



## Event Report

### Title: Workshop on Climate Litigation, Gender and Intersectionality with Civil Society Engagement

- **Date:** 27 May 2024
- **Type of Event:** Workshop (by invitation, hybrid)
- **Organizers:** Co-Organized by the Institute of International Relations in Prague and the World Trade Institute of the University of Bern
- **Number of participants:** 18 onsite + 8 online
- **Number of speakers:** 7
- **Programme and link to the Intersect Observatory:** <https://hrjust-intersect-observatory.eu/events/workshop-on-climate-litigation-gender-and-intersectionality-with-civil-society-engagement/> + Civil society catalogue: <https://hrjust-intersect-observatory.eu/civil-society-catalogue/>

### Detailed Report from the Workshop:

#### An Overview of the Workshop

The workshop on Climate Litigation, Gender, and Intersectionality with Civil Society Engagement, held on 27th of May 2024, brought together experts, practitioners, policy officers and civil society representatives to discuss the multifaceted challenges and opportunities at the intersection of climate change and social justice. This event aimed to explore the evolving role of civil society in climate litigation, the integration of gender and intersectionality into climate policies, and the impact of

international and national legal frameworks on advancing climate justice. The workshop featured insightful presentations, a roundtable discussion, and interactive Q&A sessions, fostering a rich exchange of ideas and experiences among participants both in person and online. Moreover, the workshop created an auspicious occasion for the Climate Claims Visual Maps and the Intersect Observatory of the HRJust Project to be presented to public and academia.

### I Session – Reflecting on Climate Litigation, Gender and Intersectionality

*Welcoming Remarks: presentation of HRJust project and introduction to the topics of the workshop*

*Dr. Federica Cristani (IIR)*

Dr Cristani (IIR) opened the workshop by introducing the HRJust project and providing an overview of its objectives. She presented key statistics on cases filed in climate litigation, including their geographical distribution and outcomes. She reviewed landmark rulings, including the European Court of Human Rights' decision against Switzerland for climate inaction and the Inter-American Court of Human Rights' advisory opinion request by Chile and Colombia. Additionally, she noted the International Tribunal for the Law of the Sea's recognition of greenhouse gas emissions as marine pollution. The advisory opinion highlights the necessity of international cooperation to protect and implement climate-related policies and the deep connection between human rights concerns and environmental issues. Moreover, Dr Cristani underscored the request for the International Court of Justice's advisory opinion on state obligations regarding climate change, as an important potential opinion to be linked with human rights issues.

Dr Cristani then explored the intersectionality of gender issues within the climate change discourse, citing the KlimaSeniorinnen case. This case highlights the gender-related discriminatory elements that must be addressed in climate policies, illustrating the intersectionality of gender issues within the climate change narrative.

*Climate litigation: a general overview*

*Ms Elif Naz Němec (IIR)*

Ms. Naz Nemec (IIR) emphasized that WP6 assesses the human rights justifications in the context of climate change, exploring whether states employ them or opt for alternative arguments. She highlighted that within the scope of WP6 tasks they developed a climate visual tool to classify these justifications and have produced a preliminary working paper available at the Intersect Observatory. She explained the preparatory work for this tool and offered a general overview of the collected data, which includes climate litigation cases from both EU and non-EU jurisdictions. She also detailed their methodology, which included examining cases from core jurisdictions like Switzerland, Sweden, Czech Republic, Finland, India, Taiwan, and Ukraine, and expanding to other regions. They analyzed over 280 cases, focusing on the parties involved, the content of the cases, and the legislation invoked, both national and international. They developed a typology of justifications, distinguishing between direct and indirect human rights references. Their findings revealed that while states often use human rights justifications, they also employ procedural, policy-based, and public interest arguments, i.e. alternative justifications. She highlighted notable cases, including progressive decisions from India and mixed approaches in

Australia, and discussed the roles of public actors and alternative justifications. She concluded by emphasizing the importance of cross-fertilization in shaping future climate litigation.

*The First Czech Climate Litigation: State's Duty to Reduce Emissions and Human Right to a Healthy Environment*

*Prof. Hana Müllerová (Centre for Climate Law and Sustainability Studies (CLASS) at the Institute of State and Law of the Czech Academy of Sciences)*

Prof. Müllerová provided an insightful overview of the first climate litigation case, currently pending in the Czech Republic, focusing on the state's duty to reduce emissions and the human right to a healthy environment. She provided a contextual overview, noting a substantial decrease in greenhouse gas emissions from 1990 to 2020, primarily due to the post-communist economic transformation rather than climate policy. Recent years have seen slow progress and fluctuating emissions, with Czechia still heavily reliant on coal and lacking a comprehensive climate framework law. The Czech government's climate commitments remain non-binding and fragmented across various ministries, hindering effective climate action. Although Czechia plans a 55% reduction in emissions by 2030, the lack of a dedicated ministry for the climate agenda poses significant challenges due to prevailing conflicting interests.

