

Joint Master in Global Economic Governance and Public Affairs

Pathways to Change: A Comparative Study of Two Distinct Climate Action Movements

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Abstract

This thesis studies the communication and legal strategies of climate action movements led by two distinct demographic groups: young activists in Portugal (*Duarte Agostinho and Others*) and older women in Switzerland (*KlimaSeniorinnen*). Both movements invoke human rights to hold their governments accountable for insufficient climate action. A qualitative case study was conducted using interview data and primary documents to investigate the intergenerational dynamics and distinct vulnerabilities of these different age groups. Using three theoretical frameworks, a human rights, intergenerational justice, and communication framing theory, a comparative analysis is conducted to examine the legal arguments based on the European Convention on Human Rights, the communication strategies beyond the courtroom, and the decisions by the European Court of Human Rights. The findings suggest that the legal arguments of the two movements are very similar, both invoking Articles 2 and 8 of the Convention. Communication strategies differ: the *KlimaSeniorinnen* use traditional media to emphasize intergenerational solidarity, while the Portuguese youth use social media and crowdfunding to highlight intergenerational justice. This thesis argues that the successful complaint of the *KlimaSeniorinnen* is mainly due to their conventional legal strategy of exhausting domestic remedies, while the Portuguese youth's case was deemed inadmissible due to jurisdictional issues.

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1. Introduction

Climate change poses one of the most significant challenges of our time, with implications for ecosystems, economies, and societies worldwide. The repercussions of increasing temperatures are already being felt all over the world, from rising sea levels to more frequent and severe extreme weather events. Humankind only have themselves to blame for this crisis, as pointed out by the Intergovernmental Panel on Climate Change (IPCC), a scientific panel dedicated to monitoring and assessing global science related to climate change. In their report, they leave no doubt that human activities, primarily through emissions of greenhouse gases, are indisputably responsible for global warming (IPCC, 2023). Despite this sobering reality, there is reason for optimism. In the face of this global catastrophe, acknowledging our collective ability to bring about change and prevent critical tipping points might provide a sense of purpose. Greta Thunberg expresses a similar sentiment: ‘When we start to act, hope is everywhere. So instead of looking for hope – look for action. Then the hope will come’.

An increasing number of people are recognizing the urgency of addressing climate change, as seen in the rise of climate action movements. While these initiatives vary in approach, they all emphasize the need for immediate action to mitigate the effects of climate change. Additionally, more of these movements are turning to legal courses of action, such as filing complaints in domestic courts and regional tribunals, to hold companies and government accountable for worsening climate change and failing to sufficiently address its consequences. This shift towards litigation reflects a strategic approach that combines legal action with grassroots activism to achieve systemic change and ensure environmental justice for both current and future generations.

While many studies exist that independently focus on climate litigation (Alogna & Clifford, 2020; Peel & Osofsky, 2018; Setzer & Higham, 2023) or climate activism (Bullard & Johnson, 2000; De Moor et al., 2020; O’Brien et al., 2018; Schlosberg & Collins, 2014), very few studies carry out an in-depth descriptive and comparative analysis of different movements, particularly with reference to their approaches, legal challenges, and perspectives. This thesis addresses this gap by examining two specific cases: the *Duarte Agostinho and Others case*, involving six young people from Portugal, and the *KlimaSeniorinnen case*, focusing on a group of women aged 64 and older from

Switzerland. While these two groups differ in several aspects, this thesis will particularly explore the intergenerational dynamics between the young and old. Despite their differences, both movements leverage human rights arguments to hold governments accountable for inadequate climate change mitigation measures. The thesis aims to compare the legal arguments grounded in the European Convention on Human Rights (referred to as ECHR or ‘the Convention’ hereinafter), the communication strategies beyond the courtroom, and the interpretations and decisions of the European Court of Human Rights (referred to as ECtHR or ‘the Court’ hereinafter) in both cases. This thorough analysis of two climate action movements sheds light on the unique vulnerabilities and impacts of climate change on various demographic groups, along with their strategies for addressing these challenges.

Therefore, the research question of this thesis is: ‘What are the differences in the communication and legal strategies of climate action movements led by young people in Portugal versus older women in Switzerland?’ The subordinate questions include how the Court has interpreted these legal arguments and how the verdicts might impact upcoming legislation and climate activism. This thesis is structured as follows. Chapter 2 provides a literature review, exploring the relationship between human rights and the environment and global trends in climate change litigation. The study methodology is described in Chapter 3, along with data sources and analysis techniques. Chapter 4 outlines the theoretical frameworks which will guide the comparative analysis, namely a human rights framework, an intergenerational justice framework, and a communication framing theory. Chapter 5 contains the comparative analysis of the communication and legal strategies of the KlimaSeniorinnen and those of Duarte Agostinho. Before drawing conclusions in the final chapter, chapter 6 will synthesise the findings while discussing potential impacts of climate litigation on fighting climate change.

2. Literature review

2.1 Human Rights and the Environment

Facing the escalating consequences of climate change, we are confronted with the stark reality that the degradation of the environment directly impacts the fulfilment of basic human rights. A clean, healthy, and functional environment is essential to secure human rights, including the rights to life, health, food, and an adequate standard of living. With this in mind, it is clear that protecting our environment is not only an ecological necessity, but also a moral obligation, namely our commitment to uphold the fundamental rights and dignities of all individuals.

2.1.1 Understanding Human Rights

There exist several definitions of human rights. Nussbaum defines a human right as an urgent and morally justified claim inherent to all people, independent of nationality, class, sex, ethnicity, religion or sexual orientation (Nussbaum, 1997). Human rights are based on principles of dignity, equality, and mutual respect that are shared across cultures (Australian Human Rights Commission). According to Nickel, human rights are norms that aspire to protect all people everywhere from severe political, legal, and social abuses (Nickel & Edinson, 2024). Formal documents, such as international treaties and conventions, play a crucial role in safeguarding these rights by setting clear guidelines and mechanism for their enforcement.

2.1.2 Key International Human Rights Instruments

The Universal Declaration of Human Rights (UDHR) is regarded as the first international legal document containing universally protected, fundamental human rights. The declaration was drafted in response to the 'barbarous acts which have outraged the conscience of mankind' during World War Two and was adopted by the UN General Assembly in 1948. The Declaration itself does not have a legally binding character, however, it contains thirty articles build on four principles: universality, inalienability,

indivisibility, and interdependence. These principles have been gradually included in a series of international human rights conventions. The principle of universality states that all individuals possess equal entitlement to their rights, while inalienability asserts that these rights cannot be revoked, except in specific circumstances. For example, when someone commits a crime, their right of liberty will be limited. Finally, the principles of indivisibility and interdependence state that each right should not be separated and that all rights are reliant on each other. This implies that taking away one right has a negative effect on all other rights (OHCHR, 2024).

This thesis will tackle the climate action movements that build their climate litigation case on the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms or the Convention hereafter. The Convention is adopted in 1950 in order to make the rights set out in the Declaration binding for the member states of the Council of Europe. The convention is therefore largely based on the articles of the Declaration. The articles in the Convention, however, are limited to civil and political rights, as economic and social rights were considered to be too controversial and difficult to impose at the time of drafting the document (European Parliament, 2018). The implementation of the Convention together with the creation of a supranational body to oversee compliance, marks a significant milestone in international law. In order to become a member of the Council of Europe, candidate states must first sign and ratify the Convention. Thereafter, states agree that decisions made by their own courts might be challenged by a supranational court, which also means that human rights *de facto* supersedes national laws and customs (Council of Europe, 2024).

As climate action movements increasingly invoke universal human rights in their pursuit of climate justice, it becomes important to explore how the relationship between human rights and environmental issues has evolved over time.

2.1.3 Historical Overview of the link between Human Rights and the Environment

The first formal link between human rights and the environment was made during the 1972 United Nations Conference on the Human Environment in Stockholm (Shelton, 2006). In Principle 1 of the Declaration, it states that ‘man has the fundamental right to freedom, equality, and adequate conditions of life, in an environment of a quality that

permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations' (United Nations, 1973). In addition to the non-binding character of the declaration, this principle reflects a cautious approach in acknowledging the link between human rights and environmental protection by not clearly defining the criteria of a 'quality environment'. The reason for this careful stance lies in the inherent complexity of balancing environmental concerns within existing human rights frameworks. To illustrate, Shelton (2006) highlights the right of families to decide the number and timing of having children, which may clash with environmental concerns, as demographic pressures threaten environmental quality and economic development. This tension of potentially restricting human rights to ensure environmental rights reflects the intricate trade-offs inherent in balancing individual freedoms with collective environmental responsibilities. Despite its cautious approach, the Stockholm conference was a significant first step in linking human rights and environmental rights, sparking important debates in the years that followed.

Nine years later, in 1981, the African Charter on Human and People's Rights (African Charter) stands as the first African human rights treaty to include an environmental right by stating that 'all peoples shall have the right to a general satisfactory environment favourable to their development' (Organization of African Unity, 1981). While the Stockholm Declaration leaves the interpretation of what constitutes an 'environment of quality' open, the African Charter is more direct and specific, explicitly emphasizing the right to a favourable environment. In 1988 followed the San Salvador Protocol, which acknowledged the right to live in a healthy environment. Similar ideas have been adopted throughout time in other regional agreements, such as the Arab Charter in 2004 and the Declaration of the Association of South East Asian Nations (ASEAN) in 2012. While the European Convention does not specifically include environmental rights, the UN Economic Commission for Europe took a significant step in this direction in 1998 by adopting the Aarhus Convention (Knox & Morgera, 2022). Article 1 of this convention aims to protect everyone's right to live in an environment that promotes their health and well-being, both for current and future generations. It achieves this by ensuring the availability of information, public engagement in decision-making, and access to justice in environmental matters (UNECE, 1998). More recently, the right to a healthy environment for current and future generations

was reinforced throughout Latin America and the Caribbean with the Escazú Agreement (Knox & Morgera, 2022).

