



HRJust
Human Rights Justification



A HORIZON EU FUNDED PROJECT
THAT EXAMINES HOW STATES USE
HUMAN RIGHTS JUSTIFICATIONS TO
EXPLAIN AND DEFEND THEIR
ACTIONS AND DECISIONS.

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Event Report

Title: Insights from the fieldwork activities conducted in the context of climate litigation. Webinar with civil society engagement

- **Date:** 23 January 2025
- **Type of Event:** Webinar (by invitation)
- **Organizers:** Organized by the Institute of International Relations in Prague in the framework of the [Human rights justification: empirical webinar series](#)
- **Programme and link to the Intersect Observatory:** <https://hrjust-intersect-observatory.eu/uncategorized/insights-from-the-fieldwork-activities-conducted-in-the-context-of-climate-litigation/> + Civil society catalogue: <https://hrjust-intersect-observatory.eu/civil-society-catalogue/>

Detailed Report from the Workshop:

The second workshop with civil society engagement took place in the form of a closed webinar (by invitation only) that included a presentation on “Insights from the fieldwork activities conducted in the context of climate litigation”. The webinar was included as part of the “Human Rights Justification: Empirical Webinar Series” organized by IIR. During the webinar, Dr Petra Ditrichová (IIR) presented the preliminary observations from the fieldwork activities.

The presentation was then followed by a roundtable discussion on the topics at stake. Invited participants included those participating at the first workshop with civil society, plus selected stakeholders from interviewees, representatives from civil society and policy officers.



Dr. Ditrichová first introduced and described the interview methodology. She then outlined key questions posed during the interviews and analyzed the most common responses.

The following questions were addressed during the presentation and also informed the following discussion.

- Which human rights are the most affected by climate change?
- What are the states positive obligations in this relation?
- Which vulnerable groups are the most affected by climate change?
- International or national instruments in terms of regulation and litigation?
- Is it helpful to argue with human rights during climate litigations?
- What arguments states use in support of their position?

Dr. Ditrichová provided preliminary findings for each question.

The role of states in addressing these issues was a central topic, examining states' obligations to act on climate change as a matter of human rights duty. The discussion highlighted states' clear obligation to implement and enforce human rights protections through national legislation and international commitments. In particular, states are expected to adopt appropriate legal frameworks and concrete measures to prevent, mitigate, and remedy the negative impacts of climate change on human rights. Such measures must be imposed under conditions that are non-discriminatory and proportionate, ensuring that climate actions themselves do not unfairly burden certain groups. Fundamentally, states have an obligation to protect individuals against climate-related harms to their rights, and to respect those rights by allowing their full enjoyment even as global warming intensifies. It was noted, however, that an intersectional perspective is often missing in many state responses – meaning that policies may overlook how climate change impacts intersect with gender, age, disability, or economic status. During the webinar it was emphasized that truly fulfilling state obligations requires recognizing these differential impacts and tailoring protections for the most vulnerable.

When it comes to vulnerable groups, during the webinar it was highlighted how they disproportionately affected by climate change. The fieldwork activities confirmed that vulnerable groups, including low-income communities, women, children, and the elderly, often lack the resources or social power to adapt to climate impacts, leading to greater social inequality. In addition, other at-risk populations were highlighted: persons with disabilities, communities severely affected by their geographic location (such as those in low-lying coastal areas or arid regions), people who rely directly on the natural environment for their livelihoods (for example, farmers and indigenous communities), and populations in developing countries. Essentially, poverty and marginalization were seen as key factors that exacerbate vulnerability.

Moving to the topic of climate litigation, the effectiveness of the relevant legal arguments was also debated, particularly the choice of using international versus national legal instruments. National laws were seen as offering clearer enforcement mechanisms for climate obligations, whereas international frameworks emphasize the global nature of the issue. For example, the Paris Agreement was cited as

a key international instrument setting climate targets focused on emission reduction, but it notably contains no binding requirements for climate adaptation measures. Broader principles of international environmental law – such as the concept of “common but differentiated responsibilities,” which acknowledges that all states are responsible for addressing climate change but not equally – provide important normative guidance. However, these international norms can be difficult to translate into enforceable mandates in court. By contrast, domestic law often provides more immediate avenues for accountability: many countries have incorporated climate objectives into their national legislation or even constitutions (e.g. recognizing a right to a healthy environment), which activists and citizens can directly invoke.

