the void and advance climate policies more protective of mental health. As Sam Varvastian outlines in his excellent article in this issue, “Climate Change and Mental Health: A Human Rights Perspective,” petitioners have increasingly invoked mental health in their claims before national and international human rights courts as justification for more aggressive state actions on climate change mitigation and adaptation.<sup>5</sup> Yet these courts have hesitated to embrace the linkages between climate change, its mental health impacts, and human rights. Indeed, courts have been reticent to recognize that climate change policies implicate a right to health at all, much less a right to mental health. While Professor Varvastian hopefully suggests that human rights courts may be on the cusp of

such a recognition, several significant obstacles must be overcome before human rights protections are likely to be extended to cover the mental health impacts of climate change. Consequently, the push for recognition of human rights protections for people facing mental health harms imposed by climate change must be pursued along with a multifaceted effort that employs regulatory and advocacy strategies alongside litigation, and more clearly establishes the interconnections between mental health, climate change, and human rights.

### Expanding research on the mental health effects of climate change

Researchers must continue to pursue studies that will augment the evidence base demonstrating the likely effects of climate change on health generally and mental health specifically.<sup>6</sup> More rigorous and expansive research exploring connections between climate change and harms to mental health can better inform climate policymaking and may bolster public support for taking more concerted actions now to reduce these harms through climate mitigation and adaptation. Research that establishes a clearer link between climate change and mental health problems also may strengthen the causal arguments raised by petitioners in their human rights claims challenging inadequate climate policies. Yet scaling up research requires resources and prioritization from policymakers as well as the researchers themselves, which has presented an ongoing impediment despite growing attention. The most recent *Lancet* Countdown report on health and climate change notes that efforts to capture information about the mental health impacts of climate change “has so far been hindered by the persistent lack of standardised definitions, frequent stigmatisation and lack of recognition of mental health, and scarcity of globally relevant data on mental health impacts and care.”<sup>7</sup> This relative dearth of investment in research will likely be perpetuated by current efforts to eviscerate federal funding for scientific research on climate change, public

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health, and mental health in the United States. It will be imperative for other institutions and funders to fill this gap and support this vital research.

### Recognizing the impact and importance of mental health

Policymakers worldwide must continue to highlight the importance of mental health as a core component of human health. Mental health has often received insufficient attention relative to physical health across numerous facets of law and policy, an oversight that often requires legislative or judicial interventions to remedy.<sup>8</sup> This tendency to neglect consideration of mental health extends to human rights instruments, discourse, and litigation. Even human rights instruments and analyses that address the intersection of health and human rights primarily concentrate on physical health rather than mental health.<sup>9</sup> Initiatives over the past decade to emphasize the importance of mental health in global health policy<sup>10</sup> and to more clearly demonstrate the interconnection between mental health and human rights<sup>11</sup> have had moderate success in bolstering the attention given to mental health concerns. But more progress must be made in breaking down the silos between physical and mental health in law and policy to ensure that mental health becomes a more significant factor in health policymaking, rather than an afterthought.

### Linking human rights, mental health, and climate change

The health implications of climate change have received increasing attention from human rights institutions, especially over the decade since the completion of the Paris Agreement in 2015. International human rights institutions have issued numerous resolutions, reports, and statements recognizing the link between human rights and climate change, including the United Nations Human Rights Council, the United Nations General Assembly, and Special Rapporteurs on the environment, health, food, Indigenous peoples, migrants, and water and sanitation, as well as the recently-created Special Rapporteur on Climate Change.<sup>12</sup> Climate litigants, likewise, have increasingly incorporated rights-based arguments into their cases.<sup>13</sup> However, as Professor Varvastian notes, these developments have not resulted in clear or widespread recognition by human rights courts that the mental health impacts of climate change violate human rights protections.<sup>14</sup>

Rights-based approaches have great promise for advancing policies protective of mental health.<sup>15</sup> Human rights systems delineate obligations on states to protect, respect, and fulfill rights, including the right to health. States are also the only actors that have the capacity to advance meaningful efforts to combat the climate crisis. Thus, human rights arguments may provide a particularly effective means of compelling greater state action on climate change. And health-related arguments may provide a particularly compelling route to demonstrating the human rights harms of climate change.<sup>16</sup>

Nevertheless, rights-based approaches and the systems that enforce them have significant limitations. Human rights litigants face the typical litigation challenges of jurisdiction, standing, and causation. Indeed, several of the unsuccessful human rights claims described by Professor Varvastian failed when courts determined that the petitioners lacked standing or had brought untimely cases to international tribunals before fully exhausting domestic remedies.<sup>17</sup> These procedural hurdles are compounded by the reluctance of many human rights courts to broadly recognize a lack of

substantive health protections, including the potential for future harm to health, as human right violations.<sup>18</sup> In this context, research demonstrating the scope of current mental health impacts — among them anxiety, stress, and depression — arising from concern about the future effects of climate change may provide persuasive evidence of causation to support claims of human rights violations.

