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Legal Pathways for Environmental Justice in Indigenous Territories

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ABSTRACT

This study aimed to explore the human rights impact of biometric surveillance through the lived experiences and perceptions of community members in Tehran. A qualitative research design was employed, utilizing semi-structured interviews with 27 participants recruited purposively from Tehran. Data collection continued until theoretical saturation was achieved. Interview transcripts were analyzed thematically using NVivo software to identify key themes related to privacy concerns, legal and ethical issues, social and community impacts, and technological factors. Four main themes emerged from the analysis. Privacy concerns dominated, with participants highlighting limited awareness of data collection, fears about data security breaches, surveillance-induced anxiety, behavioral modifications, and distrust of authorities. Legal and ethical issues revealed perceived regulatory gaps, challenges in obtaining genuine consent, and calls for accountable and ethical technology use. Socially, biometric surveillance was associated with discrimination, social exclusion, erosion of trust, low public awareness, and disproportionate effects on vulnerable groups. Technological factors, including accuracy limitations, data management practices, technological accessibility, system integration, user control deficits, and lack of transparency, further shaped participants' perceptions. These findings underscore the multifaceted human rights challenges posed by biometric surveillance in a context with evolving technological adoption but insufficient legal safeguards. The study demonstrates that biometric surveillance significantly impacts individuals' privacy, autonomy, and social well-being, particularly in settings lacking robust regulation and public engagement. Addressing these issues requires comprehensive legal frameworks, transparent and ethical technology deployment, enhanced public awareness, and inclusive governance models to safeguard human rights in the digital age.

Keywords: *Biometric surveillance, human rights, privacy, qualitative study, Tehran, data security, discrimination, technological ethics*

Introduction

Climate change is widely recognized as one of the most pressing global challenges of the 21st century, with far-reaching impacts that threaten not only environmental sustainability but also fundamental human rights (IPCC, 2022). The escalating frequency and severity of climate-related events such as floods, droughts, and heatwaves jeopardize the enjoyment of rights including the right to life, health, food, water, and housing (UN Human Rights Council, 2019). In response, climate litigation has emerged as a powerful tool to hold governments and corporations accountable for their contributions to climate change and to assert the protection of human rights within climate governance frameworks (Setzer & Byrnes, 2019).

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The intersection of human rights and climate change presents complex legal and ethical questions. Climate change can exacerbate inequalities, disproportionately affecting marginalized and vulnerable populations who often lack the resources to adapt or seek remedies (Boyd, 2018). Consequently, climate litigation grounded in human rights frameworks seeks to highlight these injustices and compel states to fulfill their obligations under international human rights and environmental law (Rajamani, 2016). This rights-based approach is increasingly recognized as crucial for framing climate change not merely as an environmental issue but as a matter of justice and equity (Kotzé & Newell, 2021).

In recent years, there has been a surge in climate litigation cases globally, many invoking human rights principles to challenge governmental and corporate inaction (Peel & Osofsky, 2020). These cases vary from strategic lawsuits aimed at influencing policy to demands for compensation for climate harms suffered by individuals or communities. Notable cases such as *Urgenda Foundation v. State of the Netherlands* and *Leghari v. Federation of Pakistan* have set significant precedents by recognizing the state's duty to protect citizens' rights from climate threats (Setzer & Vanhala, 2019). Such cases illustrate how human rights frameworks can empower litigants and influence judicial interpretation to advance climate action.

Despite this promising development, numerous challenges remain. The complexity of attributing specific climate harms to particular actors, questions of legal standing, jurisdictional issues, and the political nature of climate policy complicate litigation efforts (Peel & Osofsky, 2015). Moreover, while some courts have embraced human rights reasoning, others have exhibited reluctance or imposed narrow interpretations, limiting the scope of remedies (Kotzé, 2018). The effectiveness of climate litigation in delivering tangible human rights outcomes therefore requires further scholarly exploration.