Another key question was whether it is helpful to argue on the basis of human rights during climate litigations. Human rights arguments are increasingly being used in climate cases, as they provide an enforceable legal framework and a compelling moral narrative. The consensus among participants was that invoking human rights can indeed be powerful: it links climate change to fundamental, universally recognized obligations and can shame or legally press governments that fail to protect their citizens. For instance, arguing that insufficient climate action violates the right to life or the rights of the child can resonate strongly in court and in public debate. This human-centered framing often forces a focus on people’s lived experiences rather than just abstract emissions targets. However, balancing competing rights remains a challenge. Courts might have to weigh the rights of those suffering climate impacts against, say, the rights or economic interests of others. The discussion acknowledged that relying on human rights in litigation is not a silver bullet. Some practical difficulties were noted – for example, establishing a direct causal link between a state’s emissions and specific human rights harms can be complex, and governments may argue that drastic measures to cut emissions could conflict with other societal needs. Despite these challenges, participants largely agreed that human rights justifications bring clarity and urgency to climate litigation, effectively underscoring the human cost of inaction.

Finally, the workshop examined arguments that states use to support their positions (often in defense against climate litigation or criticism). Several common lines of defense emerged from fieldwork observations. States often invoke their sovereign “right to regulate,” asserting that they have leeway to decide how to balance climate action with economic and social considerations. Alongside this, governments may claim a right to impose measures they deem necessary – for example, choosing gradual transition policies – implying that courts or external actors should not interfere with their policy choices. Another frequent argument relates to attribution and causation: because climate change is a global problem, states sometimes contend that it is unfair or scientifically difficult to pin specific climate impacts on any one country’s actions. By emphasizing the long causal chain (from greenhouse gas emissions to worldwide effects), they cast doubt on whether their emissions cuts (or failures to cut) directly caused a particular harm. Some states have even questioned the scientific consensus or the immediacy of the threat – essentially rejecting the full reality of climate change – though such outright denial is less common now. More subtly, governments might challenge the legitimacy of certain actors who bring climate lawsuits (for instance, questioning an NGO’s standing to sue or a foreign court’s jurisdiction). All these arguments serve to legitimize state inaction or slow action, by framing it as legally or rationally justified. The participants noted that while some of these defenses are made in good faith

(e.g. pointing out genuine practical limits), others can be tactics to delay action. The push-and-pull between claimants leveraging human rights and states defending their policy space was a recurring theme throughout the workshop discussion.

The discussion with participants focused on how climate change affects fundamental human rights, with particular emphasis on the right to life, non-discrimination, and economic and social rights. Vulnerable groups, including low-income communities, women, children, and the elderly, are disproportionately impacted, leading to greater social inequality. The role of states in addressing these issues was examined, highlighting their obligation to implement and enforce human rights protections through national legislation and international commitments. The effectiveness of legal arguments in climate litigation was also debated, with national laws offering clearer enforcement mechanisms, while international frameworks emphasize the global nature of the issue. Human rights arguments are increasingly used in litigation, although balancing competing rights remains a challenge.

Summary of Major Takeaways:

Overall, the following critical insights and takeaways can be highlighted from the discussions carried out during the workshop, which (re)confirmed and reshaped some of the findings from the first workshop with civil society:

- Human rights arguments in climate litigation:
 - human rights provide an enforceable legal framework for climate litigation;
- States' obligations:
 - states have a clear obligation to respect and protect human rights with respect to climate change;
- Intersectionality dimension of climate policies:
 - intersectionality play a growing importance in climate policies, recognizing that marginalized groups are affected in unique ways and require targeted protections.

These takeaways from the webinar have been instrumental in informing the development of a follow-up research survey, guiding further inquiry into the HRJust project. The insights would help shape how subsequent research addresses climate change and human rights, ensuring that the survey questions and analysis focus on the most critical issues identified by practitioners and stakeholders.

Grant Agreement Questions

1) How do States defend and legitimise its actions through human rights?

Compare the general and the particular.

States commonly use human rights language to justify their climate policies, but there is a notable difference between general proclamations and specific defenses in particular cases. In general, many states portray their climate actions (or inactions) as being in line with their human rights obligations to their citizens. States often emphasize that they must balance climate objectives with protecting jobs, energy access, and other social goods, implicitly framing this as a balance of different human rights.

This general rhetoric allows states to defend their overall approach by claiming it is holistic and accounts for social welfare alongside environmental concerns.