In 2021, the UN Human Rights Council made history at its 48th regular session in Geneva, Switzerland, when it adopted a resolution upholding the right to a clean, healthy, and sustainable environment. This was the first time such a right had been formally recognized on a global scale. The resolution emphasizes how detrimental environmental degradation, climate change, and unsustainable development are to the realisation of human rights. The resolution calls on governments to strengthen their ability to safeguard the environment, work with different stakeholders, including enterprises and civil society, and exchange best practices (IISD, 2021). Building on the momentum of the UN Human Rights Council's resolution, the UN General Assembly passed a resolution recognizing the right to a clean, healthy, and sustainable environment as a fundamental human right (IISD, 2022). The right is comprised of substantive and procedural components. The substantive rights include a safe climate, clean air, healthy ecosystems and biodiversity, safe and sufficient water, healthy and sustainable food, and a non-toxic environment. The procedural rights include access to information, public participation, and access to justice. One might expect that the recognition of the right to a healthy environment by the General Assembly will influence other positive environmental changes. It will increase knowledge of the ways in which human rights are affected by environmental degradation and might lead to legislative reforms in nations lacking official recognition. In addition, it will strengthen implementation efforts in nations that have already acknowledged the right and are addressing environmental challenges in the public conversation and their government. It will also put more pressure on the private sector to adopt sustainable practices. Finally, this resolution encourages public involvement in environmental governance and shows support for a comprehensive response to addressing global environmental concerns (OHCHR et al., 2023).

The growing recognition of the importance of living in a healthy environment has led to the creation of various international agreements to address climate change. One of these agreements is the Paris Agreement, a legally binding treaty approved during the 2015 United Nations Climate Change Conference (COP21) in Paris. Nearly all nations have since ratified this agreement. The main objective is to cap the global temperature increase to well below 2°C above pre-industrial levels and to pursue efforts to limit the

temperature increase to 1.5°C above pre-industrial levels. The agreement includes a mandate to all nations to submit “nationally determined contributions” (NDCs) which detail the country’s efforts to reduce greenhouse gas emissions. The agreement includes an important provision stating that parties must respect, uphold, and consider their human rights obligations when addressing climate change. These rights include the right to health, the right of indigenous peoples, local communities, migrants, children, people with disabilities, and those in vulnerable situations (United Nations, 2015).

2.2 Global trends in Climate Change Litigation

2.2.1 Climate change litigation

Climate change litigation involves any legal action at the federal, state, tribal, or local level where the parties or court decisions explicitly address issues related to the causes and impacts of climate change (Markell and Ruhl, 2012). Climate change litigation could take the form of strategic litigation, aimed at bringing about a change in society through the legal system. This type of litigation is often part of a comprehensive advocacy campaign designed to raise awareness and promote the rights of underrepresented groups (Greenpeace, 2018).

Two broad categories of climate change litigation can be distinguished. The first type, public law actions, refers to cases against governments and public authorities where arguments regarding human rights, constitutional law or administrative law are invoked. The second type are private law proceedings, which draw on a variety of legal principles such as fraud, corporate law, tort (civil wrongs that cause harm or loss), and planning regulations. These lawsuits usually involve people, groups, or communities, suing private companies or other private entities for their environmental damage, their role in climate change, or their violation of regulations. Some other examples of complaints include the non-disclosure of company and financial risks related to climate change impacts, failure to warn, or concealment of known hazard. The cases discussed in the analysis of this thesis fall within the first type, the public law actions, and more specifically claims against government to contest the creation, implementation and upholding of new climate change legislation and policy (Clarke et al., 2018).

Climate change litigation is a relatively new phenomenon with the earliest case found in the database of the Sabin Center for Climate Change Law, filed in 1986. The database differentiates between lawsuits filed against governments, which has the greatest number of cases, and those aimed at corporations and individuals. Currently 2,341 climate cases can be found in the database of which 190 are filed in the last twelve months. The vast majority of climate change litigation is found in the United States, which accounts for 1,763 cases in the databank. Outside of the US, there were 81 climate cases filed against governments between 2015, when the Paris Agreement was signed, and May 2023 (Setzer & Higham, 2023). At present, the European Court of Human Rights has jurisdiction over twelve cases, five of which have been decided on or dismissed (Sabin Center for Climate Change Law, 2024).

2.2.2 Opportunities and challenges of climate litigation

Climate litigation might offer an interesting avenue that can potentially advance the global fight against climate change. Alogna and Clifford (2020) identify a variety of opportunities and challenges linked to climate litigation. International courts and tribunals provide a platform for raising awareness on climate change. Additionally, they amplify the voices of affected communities, thereby making the impacts of climate change more tangible and relatable. The success of legal action has the potential to make states adopt and implement stricter climate policies and regulations. By holding governments accountable, climate litigation could strengthen their commitments to global pacts like the Paris Agreement, establishing important legal precedents in the process. Moreover, it facilitates steps towards decarbonization and climate resilience. There are two types of international climate change litigation. Reactive litigation refers to legal action in response to specific changes related to climate change. Proactive litigation that challenges states' failure to mitigate or address the impacts of climate change. Especially the latter has the potential to drive systemic change in climate governance (Alogna & Clifford, 2020).

Deciding to bring your case before an international court or tribunal is not without challenges. Complaints are often not being heard in international courts and tribunals because of technical difficulties and jurisdictional limitations (Alogna & Clifford, 2020).

To illustrate this challenge, the high rate of application rejections by the Court is a good example, which mainly stems from applicants not meeting the admissibility criteria. In 2020, for example, out of 39,190 applications, only 1091 were declared admissible, which is a rejection rate of approximately 97,2% (Council of Europe/European Court of Human Rights, 2023). Additionally, there are institutional constraints which might limit the court's ability to make transformative judgements on climate change, for example owing to the sovereignty of countries. Finally, despite the fact that climate litigation might bring attention to climate issues, its ability to provide tangible solutions is minimal. For example, even in the event that a lawsuit is successful, the impacted communities might not get compensation or concrete measures that will protect the environment (Alogna & Clifford, 2020).

2.2.3 Important role of regional institutions

Recognizing the important role that regional institutions play – especially those in the European context – is crucial when analysing the discourse around climate action efforts brought before the European Court of Human Rights. This court, established in 1959, has the explicit mandate to enforce the Convention. Even though the Convention does not refer explicitly to a right to a healthy environmental, the Court has ruled on about 300 environmental cases by applying the right to life, free speech, and family life to a wide range of topics including pollution, natural or man-made disasters, and access to environmental information (Rodriguez & Casalin, 2024). This is due to the evolving character of the Convention which suggests that the impacts of climate change could fall within the protection of fundamental human rights. The Court has already established that states are obligated to implement preventive operational measures and strengthen their capacity to manage environmental disasters (examples include *Öneryildiz v. Turkey* in 2004 and *Budayeva and Others v. Russia* in 2008). Additionally, given that scientific research suggests that a state can affect climate change by reducing emissions (IPCC, 2022), the Court might also establish a positive duty to address climate change, provided that a connection is made between climate change and the fundamental rights outlined in the Convention (Niska, 2020).

As mentioned before, the European Court of Human Rights is highly selective when it comes to admitting cases. To be recognized as a victim, one must meet strict criteria and adhere to the principle of exhausting domestic remedies by seeking redress within their own country's legal system first. Additionally, the issue of extraterritorial jurisdiction complicates matters, particularly when dealing with transboundary environmental harms (Keller & Heri, 2023). In spite of these hurdles, the potential returns could be worthwhile as the Court's decisions are final and formally binding, which implies that a party found to have violated the charter's right may be required to make necessary legislative amendments, draft new laws, or take other measures needed for compliance (Niska, 2020). This legal framework highlights the commitment of the European Union to address climate challenges by using a human rights perspective, offering an important platform for climate action movements that seek legal alternatives and accountability.

3. Research Methodology

This chapter outlines the methodology used to analyse the differences in communication and legal strategies of two distinct climate action movements, one led by young people in Portugal (*Duarte Agostinho and Others*) and one by older women in Switzerland (*KlimaSeniorinnen*). The study will use a qualitative research design, using interviews, primary sources, and court documents to gather data. This approach aims to explore how different demographic groups address climate change by examining their dynamics and strategies used by distinct demographic groups. Qualitative research is particularly suited to this study as it allows for the exploration of complex, context-dependent phenomena such as social movements and legal strategies. The thesis uses a case study methodology to examine two distinct cases, conducting a thorough analysis of each movement's tactics and circumstances. Through a comparative case study design, insights are gained into how each movement approaches climate litigation and activism.

3.1 Data Sources and Collection Methods

Three primary sources are collected as data for this thesis: court records, other primary documents, such as social media posts, and interviews. Each of these sources offer a distinct perspective of the strategies and driving forces of the climate action movements.

An in-depth interview with a representative from *KlimaSeniorinnen* is conducted as an initial source of information. This format allows for more flexibility to explore various aspects of the interviewee's experiences and perspectives while ensuring that key topics are covered. The purpose of the interview is to obtain in-depth knowledge about the organisation throughout their attempts to raise awareness for their cause and the filings of their climate lawsuit. The questions aim to reveal their motivations for filing a lawsuit, the legal tactics used, the human rights defences made, the difficulties encountered, and their overall communication plans. Unfortunately, despite multiple attempts, it was not possible to get an interview with a representative of the Portuguese youth movement. As a result, there are currently no direct insights from their perspective to include in this analysis.

