



HRJust

Human Rights Justification



Climate Litigation, Human Rights, and the Future of EU Climate Governance

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PRESENTATION STRUCTURE



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CLIMATE LITIGATION
AND HUMAN RIGHTS:
WHAT, WHERE AND WHO?



CURRENT TRENDS IN
CLIMATE LITIGATION



FUTURE
OUTLOOK: WHICH
EU CLIMATE
GOVERNANCE?



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WHAT IS CLIMATE LITIGATION?



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WHAT IS CLIMATE LITIGATION?

Climate change related disputes:

'any dispute arising out of or in relation to the effect of climate change and climate change policy, the United Nations Framework Convention on Climate Change ('UNFCCC') and the Paris Agreement'

Climate change litigation:

'consisting of cases brought before judicial and quasi-judicial bodies that involve material issues of climate change science, policy or law'

United Nations Framework Convention on Climate Change ('UNFCCC')



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United Nations Framework Convention on Climate Change ('UNFCCC')



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The United Nations Framework Convention on Climate Change (the Convention or UNFCCC) was adopted at the United Nations Headquarters, New York on the 9 May 1992.

The Convention entered into force on 21 March 1994,

The UNFCCC is the principal global treaty for coordinating international responses to climate change. It provides the foundation for subsequent legal instruments, including the Kyoto Protocol and the landmark Paris Agreement. The UNFCCC has 198 Parties, making it one of the most widely ratified international treaties.

The ultimate objective of the Convention is to stabilize greenhouse gas concentrations "at a level that would prevent dangerous anthropogenic (human induced) interference with the climate system." It states that "such a level should be achieved 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.,,"

The idea is that, as they are the source of most past and current greenhouse gas emissions, industrialized countries are expected to do the most to cut emissions on home ground.

Paris Agreement



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Paris Agreement



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The Paris Agreement is a legally binding international treaty on climate change.

It was adopted by 195 Parties at the UN Climate Change Conference (COP21) in Paris, France, on 12 December 2015.

It entered into force on 4 November 2016.

Its overarching goal is to hold “the increase in the global average temperature to well below 2°C above pre-industrial levels” and pursue efforts “to limit the temperature increase to 1.5°C above pre-industrial levels.”

The Paris Agreement is a landmark in the multilateral climate change process because, for the first time, a binding agreement brings all nations together to combat climate change and adapt to its effects.

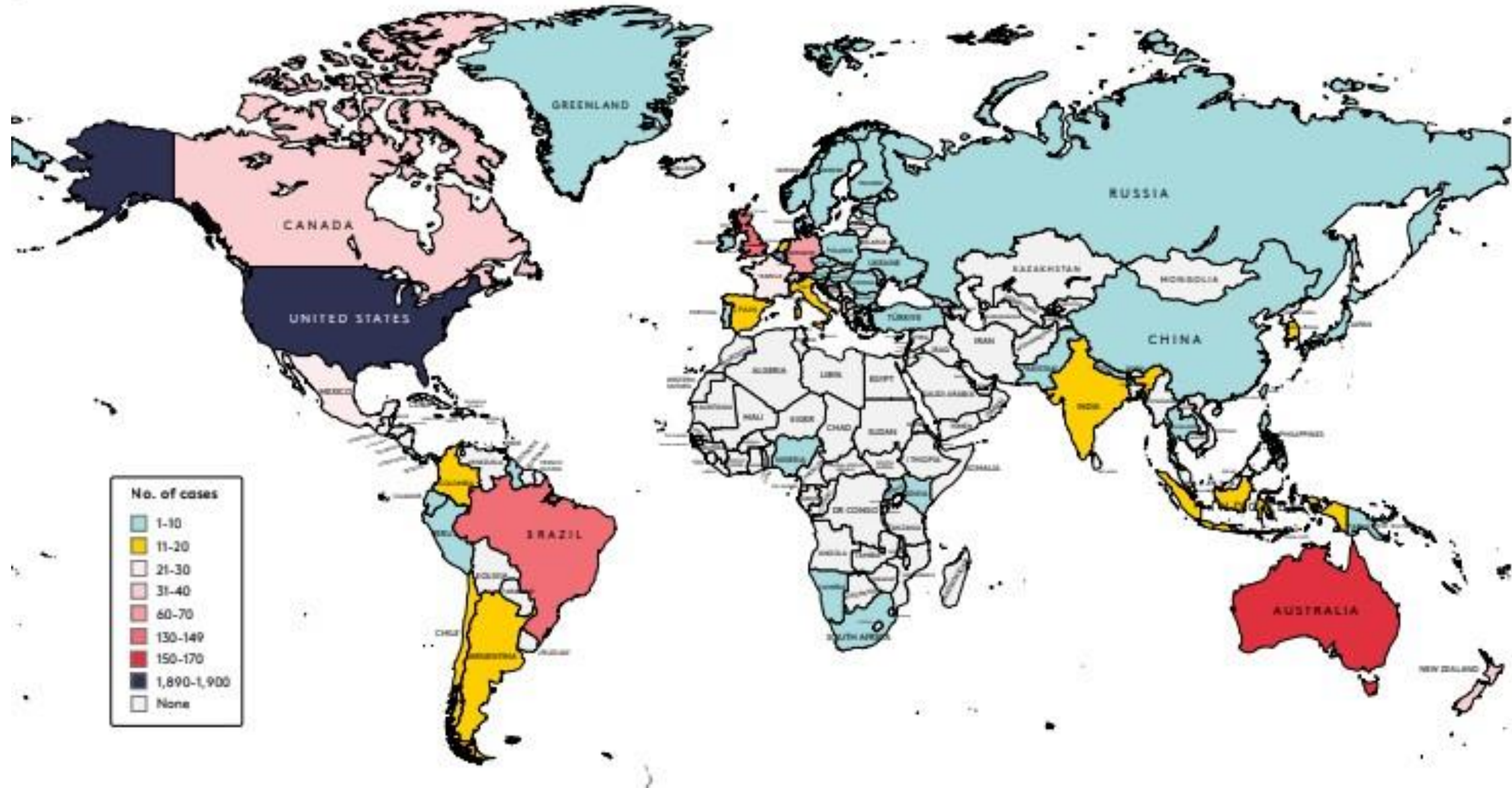
The Paris Agreement works on a five-year cycle of increasingly ambitious climate action carried out by countries. Since 2020, countries have been submitting their national climate action plans, known as **nationally determined contributions (NDCs)**. Each successive NDC is meant to reflect an increasingly higher degree of ambition compared to the previous version.

The Paris Agreement is the first universal climate change agreement requiring all parties to communicate ambitious greenhouse gas (GHG) reduction targets to achieve a long-term global temperature goal.

WHERE IS CLIMATE LITIGATION HAPPENING?



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As of 31 May 2025, 2,967 cases of climate change litigation from around the world had been identified.

The jurisdiction with the highest identified number of climate litigation cases is the US (1,899).

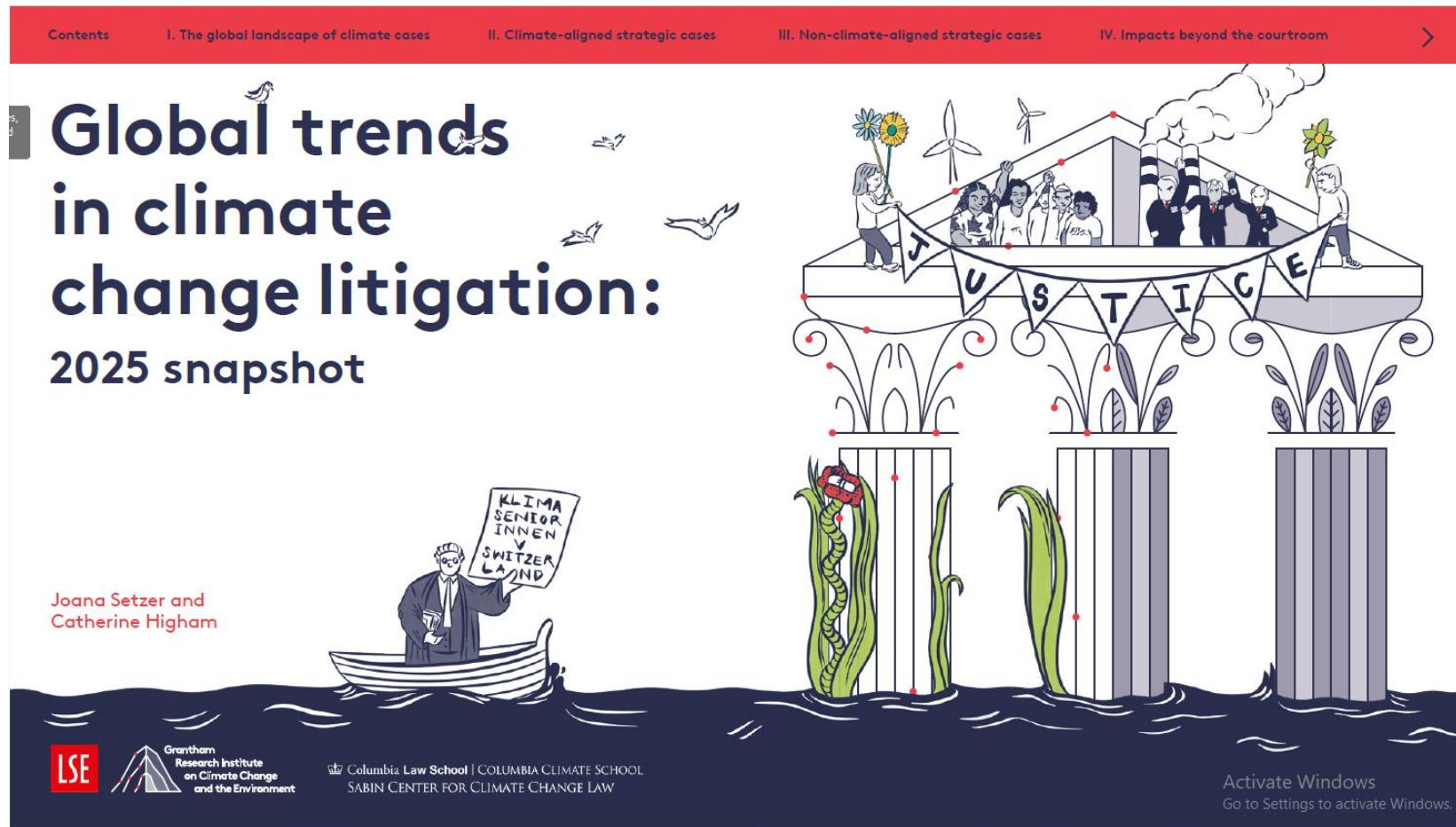
Number of climate litigation cases around the world to 31 May 2025

Source: *Global Trends in Climate Change Litigation: 2025 Snapshot* (Report, Grantham Research Institute on Climate Change and the Environment and Sabin Centre for Climate Change Law)

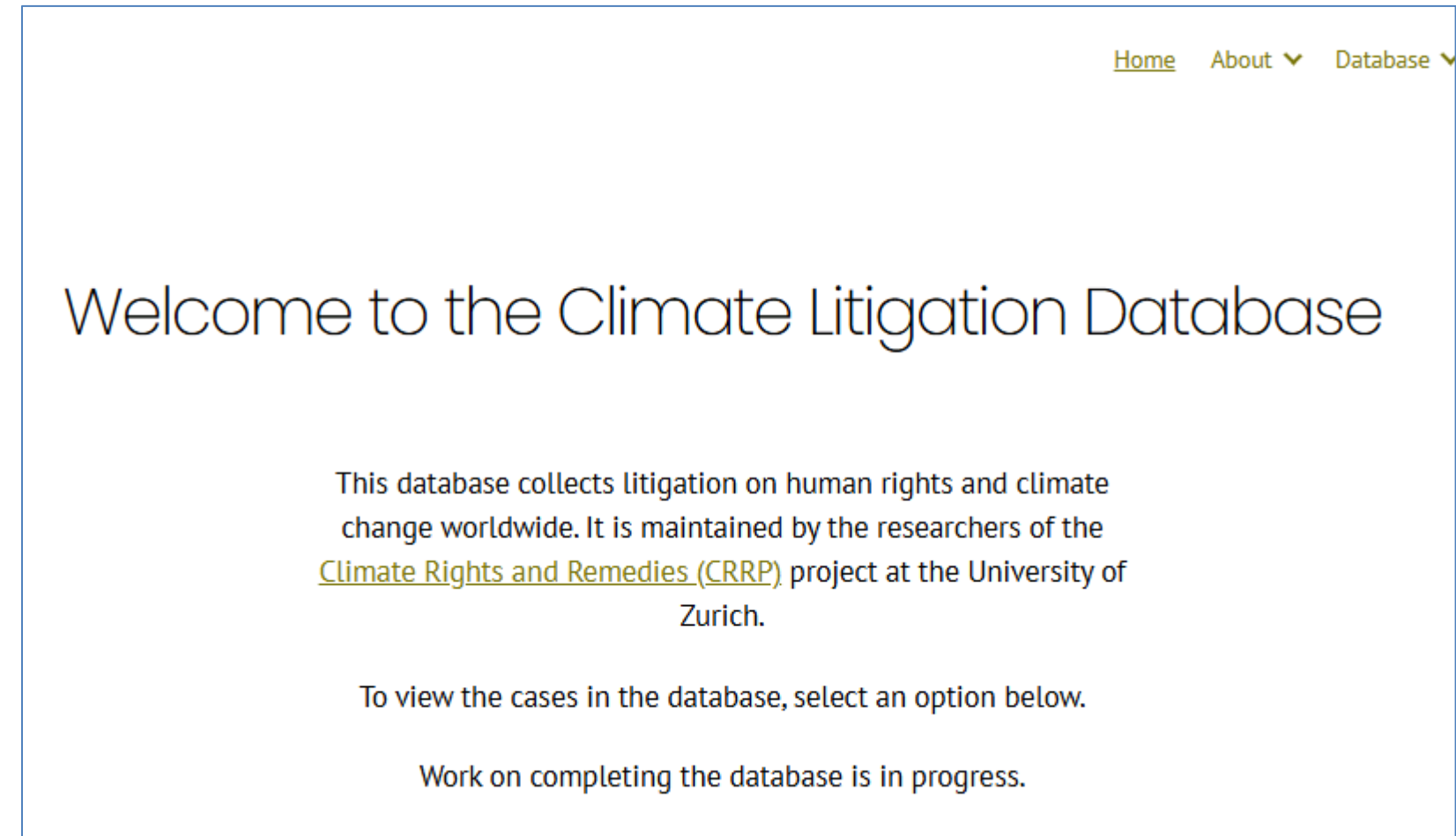
RESOURCES



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Setzer J and Higham C (2025) *Global Trends in Climate Change Litigation: 2025 Snapshot*. London: Grantham Research Institute on Climate Change and the Environment, London School of Economics and Political Science.
<https://www.lse.ac.uk/granthaminstitute/publication/global-trends-in-climate-change-litigation-2025-snapshot/>



Climate Litigation Database
<https://climaterightsdatabase.com/>



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LAST NEWS

Climate Emergency and Human Rights

IACtHR

Advisory Opinion 32/2025

3 July 2025

On Thursday, July 3, 2025, the Inter American Court of Human Rights (IACtHR) published its Advisory Opinion

PROJECT



Case Law decisions reviewed

365

36 Analytical Dimensions



Global Distribution





Filters

Country

- Select or type -

Scope

- Select or type -

Type of Claimant

- Select or type -

Type of Respondent

- Select or type -

Civil Society Engagement

Human Rights

Justification Typology

Case Law Database

Displaying 10 case notes of 285 (Page 1 of 29)

Search cases...