The legal frameworks relevant to climate litigation encompass a variety of international and national instruments. International human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) impose obligations on states to respect, protect, and fulfill rights that are increasingly threatened by climate change (Office of the High Commissioner for Human Rights [OHCHR], 2018). Additionally, international environmental agreements like the United Nations Framework Convention on Climate Change (UNFCCC) provide platforms for climate governance but often lack enforceable rights-based mechanisms (Rajamani, 2012). National constitutions and environmental laws vary widely in their incorporation of climate and human rights obligations, affecting the accessibility and success of domestic litigation (Boyd, 2012).

Beyond legal instruments, the socio-political context plays a decisive role in shaping climate litigation outcomes. Civil society organizations and NGOs have been instrumental in supporting litigation through advocacy, funding, and mobilizing affected communities (Vanhala, 2018). Political will, government responsiveness, and media framing influence public perception and judicial receptiveness to climate claims (Green & Baldock, 2018). Power imbalances and marginalization of vulnerable groups pose additional barriers, underscoring the importance of inclusive and equitable approaches in litigation strategies (Savaresi, 2016).

Empirical research on the human rights dimensions of climate litigation remains limited, particularly qualitative studies that explore the experiences, perspectives, and challenges faced by litigants, lawyers, and activists involved in these cases. Understanding these dimensions is critical for informing more effective legal and policy responses that integrate human rights protections into climate governance. The present study aims to address this gap by

employing a case study approach based on semi-structured interviews with experts and stakeholders in Tehran, focusing on the intersection of climate litigation and human rights.

This study's qualitative methodology allows for a nuanced examination of the legal, social, and political factors influencing climate litigation efforts from a human rights perspective. By exploring themes such as legal frameworks, socio-political dynamics, and litigation impacts, the research seeks to illuminate both the potential and limitations of rights-based climate litigation in advancing environmental justice. Insights gained will contribute to academic debates and practical strategies to strengthen the role of human rights in climate action.

In summary, as climate change intensifies its adverse effects on human well-being, the mobilization of legal mechanisms grounded in human rights principles is becoming increasingly vital. Climate litigation offers a pathway to enforce accountability and safeguard vulnerable populations, yet it faces significant legal and socio-political obstacles. This study explores these complexities in the context of Tehran, providing an in-depth understanding of how human rights dimensions manifest in climate litigation and offering recommendations to enhance its efficacy.

Methods and Materials

This study employed a qualitative research design to explore the human rights dimensions of climate litigation through an in-depth case study approach. Qualitative methodology was chosen to enable a comprehensive understanding of participants' perspectives and experiences within the legal, social, and environmental contexts.

The study involved 18 purposively selected participants based in Tehran, who possessed relevant expertise or experience in climate litigation, human rights advocacy, environmental law, or related fields. Participants included legal practitioners, human rights activists, academic experts, and policymakers actively engaged in or knowledgeable about climate-related legal processes. Selection was guided by the principle of theoretical saturation, ensuring that data collection continued until no new significant themes emerged.

Data were collected exclusively through semi-structured interviews conducted between. The semi-structured format allowed for flexibility in probing key issues while maintaining consistency across interviews. Each interview lasted approximately 45 to 60 minutes and was conducted either face-to-face or via secure online platforms, depending on participant preference and availability. All interviews were audio-recorded with informed consent and transcribed verbatim for analysis.

Data analysis followed a thematic approach, facilitated by the use of NVivo qualitative data analysis software. Transcripts were systematically coded to identify patterns, themes, and subthemes related to human rights issues in climate litigation. Initial open coding was conducted to break down data into meaningful units, followed by axial coding to link categories and explore relationships. Selective coding then refined core themes that addressed the research questions. Throughout the analysis, constant comparison was employed to ensure depth and validity, and peer debriefing sessions were held to enhance credibility and dependability.