Court documents from the European Court of Human Rights regarding the *Duarte Agostinho and Others* case and the *KlimaSeniorinnen* case, are the second source of data. These documents include case filings, legal briefs, court rulings, and other relevant judicial materials. These documents are collected from the legal database of the Court or directly from the involved parties when available. For the comparison of the legal strategy, the focus is on the arguments based on the provisions in the European Convention on Human Rights, and on the interpretation of these applicants' arguments by the Court. Additionally, there is an in-depth look at the recently issued judgement. By systematically reviewing these documents, the analysis provides relevant information regarding the legal strategies, arguments, and outcomes in each case.

The third source of data are primary documents such as press releases, campaign materials, social media posts, official statements, and public declarations from both movements. This material is collected through online searches, personal websites from both movements, and from other digital archives. These documents provide a broader context for understanding the public communication strategies used by each movement. They are organised chronologically and thematically to facilitate analysis.

3.2 Description of Methodology

The data analysis method for this thesis are chosen to systemically examine the legal and communication strategies of the two climate action movements building on the theoretical frameworks, discussed in the next section. The analysis is conducted in three main steps: legal analysis, communication analysis, and comparative analysis.

The legal analysis is conducted by analysing court documents, building on a human rights framework. This analysis involves examining how Articles 2 (Right to Life), 8 (Right to Respect for Private and Family Life), and 14 (Prohibition of Discrimination) of the Convention were invoked and interpreted. Additionally, Articles 6 (Right to a Fair Trial) and 13 (Right to an Effective Remedy) is studied in the case study of the *KlimaSeniorinnen*, who first went to their domestic courts. The objective of the legal analysis is to understand the legal foundations and implications of the climate litigations efforts in both cases.

The communication analysis focuses on primary documents building on the core framing tasks theory by Snow and Benford (1988). This analysis involves coding the documents to identify instances of diagnostic framing (problem identification and attribution), prognostic framing (solutions and strategies), and motivational framing (calls to action). The frequency, context, and effectiveness of these framing techniques are assessed to understand how each movement constructs its public narrative. Moreover, following the framework of Vu et al. (2021), the different types of climate messages (impacts, actions, and efficacy) are identified in the social media posts of the two movements. Furthermore, the sort of solutions that both movements propose in their communication strategy are identified using the concepts of Wahlström et al. (2013). Finally, the differences in results are examined through the lens of intergenerational justice, focusing on concepts such as responsibility and equity.

Thematic analysis is applied to the interview data to identify key themes related to the motivations, strategies, and challenges of the KlimaSeniorinnen movement. This process involves coding the interview transcript and grouping the codes into broader themes. The questions of the interview can be found in the appendix.

The comparative analysis synthesizes the findings from the legal and communication analyses to address the primary and subordinate research questions, which are the following: ‘What are the differences in the communication and legal strategies of climate action movements led by young people in Portugal versus older women in Switzerland? How has the Court interpreted these legal arguments?’ These questions provide a comprehensive insight into how these movements navigate both the legal system and public discourse to address climate change.

4. Theoretical Frameworks

The theoretical framework is a set of theories that guide the research and includes relevant concepts and definitions (Grant & Osanloo, 2014). In order to examine and compare the case studies of the *KlimaSeniorinnen* (Swiss Senior Movement) and *Duarte Agostinho and Others* (Portuguese Youth Movement), this thesis combines a human rights framework with the intergenerational justice framework. Additionally, beyond the arguments presented in the climate litigation cases, the communication strategies of both groups will be examined using the core framing tasks theory by Snow and Benford (1988). Through the integration of these three frameworks, the analysis will look into the legal and strategic tactics used, the rights in question, and the wider consequences of the two different rulings for intergenerational justice.

4.1 Human Rights Framework

The human rights framework establishes a moral and legal duty for nations to address climate change and its effects, which offers a strong theoretical foundation for climate action. In comparing the legal arguments of both climate litigation cases, the focus will be on how the articles of the European Convention of Human Rights are used in their respective arguments.

The first article invoked in both climate litigation cases is Article 2 of the Convention, namely the Right to Life. Due to increasing sea levels, more frequent and intense extreme weather events, food and water shortages, and the spread of diseases, climate change presents serious dangers to human life. According to the World Health Organization (WHO), climate change is expected to cause approximately 250,000 additional deaths per year between 2030 and 2050 due to malnutrition, malaria, dengue, diarrhoea, and heat stress. Climate change can also indirectly affect mortality by undermining livelihoods, displacing people, and worsening violent conflicts over resource scarcity (WHO, 2023). According to Article 2, states are required to take the necessary precautions to protect the lives of those living within their jurisdiction from the foreseeable negative effects of climate change.

Another provision in the Convention that is closely related to Article 2 is Article 8, namely the Right to Respect for Private and Family Life. This right requires states to protect citizens against the impacts of climate change that undermine their ability to enjoy their private and family life. Extreme weather events brought on by climate change pose a threat to the enjoyment of this right, whether by directly impacting personal property or indirectly, such as through changes in land value caused by events like floods. Article 8 further states that a public authority may only violate this right if it can show that doing so is proportionate, necessary and legal - that is, if it serves to protect public safety, national security, economic prosperity, to prevent disorder or crime, and to preserve health, morality, and others' rights and freedoms (Council of Europe, 1950).

The final provision that is important in this thesis is Article 14 or the Non-Discrimination principle. This article states that 'the enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'. The 2014 IPCC report highlights that those who are facing social, economic, political, institutional, or other forms of marginalization are especially vulnerable to the impacts of climate change (IPCC, 2014). These populations are particularly affected because they are less able to adapt and are more exposed to the effects of climate change. For example, insufficient resources for adapting to climate change disproportionately affect women, children, and individuals with disabilities (Greenpeace, 2018).

Aside from the climate litigation cases that will be discussed in this thesis, it is important to mention the landmark Urgenda case against the State of the Netherlands in 2019. This case, brought before a domestic court in the Netherlands, serves as a significant example of climate litigation invoking rights of the Convention. In their lawsuit against the Dutch government, the Urgenda Foundation and around 900 Dutch citizens claimed that the government's failure to take adequate action on climate change infringed upon their rights under the Convention, particularly the right to life and the right to private and family life (Articles 2 and 8). After ruling in favour of Urgenda in 2015, the District Court of The Hague ordered the Dutch government to cut greenhouse gas emissions by at least 25% by 2020 compared to 1990 levels. Despite an appeal by the Dutch government, the verdict was upheld by the Supreme Court in 2019. The ruling of

the Supreme Court is especially important since it established a precedent that the government is legally required to safeguard human rights, and that this commitment may be upheld in court (Urgenda, 2024).

By using the Convention as the foundation for the Human Rights Framework, this chapter provides a guideline for the legal arguments used in the climate lawsuit case of Duarte Agostinho and Others and the KlimaSeniorinnen. The analysis of Articles 2, 8, and 14 clarifies governments' clear duty to protect individuals' non-discriminatory right to life, private and family life from the negative effects of climate change. The Urgenda case established a precedent that emphasizes the right of individuals to assert their rights and to take legal action. This framework serves as a useful guide for climate action movements, demonstrating what is possible within human rights legislation, while also emphasising the importance of states' responsibilities.

4.2 Intergenerational Justice Framework

Another important framework for comparing climate action movements across different age groups is the intergenerational justice framework. In the following section, this framework will be used interchangeably with the concept of intergenerational equity, as both terms are commonly found in the literature on climate change. The concept of intergenerational equity holds that all future generations should have equal access to the natural, cultural, health and financial resources that have been enjoyed by previous generations. The fundamental idea is that every generation should leave the planet, its ecosystem and its economy in a condition that is at least equal as they have received it from the generations before it (Summers & Smith, 2014). This is based on the notion of indirect reciprocity, which suggests that we owe future generations a "debt" for the resources and labour we have inherited from previous generations (Azar & Holmberg, 1995).

The intergenerational perspective can be traced back to the Brundtland report called 'Our Common Future' and is proposed as a principle for environmental protection and sustainable development. More specifically, it asserts that "states shall conserve and use the environment and natural resources for the benefit of present and future generations" (Brundtland & Khalid, 1987). Additionally, the United Nations Framework

Convention on Climate Change (UNFCCC), an international treaty aimed at stabilizing the greenhouse gas concentration in the atmosphere, includes a commitment to protecting the climate system for present and future generations (United Nations, 1992).

Intergenerational justice tackles the question of responsibility of present generations towards future generations considering how the emissions of today affect the environmental conditions of the future (Meyer, 2017). However, due to asymmetries in interests between generations, mutual advantages of both present and future generations are difficult (Gardiner, 2014). This difficulty lies within two problems related to intergenerational equity both between the present and future generations, and between different communities within future generations. The first problem involves changes in the natural environment which will have impacts on society and the economy. The environmental degradation caused by the present generation will eventually lead to population migrations and economic dislocations, both of which are costly for future generations. Moreover, there are equity concerns between different communities within future generations considering that one climate might be more favourable than the other in the future. The second problem involves the access to resources to adapt to global change, considering there are already existing inequalities between wealthy and poor nations (Weiss, 2008). The fact that the worst consequences of climate change lie in the future, poses a challenge in establishing victims in climate change litigation. Therefore, it is interesting to compare how the different age groups in the case studies address this intergenerational justice challenge.

4.3 Communication Strategies in Climate Activism: Framing Theory

Bringing a case before an international court or tribunal could be seen by climate action movements as a ‘means to an end’ instead of the ultimate goal. In some cases, litigation is part of a bigger strategy that aims at raising awareness for a specific cause. In the following chapter, different types of communication frameworks will be discussed that will be used in the analysis section of this thesis to compare the two climate action movements.