Only cases with a Decision

Guillermo Tristan Montenegro v. Ministry of Environment and Sustainable Development, Argentina

Summary: In late 2021, Argentina approved Equinor's offshore oil exploration, prompting lawsuits over environmental and climate concerns. Courts initially halted the project due to procedural flaws, not climate issues. After further assessments and public consultation, exploration was allowed to resume in December 2022. Plaintiffs plan to appeal, defendants responded in March 2024.

Show more

Carballo, et al. v. State of the Province of Buenos Aires and the Provincial Agency for Sustainable Development, Argentina

Summary: In Carballo, et al. v. State of the Province of Buenos Aires and the Provincial Agency for Sustainable Development, individuals sued the Province of Buenos Aires over environmental permitting for the UGEN SA thermoelectric plant, citing Argentina's environmental laws, the Paris Agreement, and international human rights treaties. Courts, including the National Supreme Court, rejected their request to halt the plant's installation and operation.

Show more

PROJECT



Case Law decisions reviewed

365

36 Analytical Dimensions



Global Distribution



Which human rights are the most impacted by climate change?



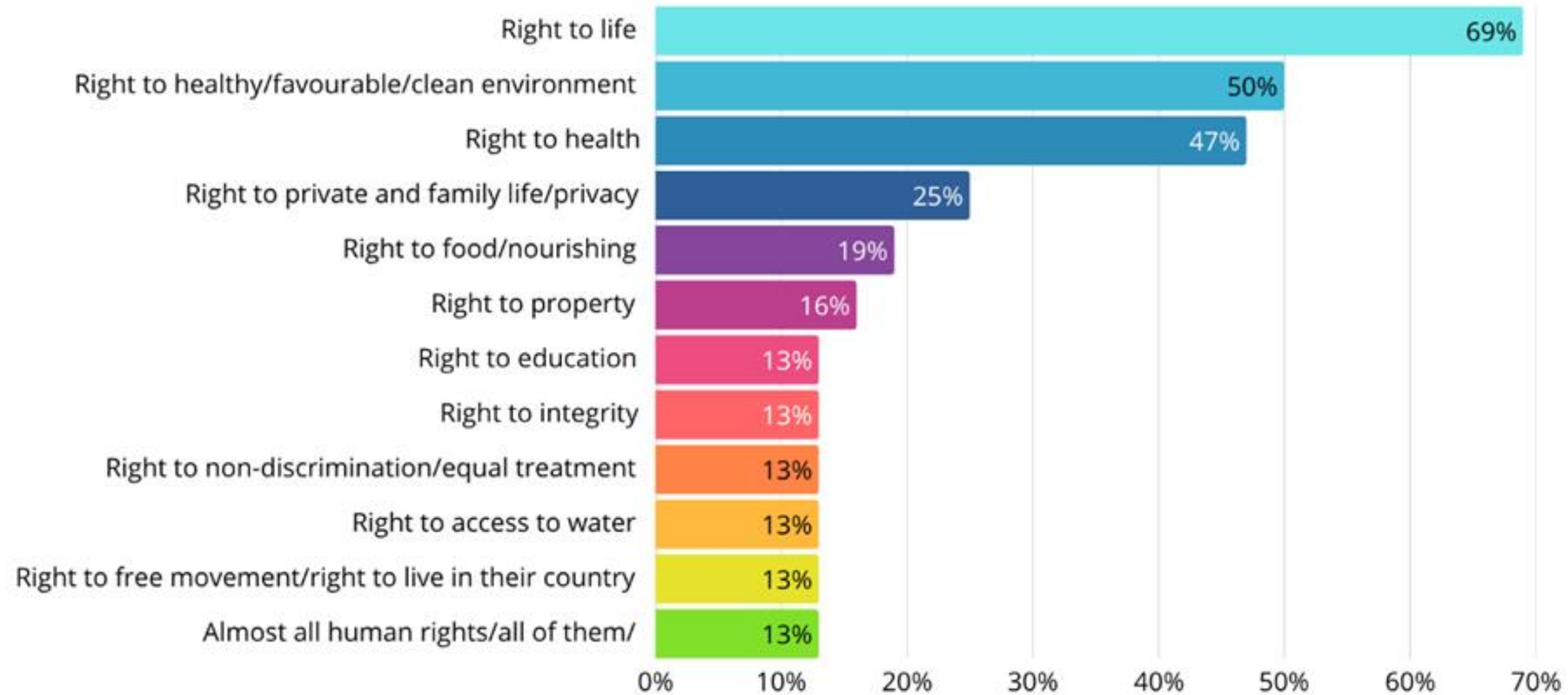
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Which human rights are the most impacted by climate change?

How many interviewees mentioned this right?



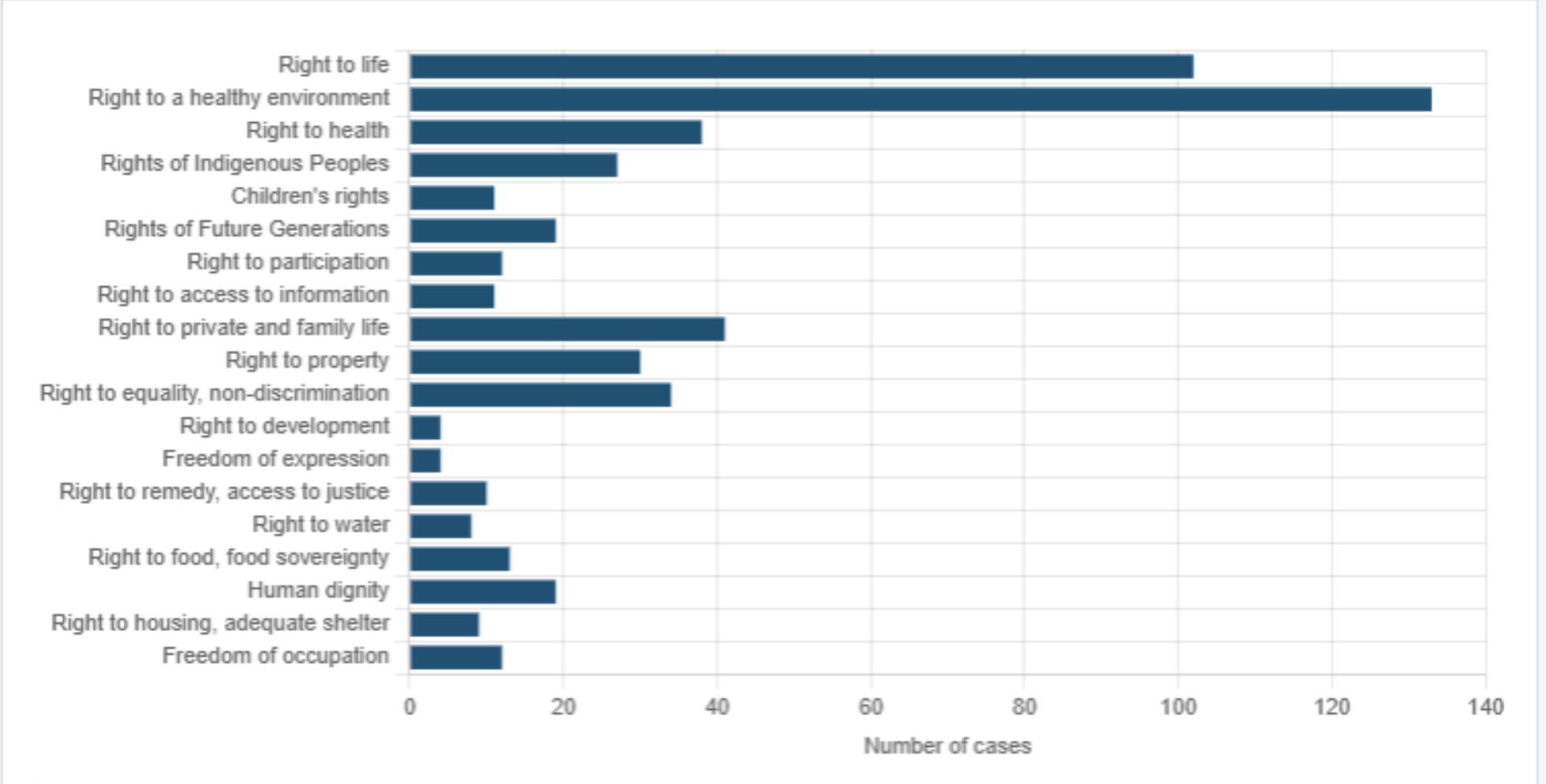


⚖️ Invoked Rights Infographics

Civil Society **Invoked Rights** Justification Typology Instruments 📅 2009 – 2025 📁 285 cases documented

Rights Distribution
Horizontal ranking

Rights Balance
Scaled radar view



How to read this chart
Ranking of the **most frequently invoked rights** in climate cases. Each bar is the *number of cases* where that right was explicitly invoked (a case can cite multiple rights). X-axis: number of cases. Y-axis: right label. Tooltip shows "N cases."

Which vulnerable groups are the most affected by climate change?



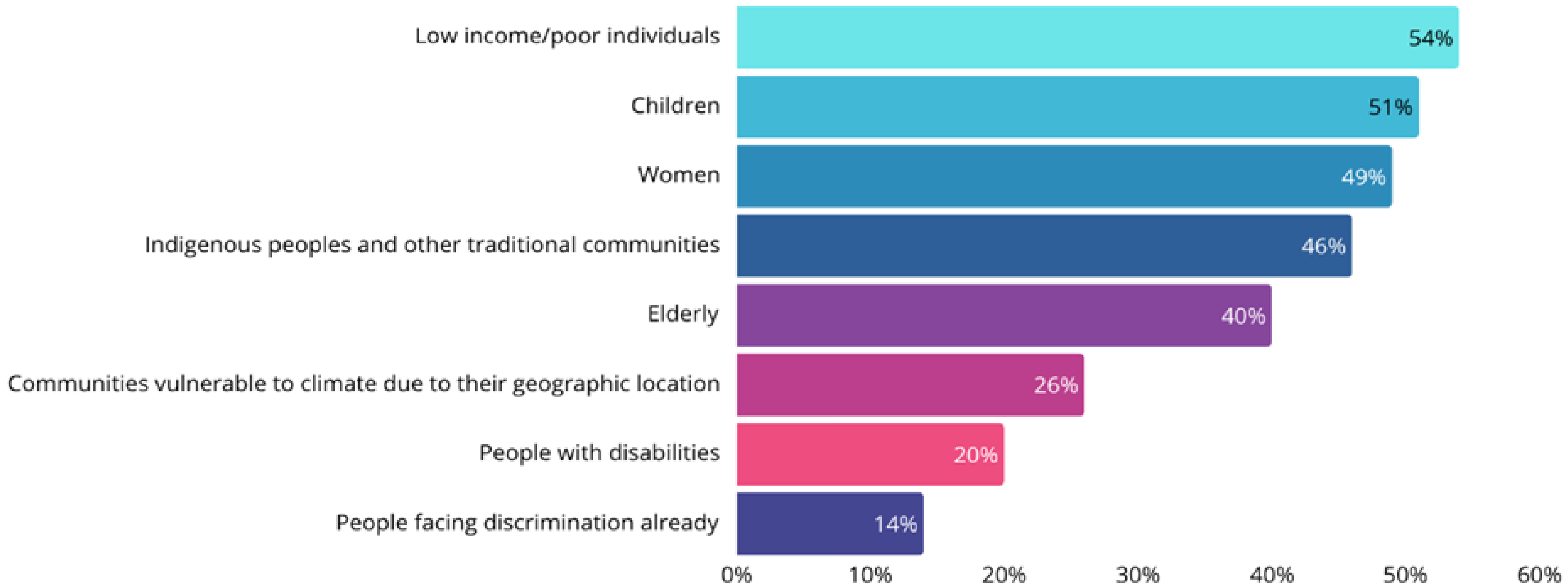
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Which vulnerable groups are the most affected by climate change?

How many interviewees have mentioned this group?



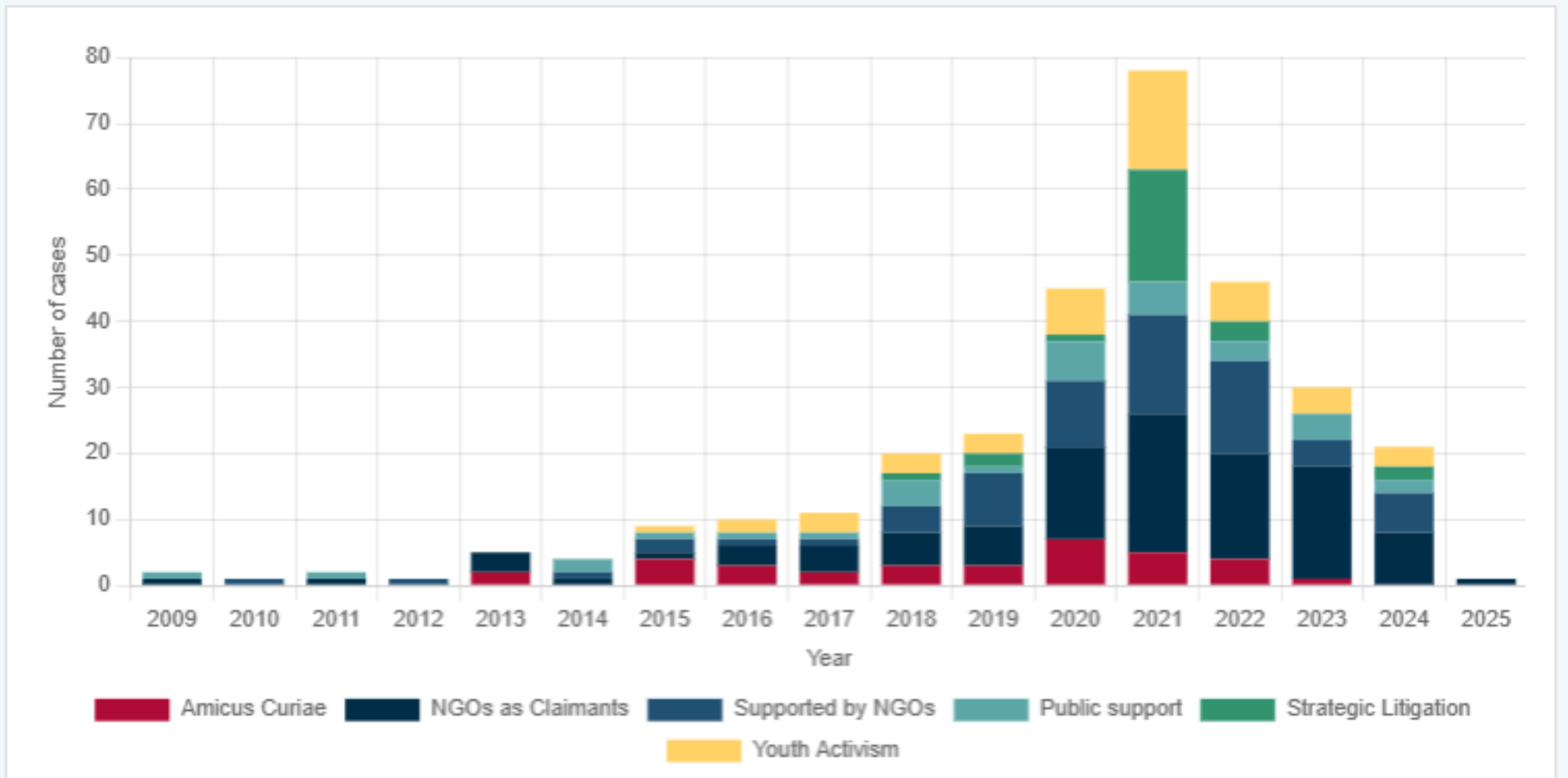


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Civil Society Infographics

Civil Society | Invoked Rights | Justification Typology | Instruments | 2009 – 2025 | 285 cases documented

- Engagement Distribution
Stacked counts per year
- Engagement Trends
Multi-series time trends
- Amicus Curiae Focus
Cases vs. total amici



How to read this chart
Stacked bars show, for each year (2009–2025), the **number of cases** involving civil society, split into: Amicus Curiae, NGOs as Claimants, Supported by NGOs, Public support, Strategic litigation, Youth activism. Total bar height = sum of categories for that year. A case may appear in multiple categories. X-axis: year. Y-axis: counts. Tooltips (index mode) compare category shares within the same year.