In particular, when it comes to concrete legal challenges (such as climate litigation cases or complaints about insufficient action), states tend to rely on more technical or case-specific arguments – sometimes invoking concepts adjacent to human rights, and other times steering away from rights language. Rather than explicitly saying “we do this because of human rights,” a state facing a lawsuit will often argue that it has a “right to regulate” in the public interest and is exercising its legitimate discretion.

In summary, at a general level states often defend their climate record by professing alignment with human rights and other societal needs, projecting the image that they are balancing various obligations responsibly. At a particular level (in lawsuits and specific debates), they frequently shift to sovereignty and feasibility arguments – such as highlighting their right to set policy, questioning direct causation of harm, or invoking other competing rights – which serve to legally legitimise their decisions and fend off demands for more aggressive action. The workshop discussions revealed this pattern: states leverage human rights principles rhetorically to bolster their legitimacy, but when pressed on specifics, they rely on narrow interpretations and technicalities that often dilute the immediate application of human rights norms to climate issues.

2) What role does geopolitics play in strategy, resources and reach.

The geopolitical context heavily influences how climate action is strategized, the resources that actors can mobilize, and the reach (or impact) of their initiatives. Discussions during the webinar noted that climate litigation and advocacy do not occur in a political vacuum – they are shaped by the power dynamics and realities between states.

Firstly, geopolitics affects the strategies both states and civil society adopt in pursuing climate justice. Countries develop climate policies partly based on their position in the world order – for example, small island developing states and climate-vulnerable nations often band together and use moral human rights arguments to demand more ambition from major emitters, leveraging international forums because their individual geopolitical weight is limited. In contrast, great powers with significant emissions (or those with large fossil fuel industries) might prioritize strategies that protect their economic interests, sometimes downplaying stringent climate obligations due to competitive concerns.

Secondly, the availability of resources (financial, technical, and legal capacity) for climate action and litigation is highly uneven and often correlated with geopolitics. Developed countries and blocs usually have far greater resources to dedicate to cutting emissions, adapting infrastructure, and engaging in legal battles. Wealthy nations can fund cutting-edge renewable projects or extensive legal teams to defend their policies, whereas poorer countries may struggle to afford such measures or to legally challenge environmental harms. Climate litigation, in particular, was described as resource-intensive, requiring skilled lawyers, scientific experts, and funding for long legal processes.

Finally, geopolitics can expand or limit the reach of climate action in terms of influence and effectiveness. The reach of a country’s policies beyond its borders often depends on its geopolitical leverage. For example, the European Union, by virtue of its economic size, can set climate-minded standards (such

as carbon emission regulations or import rules) that effectively push other countries to adjust – its influence extends globally through trade and diplomacy. In contrast, smaller or less influential states may have excellent climate policies domestically but limited reach to impact others.

In sum, geopolitics plays a pivotal role at every stage: it shapes strategic choices (cooperative vs. competitive approaches), dictates resource distribution (who can afford to act or litigate), and determines reach (whose actions resonate globally and how climate initiatives cross borders). Addressing climate change and upholding human rights thus requires acknowledging these geopolitical asymmetries – a theme that came out also in our webinar’s discussions.

3) What role has EU in comparison between internal to EU and external to EU?

The European Union plays a dual role in climate change and human rights discourse, with one dimension inside the EU (internal) and another on the global stage (external). The webinar’s discussions, combined with project findings, shed light on how the EU’s influence and approach differ in these two realms.

Internally, the EU has increasingly integrated climate action into its internal policy framework, serving as a coordinator and standard-setter for its member states. However, the EU’s role is sometimes more about policy orchestration than direct human-rights-based enforcement. Indeed, the enforcement of climate-related rights within Europe often happens at the national level or via the European Court of Human Rights (ECHR).

Externally, the EU often portrays itself as a leader in climate action and a champion of human rights. One way the EU’s external role manifests is by using its considerable market and political influence to encourage other countries into climate commitments. However, the discussion during the webinar highlighted that the EU faces geopolitical limitations externally. It must navigate relationships with big emitters like the US, China, and India, who may have different priorities.

In conclusion, the EU’s role internally vs. externally is complementary. Internally, the EU provides a framework and pressure for its members to protect human rights in the face of climate change. Externally, the EU can act as an advocate and often a norm-setter, using its geopolitical and economic clout to extend the reach of climate-conscious policies beyond its borders.