In order for movements to bring their message across, different framing techniques can be used. Framing is defined by Snow and Benford (1988) as interpreting

and assigning meaning to important events and situations, in ways that are intended to mobilize prospective supporters and constituents, garner bystander support, and neutralize opponents. The researchers distinguish three core framing tasks that are essential for social movements. In diagnostic framing, a problem is identified, and the blame or causality is assigned to it. While movements often agree on identifying the problem, reaching a consensus on assigning blame or causality poses greater challenges. The second framing task, prognostic framing, is used to offer strategies, methods, and goals as solutions to the problem. Diagnostic and prognostic framing are almost always directly correlated, which suggests that how a problem is identified influences expectations about what will happen in the future. Finally, motivational framing involves the development of a call to action to justify collective action. Motivational appeals are frequently used to encourage people to get involved and stay involved (Snow & Benford, 1988).

A study by Vu et al. (2021) analysed how international Non-Governmental Organisations (NGOs) use social media to frame climate change issues on Facebook. By examining over 4,000 posts from 289 NGOs across 18 countries, the study analysed three key aspects in climate messages: impact, actions, and efficacy (Vu et al., 2021). Impact-focused messages highlight the consequences of climate change, whereas action messages encourage public support for combating it. 'Efficacy' refers to the belief that climate change can be addressed and that individuals are capable of taking the necessary steps to make a difference (Hart & Feldman, 2014). The study found that climate NGOs primarily use action messages, followed by impact messages, with efficacy of actions rarely mentioned. Interestingly, fear appeals seem less effective than hopeful messages in motivating public action, despite it being commonly used. Moreover, highlighting current impacts made the issue seem more urgent. However, by focusing on global and national impacts, the personal relevance might reduce, suggesting localizing information could boost public motivation. Including efficacy in messages could inspire more hope and action. The study also found that impact messages were more common in diagnostic frames, and actions messages in prognostic frames. Surprisingly, efficacy messages appeared more in prognostic frames rather than motivational ones, indicating a gap in constructing effective motivational messages (Vu et al., 2021).

Wahlström, Wennerhag and Rootes (2013) examined the framing techniques used by climate summit protesters concerning solutions to climate problems. They found that protesters often use prognostic framing to draw attention to a variety of solutions, usually connecting these solutions to their diagnostic frames, which identify and blame the origins of climate-related issues. Moreover, across the different movements, three main types of solutions to the climate crisis are identified, namely individual actions, policy changes within existing political systems, and systemic change by increased global justice, which reflects the emerging climate justice frame (Wahlström et al., 2013).

The framing strategies are crucial for gaining support, spreading knowledge, and promoting policies that address climate-related problems. A more thorough analysis of the particular communication frameworks employed by the KlimaSeniorinnen and Duarte Agostinho and Others will be provided in a next chapter.

5. Analysis

In this chapter, the focus shifts to the analysis of the data on communication and legal strategies used by two climate action movements under examination. First, we focus on the Swiss Senior movement, Secondly, we focus on the Portuguese Youth Movement. Finally, the two movements are compared.

5.1 Case Study on Swiss Senior Movement

The KlimaSeniorinnen is a group of Swiss women aged 64 and older, formed in 2016 to address their government's inaction on climate change. After exhausting their efforts in domestic courts and having their appeal dismissed in 2020, the group decided to bring their complaint to the Court. The KlimaSeniorinnen case stands out as one of the first being heard by the Court, alongside *Carême v. France*, and *Duarte Agostinho and Others v. Portugal*. All these climate cases have at least one thing in common: the applicants are citizens that are taking their respective governments to court for not taking sufficient steps to prevent climate change.

5.1.1 Legal Analysis of KlimaSeniorinnen

The KlimaSeniorinnen have chosen to bring their case to legal courts in response to the profound and urgent impacts of the climate crisis on both people and the planet. This decision is part of a strategy that combines legal action with a broader objective of climate protection. For example, the KlimaSeniorinnen additionally support political initiatives, such as the glacier initiative which aims to achieve net-zero CO₂ emissions in Switzerland by 2050. However, the long-standing failure of Switzerland to fulfil their commitments under the 1992 UNFCCC highlights the limitations of relying solely on political measures. Switzerland's inadequate climate policies not only fail to effectively address the crisis but also violate human rights. Thus, according to KlimaSeniorinnen, pursuing a legal route is essential to hold the government accountable and ensure compliance with human rights obligations under the Convention.

The KlimaSeniorinnen started their legal journey in November 2016 by submitting legal requests to four federal instances: the Federal Council, the Federal Department of Environment, Transport, Energy and Communication DETEC, the Federal Office of Environment FOEN, and the Federal Office of Energy SFOE. The KlimaSeniorinnen criticized omissions in climate protection, requested rulings and asked for corrective actions. In addition to describing concrete measures, they demanded that Switzerland meets its commitments under the Paris Climate Agreement, which aims to limit global warming to ‘well below 2°C’. After DETEC dismissed their request in April 2017, the KlimaSeniorinnen appealed to the Federal Administrative Court. This appeal was dismissed in December 2018, prompting the KlimaSeniorinnen to take their case to the Federal Supreme Court (FSC). The FSC dismissed their appeal in May 2020, claiming that there was still time to prevent global warming from exceeding the ‘well below 2°C’ limit, as this limit would not be reached until after 2040. For the same reason, the FSC argued that the KlimaSeniorinnen had no ‘arguable claim’ with respect to Article 2 and 8 of the Convention. Upon receiving this judgement, the KlimaSeniorinnen announced the same year that they would bring their case to the European Court of Human Rights. The Court approved their case in March 2021, and the public hearing took place two years later in March 2023. The KlimaSeniorinnen submitted their application, both as an association (‘Applicant 1’) and through four individual women who are members of the association but applied separately (‘Applicants 2-5’).

In their climate case, the KlimaSeniorinnen demanded that the Swiss government take all necessary actions to protect them from the effects of increasing temperatures, specifically from more frequent and stronger heatwaves. They urged their government to implement targets that align with keeping the global temperature increase ‘well below 2°C’ above pre-industrial levels. They also called for the undertaking of all necessary mitigation measures to not only meet this objective, but also the existing yet insufficient 2020 reduction target of 20%. Furthermore, the KlimaSeniorinnen argued that their right to an effective remedy has been violated by the Swiss courts, who failed to thoroughly review their case. They therefore demanded that this failure is rectified and that their claims are given due consideration. To support their case, the KlimaSeniorinnen are not just relying on Swiss law; they are additionally invoking articles from the Convention. In their appeal they specifically invoke Article 2, the ‘right to life’, Article 6, ‘the right to a

fair trial, Article 8, ‘the right to respect for private and family life’, and Article 13, ‘the right to an effective remedy’. In order to meet their demands, the KlimaSeniorinnen set out the following legal arguments. First, the KlimaSeniorinnen argued that Switzerland is violating Articles 2 and 8 of the Convention by failing to take adequate measures against climate change, which threaten their lives. They criticized the Swiss Federal Supreme Court for wrongly determining that these rights were not violated. They asserted that Articles 2 and 8 require the state to protect life and private and family life from environmental threats, emphasizing the urgent risks posed by climate change and supported by scientific consensus and international law, such as the Paris Agreement. The KlimaSeniorinnen cited past cases to demonstrate that Article 2 works preventively and does not necessitate the occurrence of death. Regarding Article 8, they argued that it applies to environmental degradation affecting health, physical integrity, or private life, including the rights to personal autonomy and ‘ageing in dignity’. Moreover, the KlimaSeniorinnen emphasized the fact that older people – especially older women - are disproportionately affected by heat-related deaths. They provide data from various heatwaves events that demonstrate how a sizable percentage of deaths are among people over 75. For example, in August 2018, older women – mostly those over 75 – accounted for over 90% of heat-related deaths (BAFU, 2019). Drawing on the IPCC report stating that those with chronic illnesses, women, and older people are more vulnerable to temperature-related health issues, the KlimaSeniorinnen argue that they are particularly at risk of premature death and severe impacts due to heatwaves. Additionally, when individuals have to remain indoors to protect themselves from extreme heat, there is no denying that this has a direct consequence on their ability to fully enjoy private and family life. Furthermore, the KlimaSeniorinnen claimed a violation of their right to effective access to a court, Article 6 of the Convention, as Swiss domestic courts ‘did not assess the dispute or only did so arbitrarily and incidentally’. They argued that the FSC’s conclusion – that there is still time to combat climate change and that therefore the KlimaSeniorinnen had no claim under Articles 2 and 8 – is both scientifically and legally flawed. An overwhelming amount of scientific evidence indicates that in order to avoid catastrophic effects, greenhouse gas emissions must be reduced right away. Legally speaking, they stated, that the FSC’s reasoning misinterprets the government’s duty of care by failing to consider the real and serious risk to the KlimaSeniorinnen, implying

that they can only assert their rights when it is too late to prevent harm. Regarding Article 13, they claimed that their ‘right to an effective remedy was violated since no national authority examined the substance of their complaint’. They argued that the time to reduce emissions for 2020 and 2030 in line with the ‘well below 2°C’ and 1.5°C limits is now. If the FSC’s approach will be followed, which delays effective remedy until global warming reaches 2°C, it will be too late for Switzerland to fairly contribute to the targets. This delay would leave the older women of the KlimaSeniorinnen without any protection at all. Finally, in order to meet the application requirement, the KlimaSeniorinnen confirmed the exhaustion of all available effective remedies in their country and showed compliance with the six-month time limit for making a complaint at the Court after a final ruling at national level (Bähr & Looser, 2020).