Instruments Infographics

Civil Society

Invoked Rights

Justification Typology

Instruments

2009 – 2025

285 cases documented



Instruments Comparison

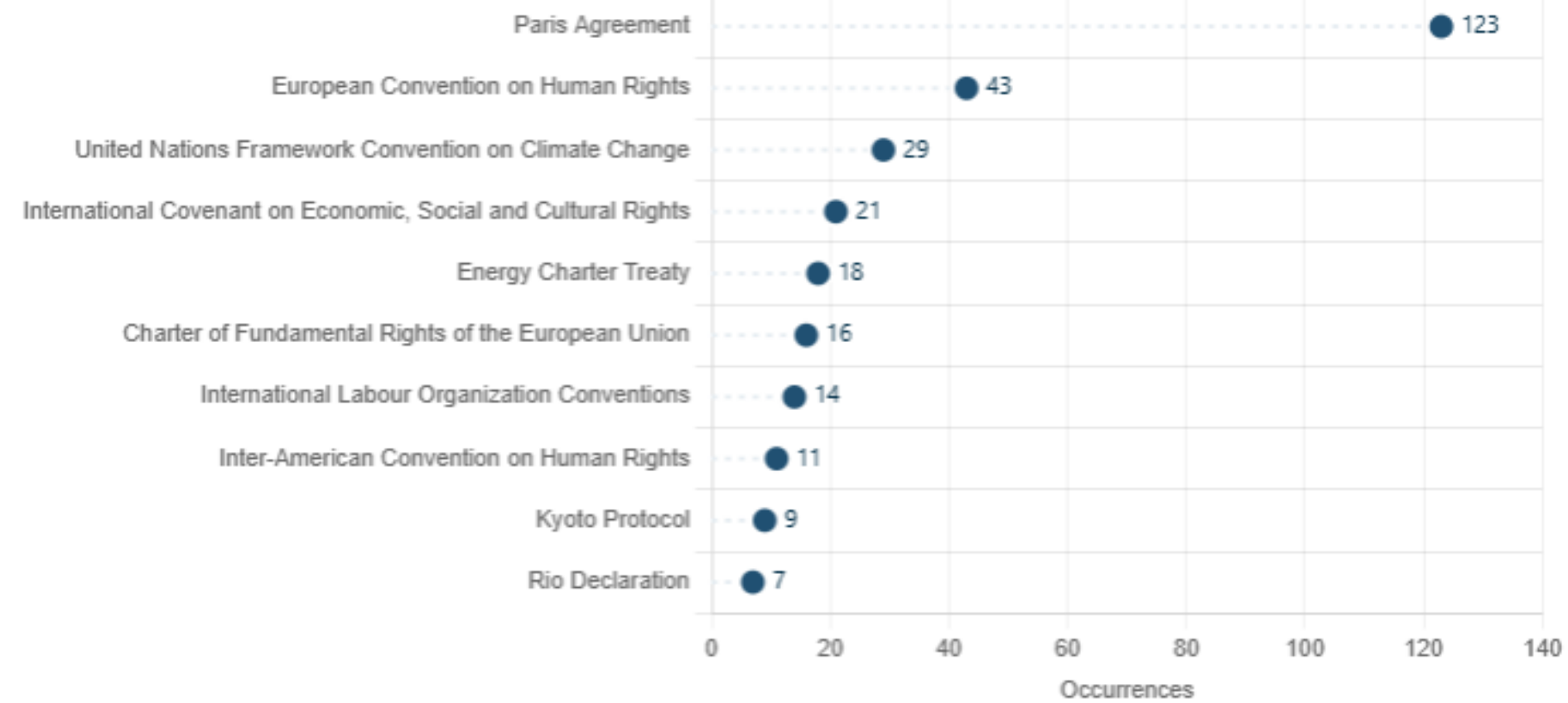
Lollipop ranking



Instruments Shares

Bubble (occ. vs share)

Legal Instruments by Occurrence (n = 285)



How to read this chart

Horizontal "lollipop" ranking of **legal instruments** by *occurrences* (n = 285 total mentions). Each dot marks the instrument's count; the dashed stem traces back to zero. Labels on the right show exact values. X-axis: occurrences. Y-axis: instrument. Tooltip gives the instrument name and its count.



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WHY CLIMATE LITIGATION?



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WHY CLIMATE LITIGATION?

Influence
legislative or
executive
branches of
government

Influence private
actors and
corporate
behaviour

Influence public
discourse and
broader societal
change



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THREE CURRENT TRENDS IN CLIMATE LITIGATION

1. **Government accountability** – seeks to hold governments to account for a failure to take climate action (mitigation or adaptation)
2. **Corporate responsibility** – seeks to influence corporate behaviour in relation to climate change and/or raise public awareness about the responsibility of major emitters
3. **Human rights compliance** – seeks to use human rights arguments to hold governments and corporations accountable for climate change



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1. GOVERNMENT ACCOUNTABILITY (1)

- Climate litigation seeks to hold governments to account for a failure to take sufficiently ambitious climate action (mitigation or adaptation)
- Government responsibility is often linked to climate targets, including temperature and time targets, and countries' commitments (NDCs), under the Paris Agreement.





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1. GOVERNMENT ACCOUNTABILITY (2)

Cases relating to government accountability includes:

- a) Government accountability for inadequate climate action;
- b) Government accountability for inadequate laws; and
- c) Government accountability for inadequate policies.



GOVERNMENT ACCOUNTABILITY FOR INADEQUATE CLIMATE ACTION



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Urgenda Foundation v the Netherlands

A Dutch environmental group, the Urgenda Foundation, and 900 Dutch citizens sued the Dutch government to require it to do more to mitigate climate change.

This was the first litigation to **successfully challenge** the adequacy of a national government's approach to reducing emissions.

Urgenda argued that the Dutch government's inadequate climate action breached its duty of care in negligence and human rights law.



Source: Urgenda / Chantal Bekker

INADEQUATE CLIMATE ACTION WAS NEGLIGENT



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The Hague District Court (2015):

On 24 June 2015, The Hague District Court found that the Dutch state's emissions reductions targets were insufficient and ordered the Dutch state to limit GHG emissions to 25% below 1990 levels by 2020.

The Court concluded that the state has a duty to take mitigation measures due to the severity of the consequences of climate change and the risk of climate change occurring.

“Due to the severity of the consequences of climate change and the great risk of hazardous climate change occurring – without mitigating measures – the court concludes that the **State has a duty of care to take mitigation measures. The circumstances that the Dutch contribution to the present global greenhouse gas emissions is currently small does not affect this**” (at [4.83]).

The Court concluded that “the State ... has acted negligently and therefore unlawfully towards Urgenda by starting from a reduction target for 2020 of less than 25% compared to the year 1990” (at [4.93]).

See: Urgenda Foundation v State of the Netherlands (ECLI:NL:RBDHA: 2015:7145)

INADEQUATE CLIMATE ACTION BREACHED HUMAN RIGHTS



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The Hague Court of Appeal (2018):

On 9 October 2018, The Hague Court of Appeal dismissed the Dutch Government's appeal and upheld the District Court's ruling, concluding that by failing to reduce greenhouse gas emissions by at least 25% by end-2020, the Dutch government is acting unlawfully in contravention of its duty of care under Article 2 and Article 8 ECHR.

The Court held that the emissions targets contravened Articles 2 and 8 of the European Convention on Human Rights (ECHR), which protect a right to life, and a right to private life, family life, home, and correspondence. The Court found that “dangerous climate change threatens the lives, wellbeing and environment of citizens in the Netherlands and worldwide” are therefore threatened the rights under articles 2 and 8 (at [5.2.2]-[5.3.2] and [5.6.2]).

The Court determined that articles 2 and 8 create an obligation for the state to take positive measures to contribute to reducing emissions relative to its own circumstances. Whilst the ECHR does not impose an impossible or disproportionate burden on the state, as the state is not required to guarantee the achievement of these rights, the state must take appropriate measures (at [5.3.4] and [5.9.1]).

See: State of the Netherlands v Urgenda Foundation (ECLI:NL:GHDHA:2018:2610)

INADEQUATE CLIMATE ACTION BREACHED HUMAN RIGHTS



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Supreme Court of the Netherlands (2019):

On 20 December 2019, the Supreme Court of the Netherlands upheld the decision of The Hague Court of Appeal. The Supreme Court upheld the finding of the Court of Appeal that the ECHR imposed a positive obligation to take appropriate measures to prevent climate change.

These measures require the Netherlands to meet a greenhouse gas emissions reduction target 25% compared to 1990, by the end of 2020.

Even though the Netherlands was only a minor contributor to climate change, it had an independent obligation to reduce emissions.

See: *State of the Netherlands v Urgenda* (ECLI:NL:HR:2019:2007)

European Convention on Human Rights



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European Convention on Human Rights



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The Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the European Convention on Human Rights, was opened for signature in Rome on 4 November 1950 and came into force on 3 September 1953.

It was the first instrument to give effect to certain of the rights stated in the Universal Declaration of Human Rights (**.....who? when?.....**) and make them binding.

European Convention on Human Rights



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The Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the European Convention on Human Rights, was opened for signature in Rome on 4 November 1950 and came into force on 3 September 1953.

It was the first instrument to give effect to certain of the rights stated in the Universal Declaration of Human Rights (**proclaimed by the United Nations General Assembly on 10 December 1948**) and make them binding.

All 46 countries forming the **Council of Europe** are party to the Convention, 27 of which are members of the EU.

The Convention established the European Court of Human Rights, intended to protect individuals from human rights violations.

Any person whose rights have been violated under the Convention by a state party may take a case to the Court (after having exhausted all domestic remedies).



The Council of Europe in brief

- Who we are
- What we do ▾
- Our history ▾
- Our member States ▾
- How to distinguish us ▾
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Who we are



The Council of Europe is the continent's leading human rights organisation.



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME



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The Council of Europe is the continent's leading human rights organisation. Since its foundation in 1949, the organisation has created a common legal space, centred on the European Convention on Human Rights (ECHR), across its 46 member states.

This represents a death penalty-free zone for more than 700 million people.



The Council of Europe in brief



- Who we are
- What we do ▾
- Our history ▾
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- How to distinguish us ▾
- Videos
- Official logo

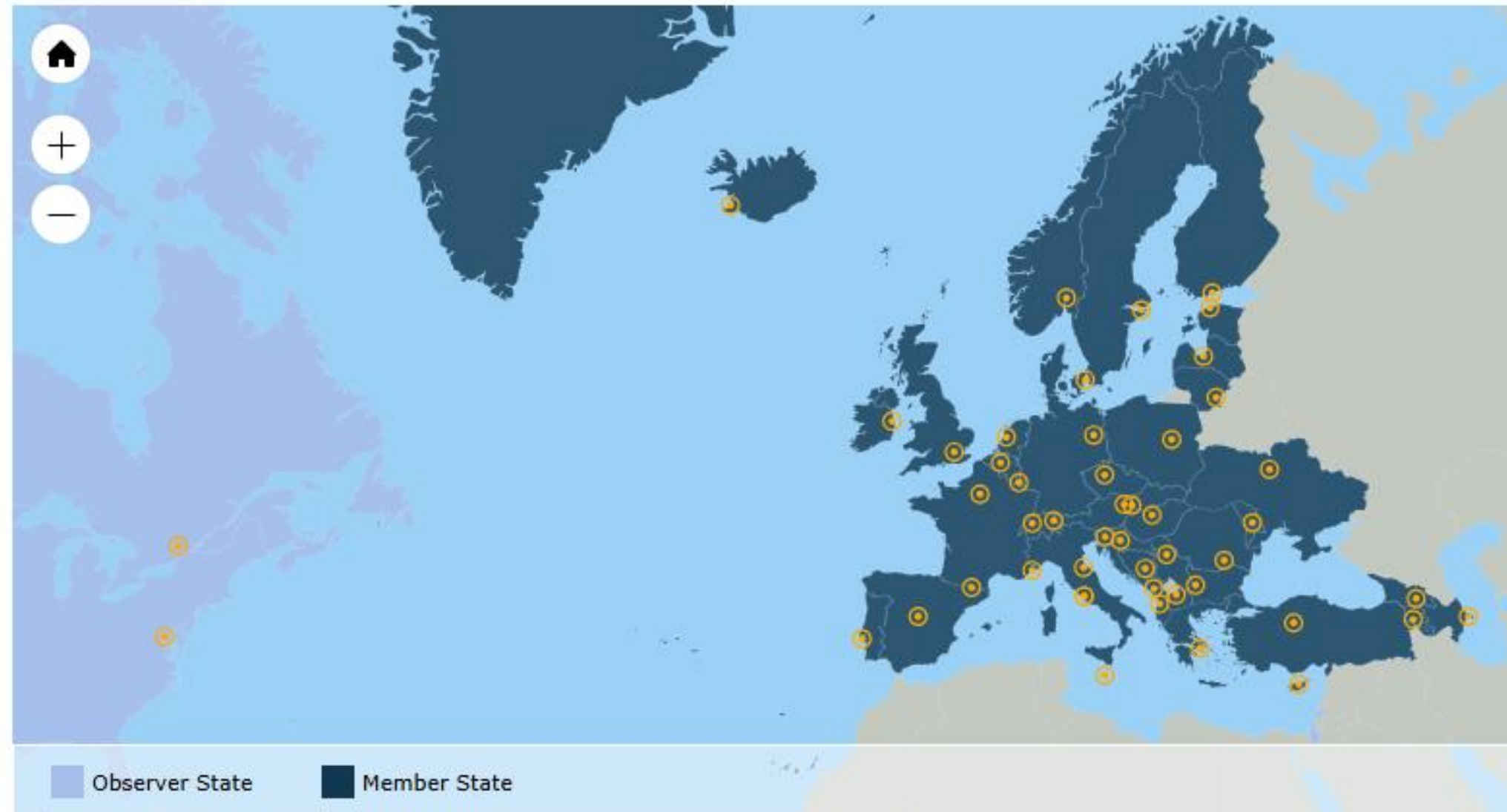
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Who we are

Our member States



The Council of Europe is the continent's human rights organisation.



GOVERNMENT ACCOUNTABILITY FOR INADEQUATE LAWS



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Neubauer et al v Germany (2021)

A group of youth plaintiffs challenged the constitutionality of emissions reduction targets in the German Climate Protection Law.

The Court found that the current provisions of the law place an unreasonable burden on future generations.

The German Constitution enshrined a right to future freedoms that protected the complainants against threats to freedom caused by the greenhouse gas reduction burdens being unilaterally offloaded onto future generations.

The failure to set emissions targets beyond 2030 limited the intertemporal guarantee of freedom in the Constitution.

