Inter-Judicial Dialogue on Climate Change and Human Rights

Introduction

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Climate change is not only an environmental or scientific issue – it is fundamentally a human rights challenge. It is thus little surprising that climate litigation, from the domestic to the international level, has emerged as one of the most dynamic legal responses to the accelerating global climate crisis. Across jurisdictions and legal traditions, courts are increasingly being called upon to respond to their complex and far-reaching impacts on our human rights. At the same time, the judiciary's role remains contested, as structural climate transformation ultimately depends on legislative and executive action and the support of societies at large. Although these challenges arise in distinct regional systems, they are strikingly similar across jurisdictions. This makes inter-judicial dialogue not merely an academic exercise, but a key mechanism for reciprocal learning and doctrinal development.

The nexus between climate change and human rights is likewise not an issue that a single court, or a single legal system, can address. It requires collaboration and dialogue to build shared understanding, enable reciprocal learning, and shape effective legal responses to global and interconnected human rights challenges at the local level.

This symposium grows out of these premises. It brings together reflections from judges, practitioners, and scholars from the three regional human rights systems, based on presentations delivered at aconference held at Central European University in cooperation with the University of Vienna on 17 April 2026. The conference created a shared space for dialogue between the European Court of Human Rights ("ECtHR"), the Inter-American Court of Human Rights ("IACtHR"), and the African Court on Human and Peoples' Rights ("AfCHPR") on one of the defining legal challenges of our time.

The contributions to this symposium trace how these shared challenges are being addressed across different regional human rights systems. While the legal questions often converge, the institutional contexts, procedural frameworks, and normative traditions of each court shape distinct responses. Taken together, the posts reveal both divergence and an emerging transnational judicial conversation on climate justice. Against this backdrop, the symposium moves across the three regional systems, beginning with Europe, then turning to the Inter-American and African contexts, before reflecting explicitly on the possibilities and limits of inter-judicial learning.

Common Challenges, Differentiated Responses

Across the three regional human rights systems, the climate crisis raises a familiar set of legal questions, most notably the scope of States' human rights obligations in the face of climate harm. Closely linked are issues of causation in global harm contexts, the role of scientific evidence, and the protection of particularly affected communities.

While these challenges are shared, the symposium contributions show that they are being addressed through different doctrinal and institutional pathways. The following sections, therefore, trace three cross-cutting themes: the substantive content of climate obligations, the procedural and evidentiary transformation of climate litigation, and the emergence of inter-judicial dialogue.

A first group of contributions examines how human rights law is being developed into a framework

for climate protection. In Europe, the ECtHR's judgment in *KlimaSeniorinnen and Others v. Switzerland* is widely seen as a turning point. Judge Darian Pavli argues that it signals an emerging convergence around a human right to protection from serious climate harm, alongside increasingly concrete mitigation duties, including net-zero pathways. At the same time, standing remains tightly structured, even as collective litigation expands procedural access. Stéphanie Caligara, focusing on *Müllner v. Austria*, asks how this framework will apply to individual claims and whether compliance with EU climate law can satisfy ECHR requirements. Together, these contributions show a Court in a phase of doctrinal consolidation.

From the Inter-American perspective, Judge Nancy Hernández López reads Advisory Opinion OC-32/25 as a far-reaching articulation of climate obligations, including recognition of an autonomous right to a healthy climate and differentiated State duties. Maria Antonia Tigre situates this within a longer jurisprudential trajectory leading to doctrinal consolidation. Across both systems, courts increasingly translate systemic climate risk into justiciable human rights duties, albeit with differing scope and intensity.

A second set of contributions turns to procedure, evidence, and access to justice. In Europe, Anna Lumerding and Melanie Maurer highlight the ECtHR's growing reliance on collective litigation through associations, noting the resulting questions of legitimacy and representation. They further examine procedural rights as substantive guarantees flowing from Article 8 ECHR. On the Inter-American side, Liliana Ávila shows how OC-32/25 reshapes climate litigation by reversing the burden of proof and strengthening the procedural position of frontline communities. Taken together, these contributions show that climate litigation is reshaping not only substantive obligations but also evidentiary rules, standing, and procedural design.

Finally, the symposium highlights the circulation of legal ideas across courts. Rachael Kondak explains how the ECtHR uses the principle of subsidiarity, the "living instrument" doctrine and a harmonious interpretation of international law to engage with other jurisdictions, arguing that this strengthens adjudication in scientifically complex climate cases. Milagros Mutsios Ramsay similarly shows how the Inter-American Court both draws on and contributes to this emerging dialogue, with cross-citation fostering a shared transnational climate jurisprudence. Silvia Steininger conceptualises this as an emerging cross-regional legal field in which courts co-produce climate standards beyond their own systems. Marie Fall, finally, turns to the African Court, framing the pending advisory opinion request as a key moment to articulate an African-centred approach within this broader dynamic of converging yet plural climate constitutionalism.

A Shared Path Forward

The contributions to this symposium clearly show two key points. First, climate litigation is increasingly becoming a site where regional human rights courts not only adjudicate disputes, but also engage in an emerging transnational conversation about the normative architecture of climate justice. Second, while the responses to the climate crisis differ across regions, there is also a notable convergence in both language and approach. Courts across the world are increasingly engaging with each other's reasoning – sometimes explicitly, sometimes implicitly – contributing to an emerging transnational judicial conversation on climate change and human rights. For these reasons, inter-judicial dialogue is crucial in combating the adverse effects of climate change on human rights, as it helps evolve legal ideas, deepen mutual understanding, and facilitate more coherent and effective responses to the climate crisis.

However, this symposium also demonstrates that courts operate within institutional constraints, and judicial decisions alone cannot resolve the climate crisis. But they can – within their limits – play a crucial role: in clarifying obligations, holding actors accountable, and giving voice to those most affected.

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