On April 9, 2024, the verdict was issued, marking a critical milestone in the legal battle initiated by the KlimaSeniorinnen. In the 258-page judgment of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, the Court found that Switzerland is violating human rights set out in the Convention, and that ‘the State’s primary duty is to adopt, and to effectively apply in practice, regulations and measures capable of mitigating the existing and potentially irreversible, future effects of climate change’ (§545). With respect to Article 2, the Court referenced to the requirement of having a ‘real and imminent’ risk, which is relevant for concerns about State’s action or inaction on climate change. However, the Court primarily assessed the Association’s complaint under Article 8, as the Court’s case law applies similar principles to both Articles 2 and 8 in environmental claim contexts. Therefore, the Court concluded that there was no need to specifically consider the application of Article 2 in this case. The Court found that Switzerland violated Article 8 of the Convention due to its failure to fulfil its positive obligations to fight climate change, which impacts the applicants’ right to respect for family and private life. Moreover, the Court argued that Article 8 includes a right for individuals to receive effective protection from the state against serious adverse effects of climate change on their life, health, well-being, and quality of life. The Court also found a violation of Article 6 and emphasized that ‘given the principles of shared responsibility and subsidiarity, it falls primarily to national authorities, including the courts, to ensure that Convention obligations are observed’ (§639). Regarding Article 13, the Court argued that a separate examination was unnecessary since Article 6, which was

already found to be in violation, imposes stricter requirements. The Court's ruling highlights a notable difference in the treatment of complaints filed by associations compared to those submitted by individual applicants. While the Court deemed the violations admissible for the association, it found the criteria for victim status lacking in the case of the four individual applicants. As a result, their complaint was deemed inadmissible. Despite the individual applicants' vulnerability to climate change, they failed to establish immediate danger that required immediate protection. The Court claimed that the individual applicants failed to meet the particularly strict criteria for individual victim status. This requires two main components: (1) demonstrating that the governmental action or inaction poses significant and severe risks or adverse consequences to the applicant, and (2) highlighting the urgent need to protect the applicant individually due to the lack or inadequacy of reasonable measures to mitigate harm. It sounds a bit paradoxical as the individual applicants were part of the KlimaSeniorinnen, however, recognizing the standing of associations requires less stringent criteria to be fulfilled. These criteria include (1) the lawful establishment in the relevant jurisdiction, (2) the pursuit of a dedicated purpose in accordance with statutory objectives in the defence of human rights of its members, particularly against climate change threats, and (3) genuine qualification to represent members or affected individuals facing specific climate-related threats to their lives, health, or well-being. Additionally, the Court determined that recognizing associations' standing in climate-change cases is essential as climate change is a common human concern, and promoting intergenerational burden-sharing is crucial. Therefore, The Court emphasized how states should act to secure Convention rights for those affected by climate change and those whose enjoyment may be irreversibly affected in the future.

Interestingly, in the Court's judgement, there are a lot of references to future generations and intergenerational equity. This is highlighted by following statement in the Court's assessment where the Court recognized that the 'damaging effects of climate change raise an issue of intergenerational burden-sharing' (§410). Moreover, the Court acknowledged that future generations are likely to bear an increasingly severe burden from the current failures and omissions to fight climate change, while having no opportunity to participate in the relevant decision-making processes. Additionally, the Court made a reference to the commitment of states to the UNFCCC, which includes the

obligation to protect the climate system for the present and future generations. In assessing the victim status, The Court referred to intergenerational burden-sharing and suggested that ‘collective action through associations or other interest groups may be one of the only means through which the voice of those at a distinct representational disadvantage can be heard’ (§489), hinting at future generations. The KlimaSeniorinnen's legal fight against Switzerland's inadequate climate policies underscores the importance of holding governments accountable under international human rights law. It highlights the connection between environmental protection, social justice, and fairness for future generations.

5.1.2 Communication Analysis of KlimaSeniorinnen

The core framing tasks framework is essential for analysing how social movements, like the KlimaSeniorinnen, communicate their objectives, mobilize supporters, and navigate their advocacy efforts. This framework consists of three main components: diagnostic framing, prognostic framing, and motivational framing (Snow & Benford, 1988). Using quotes from an interview with a representative from the KlimaSeniorinnen and looking at their website, this analysis applies these core framing tasks to understand their communication strategy. Moreover, the intergenerational justice framework provides a critical lens for comparing climate action movements across different age groups, indicating the emphasis placed on the responsibility of protecting the planet for future generations.

Diagnostic framing involves identifying a problem and assigning blame. For KlimaSeniorinnen, the primary issue identified is the inadequate climate policies affecting vulnerable populations, particularly older women. This problem is explicitly linked to the effects of climate change, such as heatwaves, which disproportionately impact older women: ‘Many more studies were done on the vulnerability of older women and that they die more often during heatwaves. They just don’t survive heatwaves as well as any other population segment or group’ (Representative KlimaSeniorinnen). The diagnostic framing is further emphasized in the association’s statutes, which declare that the main purpose of the KlimaSeniorinnen is to promote and implement effective climate protection for its members, all of whom are older women of at least 64 years old and who

reside in Switzerland. The goal is to ensure that Switzerland reduces its greenhouse gas emissions to levels necessary to prevent dangerous, human-induced climate warming. Furthermore, the inadequacy of current policies and the need for improved climate action is underscored by their legal action before the European Court of Human Rights: ‘Specifically if the judges decide that climate protection is indeed a human right. That’s what it’s all about in our case in Strasbourg’ (Representative KlimaSeniorinnen).

Prognostic framing involves proposing solutions and strategies to address the identified problems. The KlimaSeniorinnen’s approach includes using legal action as a means to enforce climate policy improvements. Their reliance on the Court’s ruling highlights this strategy: ‘We have chosen our legal path; whatever Strasbourg says, whatever the European Court of Human Rights says, is final’ (Representative KlimaSeniorinnen). In addition to legal avenues, their communication efforts span various platforms to spread their message and propose solutions. For instance, they actively engage in speaking engagements and personal appearances: ‘We are widely invited on panels giving presentations about the KlimaSeniorinnen, which can be anything from a high school to a political party who has its annual meeting and invites us as speakers’ (Representative KlimaSeniorinnen). This method of face-to-face communication is crucial given their limited use of social media: “Imagine us being on social media using Twitter, TikTok; it’s not our world” (Representative KlimaSeniorinnen). Even though their representative mentions that social media is not their world, they are quite active online. They maintain a website where they post updates about their legal journey on a regular basis and they also manage a Facebook page and an X account, all handled by a member of the association. Moreover, their strategy is twofold, as highlighted in the association’s status, which state that the association pursues its purpose through information dissemination, public relations, and educational activities, as well as legal action at the federal and European level to represent its members’ interests. This strategic approach is highlighted in their Frequently Asked Questions document on their website, which was updated one month before the judgement was issued in favour of the KlimaSeniorinnen. To the question of what would happen if they lost, they state that a lawsuit is never really lost. They extend this thought by referencing a report on climate litigation published by the UN Environment Programme (UNEP) and the Sabin Center for Climate Change Law, which emphasises

the crucial role lawsuits play in achieving climate justice. These legal actions are instrumental in confronting governments and corporate inaction on climate issues, serving as significant catalysts for change. Furthermore, even when litigation does not succeed, they emphasize how it can influence the discourse on climate action and motivate decision-makers to alter their strategies. However, they also acknowledge that a negative judgement could legitimize inadequate climate policies not only in Switzerland but also in other Council of Europe states. If they were to win, the association is determined to remain in place to follow the implementation of the verdict. This perspective reinforces their resolve to remain active, ensuring continued advocacy and vigilance: ‘Depending on what they say, depending on what the judgement is, we’ll definitely go on because we still have a lot of jobs to do.’ The solutions put forth by the KlimaSeniorinnen in their prognostic framing belong to the second type of solutions described by Wahlström et al. (2013), which involves seeking policy changes within existing political systems.

Motivational framing is about encouraging action and sustaining engagement. For KlimaSeniorinnen, motivation stems from their authentic and credible image, which also resonates with younger generations, who see them as a crucial ally in the fight for a sustainable future. As expressed in the interview, ‘the young people just seem to be very happy that we old ones haven’t given up or haven’t resigned; we are not in rocking chairs. They are happy we are still fighting for a better climate policy here in Switzerland’ (Representative KlimaSeniorinnen). Their commitment is also communicated through their persistence and structured internal communication, which includes regular newsletters and meetings: ‘We have monthly meetings via Zoom. We have a clear agenda which we put in about a week before the meeting so it’s clear what we’re going to talk about’ (Representative KlimaSeniorinnen). This structure helps maintain their momentum and keeps members informed and engaged.