The Court ordered the federal government to remake the emissions reduction targets in the law and determine targets for the years beyond 2031.

See: Neubauer et al v Germany (2021) 1 BvR 2656/18, 1 BvR 96/20, 1 BvR 78/20, 1 BvR 288/20, 1 BvR 96/20, 1 BvR 78/20



Luisa Neubauer, one of the complainants.

Source:

<https://www.npr.org/2020/07/03/885644410/make-the-climate-a-priority-again-says-germany-s-student-activist-neubauer>

GOVERNMENT ACCOUNTABILITY FOR INADEQUATE POLICIES



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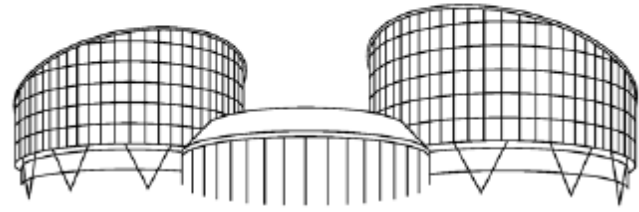
KlimaSeniorinnen v Switzerland (2024)

In 2016, an association of senior women – Senior Women for Climate Protection Switzerland (the petitioners) – and four individual older women filed a suit against multiple bodies of the Swiss Government, alleging that they had failed to uphold obligations under the Swiss Constitution and European Convention on Human Rights (ECHR) by not steering Switzerland in an emissions reduction trajectory consistent with the goal of keeping global temperatures well below 2°C above pre-industrial levels.

On 9 April 2024, the ECtHR Grand Chamber of 17 judges (16 concurring, one partly dissenting), upheld the applicants' case. The ECtHR found Switzerland had violated art 8 of the ECHR, which encompasses a right to effective protection for individuals by State authorities from the serious adverse effects of climate change on their lives, wellbeing and quality of life.

The Court outlined that the state's duty is to adopt, and apply, regulations and measures capable of mitigating the existing and potentially irreversible, future effects of climate change, in line with the Paris Agreement and the scientific advice of the Intergovernmental Panel on Climate Change.

See: KlimaSeniorinnen v Switzerland (European Court of Human Rights, Grand Chamber 53600/20, 26 November 2020, judgment 9.4.24)



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

GRAND CHAMBER

**CASE OF VEREIN KLIMASENIORINNEN SCHWEIZ
AND OTHERS v. SWITZERLAND**

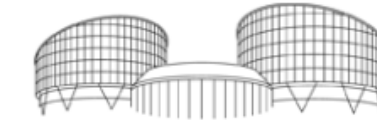
(Application no. 53600/20)

JUDGMENT

519. Drawing on the above considerations, and having regard to the causal relationship between State actions and/or omissions relating to climate change and the harm, or risk of harm, affecting individuals (see paragraphs 435, 436 and 478 above), Article 8 must be seen as encompassing a right for individuals to effective protection by the State authorities from serious adverse effects of climate change on their life, health, well-being and quality of life.

a way and to such an extent that the very essence of the right was impaired.

639. In this connection, the Court considers it essential to emphasise the key role which domestic courts have played and will play in climate-change litigation, a fact reflected in the case-law adopted to date in certain Council of Europe member States, highlighting the importance of access to justice in this field. Furthermore, given the principles of shared responsibility and

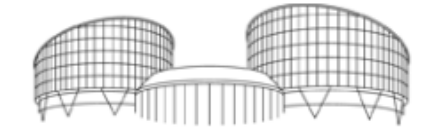


EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

GRAND CHAMBER

CASE OF CARÈME v. FRANCE

(Application no. 7189/21)



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

GRAND CHAMBER

**CASE OF DUARTE AGOSTINHO AND OTHERS
AGAINST PORTUGAL AND 32 OTHERS**

(Application no. 39371/20)

DECISION

DECISION

STRASBOURG

9 April 2024

STRASBOURG

9 April 2024





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2. CORPORATE RESPONSIBILITY

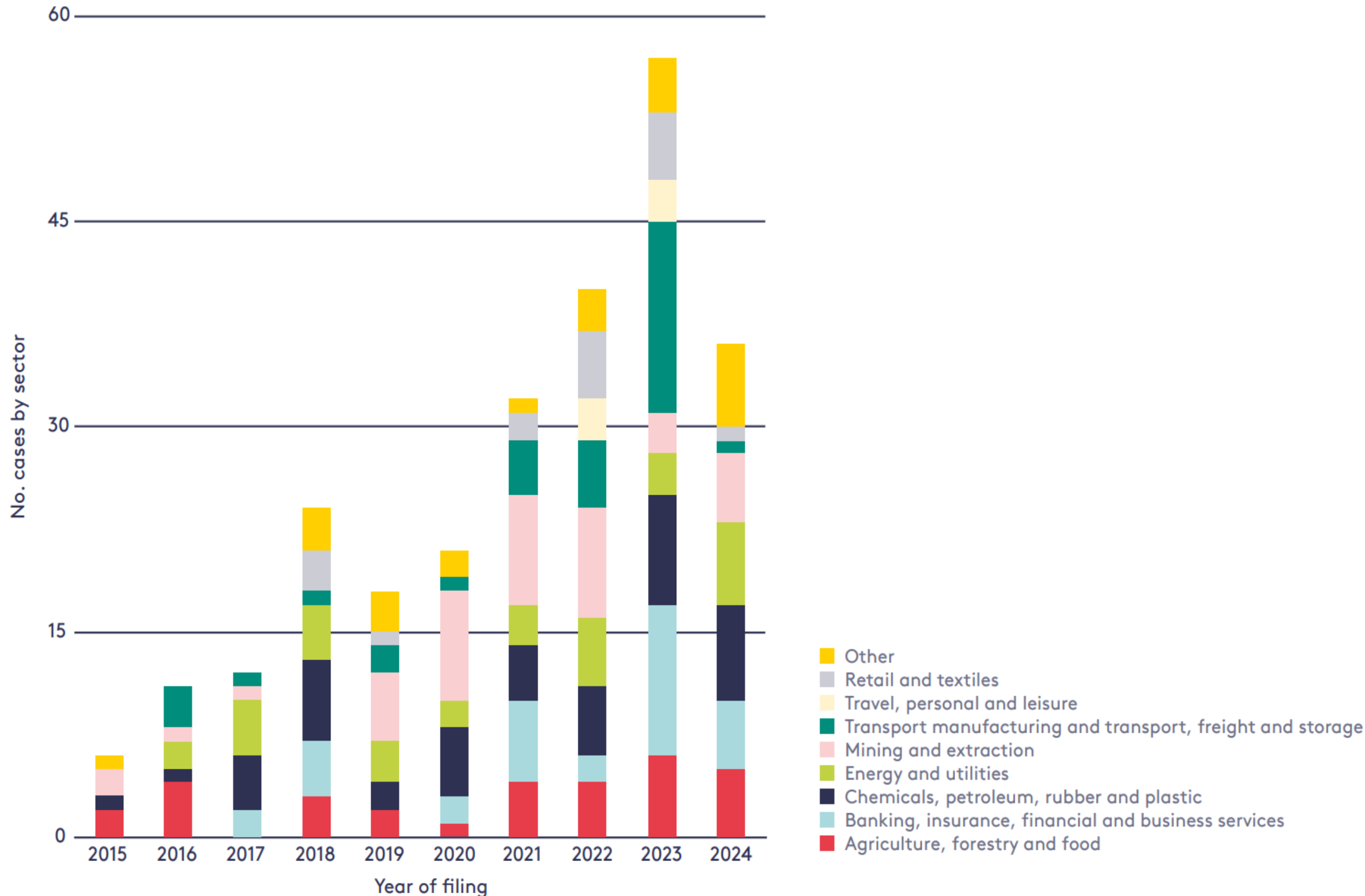
- Climate litigation aims to influence corporate behaviour in relation to climate change and raise public awareness about the responsibility of major emitters.
- Early climate litigation involving the corporate sector was dominated by claims against companies involved in the extraction, refining and sale of fossil fuels.
- Later climate litigation is more diverse and seeks to influence corporate practice, including establishing corporate liability for past contributions to climate change and preventing activities for future contributions to climate change.



CORPORATE RESPONSIBILITY



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Climate litigation targeting corporations has diversified beyond fossil fuel producers and now focuses on a range of sectors contributing to global emissions both directly and indirectly.

More recent climate litigation focuses on financial risks, fiduciary duties and corporate due diligence. This litigation targets banks, financial institutions and professional service firms.

Number of companies targeted by strategic climate litigation by sector, 2015-2024

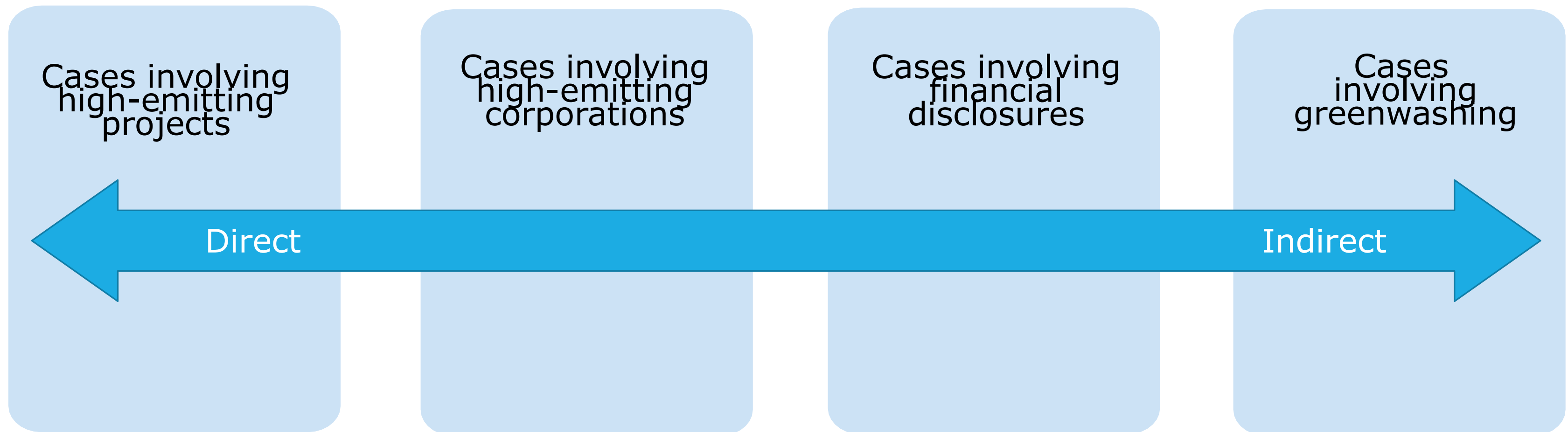
Source: *Global Trends in Climate Change Litigation: 2025 Snapshot* (Report, Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy)

CORPORATE RESPONSIBILITY



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Cases can seek to influence corporate behaviour directly or indirectly.



CASES INVOLVING HIGH-EMITTING PROJECTS



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Gloucester Resources Ltd v Minister for Planning (Australia) (2019)

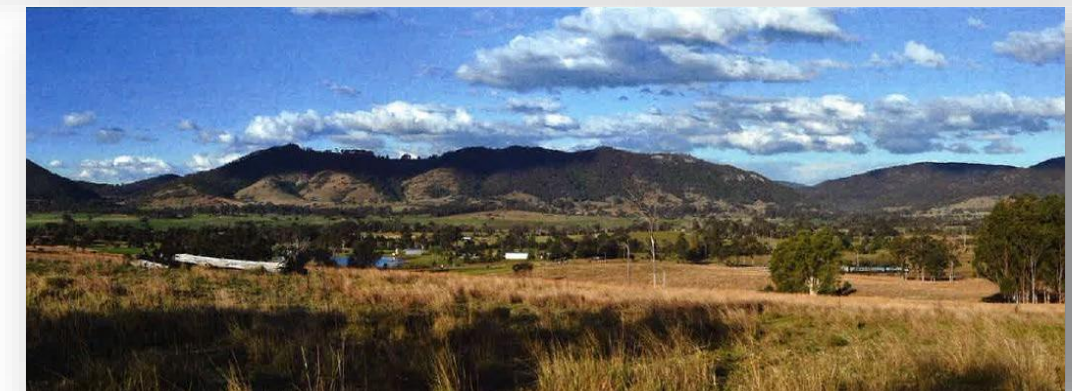
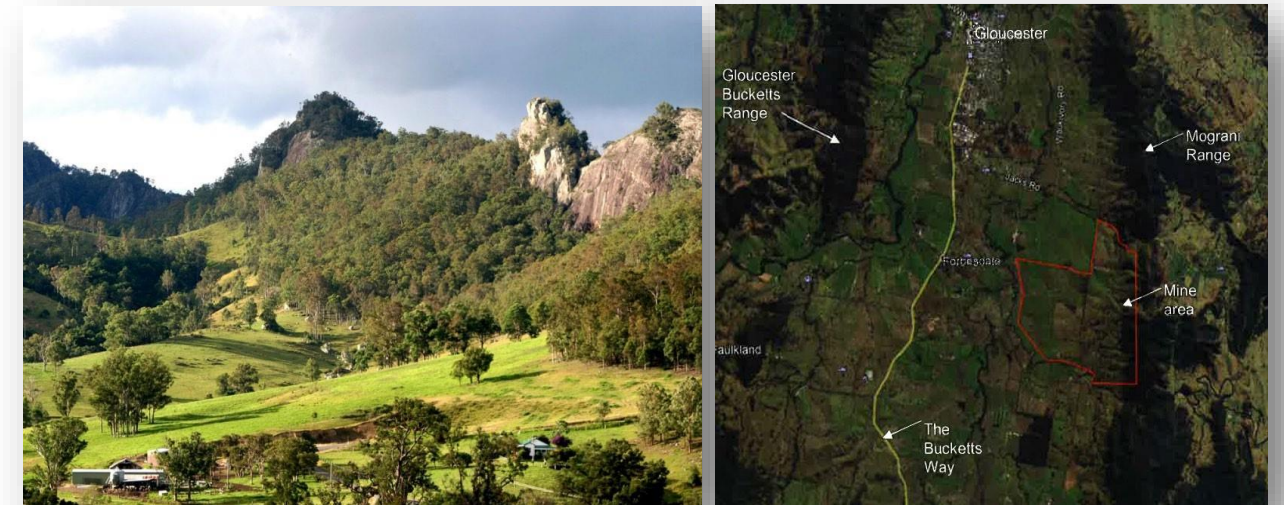
A mining company sought consent to develop, operate and rehabilitate an open-cut coal mine. The Minister for Planning refused the application. The project proponent appealed to the Land and Environment Court of New South Wales.

A community group joined the proceedings and raised the impacts of the mine on climate change.

An expert for the community group contended that the Paris Agreement maximum acceptable temperature rise would require most fossil fuel reserves to remain in the ground and unburnt. Approval of the mine would be inconsistent with maintaining the maximum acceptable temperature rise.

The Court upheld the Minister's refusal of the project, rejecting the arguments raised by the mining company.

See: Gloucester Resources Ltd v Minister for Planning (2019) 234 LGERA 257



Sources: top-left, <https://www.groundswellgloucester.com/>; top-right & bottom, Xurban Visual Impact Expert Report (June 2018).

CASES INVOLVING HIGH-EMITTING CORPORATIONS



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Milieudefensie et al v Royal Dutch Shell plc (2022)

Milieudefensie/Friends of the Earth Netherlands and six other plaintiffs claimed Royal Dutch Shell (RDS) had violated its duty of care under Dutch law by emitting greenhouse gas emissions (GHG) that contributed to climate change.