### A multifaceted effort

Rights-based litigation pursued at the national, regional, and international levels may yet provide precedential and persuasive rulings holding the mental health effects of climate change to be human rights violations.<sup>19</sup> Pending advisory opinions from the Inter-American Court of Human Rights<sup>20</sup> and the International Court of Justice<sup>21</sup> may provide the occasion to more directly connect human rights and climate-related harms. Litigation can be impactful, but is only one of several concurrent strategies necessary to mitigate the mental health harms of the climate crisis.<sup>22</sup> Human rights institutions and global health actors have the opportunity to further elucidate the linkages between human rights, mental health, and climate change through the further strengthening of the legal determinants of health at all levels.<sup>23</sup> Regulatory and legislative initiatives at national and subnational levels and a multiplicity of advocacy efforts must accompany litigation, institutional reports, and supportive research. In sum, human rights litigation to protect mental health and combat the climate crisis must be but one component of a broader, multipronged effort that transcends specific jurisdictions, institutions, and tactics. If successful, these interconnected efforts may spur more proactive laws and policies to avert the worst mental health effects of climate change and put us on a path to a more sustainable and livable future.

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### References

1. H.L. Berry et al., “Climate change and mental health: a causal pathways framework,” *International Journal of Public Health*, 55 (2010): 123–132.
2. See, e.g., E. Lawrance et al., “The impact of climate change on mental health and emotional well-being: current evidence and implication for policy and practice,” *Grantham Institute Briefing paper* No. 36 (May 2021), <https://www.imperial.ac.uk/grantham/publications/all-publications/the-impact-of-climate-change-on-mental-health-and-emotional-wellbeing-current-evidence-and-implications-for-policy-and-practice.php>; F. Charlson et al., “Climate Change and Mental Health: A Scoping Review,” *International Journal of Environmental Research and Public Health*, 18, no. 9 (2021): 4486, <https://www.mdpi.com/1660-4601/18/9/4486>; M. Hrabok et al., “Threats to Mental Health and Well-Being Associated with Climate Change,” *Journal of Anxiety Disorders*, 76 (2020): 102295, <https://doi.org/10.1016/j.janxdis.2020.102295>.
3. H.-O. Pörtner et al. (eds.), *Climate Change 2022 – Impacts, Adaptation and Vulnerability: Summary for Policymakers, Group II Contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, (Cambridge University Press; 2023): SPM-15.
4. World Health Organization, 2021 WHO health and climate change global survey report (World Health Organization, 2021), <https://www.who.int/publications/i/item/9789240038509> (finding that only 9 of 95 countries whose national health and climate change plans were examined included mental health or psychosocial support).