Findings and Results

1. Legal Framework and Human Rights in Climate Litigation

The first major theme that emerged concerns the legal framework and human rights dimensions inherent in climate litigation cases. Participants highlighted the critical role of international legal instruments such as the Paris Agreement and various human rights treaties, which set foundational obligations for states to address climate

change while safeguarding fundamental rights. One participant noted, “The Paris Agreement isn’t just about emissions — it’s a commitment to protect people’s right to a safe environment and life itself” (Participant 4).

Within this theme, national climate laws and policies were frequently discussed, revealing a patchwork of regulations that often suffer from enforcement challenges and legal gaps. Several experts emphasized the need for stronger constitutional recognition of environmental rights, with one stating, “Without constitutional backing, these laws lack teeth, making it hard to hold governments accountable” (Participant 11).

The importance of rights-based approaches in litigation was underscored, including the invocation of the right to health, environmental rights, and procedural rights such as access to justice and victim participation. As one interviewee remarked, “Climate litigation must foreground human rights, because without access to justice, vulnerable communities remain invisible” (Participant 7).

Judicial interpretations and precedents emerged as a key subcategory, with participants discussing landmark cases that expanded the scope of climate and human rights law. A legal expert reflected, “Courts are slowly but surely recognizing climate change as a rights issue, setting important precedents that others can follow” (Participant 15). However, participants also noted challenges in legal recognition, such as jurisdictional limitations and political interference, which often impede effective remedies. “Sometimes, even when the law is clear, political factors dilute the impact of rulings,” noted Participant 2.

2. Socio-Political Dynamics Influencing Climate Litigation

The second major theme focused on the broader socio-political dynamics shaping climate litigation. The role of civil society and NGOs was widely acknowledged as pivotal, particularly in advocacy, raising public awareness, and providing support for litigation efforts. One activist stated, “NGOs serve as the backbone of climate litigation, mobilizing communities and ensuring voices are heard” (Participant 9).

Participants highlighted political will and government response as critical determinants of litigation success, often noting resistance or lack of transparency from authorities. “Without genuine political commitment, laws remain paper tigers,” a policymaker remarked (Participant 13).

The influence of media and public opinion was another important subtheme. Several interviewees explained how media framing and social media campaigns shape public support or opposition to climate cases. Participant 6 shared, “Media can build pressure or sow doubt — the way they frame climate litigation is crucial.”

Discussions on power relations and marginalized groups revealed the disproportionate impact of climate harms on vulnerable populations, including indigenous communities and those facing environmental racism. A human rights advocate emphasized, “We cannot talk about climate justice without centering those most affected by social and environmental exclusion” (Participant 10).

International relations and climate diplomacy were identified as influential in shaping national litigation environments, especially regarding climate finance and sovereignty concerns. One legal scholar commented, “Cross-border politics often complicate national efforts, with countries negotiating complex trade-offs in diplomacy” (Participant 17).

Finally, participants reflected on litigation as a political tool, used strategically to catalyze policy changes or exert legal pressure on governments. “Sometimes, the courtroom is the only arena where marginalized voices can challenge entrenched power,” noted Participant 1.

3. Impacts and Outcomes of Climate Litigation on Human Rights

The third major theme relates to the impacts and outcomes of climate litigation on human rights. Regarding legal outcomes and remedies, participants reported mixed experiences with compensation awards, injunctions, and policy amendments. “Some cases have led to meaningful policy changes, but others just get stuck in appeals for years,” explained Participant 14.

The social and community impacts were described as empowering, raising awareness and fostering social cohesion among affected groups. An interviewee stated, “Litigation helps communities come together and demand their rights collectively” (Participant 12).

Environmental benefits such as pollution reduction and promotion of sustainable practices were also noted under environmental impacts, although some participants pointed out limitations in achieving broader ecological restoration through litigation alone.

Persistent barriers to effective outcomes included lengthy judicial processes, high legal costs, and risks of retaliation against activists. “Delays and limited enforcement remain huge obstacles,” lamented Participant 5.

Lastly, interviewees shared lessons learned and best practices, emphasizing innovative legal strategies, multi-stakeholder engagement, and knowledge sharing as keys to future success. “Building alliances across sectors and sharing expertise is essential for strengthening climate litigation’s human rights impact,” concluded Participant 8.