The plaintiffs sought a ruling from the Court that Shell must reduce its greenhouse gas emissions by 45% by 2030 compared to 2010 levels, and to zero by 2050 in line with the Paris Climate Agreement.



Source: www.foei.org/features/historic-victory-judge-forces-shell-to-drastically-reduce-co2-emissions/

CASES INVOLVING HIGH-EMITTING CORPORATIONS



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Milieudefensie et al v Royal Dutch Shell plc (2022)

The Hague District Court held that RDS is under an obligation to reduce GHG emissions..

RDS was ordered to reduce the CO2 emissions of the Shell group's activities by 45% by 2030, relative to 2019 levels. The reduction obligation related to the RDS's entire energy portfolio and to the aggregate volume of all emissions. The reduction obligation imposed was an obligation of result which required RDS to take the necessary steps to remove or prevent the serious risks ensuing from the CO2 emissions generated by them, and to use its influence to limit any lasting consequences as much as possible (at [4.4.55]).

RDS appealed to the Hague Court of Appeal in July 2022.

On appeal, The Hague Court of Appeal agreed with the District Court's decision insofar as it related to RDS having a legal duty of care to curb dangerous climate change.

The Court affirmed the interrelationship between climate change and human rights law, stating that “there can be no doubt that protection from dangerous climate change is a human right” (at [7.17]).

See: *Milieudefensie et al v Royal Dutch Shell plc* (Hague Court of Appeal, ECLI:NL:GHDHA:2024:2100)

CASES INVOLVING FINANCIAL DISCLOSURES



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Abrahams v. Commonwealth Bank of Australia (NSD864/2021)

Shareholders of the Commonwealth Bank of Australia (CBA) filed an application in the Federal Court, seeking access to internal documents related to the CBA's involvement in projects including numerous gas projects, and other projects which allegedly infringe the CBA's environmental and social policies.

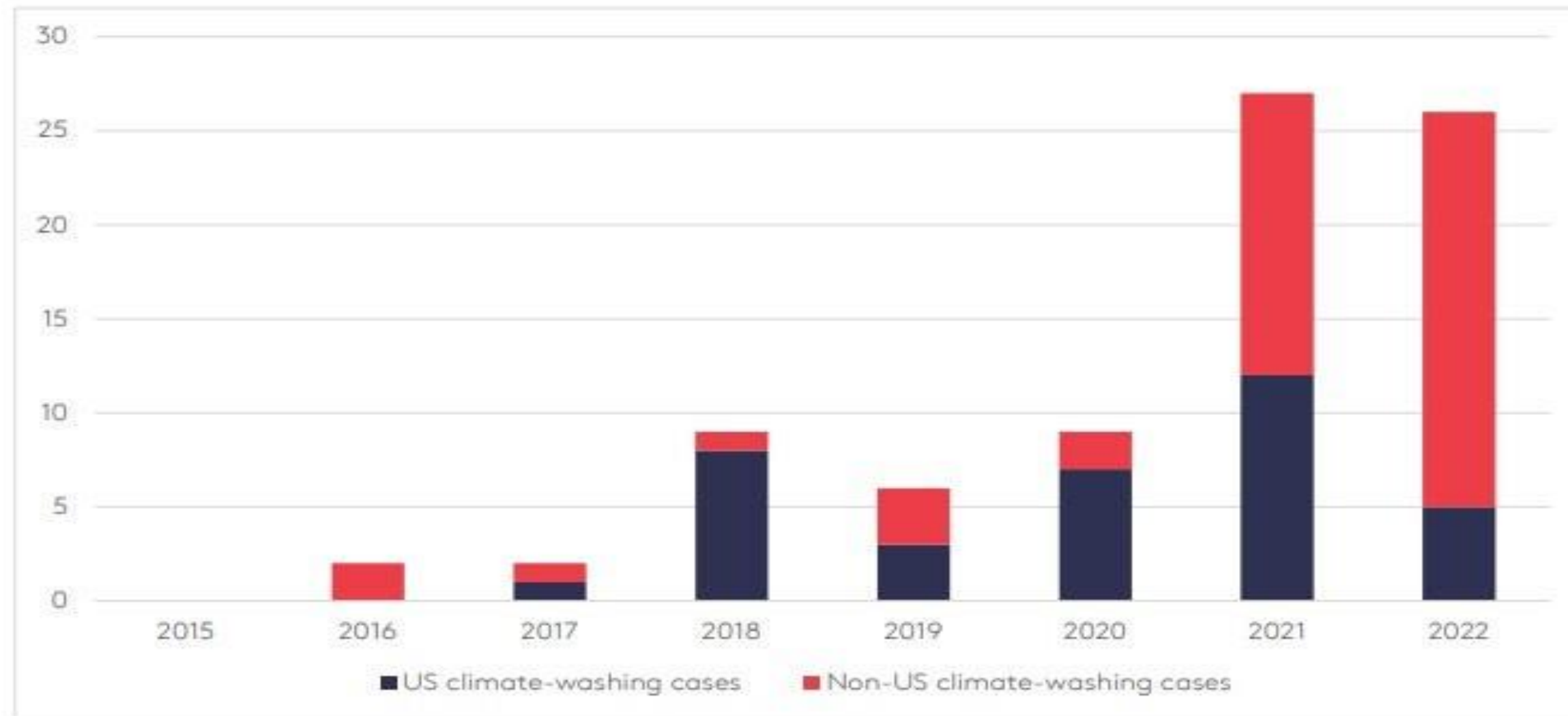
These documents were sought to assess the environmental and social impacts of the projects and whether the projects are in line with the Paris Agreement goals; and to discharge any obligation of the CBA under its environmental and social policies.

The Federal Court made orders for CBA to produce the documents. Further orders were made on the basis that the shareholders can use certain documents the CBA produced for the purpose of further litigation against CBA and for the purpose of providing these documents to regulatory bodies

CASES INVOLVING CLIMATE-WASHING



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“Climate-washing cases” brought against corporations challenge the accuracy of green commitments and claims. These cases have increased in number significantly in the last five years

Climate-washing cases against corporate actors in the US and outside the US, 2015-2022

Source: *Global Trends in Climate Change Litigation: 2023 Snapshot* (Report, Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy)

CASES INVOLVING CLIMATE-WASHING



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FossielVrij NL v KLM (2024)

Environmental organisation Fossielvrij NL, with the support of ClientEarth, brought a claim against Dutch airline KLM, alleging KLM's advertisements in its 'Fly Responsibly' campaign are misleading.

In March 2024, the Amsterdam District Court found that the advertising, which suggested flying can be, or is becoming, sustainable and that its offsets reduce or compensate for the impact of flying, breached EU consumer law.

The Court also found that KLM's claims that it was "committed to the Paris Agreement climate goals" breached the law because KLM's climate targets painted "too rosy a picture" given the minimal measures the airline was actually taking.

See: FossielVrij NL v KLM (Amsterdam District Court, ECLI:NL:RBAMS:2024:1512)



Source: <https://esgnews.com/dutch-court-rules-klms-sustainability-advertising-breached-eu-consumer-law/>



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3. HUMAN RIGHTS COMPLIANCE

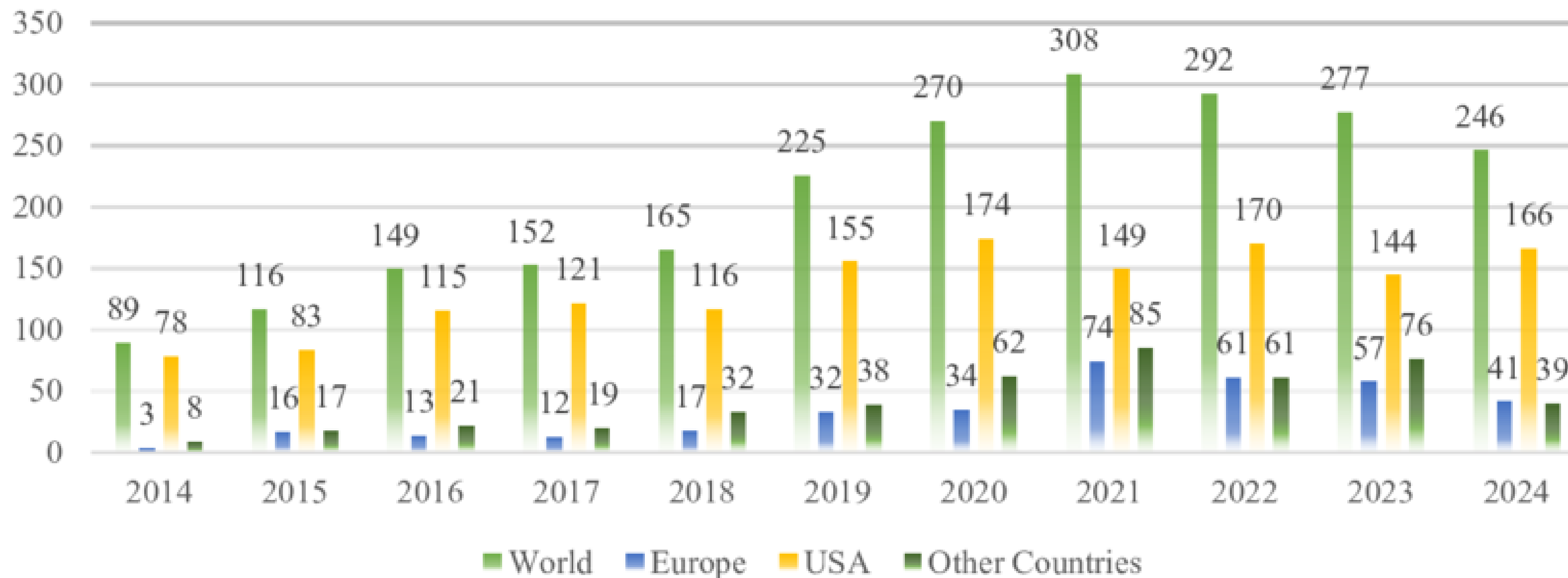
Commentators have noted a ‘rights-turn’ in climate litigation, through which claimants seek to use human rights arguments to hold governments and corporations accountable for climate change (Osofsky and Peel, 2018).



RIGHTS-BASED CLIMATE LITIGATION CASES



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Slidžiauskaitė-Maskoliūnė, R. Climate Litigation Against States: Emerging Trends. *Earth: Environmental Sustainability* 2025, 1(2), 221–234. <https://doi.org/10.53941/eesus.2025.100018>

TYPES OF HUMAN RIGHTS-BASED CLIMATE LITIGATION



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Climate litigation claiming breach of human rights includes:

- Government inaction for adaptation to climate change;
- Constitutional right of due process;
- Right to life and healthy environment

TYPES OF HUMAN RIGHTS-BASED CLIMATE LITIGATION



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- Constitutional right of due process;
- Right to life and healthy environment

WHY using HR arguments in climate litigation?

TYPES OF HUMAN RIGHTS-BASED CLIMATE LITIGATION



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Climate litigation claiming breach of human rights includes:

- Government inaction for adaptation to climate change;
- Right to life and healthy environment

WHY using HR arguments in climate litigation?

Strengthen legal argument, linking climate harm to HR

GOVERNMENT INACTION FOR CLIMATE ADAPTATION



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Leghari v Pakistan (2018)

Pakistan had two policies relating to adaptation to climate change, which the Government had not implemented. Leghari submitted that this inaction breached his fundamental rights, read with constitutional principles and international environmental principles.

The Court held that the government's inaction in implementing the climate policies breached Leghari's fundamental human rights.

By way of remedy, the Court ordered the establishment of a Climate Change Commission to effectively implement the climate policies.

In 2018, the Commission submitted a supplemental report on the implementation of priority actions. The Court agreed with the Commission's submissions that 66% of the priority items of the Framework had been completed due to the Commission's efforts and the responsibility for the remaining items should be left to government. Accordingly, the Court dissolved the Commission and instead constituted a Standing Committee on Climate Change to ensure the continued implementation of the Policy and the Framework.

See: Asghar Leghari v Federation of Pakistan (2015) WP No. 25501/2015

RIGHT TO LIFE AND HEALTHY ENVIRONMENT



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KlimaSeniorinnen v Switzerland (2024)

An association of senior women (the petitioners) and four individual older women filed a suit against multiple bodies of the Swiss Government, alleging that they had failed to uphold obligations under the Swiss Constitution and European Convention on Human Rights (ECHR) by not steering Switzerland in an emissions reduction trajectory consistent with the goal of keeping global temperatures well below 2°C above pre-industrial levels.

The petitioners' claim was dismissed by the Federal Department of the Environment, Transport, Energy and Communications, the Swiss Federal Administrative Court and the Swiss Supreme Court. After having exhausted all national remedies, the petitioners took their claim to the European Court of Human Rights (ECtHR).

The petitioners listed two main complaints: (1) Switzerland's inadequate climate policies violate their right to life and health under arts 2 and 8 of the ECHR; and (2) the Swiss Federal Supreme Court's rejection of their case was arbitrary and in violation of the right to a fair trial under art 6.

RIGHT TO LIFE AND HEALTHY ENVIRONMENT



Funded by
the European Union

KlimaSeniorinnen v Switzerland (2024)

On 9 April 2024, the ECtHR upheld the applicants' case.

The ECtHR found:

Art 8: this Article encompasses a right to effective protection for individuals by State authorities from the serious adverse effects of climate change on their lives, wellbeing and quality of life. The State's duty is to adopt, and apply, regulations and measures capable of mitigating the existing and potentially irreversible, future effects of climate change.

Art 6: The Swiss authorities had violated this Article, by not taking the Association's complaints seriously and had failed to provide convincing reasons as to why they had not examined the merits of the complaints.

See: Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (ECtHR, application number 53600/20)



Source:

<https://blogs.law.columbia.edu/climatechange/2024/05/09/klimaseniorinnen-and-gender/>



Article 6 – Right to a fair trial

1 In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2 Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3 Everyone charged with a criminal offence has the following minimum rights:

a to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

b to have adequate time and facilities for the preparation of his defence;

c to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

d to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

e to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 8 - Right to respect for private and family life

1 Everyone has the right to respect for his private and family life, his home and his correspondence.

2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

RIGHT TO LIFE AND HEALTHY ENVIRONMENT



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Klimatická žaloba ČR v. Czech Republic

On April 21, 2021, a group of Czech citizens filed a lawsuit against the Czech government for its failure to act on climate change and associated human rights violations.

The plaintiffs include the climate action NGO Klimatická žaloba ČR, a municipality (Svatý Jan pod Skalou), and four individuals.

On June 15, 2022, the Prague Municipal Court upheld the lawsuit and ordered the state to urgently take necessary measures to mitigate climate change.

On February 20, 2023, the Supreme Administrative Court overturned the decision made by the Prague Municipal Court and sent the case back to the lower court (the Prague Municipal Court).

The Prague Municipal Court held a public hearing on October 25, 2023, and then dismissed the case. The plaintiffs appealed to the Supreme Administrative Court, which confirmed its earlier opinion and dismissed the case in November 2024. On February 5, 2025, the plaintiffs filed an appeal to the Czech Constitutional Court, which also dismissed the case on November 5, 2025.