The lawsuit, filed in 2021 by a civil association, a municipality, and several individuals, targets the Czech government and four ministries for their insufficient climate action. The plaintiffs argue that the state has failed to fulfill its obligations under the Paris Agreement, EU law, the national constitution, and the Czech Act on the Environment, thereby violating fundamental rights, including the right to a favourable environment. The Municipal Court in Prague initially upheld the lawsuit in 2022, recognizing the state's duty to reduce emissions and reinterpreting the right to the environment to include sustainable climatic conditions. Although the Paris Agreement does not set binding targets, the EU's collective target was interpreted as an individual obligation for Czechia.

The court found that Czechia was not on track to fulfilling this duty, citing the insufficient activity of ministries and the need for the adoption of adequate measures. The decision stated that the inactivity of the ministries was unlawful and must cease. The municipal court also declared that the right to a favourable environment includes the right to live in sustainable climatic conditions, thus implying state obligations to reduce emissions. However, this decision was later dismissed by the Supreme Administrative Court in 2023, which ruled that collective EU targets cannot be interpreted as individual national commitments.

Despite the setback, the case continues, with a second round of cassation pending. Prof Müllerová highlighted the potential influence of the European Court of Human Rights' Klima Seniorinnen judgment, which underscores states' obligations to reduce emissions and incorporate climate goals into binding regulatory frameworks. Although these conclusions may not directly affect the immediate next steps, the plaintiffs may escalate the case to the Constitutional Court and potentially the European Court of Human Rights. Prof. Müllerová emphasized the critical role of civil society in driving climate litigation and raising public awareness, noting the significant media attention the case has garnered in Czechia.

## *Addressing Vulnerabilities for More Inclusive Climate Action*

*Ms. Giulia Sechi (OSCE)*

Ms. Giulia Sechi delivered an insightful presentation on the vulnerabilities exacerbated by climate change and the need for more inclusive climate action. She highlighted several critical issues, starting with the staggering statistic that 80% of people displaced by climate change are women and girls. This underscores the gendered impact of climate displacement.

Ms. Sechi noted that women are responsible for 60-70% of food production in low and middle-income countries but own only 10% of the land. She mentioned the FAO's 2020 report indicating that women-led households lose more income due to climate-related events compared to men-led ones. She also highlighted the burden of water collection on women and girls, which is exacerbated by climate change, leading to reduced time for education and income-generating activities. Ms. Sechi pointed out that contaminated drinking water severely affects hygiene and sanitation, especially for women.

Ms. Sechi discussed the interplay between climate change, conflict, and violence, emphasizing how climate-induced disruptions can exacerbate existing tensions and lead to increased violence. She pointed out the insufficient representation of women in climate negotiations, noting that women make up less than 30% of these decision-making bodies. This lack of representation leads to a structural problem of intersectional discrimination, where policies fail to adequately address the unique vulnerabilities faced by different groups of women.

Climate change adaptation policies, Ms. Sechi argued, will not be as effective as anticipated if policymakers continue to overlook the perspectives of women and other marginalized groups. Engaging women in climate change discussions opens up new fields of interest and approaches that are crucial for comprehensive climate action.

Ms. Sechi also mentioned the need for disaster protection for all, directing the audience to OSCE resources that elaborate on this topic (<https://www.osce.org/secretariat/518598>). Additionally, she touched on the issue of gender and corruption in accessing natural resources, providing a further reading link (<https://www.osce.org/secretariat/563466>).

## *Gender and Climate Change in the Context of the UNFCCC*

*Speaker: Ms. Šárka Stříbrská (Gender Focal Point under the UNFCCC, Climate Protection Policy Department at the Ministry of Environment of the Czech Republic)*

Ms. Stříbrská emphasized the critical relationship between climate change and gender, highlighting how gender differences in climate impacts are significant across regions and intersect with factors like age, ethnicity, and socioeconomic status. She noted that those least responsible for climate change often face its harshest consequences, particularly women, who are more reliant on natural resources and less able to respond to climate hazards. In the global south, women and girls often travel farther for resources, increasing safety risks and reducing time for education and other activities. In the global north, women, especially single mothers and elderly women, are more affected by energy poverty.