5. S. Varvastian, "Climate Change and Mental Health: A Human Rights Perspective," *Journal of Law, Medicine, & Ethics* 53, no. 2 (2025): 298–303. <https://doi.org/10.1017/jme.2025.10114>.
6. A. Massazza et al., "Quantitative methods for climate change and mental health research: current trends and future directions," *Lancet Planetary Health* 6 (2022): e613–627.
7. M. Romanello et al., "The 2024 Report of the Lancet Countdown on health and climate change: facing record-breaking threats from delayed action," *Lancet* 404 (2024): 1847–1896, at 1862.
8. C.L. Barry et al., "A Political History of Federal Mental Health and Addiction Insurance Parity," *The Milbank Quarterly*, 88, no. 3 (2010): 404–433.
9. See, e.g., P. Hunt and J. Mesquita, "Mental Disabilities and the Human Right to the Highest Attainable Standard of Health," *Human Rights Quarterly*, 28 (2006): 332–356.
10. World Health Organization, *World mental health report: transforming mental health for all* (World Health Organization 2022); G. Thornicroft et al., "The Lancet Commission on ending stigma and discrimination in mental health," *Lancet* 400 (2022): 1438–80.
11. D. Puras, *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, A/70/213 (United Nations, July 30, 2015), <https://docs.un.org/en/A/70/213>; D. Puras, *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, A/HRC/44/48 (United Nations, April 15, 2020), <https://docs.un.org/en/A/HRC/44/48>.
12. E. Morgera, *Scene-setting report – Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change*, A/HRC/56/46 (United Nations, June 21, 2024), <https://docs.un.org/en/A/HRC/56/46>.
13. See, e.g., J. Peel & H.M. Osofsky, "A Rights Turn in Climate Change Litigation?" *Transnational Environmental Law*, 7, no. 1 (2018): 37–67; A. Savaresi & J. Setzer, "Rights-based litigation in the climate emergency: mapping the landscape and new knowledge frontiers," *Journal of Human Rights and the Environment*, 13, no. 1 (March 2022): 7–34; R. Luporini & A. Savaresi, "International human rights bodies and climate litigation: Don't look up?" *Review of European, Comparative & International Law*, 32, no. 2 (2023): 267–78.
14. See Varvastian, *supra* note 5.
15. L.O. Gostin & L. Gable, "The Human Rights of Persons with Mental Disabilities: A Global Perspective on the Application of Human Rights Principles to Mental Health," *Maryland Law Review*, 63 (2004): 20–121.
16. World Health Organization, *COP29 Special Report on Climate Change and Health: Health is the Argument for Climate Action* (World Health Organization, 2024); A. Hefti et al., "A Health-Centric Intersectional Approach to Climate Litigation at the European Court of Human Rights," *Harvard Human Rights Journal*, 37 (2024): 351–378.
17. See, e.g., Duarte Agostinho v Portugal, App. No. 39371/20 [GC] (April 9, 2024), <https://hudoc.echr.coe.int/eng?i=002-14303>; Carême v France, App. No. 7189/21 [GC] (April 9, 2024), <https://hudoc.echr.coe.int/eng?i=002-14300>.
18. The European Court of Human Rights, for example, has jurisprudence that recognizes that Articles 2 and 8 can be violated by state acts that cause health harm based on environmental contamination. These decisions have however are limited: first by not recognizing a breach when there is a regulatory system in place to address or mitigate risk (albeit inadequately) and second by not being willing to apply the precautionary principle to incorporate the risk of future harms. The ECHR has not explicitly recognized a human right to a healthy environment in its existing case law despite opportunities to do so. See O.W. Pedersen, "The European Court of Human Rights and International Environmental Law," in J.H. Knox & R. Pejan, *The Human Right to a Healthy Environment* (Cambridge University Press, 2018).
19. At the regional level, the European Court of Human Rights recognized that Switzerland's inadequate climate policies endangered the lives and health of a group of elderly plaintiffs. Verein Klimaseniorinnen Schweiz v Switzerland, App. No. 53600/20 [GC] (April 9, 2024), <https://hudoc.echr.coe.int/eng/?i=002-14304>. See also, M. Bonnemann & M.A. Tigre, eds., *The Transformation of European Climate Litigation* (Verfassungsbooks, 2024).
20. Request for an advisory opinion on the Climate Emergency and Human Rights by Colombia and Chile, Inter-Am. Court H.R. (Jan. 9, 2023), [https://www.corteidh.or.cr/docs/opiniones/soc\\_1\\_2023\\_en.pdf](https://www.corteidh.or.cr/docs/opiniones/soc_1_2023_en.pdf).
21. International Court of Justice, *Obligations of States in respect of Climate Change*, <https://www.icj-cij.org/case/187>; A.L. Phelan et al., "Collective action and legal mobilization for the right to health in the climate crisis," *Lancet* 403, no. 10441 (2024): 2272–74; M. Hesselman et al., "Ensuring health at the heart of climate change Advisory Opinion," *Lancet*, 405, no. 10474 (2025): 178–181.
22. J. Peel & H.M. Osofsky, "Climate Change Litigation," *Annual Review of Law and Social Science*, 16 (2020): 21–38, <https://doi.org/10.1146/annurev-lawsocsci-022420-122936>.
23. L.O. Gostin et al., "The legal determinants of health: harnessing the power of law for global health and sustainable development," *Lancet*, 393, no. 10183 (2019): 1857–1910.