The KlimaSeniorinnen effectively use the core framing tasks in their communication strategy. Diagnostic framing helps them clearly identify the climate-related issues affecting older women and the insufficient policies addressing these problems. Through prognostic framing they propose concrete solutions, primarily through legal action and active public engagement. Motivational framing is evident in their ability to inspire both their members and younger generations, reinforcing their

commitment to the cause. This multi-faceted approach ensures that KlimaSeniorinnen's message is both powerful and persuasive, promoting a stronger, supportive community around their climate action goals. Following the theory of Vu et al. (2021), it is evident that all the key aspects of climate messages are addressed: the impact of climate change on older women, the actions to address these impacts, mainly their legal complaint, and finally the efficacy or their belief that climate change can best be addressed by following this legal path. Through the lens of intergenerational justice, the efforts of the KlimaSeniorinnen ensure that their advocacy not only addresses present needs but also protects the well-being of next generations, which is clear from their mission statement: 'The association is thus committed to effective climate protection in the interests of older women, but also in the interests of the public and future generations'. The KlimaSeniorinnen frequently express their support for the Portuguese youth climate movement on social media, using the hashtag 'UnitedForClimateJustice' to voice their shared environmental concerns. Expressing their mutual affection for each other, the KlimaSeniorinnen and the Portuguese youth movement often meet at demonstrations, with the young participants expressing their admirations for the older women. This sentiment is fondly noted by the representative of the KlimaSeniorinnen, 'they really love us, and we love them'. On the 'About Us' page of their website, the KlimaSeniorinnen declare their commitment to safeguarding fundamental rights, especially the right to life. They emphasize their dedication to preserving the foundation of life for themselves, their grandchildren, and future generations. The representative of the KlimaSeniorinnen encapsulated this idea beautifully at the end of our interview, quoting Martin Luther: 'Even if I knew that tomorrow the world would go to pieces, I would still plant my apple tree'. This belief highlights their unwavering commitment towards a sustainable future, regardless of whether they will personally benefit from it.

5.2 Case study on Portuguese Youth movement

The case *Duarte Agostinho and Others v. Portugal and Others*, henceforth referred to as *Duarte Agostinho*, involves six young Portuguese people, aged between eight and twenty-one at the time, who initiated legal action after witnessing forest fires and heatwaves in their country. They collaborated with the Global Legal Action Network

(GLAN) in order to bring their case before the European Court of Human Rights. They argued that their health is already being harmed by climate impacts, and without urgent and significant reductions in greenhouse gas emissions, the situation will get worse. In order to raise enough funds, a crowdfunding campaign was set up in 2017, together with GLAN, that would help bring together a team of lawyers and experts to develop the legal arguments. The case was then filed in September 2020 against all twenty-seven member states of the EU plus Norway, Russia, Switzerland, Türkiye, and the UK.

5.2.1 Legal Analysis of Duarte Agostinho and Others

The Portuguese youth movement directly filed their case with the Court in September 2020. The case got fast-tracked by the Court based on the ‘importance and urgency of the issues raised’ and got assigned to a Chamber of seven judges. Following the exchange of written submissions by Third Parties, the involved Governments, and the applicants between May 2021 and June 2022, the case was handed over to the Grand Chamber. This procedure, called ‘relinquishment of jurisdiction’, happens if the case involves significant questions about the interpretation of the Convention or its Protocols, or if resolving a question might contradict past decisions of the Court (European Court of Human Rights, 2024). Subsequently, the Grand Chamber requested parties to summarize their arguments and respond to specific questions. The Respondent States were then asked to submit a joint submission, which included individual supplementary submissions addressing their ‘domestic remedies’ and own individual climate policies. The hearing of the Portuguese youth took place in September 2023, six months after the hearing of the two other pending climate cases, *KlimaSeniorinnen* and *Carême v. France*, before the Grand Chamber.

In the original application of the Portuguese youth movement, only three articles of the Convention were invoked. These were Articles 2 and 8, which were also applied in the case of the *KlimaSeniorinnen*, and Article 14, addressing the right to be free from discrimination based on age. Article 3, which guarantees the ‘right to be free from torture, inhuman or degrading treatment’ was initially not included by the Portuguese movement because the Court had never found a violation in cases concerning harm to the natural environment. However, this was later added following internal questioning by the Court.

Regarding Article 8, the Portuguese youth argued that there is a sufficient causal link between climate change and the impacts on their rights. This claim is backed by scientific evidence that shows how the frequency and intensity of heatwaves, forest fires and air pollution will increase in the Applicants' regions. Furthermore, they stated that the 'current and potential future impacts of climate change on the Applicants' physical and psychological well-being, living conditions and personal development are sufficient to cross the threshold of minimum severity'. Regarding Article 2, the positive obligation of states to 'take appropriate steps to safeguard lives' is applicable 'in the context of any activity, (...) in which the right to life may be at stake'. (Applicants' Submission to the Grand Chamber, 2022). To prove applicability, the Portuguese youth referred to the wildfires and heat-related threats to life that will likely become irreversible unless sufficient action is taken immediately. To invoke Article 3, there must be a 'minimum level of severity' in order to speak about 'ill-treatment'. The gravity of the climate impacts, they argued, are sufficient when taken cumulatively: the feelings of fear, anxiety and powerlessness, the intensifying risks of physical harm, the applicants' vulnerability as young people, the indifference from the respondent states to act, and the prolonged uncertainty and hopelessness. Finally, the Portuguese youth invoked article 14 as they fall under the protected 'other status' of age, arguing that they will experience the adverse impacts of climate change for longer and for a greater proportion of their lives (Youth for Climate Justice, 2020).

The Portuguese youth described specific impacts and risks they experienced, linked to climate change. They addressed the extreme heat that limit their outdoor activities, cause sleep issues, and worsen respiratory conditions. Additionally, they spoke of the severe anxiety and disruptions caused by the growing frequency of wildfires and smoke in the area where they live. At least one of the applicants was unable to attend school because of the smoke. Climate change also increased exposure to air pollution and allergens, which aggravated respiratory issues for some of the applicants. They provided medical certificates to confirm that these health problems, such as asthma and rhinitis, were worsened by climate-related temperature changes, namely extreme heat. Finally, they addressed the major influence on mental health. An expert who examined the psychological effects of climate change on young people in Portugal presented a report suggesting that 'Adverse Childhood Experience' is associated with prolonged climate

anxiety among the participants. Moreover, the expert argued that the applicants experience ‘moral injury’ due to the perceived failure of authorities protecting them. In their application to the Court, they additionally mentioned the anxiety about the impact of climate change not only on them and their families, but also on the families they hope to have in the future.

The Portuguese youth argued that all respondent states are responsible for the current situation by allowing the release of emissions, the export of fossil fuels, the import of emission-intensive goods, and the contribution to overseas emissions, within their national territory or under their jurisdiction. In their case, they demanded that the respondent states assess and adequately reduce their emissions to levels consistent with achieving the 1.5°C long-term temperature goal (LTTG). To reach this LTTG, the respondent states must have a legislative and administrative framework put into place to ensure the regulation and limitation of territorial emissions. The Portuguese youth argued that in order to evaluate the fairness of states’ mitigation measures, the Court should adopt or rely on the methodology used by the Climate Action Tracker (CAT) ‘fair share’ methodology, which monitors and assesses government climate action in relation to the internationally agreed-upon goal of holding warming well below 2°C, and pursuing efforts to limit warming to 1.5°C. The methodology is a framework used to determine how each country should reduce its GHG to collectively meet global climate goals. First, it assesses the overall worldwide emissions reductions required to reach the LTTG using scientific frameworks such as those provided by the IPCC. Second, it evaluates the equitable contribution of each nation to these reductions, considering its historical emissions, current capabilities, and economic circumstances. This contribution includes both domestic emission reductions as well as assisting other nations in reducing emissions through financial aid or technology transfers. This approach also balances the cost of putting these reductions into practice with the immediate and long-term effects of climate change on citizens. Relying on the International Energy Agency (IEA) Net Zero analysis and the UNEP report, the Portuguese youth also demanded that resident states reduce their extraction of fossil fuels at a rate consistent with reaching the LTTG. Moreover, they urged that no new coal mines, oil fields, or gas fields should be opened, approved, licensed, permitted, invested in, or planned. In addition, plans should be implemented to phase out support and subsidies for fossil fuel extraction.

The judgement for Duarte Agostinho and Others was issued on April 9, 2024, the same day as the one of the KlimaSeniorinnen. To begin with, the Court discussed the jurisdictional criteria. The Court affirmed Portugal's territorial jurisdiction over the applicants' climate-related complaints but declared the complaint inadmissible against the other 31 respondent governments, claiming a lack of extraterritorial jurisdiction. Article 1 of the Convention states that the obligation to respect human rights is therefore only extended to the state in which all the applicants reside. To the request of the Portuguese youth to establish extraterritorial justice, which is only applied in limited circumstances, the Court argued that 'accepting this, however, would entail a radical departure from the rationale of the Convention protection system, which is primarily and fundamentally based on the principles of territorial jurisdiction and subsidiarity' (§201). Moreover, the Court held that reducing emissions originating from various sectors such as industry, energy, transport, housing, construction, and agriculture, falls primarily under territorial jurisdiction. In their judgement, the Court therefore stated that accepting the applicants' arguments would result in an unlimited expansion of States' extraterritorial jurisdiction under the Convention and their responsibilities towards people all over the world, which would 'turn the Convention into a global climate-change treaty' (§208). With regard to the responsibility of states, the complaint of the Portuguese youth is therefore only admissible against Portugal. The next principle regards the admissibility criteria set out in Article 35 which states that 'the Court may only deal with the matter after all domestic remedies have been exhausted'. As mentioned at the start of this legal analysis, the Portuguese youth went directly to the Court with their complaint, without addressing their domestic courts in Portugal, or those in the other States. According to them, the 'mere existence of a broad constitutional provision could not provide for an effective and sufficiently certain remedy' and moreover the effectiveness of the use of domestic remedies was challenged (§217). In their decision, the Court only considered this argument with respect to Portugal, as the complaint to the other states were found to be inadmissible. The Court stated that there is a Constitutional recognition of the right to a healthy and ecologically balanced environment in Portugal, which is directly applicable and enforceable by the domestic courts. Moreover, despite there not being specific decisions concerning climate change in Portugal, the Court argued that environmental litigation is possible within the domestic legal system. Regarding the effectiveness of

domestic remedies, the Court argued that Portugal has mechanisms in place to assist those who lack means for legal representation and effective solutions for dealing with excessively long proceedings. Therefore, the Court stated that the applicants had not taken appropriate measures to enable national courts to fulfil their fundamental role in the Convention protection system, which is an important principle of subsidiarity in the Court. For these reasons, the Court declared the complaint against Portugal inadmissible due to non-exhaustion of domestic remedies, leading to the complete dismissal of the claim. As a result, the applicants' victim status and the alleged violations of articles 2, 3, 8 and 14 were not further addressed by the Court.