Despite being disproportionately impacted, women are underrepresented in decision-making

processes. Only 15 of the world leaders at the last climate conference in Dubai were women, and only five women have been appointed as conference presidents since 1995. This underrepresentation leads to women's issues being overlooked in climate policy, reducing the effectiveness of climate projects. The UNFCCC has recognized the need for gender equality in climate processes, establishing a dedicated gender agenda item in 2012 and incorporating gender into the Paris Agreement in 2015. A new gender action plan is set to be adopted at the next climate conference in November 2024.

At the Ministry of Environment in Czechia, efforts are being made to address these challenges step by step. Ms. Stříbrská highlighted the necessity of increasing awareness and support for gender integration in climate policies, aiming for more inclusive and effective climate action. Ms. Stříbrská called for heightened awareness and support for gender perspectives in climate policies, emphasizing that inclusive leadership is vital for achieving sustainable and equitable climate solutions.

### Q&A Discussion

Dr Cristani opened the floor for questions and comments, noting the interest in the collection of data on gender and climate change and the challenges faced in this area. She also highlighted the unique combination of claimants in climate litigation and the involvement of municipalities.

Ms. Sechi responded first, addressing the challenges of collecting data on gender and climate change. She mentioned the scarcity of data in specific sectors, such as economic and environmental activities, and the lack of existing literature to base studies on. Sechi emphasized that the added value of OSCE is its broad field operation capabilities, allowing for focus groups, interviews, and other data pooling techniques. However, in regions like Southeast Asia, there is limited data, necessitating the implementation of household surveys to gather more comprehensive information.

Dr Cristani further elaborated on the difficulties in data collection and asked Prof Müllerová about the involvement of civil society in climate litigation, particularly why municipalities choose litigation over administrative routes. Prof Müllerová responded to the question about the diversity of plaintiffs in the Czech climate litigation case. She explained that the diverse group of plaintiffs was strategic for two reasons. Firstly, it illustrates the wide range of human rights affected by climate change. Secondly, it increases the likelihood of legal standing, addressing historical challenges in Czech environmental litigation where many cases were lost due to lack of standing. By including a variety of entities, the chances of some plaintiffs being accepted by the court were higher.

Prof Bílková (IIR) raised a question about a potential instrument on human rights and the environment within the Council of Europe. She asked for information about the proposed instrument on human rights and the environment within the Council of Europe. She inquired whether it would be a protocol to the European Convention on Human Rights, the European Social Charter, or a standalone instrument, and what its content might include.

Prof Müllerová responded, acknowledging various existing documents on the right to the environment, such as a resolution by the UN General Assembly and a decision by the UN Human Rights Council. She noted that while there is growing recognition of the right to the environment, it is not yet a guaranteed right. Discussions are ongoing about its potential inclusion in the European Convention on

Human Rights via an additional protocol. She also mentioned that many national constitutions, including the Czech one, already include the right to the environment.

### Presentation of the Climate Claims Visual Maps and the Intersect Observatory to Public

During the coffee break, attendees had the opportunity to engage with presentations and test the end-user functionalities of the Climate Claims Visual Maps and the Intersect Observatory's website.

Prof. Fornalé, presented the prototype and functionalities of the 'Climate Claims Visual Maps' tool, which enabled to gather first feedback from participants for its further implementation. Mr. Vlastimil Lisák, the webmaster of the Intersect Observatory, provided an overview of the Intersect Observatory's website, and conducted a first end users test.

### II Session – Civil Society Engagement in Climate Litigation, Gender and Intersectionality

Dr. Cristani opened the second part of the workshop, focusing on civil society's role in climate litigation. She highlighted the importance of informal discussions and roundtables to reflect on how civil society influences climate policies. Dr. Cristani emphasized the growing involvement of civil society in climate litigation, which includes diverse and vulnerable groups. She pointed out that civil society's role is increasingly seen as shaping climate policies and questioned how civil society should be included in climate litigation and policy-making. She also raised the topic of integrating gender and intersectionality into climate litigation and asked participants to discuss challenges and possible improvements. During the round table two key discussion points were raised: (1) What is/should be the role of civil society in climate litigation? (2) How to include gender and intersectionality in climate-related issues?