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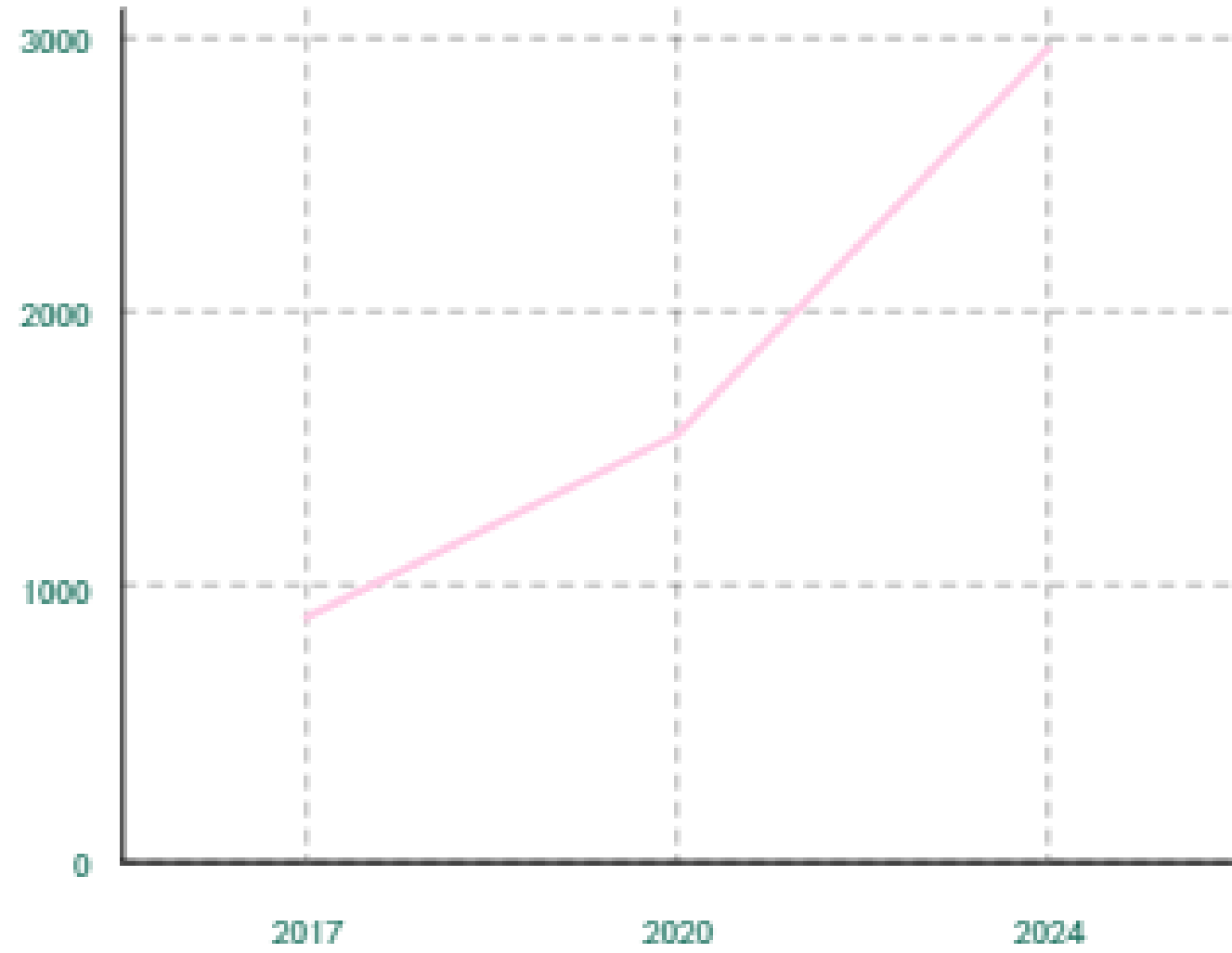
Rising Climate Cases

Climate-related cases have massively increased, spanning national and international courts.

Rights-Based Arguments

Human rights arguments are increasingly invoked to frame climate obligations.

Growth of Climate Litigation Cases





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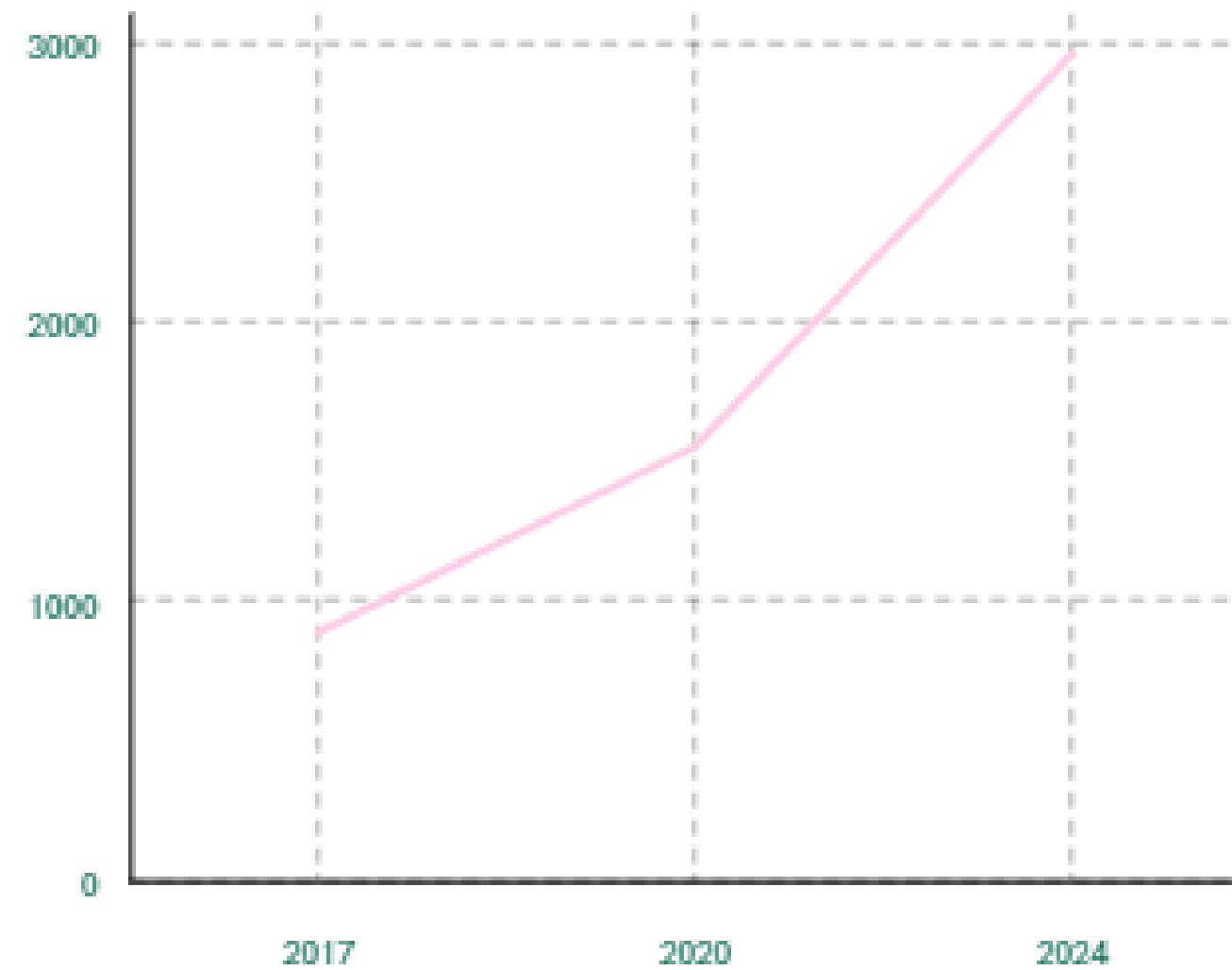
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Rights-Based Arguments

Human rights arguments are increasingly invoked to frame climate obligations.

Growth of Climate Litigation Cases



Is climate change litigation a good instrument for advancing climate change instances and/or human rights arguments connected to climate change?



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Is climate change litigation a good instrument
for advancing climate change instances and/or
human rights arguments connected to climate
change?



Interviews

*43 semi-structured
interviews with
stakeholders (2024)*



INSTITUTE OF INTERNATIONAL
RELATIONS PRAGUE



Research survey

*research survey
distributed among 86
selected stakeholders*



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Is climate change litigation a good instrument
for advancing climate change instances and/or
human rights arguments connected to climate
change?

21 Associations

NGOs and civil society organisations, both
national and international

11 Judicial Authorities

Judges or arbitrators, including those
from domestic courts and European
courts

11 Policy Officers

Government officials at national or EU level



Interviews

*43 semi-structured
interviews with
stakeholders (2024)*



INSTITUTE OF INTERNATIONAL
RELATIONS PRAGUE



Research survey

*research survey
distributed among 86
selected stakeholders*

ADVANTAGE THEMES

Judicial Authorities
(% mentioning)

Associations
(% mentioning)

Policy Officers
(% mentioning)

Qualitative Insight (Interview Quote or Summary)

Pressure on Policymakers

Public Awareness &
Engagement

Civil Society
Empowerment

Advancing Legal
Development

Framing Climate as a
Human Rights Issue

Our analysis draws on a mixed-stakeholder interview dataset that codes relevant quotations from interviewed judges, arbitrators, civil society representatives and associations, as well as policy officers.

We systematically identify themes in what each group sees as gaps in climate litigation (barriers or challenges) and as advantages of climate litigation (strategic strengths or benefits). We have quantified how often each theme has been mentioned by each stakeholder category, and we have illustrated each theme with representative quotes.

ADVANTAGE THEMES

Judicial Authorities
(% mentioning)

Associations
(% mentioning)

Policy Officers
(% mentioning)

Qualitative Insight (Interview Quote or Summary)

Pressure on Policymakers

Many interviewees observed that climate litigation forces governments to act. Courts can “basically [tell] the legislator, ‘you did not do a good enough job...please consider this again and tackle climate change’”.

Public Awareness & Engagement

Civil Society Empowerment

Advancing Legal Development

Framing Climate as a Human Rights Issue

ADVANTAGE THEMES

Judicial Authorities
(% mentioning)

Associations
(% mentioning)

Policy Officers
(% mentioning)

Qualitative Insight (Interview Quote or Summary)

Pressure on Policymakers	45%	57%	9%	Many interviewees observed that climate litigation forces governments to act. Courts can “basically [tell] the legislator, ‘you did not do a good enough job...please consider this again and tackle climate change’”.
Public Awareness & Engagement				
Civil Society Empowerment				
Advancing Legal Development				
Framing Climate as a Human Rights Issue				

ADVANTAGE THEMES

Judicial Authorities
(% mentioning)

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Public Awareness & Engagement				Climate lawsuits often attract media attention and frame climate change as a human rights and justice issue, thereby educating the public. By putting climate cases in the courts and news, litigation can mobilize public opinion and generate broader debate.
Civil Society Empowerment				
Advancing Legal Development				
Framing Climate as a Human Rights Issue				

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(% mentioning)

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Public Awareness & Engagement	36%	67%	18%	Climate lawsuits often attract media attention and frame climate change as a human rights and justice issue, thereby educating the public. By putting climate cases in the courts and news, litigation can mobilize public opinion and generate broader debate.
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Framing Climate as a Human Rights Issue				

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Civil Society Empowerment				A frequently mentioned advantage is the strengthened capacity when NGOs and citizens engage in litigation.
Advancing Legal Development				
Framing Climate as a Human Rights Issue				

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Judicial Authorities Associations Policy Officers
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Advancing Legal Development				
Framing Climate as a Human Rights Issue				

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Civil Society Empowerment	64%	57%	9%	A frequently mentioned advantage is the strengthened capacity when NGOs and citizens engage in litigation.
Advancing Legal Development				Interviewees highlighted that climate litigation is driving legal innovation. Courts are recognizing novel concepts and rights. Judges noted that through climate lawsuits, judiciary can clarify states’ duties under existing law (even if they must act cautiously), thus progressively developing climate jurisprudence.
Framing Climate as a Human Rights Issue				

ADVANTAGE THEMES	Judicial Authorities (% mentioning)	Associations (% mentioning)	Policy Officers (% mentioning)	Qualitative Insight (Interview Quote or Summary)
Pressure on Policymakers	45%	57%	9%	Many interviewees observed that climate litigation forces governments to act. Courts can “basically [tell] the legislator, ‘you did not do a good enough job...please consider this again and tackle climate change’”.
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Civil Society Empowerment	64%	57%	9%	A frequently mentioned advantage is the strengthened capacity when NGOs and citizens engage in litigation.
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Framing Climate as a Human Rights Issue				

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Framing Climate as a Human Rights Issue				A cross-cutting advantage discussed was the framing of climate change in terms of human rights, which adds moral and legal weight to climate action.

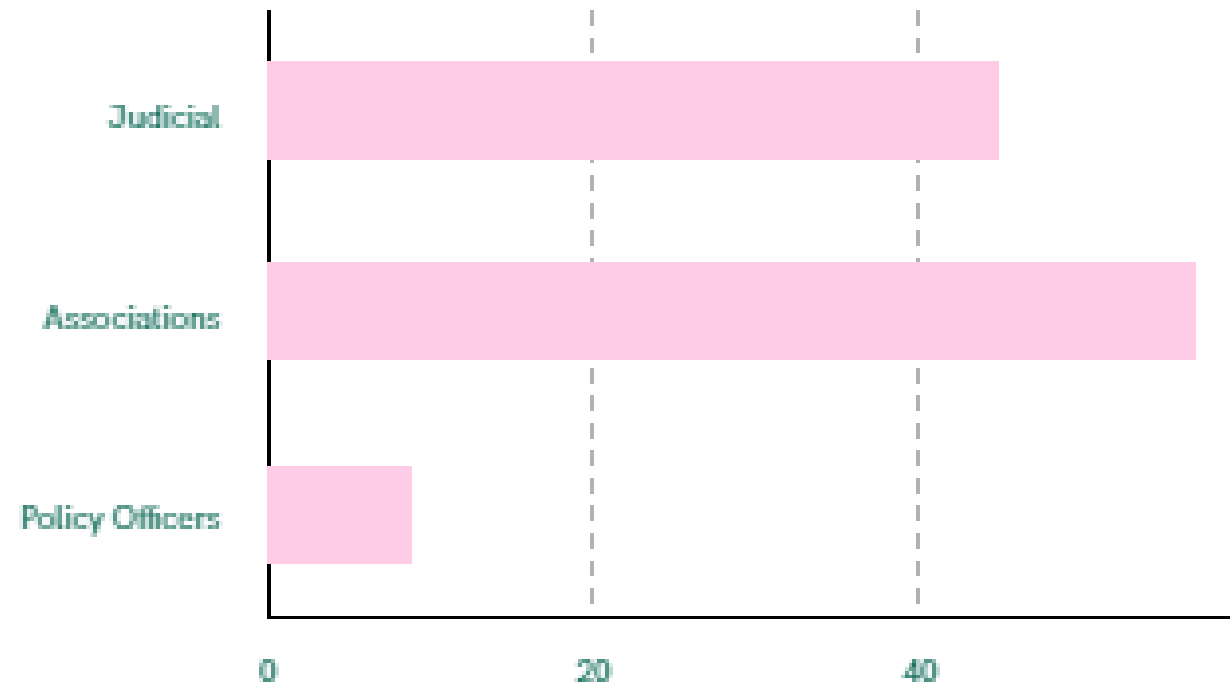
ADVANTAGE THEMES

Judicial Authorities Associations Policy Officers
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Framing Climate as a Human Rights Issue	100%	71%	45%	A cross-cutting advantage discussed was the framing of climate change in terms of human rights, which adds moral and legal weight to climate action.