The Portuguese youth movement's legal journey highlights the complexities of addressing climate change. The Court's decision to declare the complaint inadmissible against all respondent states but Portugal, demonstrates the limitations of extraterritorial jurisdiction within the Convention's framework. In other words, while the impacts of climate change transcend national boundaries, the challenge of holding governments accountable across borders is complicated by legal frameworks primarily oriented toward domestic jurisdiction. This case brings attention to the need for improved international cooperation and legal frameworks to tackle the transnational nature of environmental challenges and provide effective remedies for those affected.

5.2.2 Communication Analysis of Duarte Agostinho and Others

Analysing the communication strategy of the Portuguese youth movement requires an in-depth exploration of their online presence, particularly their website and social media channels. Ideally, a direct interview with one of the six applicants would have provided invaluable insights. However, upon contacting the Global Legal Action Network, the organisation backing the Portuguese youth in their legal action, it became evident that they are flooded with requests for interviews and information from the press and other stakeholders. Therefore, the application of the core framing task theory will be based on their website and social media channels (Instagram, and X).

Diagnostic framing involves defining the problem and identifying those responsible. The main concern raised by the six young Portuguese applicants is that 33 European governments - including Portugal - have insufficient climate policies, which

fall short of adequately addressing climate change. This issue is related to the direct effects of climate change that people have actually encountered, such as heat waves, wildfires, and deteriorating health. The concrete problem that the Portuguese youth address is the series of deadly wildfires in Portugal in 2017 close to where they live, which prompted them to take action to protect their futures (GLAN, 2024). The Portuguese youth have been greatly impacted by climate change, particularly as a result of an increase in extreme heat. For instance, they have had difficulty getting enough sleep, exercising, concentrating, and spending time outside during the recent heatwaves. Additionally, some of them have health issues like asthma, which are made worse by intense heat. The diagnostic framing that the Portuguese youth apply, underscores the immediate risks that climate change poses to their physical and mental well-being and draws attention to the inadequacy of current policies towards addressing these risks: ‘As Portuguese young people, we should not be the victims facing a future dominated by deadly weather extremes. Without urgent change, these issues are destined to get worse and worse, putting our lives and values at risk’ (Youth4ClimateJustice, 2023a). The intergenerational justice framework is essential here as it emphasizes the responsibility of the present generation to take actions that protect the rights and well-being of future generations. This framework asserts that current policies are failing not only today's youth but also future generations who will inherit the consequences of inaction. The Portuguese youth frequently refer to the importance of considering future generations on their social media accounts. As Claudia, one of the applicants, expresses, ‘We want to raise a family and we want to give opportunities to our children and our grandchildren to have a better future than what we are now watching that’s happening.’ This statement highlights how they aim for lasting change and improved prospects for the coming generations.

Prognostic framing involves proposing solutions and strategies to address the identified problems. To push for changes in the climate policy throughout Europe, the youth-Applicants are taking legal action. Specifically, they have filed a complaint with the Court. Their lawsuit, which was brought against thirty-two governments, aims to force these nations to enact urgent and significant cuts to their greenhouse gas emissions: ‘We want the European Court of Human Rights to force governments to adopt the urgent emissions cuts that are necessary to protect our futures’ (Youth4ClimateJustice, 2023b). The youth movement stress the necessity for these governments to cut back on emissions

both domestically and in relation to their exports. This includes lowering consumption emissions, cutting production and exports of fossil fuels, as well as forcing businesses domiciled within their territories to lower all emissions across their global supply chains. They argue that European governments are not taking the necessary steps to address these issues adequately. In addition to their legal efforts, the Portuguese youth aim to inspire broader societal action. As Sofia Oliveira, one of the applicants, stated, 'I hope we inspire others to join the climate movement and organisations pushing to end fossil fuels in their countries. We are stronger together' (Youth4ClimateJustice, 2024). This sentiment underscores the value of working together and the ability of grassroots movements to bring about meaningful change. The Portuguese youth seek legislation and policy changes within existing systems in their prognostic framing, however, their strategy of pursuing legal action against multiple governments without exhausting domestic courts, and instead seeking an exception from the Court, can also be interpreted as a pursuit of global justice. There are therefore two types of solutions identified by Wahlström et al. (2013) that are used in the Portuguese youth's strategy.

Motivational framing is about encouraging action and sustaining engagement. The Portuguese youth draw on their personal experiences and the urgent need for action to inspire others. For instance, one of the applicants named Catarina, shares her motivations: 'I worry about my future and the future of my family that I hope to have one day, knowing that Portugal stands to experience dramatically worse heat extremes during my lifetime' (Youth4ClimateJustice, 2021a). Similarly, Martim, another applicant, recalls the impact of the 2017 forest fires on his community: 'In 2017, forest fires in Portugal forced my school to close due to the significant amount of smoke in the air. I was shocked by the extent of the destruction caused by these fires so close to my home' (Youth4ClimateJustice, 2021b). These personal stories highlight the immediate and tangible impacts of climate change on their lives and underscore the urgency of their legal action. Their commitment to the cause and their collaboration with other youth activists and organizations like GLAN further demonstrate their determination to bring about change. The Portuguese youth understand the significance of combining the efforts of the young and old in the fight for climate justice, even if the Court ruled that their case was inadmissible. Following the Court's ruling on the KlimaSeniorinnen, Sofia, one of the petitioners, said that "their win is a win for us too and a win for everyone".

The six Portuguese youth applicants effectively use diagnostic, prognostic, and motivational framing to build a powerful and persuasive message. By highlighting the immediate and future threats of climate change, proposing concrete legal solutions, and sharing their personal motivations and experiences, they inspire action and engagement. Their strategic communication efforts, combined with their legal action, aim to hold European governments accountable and drive the urgent changes needed to protect their futures. The youth movement effectively address the key aspects identified by Vu et al. (2021) in their climate change messages: the impact of climate change on their mental and physical well-being, the legal action to address the impact, and finally the belief that individuals are capable of taking the necessary steps to make a difference. The integration of intergenerational justice into their framing efforts not only underscores the ethical imperative for immediate climate action but also strengthens their appeal to a wide audience by emphasizing the shared responsibility across generations. By invoking the principles of intergenerational equity, they highlight the moral duty to ensure that future generations have access to the same resources and opportunities enjoyed by previous ones, thereby advocating for a sustainable and just future for all.

5.3 Comparative Analysis

This comparative analysis examines the legal arguments, the communication strategies, and the role of strategic litigation in advancing human rights in the context of climate change, focusing on the KlimaSeniorinnen and Duarte Agostinho and Others.

When it comes to the legal strategy, both movements invoked Articles 2 and 8 of the Convention, highlighting the right to life and the right to respect for private and family life. The KlimaSeniorinnen further invoked Articles 6 and 13, emphasizing their right to a fair trial and an effective remedy, considering they brought their complaint to domestic courts first. This multi-faceted legal approach underscores the urgency and severity of the climate crisis, particularly for vulnerable groups such as older people. In contrast, the Portuguese youth's invoking Article 3 (prohibition of torture) adds a layer of severity by framing climate impacts as potentially causing significant suffering, thereby elevating the narrative to one of inhuman and degrading treatment. Moreover, the Portuguese youth invoked article 14, the prohibition of discrimination, as their generation will suffer longer

from the effects of climate change. Even though similar provisions of the Convention were invoked, there is a large difference in the outcome of the cases. In the end, only the case of KlimaSeniorinnen was deemed admissible. This is due to the KlimaSeniorinnen following a more conventional route targeting their home state after exhausting domestic remedies, while Duarte Agostinho and Others adopted an ambitious multi-state strategy that failed on jurisdictional grounds.

Communication strategies played a critical role in both movements, influencing public opinion and gaining support. KlimaSeniorinnen had financial and organizational support from Greenpeace, which enabled them to cover legal costs and gain more attention for their efforts. Their communication strategy combined legal action with public engagement, leveraging traditional media and a digital presence through a website and social media accounts. Despite their demographic's limited use of social media, their efforts resonated with younger generations, promoting intergenerational solidarity. They maintained engagement through regular newsletters and structured internal meetings. Conversely, Duarte Agostinho and Others used crowdfunding, supported by the Global Legal Action Network (GLAN), to finance their legal campaign. Their strategy heavily relied on social media to share personal stories and emphasize intergenerational justice, framing climate action as a moral imperative. By using diagnostic, prognostic, and motivational framing, they highlighted the immediate and future threats of climate change, effectively mobilizing public support.

There is a notable difference in the professionalism of both groups especially regarding the organisational structure and the approaches to filing complaints. The KlimaSeniorinnen have organized themselves by establishing an organisation, complete with statutes and a board of members. This structured approach is reflected in the clarity with which they can be contacted. In contrast, the six Portuguese youth applicants, some of them being siblings, connected with GLAN to bring their complaint to the ECtHR. The less formalized structure of the applicants is also evident from the less clear methods for contacting and engaging with them. This distinction highlights the potential benefits of having formal organisations in climate activism, particularly regarding transparency, communication, and legal recognition.

