



THE “KLIMASENIORINNEN” JUDGMENT OF THE ECtHR AND THE REGRESSIVE APPROACH OF THE CIVIL COURT OF ROME IN THE “GIUDIZIO UNIVERSALE” CASE

This article examines the landmark decision of the European Court of Human Rights (ECtHR) in the “KlimaSeniorinnen” case and its implications for the Italian legal system, with a particular focus on the approach adopted by the Civil Court of Rome in the “Last Judgment” case. The analysis begins with the ECtHR’s treatment of key issues such as the relevance of scientific evidence, the judiciary’s complementary role in climate-related cases, and the systemic and evolutionary interpretation advanced by the Court. It then examines the scope of the positive obligation to protect life, health, and well-being under Article 8 of the European Convention on Human Rights (ECHR), as well as barriers to access to justice under Article 6 ECHR and the recognition of the applicant association’s locus standi. The article ultimately advocates for a departure from the regressive stance taken by the Italian judiciary in the “Last Judgment” case. It argues for alignment with the ECtHR’s progressive standards set in “KlimaSeniorinnen,” emphasizing the importance of integrating scientific evidence and upholding Italy’s binding human rights obligations under the ECHR.