Stakeholder Views on Policy Pressure



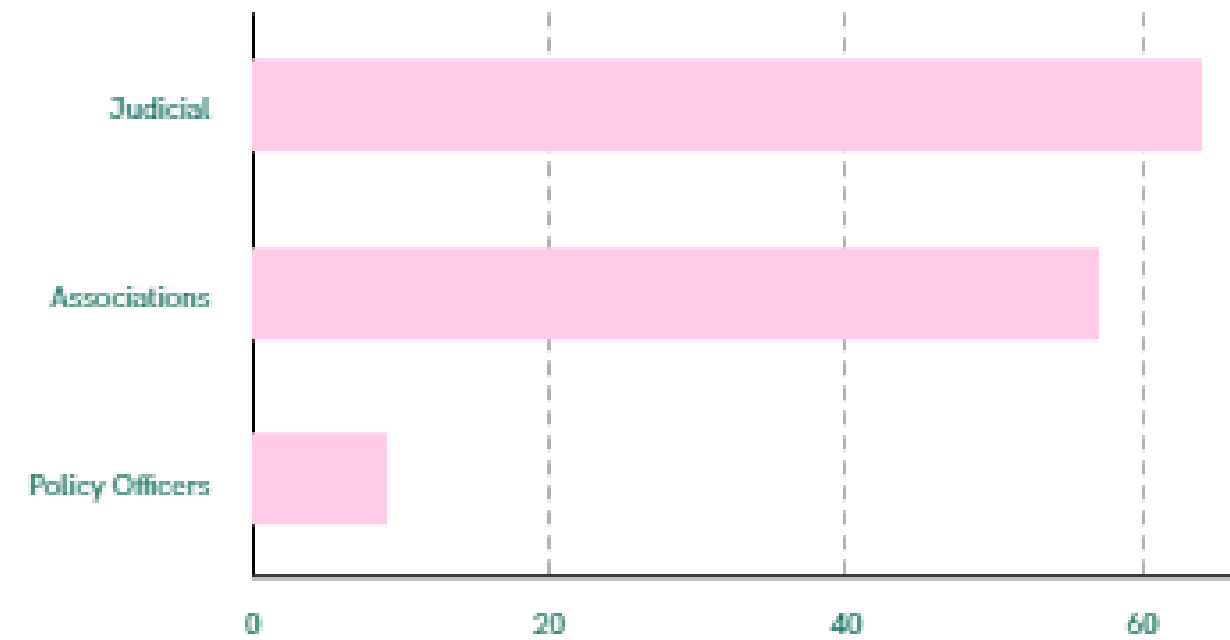
Stakeholder Views on Public Awareness & Engagement



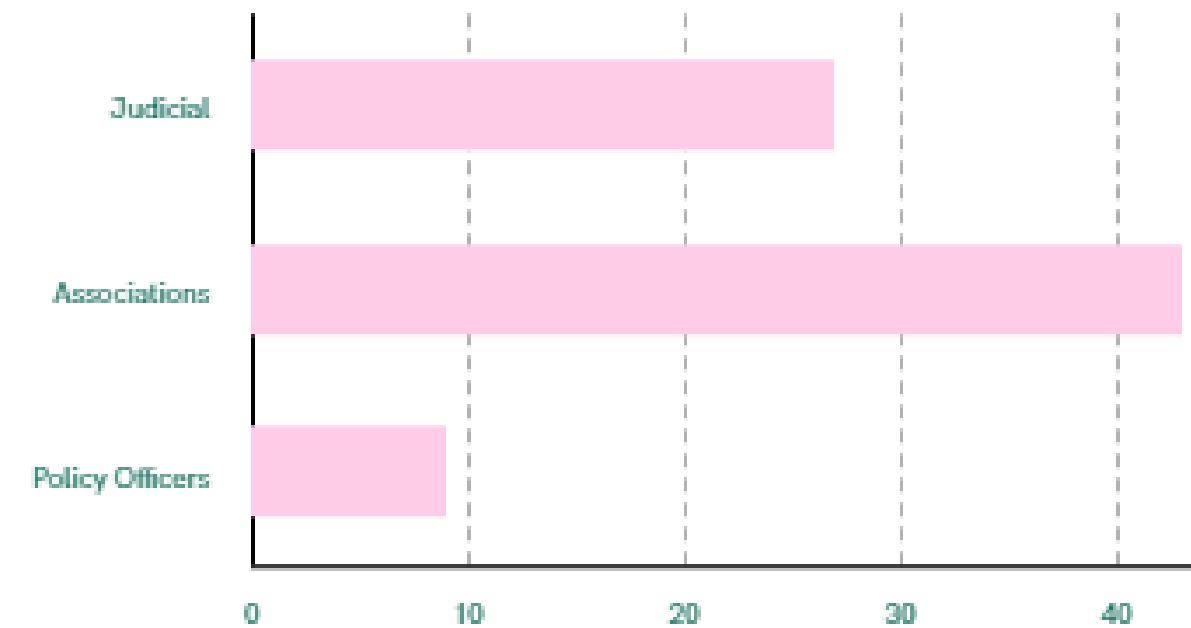
Question from the survey: Do you agree with this statement “civil society engagement in climate litigation brings multiple advantages, providing legal expertise, funding, while also enhancing case credibility and media attention”?

Judicial Authorities (Agreement)	Associations (Agreement)	Policy Officers (Agreement)
100%	83%	100%

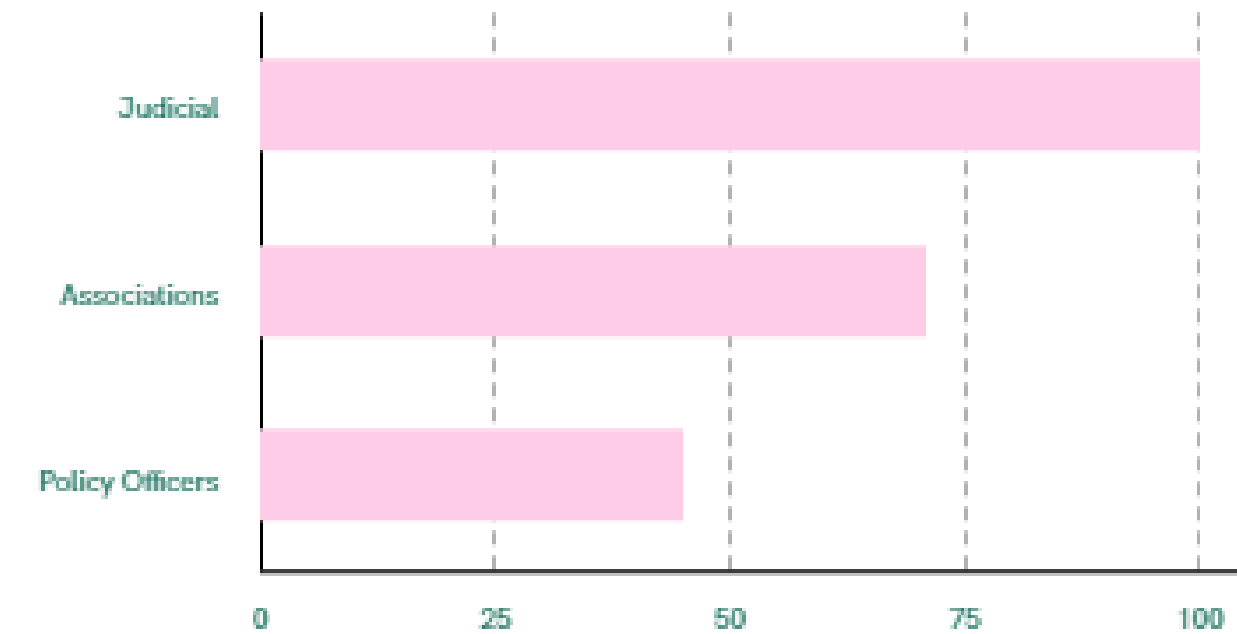
Stakeholder Views on Civil Society Empowerment



Stakeholder Views on Advancing Legal Development



Stakeholder Views on Framing Climate as a Human Rights Issue



GAP THEMES

Judicial Authorities
(% mentioning)

Associations
(% mentioning)

Policy Officers
(% mentioning)

Qualitative Insight (Interview Quote or Summary)

Limited Access to Justice

Interviewees highlighted that strict standing rules and procedural barriers often prevent cases from being heard.

Lack of Resources

Limited Judicial Knowledge/Training

Gaps in Legal Frameworks

Judicial Limitations

GAP THEMES

Judicial Authorities (% mentioning)	Associations (% mentioning)	Policy Officers (% mentioning)	Qualitative Insight (Interview Quote or Summary)
27%	14%	0%	Interviewees highlighted that strict standing rules and procedural barriers often prevent cases from being heard.

GAP THEMES	Judicial Authorities (% mentioning)	Associations (% mentioning)	Policy Officers (% mentioning)	Qualitative Insight (Interview Quote or Summary)
Limited Access to Justice	27%	14%	0%	Interviewees highlighted that strict standing rules and procedural barriers often prevent cases from being heard.
Lack of Resources				Many noted that litigants (especially NGOs and individuals) face funding and expertise shortages, making it hard to sustain climate lawsuits.
Limited Judicial Knowledge/Training				
Gaps in Legal Frameworks				
Judicial Limitations				

GAP THEMES	Judicial Authorities (% mentioning)	Associations (% mentioning)	Policy Officers (% mentioning)	Qualitative Insight (Interview Quote or Summary)
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Limited Judicial Knowledge/Training				Several interviewees observed that judges are not always equipped with deep climate science or human rights expertise, which can hinder effective adjudication. Judges themselves acknowledged the need for more training in this area (“there are countries where the judges [...] [do not] get any training about climate change”).
Gaps in Legal Frameworks				
Judicial Limitations				

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Gaps in Legal Frameworks				
Judicial Limitations				

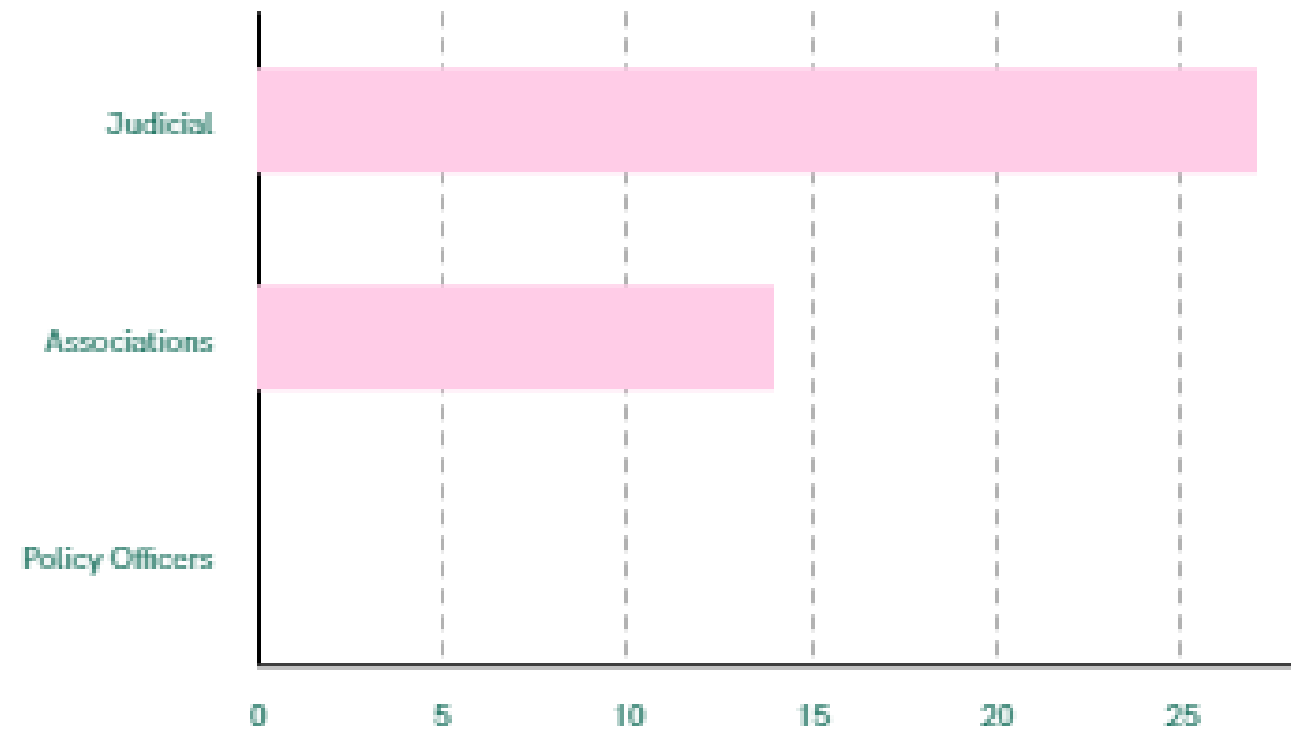
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Gaps in Legal Frameworks				Interviewees noted that in some jurisdictions climate-specific legislation or rights are absent or vague, forcing plaintiffs to rely on broad constitutional provisions or creative legal arguments. This legislative gap makes climate litigation more challenging.
Judicial Limitations				

GAP THEMES	Judicial Authorities (% mentioning)	Associations (% mentioning)	Policy Officers (% mentioning)	Qualitative Insight (Interview Quote or Summary)
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Gaps in Legal Frameworks	73%	48%	18%	Interviewees noted that in some jurisdictions climate-specific legislation or rights are absent or vague, forcing plaintiffs to rely on broad constitutional provisions or creative legal arguments. This legislative gap makes climate litigation more challenging.
Judicial Limitations				

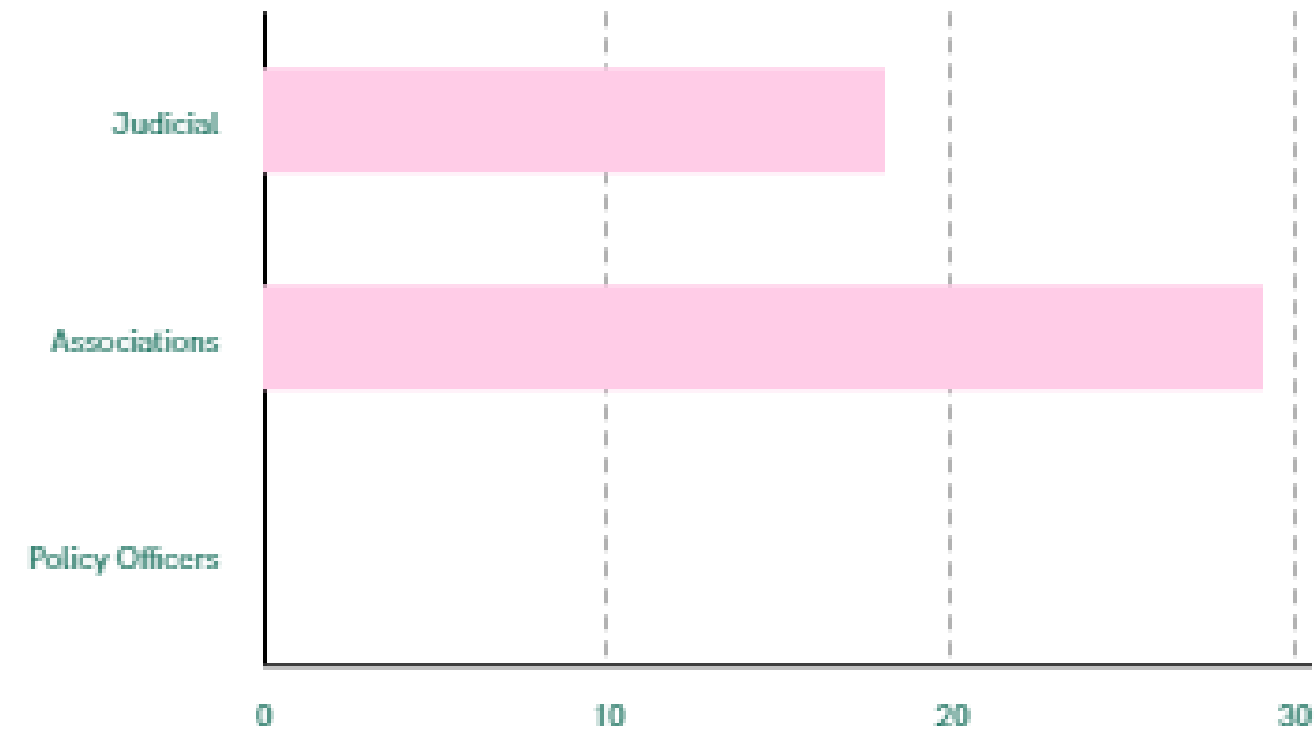
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Gaps in Legal Frameworks	73%	48%	18%	Interviewees noted that in some jurisdictions climate-specific legislation or rights are absent or vague, forcing plaintiffs to rely on broad constitutional provisions or creative legal arguments. This legislative gap makes climate litigation more challenging.
Judicial Limitations				Some pointed out that courts are often conservative and overburdened, wary of overstepping (“courts are maybe not always best place to answer these questions. [...] In a way, courts are overwhelmed by this”).