Prof. Cristina Elena Popa Tache (Arbitrator in Bucharest, Romania) provided her input on the role of civil society in climate litigation. She highlighted that in her region, cases often focus on related issues such as pollution, mineral extraction, and deforestation, arguing that the state does not protect its citizens. She noted that at the EU level, climate change is being treated alongside security and defense, as evidenced by the strategic compass for security and defense. This strategy emphasizes preparing armed forces for climate change and ensuring environmental advisors in all common security and defense policy missions by 2025. Popa Tache cautioned that treating climate change through a security and defense lens could lead to the militarization of the issue, potentially negatively impacting human rights. Security measures might restrict civil liberties, and the humanitarian aspects of climate change could be marginalized. She concluded that while the strategic approach has benefits for cooperation and policy attraction, it also poses risks to human rights. She emphasized the need for solid inclusion mechanisms to ensure the active involvement of women and vulnerable groups and highlighted the lack of disaggregated data in Romania as a significant challenge in assessing the impact of climate change on different social groups. She called for building inclusive structures, which is particularly challenging for countries like Romania.

Prof. Müllerová addressed the question of whether climate litigation is a good way forward. She noted the unprecedented rise in climate litigation, which has also garnered significant attention in academia. While litigation is often seen as a last resort, Prof. Müllerová argued that the ideal situation would be for states to fulfill their commitments under international conventions like the Paris Agreement and the

United Nations Framework Convention on Climate Change without the need for litigation. However, vague and uncertain formulations in these agreements and the reluctance of states to fully comply have led to an increase in climate litigation. She acknowledged that litigation is time-consuming, expensive, and uncertain, making it a less-than-ideal solution. Nevertheless, in the current circumstances, she views climate litigation as a necessary tool to push states towards fulfilling their climate obligations.

Prof. Bílková contributed with two comments. First, she highlighted the vagueness of obligations in international agreements and the influence of common law countries where courts play a significant role in law-making. This approach is now influencing countries like the Czech Republic, where taking major issues to court is new. She warned that if many states begin to disregard court decisions, it could undermine the authority of international courts, impacting areas beyond climate litigation. Second, Prof. Bílková discussed the role of civil society, cautioning against viewing it as uniformly positive. She noted that civil society includes various entities with differing interests, including business groups opposing climate litigation.

Ms. Romana Jungwirth Březovská (AMO) raised questions about the role of the European climate law and its importance for the Czech Republic, noting that the Czech Pirate Party is drafting a climate law. She mentioned her organization's policy paper on gender mainstreaming in Czech climate policies, highlighting the lack of utilization of existing tools like gender impact assessments. Romana emphasized the need for expertise in integrating gender aspects into climate policies and shared her experiences with resistance in academia and government.

Ms. Stříbrská acknowledged the lack of priority given to gender issues within the Czech Ministry of Environment, noting that the gender focal point is an HR professional. She is working to ensure that gender is mentioned in the updated Czech climate protection policy. Šárka highlighted the difficulty of international negotiations on gender within the UNFCCC, despite efforts to integrate gender and human rights into climate policies. She emphasized the importance of mainstreaming gender across all climate-related agenda items and noted the challenges due to the varying perspectives of almost 200 parties involved in the negotiations.

### Conclusion

The workshop concluded with final words by Prof. Fornalé and the illustration of next steps in the project's activities.

The workshop highlighted the interconnectedness of climate justice, gender equality, and civil society engagement, emphasizing the need for coordinated efforts and innovative approaches to address these global challenges effectively.

## Summary of Major Takeaways:

Overall, the following critical insights and takeaways can be highlighted from the discussions carried out during the workshop:

### 1. Role of Civil Society in Climate Litigation:

- Civil society, including diverse and vulnerable groups, plays an increasingly significant role in climate litigation. Their involvement helps highlight and address inadequate responses by governments and the private sector to the climate crisis.
- Civil society's engagement in litigation pushes for stronger climate policies and holds states accountable for their commitments under international agreements like the Paris Agreement.

## 2. Challenges in Data Collection:

- The lack of disaggregated data on gender and climate change impacts poses a significant challenge. Comprehensive data collection methods, including household surveys, are necessary to inform effective policy-making.

## 3. Gender and Intersectionality in Climate Policies:

- There is a pressing need to mainstream gender and intersectionality in climate policies at all levels. This includes ensuring that climate actions are inclusive and address the specific needs of women and other vulnerable groups.
- Existing tools and frameworks for gender impact assessments are underutilized. Greater awareness and expertise are needed to integrate these tools into policy-making processes.