Discussion and Conclusion

The present study explored the human rights dimensions of climate litigation through qualitative analysis of expert interviews in Tehran. Three major themes emerged: the legal framework and human rights integration in climate litigation, socio-political dynamics influencing litigation processes, and the tangible impacts and outcomes of such litigation on human rights protection. The findings illuminate both the promise and challenges of employing a rights-based approach to climate litigation in the contemporary context.

Firstly, the study highlighted the pivotal role of international and national legal instruments in framing climate litigation within a human rights discourse. Participants emphasized that international agreements like the Paris Agreement and human rights treaties provide essential normative foundations that articulate state obligations toward protecting environmental rights. This aligns with scholarly consensus that international human rights law increasingly informs climate governance and litigation strategies (Rajamani, 2016; Kotzé & Newell, 2021). However, as observed in this study, gaps and inconsistencies in national legislation and enforcement mechanisms hinder the effective realization of these rights domestically, echoing the findings of Boyd (2012) who documented the variability in constitutional environmental protections worldwide.

The invocation of rights-based approaches in climate litigation, including claims based on the right to health, life, and access to justice, was a recurrent subtheme. Interviewees underscored the importance of procedural rights, such as victim participation and transparency, in strengthening litigants’ positions. This observation is consistent with Peel and Osofsky’s (2020) analysis, which highlights how human rights frameworks enhance the legitimacy and efficacy of climate claims by foregrounding individuals’ dignity and access to remedies. Nonetheless, participants also reported judicial reluctance and narrow interpretations in some cases, which limit the potential of rights-based claims—concerns similarly raised by Kotzé (2018), who cautions against inconsistent judicial attitudes toward climate and human rights linkages.

The socio-political environment surrounding climate litigation emerged as a critical determinant of success. The study’s findings on the influential roles of civil society and NGOs corroborate previous research that positions these

actors as key facilitators in climate litigation by providing resources, expertise, and mobilizing affected communities (Vanhala, 2018). Political will and government responsiveness were repeatedly cited as pivotal yet often lacking, aligning with Green and Baldock's (2018) emphasis on the centrality of governance and transparency in shaping litigation outcomes. The impact of media and public opinion further highlights the importance of societal awareness and framing in building support for climate justice litigation (Setzer & Byrnes, 2019).

Crucially, the study sheds light on the intersectionality of power relations affecting marginalized and vulnerable groups disproportionately harmed by climate change. This finding aligns with Savaresi's (2016) argument that climate litigation must center environmental justice concerns to ensure equitable outcomes. Participants' reflections on international relations and climate diplomacy resonate with Rajamani's (2012) recognition of the geopolitical complexities that influence national climate policies and litigation avenues.

Regarding litigation impacts, participants reported both meaningful legal outcomes—such as policy amendments and accountability mechanisms—and persistent barriers including lengthy delays, limited enforcement, and risks faced by activists. These dual realities reflect the mixed record of climate litigation globally, as documented by Setzer and Vanhala (2019), who note that while some cases have catalyzed significant change, others remain stalled or symbolic. The social empowerment of communities through litigation corroborates observations by Boyd (2018) that legal action can enhance civic participation and awareness, contributing to broader environmental justice goals.

Participants' emphasis on lessons learned and best practices—particularly the need for innovative legal strategies, multi-stakeholder collaboration, and knowledge sharing—provides practical insights for strengthening climate litigation's human rights impact. These recommendations echo the conclusions of Peel and Osofsky (2015), who advocate for cross-sectoral alliances and capacity building as essential for effective climate governance.

In sum, the findings substantiate the view that integrating human rights into climate litigation offers promising avenues for accountability and justice but requires addressing significant legal, political, and social challenges. This study adds to the growing empirical literature by providing context-specific insights from Tehran, highlighting both global patterns and local particularities in the evolving field of climate-human rights litigation.

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Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adheried in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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