GAP THEMES	Judicial Authorities (% mentioning)	Associations (% mentioning)	Policy Officers (% mentioning)	Qualitative Insight (Interview Quote or Summary)
Limited Access to Justice	27%	14%	0%	Interviewees highlighted that strict standing rules and procedural barriers often prevent cases from being heard.
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Limited Judicial Knowledge/Training	36%	19%	0%	Several interviewees observed that judges are not always equipped with deep climate science or human rights expertise, which can hinder effective adjudication. Judges themselves acknowledged the need for more training in this area (“there are countries where the judges [...] [do not] get any training about climate change”).
Gaps in Legal Frameworks	73%	48%	18%	Interviewees noted that in some jurisdictions climate-specific legislation or rights are absent or vague, forcing plaintiffs to rely on broad constitutional provisions or creative legal arguments. This legislative gap makes climate litigation more challenging.
Judicial Limitations	82%	53%	9%	Some pointed out that courts are often conservative and overburdened, wary of overstepping (“courts are maybe not always best place to answer these questions. [...] In a way, courts are overwhelmed by this”).

Stakeholder Views on Limited Access to Justice



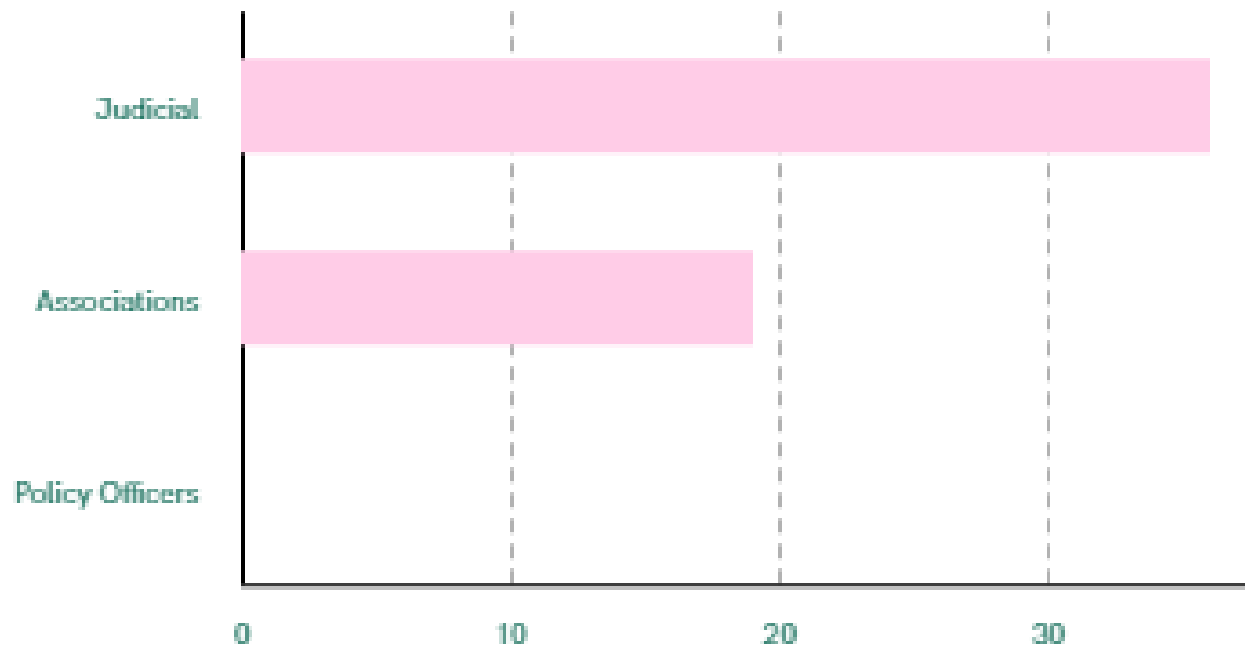
Stakeholder Views on Lack of Resources



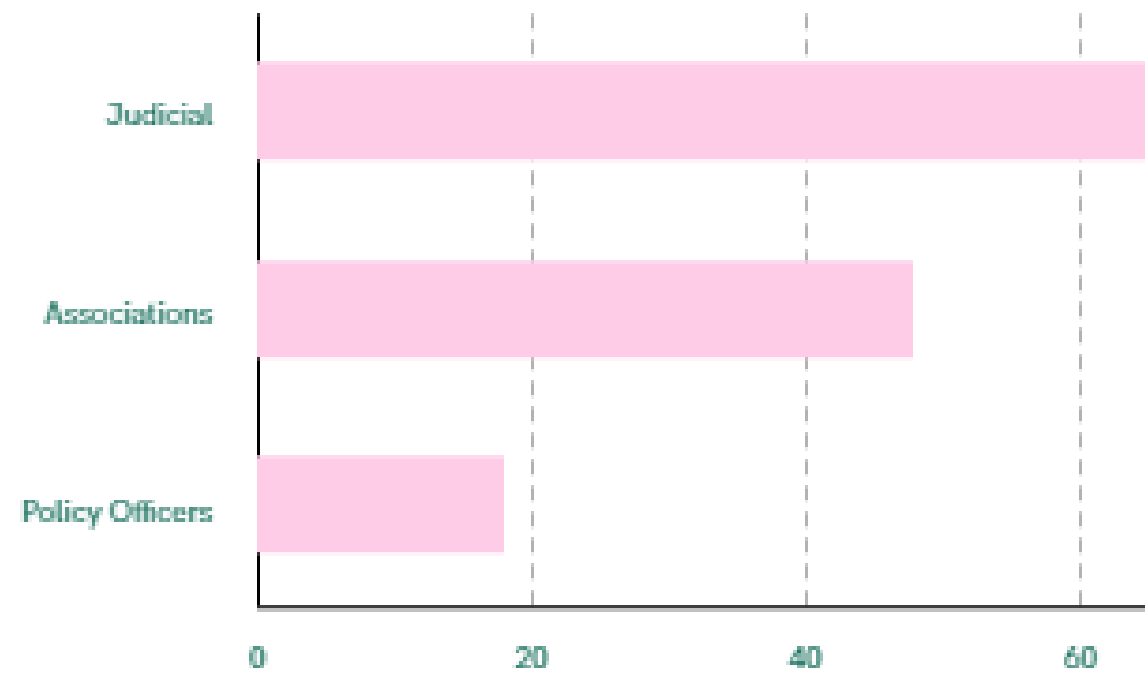
Question from the survey: Do you agree with this statement “among the current barriers and obstacles that we see in the climate litigation context, lack of access to justice and lack of resources are important ones”?

Judicial Authorities (Agreement)	Associations (Agreement)	Policy Officers (Agreement)
50%	86%	40%

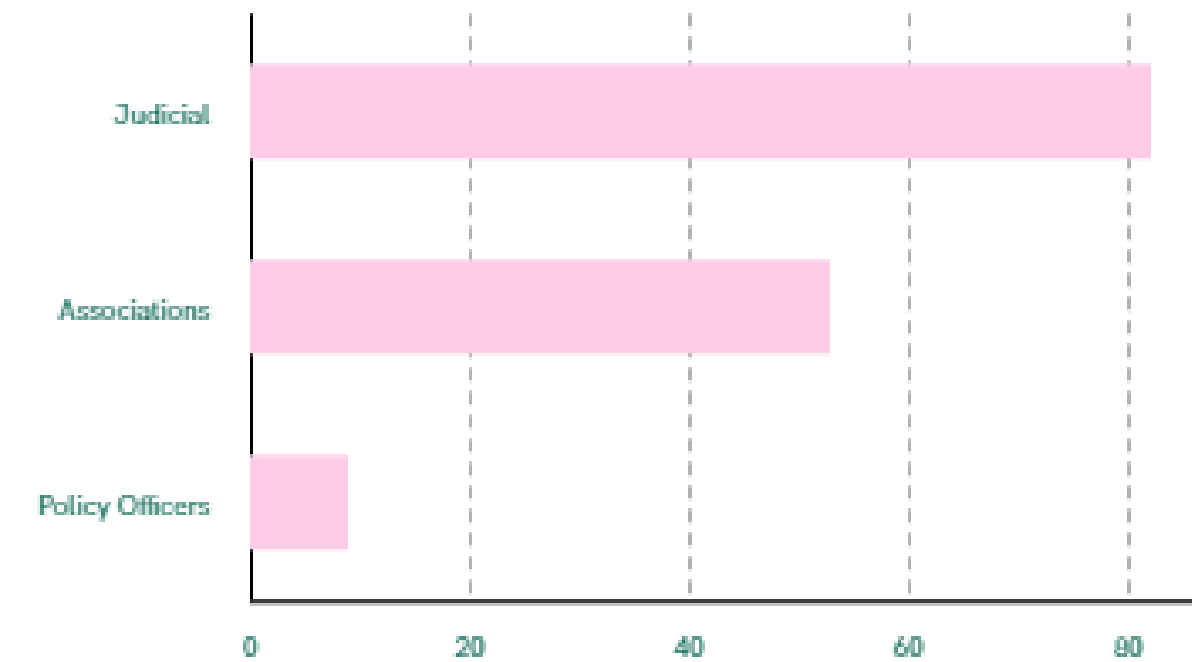
Stakeholder Views on Limited Judicial Knowledge/Training



Stakeholder Views on Gaps in Legal Frameworks



Stakeholder Views on Judicial Limitations



HUMAN RIGHTS: INTERNATIONAL COURTS' ADVISORY OPINIONS



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In July 2025, advisory opinions were handed down by two international courts, the International Court of Justice (ICJ) and the Inter-American Court of Human Rights (IACtHR). Each detailed the human rights obligations of states with regard to the climate crisis.

These two advisory opinions followed the International Tribunal on the Law of the Sea's advisory opinion that was handed down on 21 May 2024. ITLOS found that states were obligated under the United Nations Convention on the Law of the Sea to protect the oceans and marine diversity from the impacts of climate change.

A further advisory opinion is expected from the African Court on Human and Peoples' Rights after a request was lodged by African civil society organisations in May 2025.

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Obligations of States in Respect of Climate Change

The **ICJ's opinion, handed down on 23 July 2025**, was in response to a UN General Assembly request for the Court's opinion on the obligations of states regarding climate change under international law and the consequences of causing significant harm to the climate system and environment.

On human rights, the ICJ ruled that the right to a clean, healthy and sustainable environment is a precondition to the enjoyment of many other human rights and that it is difficult to see how states could effectively fulfill their human rights obligations without also safeguarding the right to a clean, healthy and sustainable environment (at [393]).

As a result, states have a human rights obligation to protect the climate system and other parts of the environment (at [408]).

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The ICJ clarified state's obligations under climate change treaties, particularly noting that a state's NDC under the Paris Agreement must at least be capable of achieving the global temperature goal of limiting warming to 1.5 degrees (at [245]). The ICJ detailed the obligations of states to prevent significant environmental harm and co-operate with each other in good faith to prevent harm to the climate system under customary international law (at [271]-[315]).

See: Obligations of States in Respect of Climate Change (Advisory Opinion) (Judgement) (International Court of Justice, General List No 187, 23 July 2023).

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Climate Emergency and Human Rights

The IACtHR's advisory opinion of 3 July 2025 was more narrowly focused on the obligations of American states under the Inter-American human rights framework.

Like the ICJ, the Court found that states possessed a human rights obligation to protect a healthy environment. However, the Court recognized the right to a healthy environment as autonomous from other human rights obligations, with this right protecting both the environment as a whole and each of the inextricably linked elements and systems of which it is composed of (at [273]-[274]).

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The Court recognized a separate right to a healthy climate, as the climate system is one of the inextricably linked systems which together make present and future life possible (at [298]-[300]). A healthy climate being, “a climate system free from anthropogenic interferences that are dangerous to human beings and nature as a whole” (at [300]).

This right, in the Court’s reasoning requires states to take action to mitigate emissions, adopt measures to protect nature and its components, and implement progressive measures toward sustainable development (at [320]).

The Court also acknowledged that the correlative of the state obligation to protect the environment, was a right to which nature was the subject, to maintain its essential ecosystem functions (at [279]).

See: Climate Emergency and Human Rights (Advisory Opinion) (Inter-American Court of Human Rights, OC-32/25, 29 May 2025)

FUTURE OUTLOOK



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Our study underscores that climate litigation – especially when grounded in human rights and intergenerational justice – is an increasingly significant tool in the climate policy arena.

Stakeholders perceive it as a catalyst for change: it mobilizes public opinion and civil society, pushes governments to enhance climate commitments, and progressively evolves legal norms. However, they also recognize its limitations: restrictive legal systems, limited capacity, and political inertia all constrain how far litigation alone can go.

Our empirical research confirms the promise of climate litigation and, in particular, rights-based approaches in the fight against climate change.

This is consistent with broader observations: an emerging “judicial climate movement” is taking shape worldwide, with courts increasingly engaging in climate-related issues. Climate lawsuits raise the profile of the climate crisis, embody intergenerational equity, and in some cases establish new legal precedents.

For now, our stakeholders’ voices suggest cautious optimism: climate litigation has become an integral part of the climate policy landscape, one that can drive greater accountability and ambition in climate action.

Future of EU Climate Governance (?)



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According to articles 11 and 191-193 of the Treaty on the Functioning of the European Union (TFEU), the EU is competent to act in all areas of environmental policy, including climate change. Its scope for action is limited by the principle of subsidiarity (being a shared competence – article 4 of the TFEU).

Litigation across the EU addressing governments' obligations to prepare climate plans is increasing.

Additionally, EU member states should comply to EU law and in particular, they are obliged to produce the **national energy and climate plans (NECPs)**, a **crucial tool in delivering on the European Green Deal** (Required under the Regulation (EU)2018/1999 on the governance of the energy union and climate action (Governance Regulation))

- Since the entry into force of the EU Governance Regulation in 2018, legal cases focusing on NECPs have already been filed in several jurisdictions. This includes a request from an Italian NGO to the Aarhus Convention Compliance Committee (rejected on procedural grounds), requests leading to two judgements from the Spanish Supreme Court (rejected on procedural grounds) and the case of Klimaatzaak in Belgium (pending)

The European Green Deal is the EU's growth strategy. Launched in 2019, it consists of a package of policy initiatives, which set the EU on the path to a **green transition**, with the ultimate goal of reaching **climate neutrality by 2050**.

CONCLUDING REMARKS



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