



TOWARDS A CLIMATE JUSTICE BASED ON HUMAN RIGHTS PROTECTION

The emergence of climate justice based on human rights protection represents a global phenomenon. In recent times we have witnessed the proliferation of various cases in different jurisdictions. The common feature in the cases emerged in the European context is represented by the direct or indirect reference to articles 2 and 8 of the European Convention on Human Rights as a legal basis for climate justice.

This article identifies and analyses three (cumulative) conditions for the effective exercise of climate justice based on human rights protection. The first one refers to the legal standing of citizens and associations aiming at the protection of climate stability. The second one refers to the causal link between the lack of enjoyment of some human rights and the negative effects caused by climate change. The third one refers to the existence of a positive obligation on the States (and the European Union) to guarantee the protection of human rights to the subjects under their jurisdiction through the adoption of measures aimed at contributing to the climate change targets established by the Paris Agreement.

Through the lens of these three conditions, two particularly emblematic cases of the emerging phenomenon of climate justice in the European context are examined in detail. The first one is the *Urgenda* case, decided definitively in the third instance by the Dutch Supreme Court in favour of the applicants. The second one is the *People's Climate* case (or *Carvalho* case) rejected in the first instance by the General Court for procedural reasons related to the lack of legal standing and currently pending on appeal before the Court of Justice of the European Union.