

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

27 May 2024, 9,00-12,00 (by invitation)

Institute of International Relations in Prague - Nerudova 3 - 118 50 Prague (Czech Republic)

Co-Organized by the Institute of International Relations in Prague and the World Trade Institute of the University of Bern¹

Background

An increasing number of climate cases have been brought in the last years before national courts requesting to find national governments accountable for climate inaction.

Climate litigation has also reached European Courts, and on 9 April 2024, the European Court of Human Rights (ECtHR) decided its first three climate cases that sought to compel governments to limit greenhouse gas emissions in line with the Paris Agreement. While two of these cases, *Duarte Agostinho and Others v. 32 Member States* and *Carême v. France*, were declared inadmissible on procedural grounds, the ECtHR issued a landmark ruling in *Verein KlimaSeniorinnen and Others v. Switzerland*, holding that Switzerland had violated human rights through its climate inaction. The KlimaSeniorinnen case had been brought by a group of elderly women who argued that they were particularly at risk of climate related heatwaves based on their age and gender.

This historical judgment will not only inspire current and forthcoming climate litigation in Europe, but is already informing the ongoing advisory proceedings on climate change before the Inter-American Court of Human Rights (where public hearings have already taken place in the Barbados between 23-25 April 2024, while the second round of public hearings will take place in Brazil between 24 and 27-29 May 2024), the International Court of Justice, and the Tribunal on the Law of the Sea (whose advisory opinion is expected on 21 May 2024).

The *Verein KlimaSeniorinnen and Others v. Switzerland* case has brought under the spotlight not only the question of the relationship between climate change and human rights, but also the relationship with gender and intersectionality. Intersectionality in particular can highlight the inequality of climate change very well and describe how vulnerable groups are affected by climate change. An intersectionality approach is essential in this context.

The research teams of the World Trade Institute of the University of Bern and of the Institute of International Relations in Prague involved in the HRJust project have been engaged in an in-depth analysis of climate cases at the national, European and international levels. In particular, the case review has explored how states use human rights justifications before domestic courts within the context of climate litigation, and how state accountability is ensured in these instances.

At the same time, the role of civil society in climate litigation has been further explored. In particular, Prof. Elisa Fornalé (World Trade Institute of the University of Bern) has coordinated and lead the submission of an Amicus Curiae before the Inter-American Court of Human Rights in the relation of the Request for an advisory opinion on the Climate Emergency and Human Rights submitted by Colombia and Chile in 2023, and has also participated at the public hearings in the Barbados between 23-25 April 2024 before the Court and presented and argumentated her position.²

¹ In the framework and with the support of the Horizon Europe project HRJust (States' Practice of Human Rights Justification: a study in civil society engagement and human rights through the lens of gender and intersectionality), GA no. 101094346. Views and opinions expressed are those of the author(s) only and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the granting authority can be held responsible for them.

² Fornalé, E.; Bilkova, V.; Burgorgue-Larsen, L.; Cristani, F.; De Vido, S.; Doebbler, C.; Hertogen, A., December 2023, Amicus Curiae - Request for an advisory opinion on the Climate Emergency and Human Rights submitted to the Inter-American Court of Human Rights by the Republic of Colombia and the Republic of Chile of January 9, 2023, available at: DOI 10.48350/190814.



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Workshop Participants

The workshop will bring together representatives from academia, policy officers, international organizations and civil society with a focus on climate litigation, gender equality, intersectionality and human rights.

Expected Outcomes

The workshop will lead to a better understanding of the role of civil society in climate litigation, as well as on the reflection on the use of human rights justifications by states in climate proceedings and the relevance of a gender and intersectionality approach when dealing with climate litigation.

Sharing with the participants the preliminary research results of the HRJust projects, the discussion will help to identify (new) roles for civil society (including policy makers, NGOs and public), strategies and methodologies that would enable direct democratic participation when talking about climate change when States use human rights justifications and ultimately shape and support the EU's role as a promoter and/or defender of human rights.

The results of the discussion of this workshop will inform further research in the context of the HRJust project. The relevant findings, including draft outputs and further questions, will be then presented in a follow-up workshop that will take place in late 2024 / early 2025.



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PROGRAMME

8:45 – 9:00 *Arrival and registration of participants*

I SESSION – REFLECTING ON CLIMATE LITIGATION, GENDER AND INTERSECTIONALITY

- 9:00 – 9:15 **Welcoming remarks: presentation of HRJust project and introduction to the topics of the workshop** – Dr Federica Cristani (Institute of International Relations in Prague)
- 9:15 – 9:30 **Climate litigation: a general overview** – Ms Elif Naz Němec (Institute of International Relations in Prague)
- 9:30 – 9:45 **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)
- 9:45 – 10:00 **Addressing vulnerabilities for more inclusive climate action** – Ms Giulia Sechi (OSCE)
- 10:00 – 10:15 **Gender and climate change in the context of the UNFCCC (United Nations Framework Convention on Climate Change)** – Ms Šárka Stříbrská (Gender Focal Point under the UNFCCC, Climate Protection Policy Department at the Ministry of Environment of the Czech Republic)
- 10:15 – 10:30 *Discussion*
- 10:30 – 11:00 COFFEE BREAK
- With presentations and end-user test of the HRJust Intersect Observatory's website and of the HRJust Climate Visual Tool** – Mr Vlastimil Lisák (Intersect Observatory webmaster)

II SESSION – CIVIL SOCIETY ENGAGEMENT IN CLIMATE LITIGATION, GENDER AND INTERSECTIONALITY

- 11:00 – 11:15 **Introduction to the Systematic Ongoing Civil Society Engagement in HRJust and in WP6 (Climate litigation)** – Dr Federica Cristani (Institute of International Relations in Prague)
- 11:15 – 11:40 **Roundtable with inputs from participants on the following questions:**
- **What is/should be the role of civil society in climate litigation?**
 - **How to include gender and intersectionality in climate-related issues?**
- 11:40 – 11:50 *Discussion*
- 11:50 – 12:00 **Concluding remarks and next steps** – Prof. Elisa Fornalé (World Trade Institute, University of Bern, Switzerland)
- 12:00 BUFFET LUNCH

This workshop falls under the objectives of the Horizon Europe project HRJust (States' Practice of Human Rights Justification: a study in civil society engagement and human rights through the lens of gender and intersectionality), which aims to address significant and important gaps in human rights regulations and to develop a theory of human rights justifications. HRJust aims to develop a theory of HRJ and a process for Systematic Ongoing Civil Society Engagement as a tool for a gender and intersectional inclusive Civil Society engagement. HRJust is to identify gaps in human rights regulations and protection, serving as underpinning data for our recommendations to EU in support of a multinational human rights system and promotion of transnational democratic governance. The HRJust project is coordinated by the University of Gothenburg (SE) and involves 15 partners, including the World Trade Institute of the University of Bern (CH) and the Institute of International Relations in Prague (CZ) (More info [here](#)).



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