## 4. International Legal Frameworks:

- The vagueness and non-binding nature of many international climate agreements have led to an increase in climate litigation. Clearer and more enforceable commitments are necessary to drive effective climate action.
- The influence of common law traditions in climate litigation is spreading to other legal systems, prompting a reevaluation of the role of courts in enforcing climate obligations.

## 5. Potential Risks and Political Considerations:

- There is a risk that the rising trend of climate litigation might lead to push back from states, potentially undermining the authority of international courts. It is crucial to balance legal actions with political realities to maintain the legitimacy and effectiveness of judicial interventions.

## 6. Need for Expertise and Capacity Building:

- Building expertise in gender and climate issues within government agencies and other institutions is essential. This includes training officials and integrating gender perspectives into climate-related strategies and policies.
- Collaboration and knowledge exchange between different sectors and stakeholders, including academia, civil society, and government, are vital for advancing comprehensive and inclusive climate policies.

# Grant Agreement Questions

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

### Compare the general and the particular.

The workshop on Climate Litigation, Gender, and Intersectionality with Civil Society Engagement, held in May 2024 as part of the HRJust project, provided detailed insight into how states are currently using human rights narratives to legitimise their actions in the climate field. As was discussed in presentations by Dr. Federica Cristani and Ms. Elif Naz Nėmec, states employ both direct and indirect references to human rights in litigation contexts. These justifications are part of a broader strategy to present state action—or inaction—as compliant with international standards. For example, states may refer to the right to a healthy environment to support limited action, or invoke procedural or policy-based reasoning to avoid binding obligations. The HRJust Climate Visual Tool, presented at the workshop, categorises these justifications across a wide range of jurisdictions, demonstrating the diverse ways in which human rights are operationalised—or bypassed—in legal argumentation.

In contrast, civil society actors, whose involvement was a central focus of the workshop's second session, use human rights as a framework to critique state inaction and push for more ambitious commitments. The Czech climate litigation case, presented by Prof. Hana Můllerová, exemplifies this: civil society groups and municipalities challenged the government for failing to meet climate goals, grounding their claims in both international (Paris Agreement, EU law) and domestic human rights protections. The court initially recognised a state duty to ensure sustainable climatic conditions as part of the right to a favourable environment, though this interpretation was later overturned. This case reveals a divergence: while states often use human rights defensively and selectively, public actors invoke them as tools of accountability and mobilisation, particularly around issues of gender and intersectionality.

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

Throughout the workshop, the geopolitical dimensions of climate governance emerged as a significant theme, especially in the context of legal strategies and institutional framing. Cristina Elena Popa Tache noted in the roundtable discussion that the European Union is increasingly approaching climate change through a security and defence lens. This is visible, for example, in the EU's Strategic Compass, which frames climate change as a threat that armed forces must adapt to—potentially opening the door to the securitisation of climate policy. While this may improve cross-border coordination, participants also cautioned that it risks undermining human rights by prioritising militarised responses over inclusive, people-centred strategies.

The availability of resources and data was also discussed as deeply shaped by geopolitical asymmetries. As Ms. Giulia Sechi from the OSCE explained, in countries like Romania or across Southeast Asia, there is a persistent lack of disaggregated data related to climate change and gender, making it difficult to address the vulnerabilities of different groups. This data gap reflects wider inequalities in institutional capacity and access to research infrastructure, which in turn affects the reach

and credibility of both national and transnational responses to climate change. Geopolitics, as the workshop made clear, not only defines who gets to lead global climate discourse, but also who has the means to make that leadership inclusive.

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

The workshop provided a nuanced view of the European Union's dual role as both an internal regulator and an external normative actor in the climate-human rights nexus. Internally, the EU establishes collective climate targets and has adopted the European Climate Law, aiming to ensure member states reduce emissions in line with the Paris Agreement. However, the Czech litigation case, as presented by Prof. Müllerová, illustrated the tension between these supranational goals and national-level enforcement. The Czech Supreme Administrative Court refused to treat the EU's collective targets as legally binding for the Czech government, showing how internal implementation remains fragmented and politically contested.

Externally, the EU presents itself as a normative leader, particularly in linking climate action with human rights and gender equality. Ms. Šárka Střibrská, speaking from the Ministry of Environment, discussed the EU's role within the UNFCCC framework, including efforts to mainstream gender through the Gender Action Plan. Yet, participants also noted the mismatch between this external ambition and internal realities—such as underrepresentation of women in climate decision-making, lack of gender expertise in some ministries, and limited political will for intersectional approaches at home. These internal shortcomings undermine the EU's global credibility and expose the challenges of maintaining coherence between its domestic practices and external projections.