The KlimaSeniorinnen and Duarte Agostinho and Others illustrate contrasting approaches in their legal and communication strategies, which significantly impacted

their respective outcomes. The conventional legal strategy of the KlimaSeniorinnen involved exhausting domestic remedies and invoking Articles 2, 8, 6, and 13 of the Convention, which contributed to their case’s admissibility. In contrast, Duarte Agostinho and Others adopted a bold, multi-state approach, invoking Articles 2, 8, 3, and 14, which was ultimately deemed inadmissible due to jurisdictional issues. Communication strategies also differed: the KlimaSeniorinnen use traditional and digital media, supported by Greenpeace, to emphasize intergenerational solidarity, while the Portuguese youth group under the term ‘Youth 4 Climate Justice’ use social media and crowdfunding to mobilise support and to highlight intergenerational justice. A summary of the difference and similarities between the two movements can be found in the following table.

Table 1: Comparison of Duarte Agostinho and KlimaSeniorinnen

Aspects	Duarte Agostinho	KlimaSeniorinnen
Group characteristics	<ul style="list-style-type: none"> ▪ Six individuals ▪ From Portugal ▪ 8 – 21 years old ▪ Support of GLAN 	<ul style="list-style-type: none"> ▪ Association ▪ Four individuals ▪ From Switzerland ▪ All women ▪ > 64 years old ▪ Support of Greenpeace
	Both groups invoked human rights arguments to hold governments accountable for inadequate climate change mitigation measures	
Legal Framework	<ul style="list-style-type: none"> ▪ Article 2: Right to life ▪ Article 3: Prohibition of torture ▪ Article 8: Respect for private and family life ▪ Article 14: Prohibition of discrimination 	<ul style="list-style-type: none"> ▪ Article 2: Right to life ▪ Article 6: Right to a fair trial ▪ Article 8: Respect for private and family life ▪ Article 13: Right to an effective remedy
	Both cases were grounded on the provisions of the ECHR	

Court	<ul style="list-style-type: none"> ▪ Directly brought to the ECtHR 	<ul style="list-style-type: none"> ▪ Complaint to Swiss Federal Administrative Court and Federal Supreme Court ▪ After dismissal by domestic courts to ECtHR
	Both cases were heard by the Grand Chamber of the ECtHR	
Motivations	<ul style="list-style-type: none"> ▪ Future health risks ▪ Climate anxiety ▪ Impact on daily life: going to school, exercising, sleeping ▪ Focus on wildfires and extreme heat 	<ul style="list-style-type: none"> ▪ Specific vulnerability of older women ▪ Health risks ▪ Mortality rates ▪ Focus on heatwaves
	Both groups emphasize the unique vulnerabilities and impacts of climate change	
Communication Strategies	<ul style="list-style-type: none"> ▪ Social media (Twitter & Instagram) ▪ Crowdfunding ▪ Collaboration with GLAN 	<ul style="list-style-type: none"> ▪ Traditional media (website and Facebook) ▪ Public engagements ▪ Partnership with Greenpeace
	Both movements used diagnostic, prognostic, and motivational framing	
Challenges	<ul style="list-style-type: none"> ▪ Establishing extraterritorial jurisdiction ▪ Demonstrating transboundary effects of climate change 	<ul style="list-style-type: none"> ▪ Proving specific health impacts and mortality rates within domestic courts ▪ Demonstrating the failures of national policies
	Legal and procedural challenges in proving the direct impact of government policies on their human rights	
Court's decisions	<ul style="list-style-type: none"> ▪ Complaint found inadmissible 	<ul style="list-style-type: none"> ▪ Complaint found admissible for organisation ▪ Complaint found inadmissible for individual applicants

6. Synthesis and Implications

The thesis explores the various approaches of different demographic groups in climate litigation and activism, focusing on two cases: the Portuguese youth and the KlimaSeniorinnen movement. By closely examining the methods and reasons behind the actions of young activists and a group of older women aiming to make governments responsible for insufficient climate action, this research seeks to identify which approach might be more effective. Both cases underscore the significance of intergenerational perspectives in climate activism, demonstrating that both younger and older generations can effectively use human rights arguments within the European legal framework.

The literature review, and consequently the comparative analysis shows the role of human rights in environmental protection, specifically how Articles 2 and 8 of the Convention are invoked to argue for the right to life and the respect for private and family life. This reinforces the understanding that environmental degradation directly impacts fundamental human rights, making it an important avenue for legal and activist interventions. Furthermore, the communication strategies used by both movements are studied using the core framing task theory, which helps in understanding how these groups frame their messages to mobilize support, propose solutions, and call for action. The use of diagnostic, prognostic and motivational framing provide a comprehensive view of how climate activism can effectively engage the public and influence policymakers.

The Court's decision to find the complaint of the association of the KlimaSeniorinnen admissible, while not for the Portuguese youth movement and the individual applicants of the KlimaSeniorinnen, could have implications for upcoming legislation and climate activism. The admissibility of the association could encourage similar associations representing broader societal interests to file complaints and seek legal recourse, especially in the context of vulnerable populations affected by climate change. However, the inadmissibility of the Duarte Agostinho case on the grounds of extraterritorial jurisdiction and non-exhaustion of domestic remedies highlights the challenges faced by climate litigation that crosses national borders or bypasses local legal systems. This decision may lead to activists ensuring that all domestic avenues are thoroughly explored before taking their claims to international tribunals. Moreover, it

emphasises the necessity of stronger legal structures to deal with climate challenges which impacts cross national borders. Both of these rulings might inspire more people to get involved in climate advocacy as they highlight the potentials and limitations of using the legal system to achieve climate justice. The mixed outcomes might motivate activists to focus on building strong domestic cases while also preparing for international legal challenges. Successful litigation by groups like the KlimaSeniorinnen could lead to a surge in climate-related lawsuits aimed at urging governments and corporations to adhere to stricter environmental standards, thereby promoting a culture of accountability and sustainability. Beyond the legal and activist realms, these decisions could influence other domains such as corporate governance, investment strategies, and public awareness. Companies and governments might face increased pressure to adopt greener practices to avoid litigation risks, while investors could prioritize sustainability to align with emerging legal standards and societal expectations. Moreover, public awareness of climate action movements could lead to greater demand for climate-friendly products and services, driving market shifts towards sustainability.

A significant limitation of this research was the inability to conduct an interview with a representative of the Portuguese youth movement. This made it challenging to compare the intrinsic motivations and internal strategies of this group with those of the KlimaSeniorinnen, whose insights were complemented by direct interview data. Another limitation, related to the lack of sufficient interview data, is the potential bias in the selection of primary documents, such as social media posts and press releases, which might not fully represent the extent of the movements' communication strategies. Additionally, the focus on legal documents and public communications might overlook informal and behind-the-scenes efforts that are critical to understanding the complete picture of these movements' strategies and impacts. The scope of the thesis was also limited to two specific cases within the European context, which might not be generalizable to climate action movements in other regions with different legal frameworks and sociopolitical landscapes. Further research could benefit from a broader comparative analysis involving multiple cases from diverse geographical and cultural contexts.

Based on the analysis of the KlimaSeniorinnen and the Portuguese youth cases, several recommendations can be drawn to develop a convincing strategy for climate

action movements. Both movements use human rights arguments to strengthen their legal cases. The first recommendation would therefore be that future climate action movements continue to frame their demands within the contexts of human rights, by emphasizing how climate change infringes on fundamental rights such as life, health, and family life. Next, movements should effectively use diagnostic, prognostic, and motivational framing to enhance public engagement and support for their cause. Movements should clearly articulate the problem, propose solutions, and motivate their audience to participate actively in climate action. Social media can be a powerful tool to spread these messages. Thirdly, movements should consider pursuing strategic litigation as it is a powerful means to hold governments accountable and achieve systemic change. Climate action movements should consider litigation as part of a broader strategy that includes public campaigning and grassroots activism. Successful legal precedents can serve as effective tools for advocacy and policy change. Another recommendation is to strengthen intergenerational collaboration, which involves combining the voices and experiences of both young and older activists. This can create a more compelling and inclusive narrative, highlighting the universal impact of climate change and the collective responsibility to address it. Finally, movement should engage with policymakers and institutions in order to translate activist demands into concrete policy measures. These recommendations, which build upon the strategies of previous movements, could enhance the effectiveness of climate justice advocacy and drive meaningful change.

7. Conclusion

This thesis explores the difference in dynamics between the Portuguese youth and the KlimaSeniorinnen movement in order to answer the following research question: what are the differences in the communication and legal strategies of climate action movements led by young people in Portugal versus older women in Switzerland?

One of the key takeaways from this thesis is the important role of human rights arguments in climate litigation. By invoking Articles 2 and 8 of the Convention, both the young Portuguese activists and the Swiss women show how climate change poses a direct threat to fundamental human rights. The different outcomes of these cases further emphasize the importance of strategic legal planning. The admissibility of the KlimaSeniorinnen association's complaint against the inadmissibility of the Duarte Agostinho case due to non-exhaustion of domestic remedies and extraterritorial jurisdiction issues, shows the procedural complexities of the legal framework that climate activists must navigate. This difference in outcomes suggests that future climate litigations should ensure that domestic legal avenues are explored before bringing a case to a higher court. Moreover, they should carefully consider the jurisdictional challenges in order to improve the likelihood of success. The study additionally illustrates the power of effective communication strategies in mobilizing support and influencing policymakers. Both movements use diagnostic, prognostic, and motivational framing to express their cause, propose solutions, and inspire action. This approach did not only raise awareness but also pressured governments to address climate issues. Furthermore, the thesis underscores the importance of having intergenerational collaboration in climate activism, considering the universal impact of climate change. However, limitations like lack of direct interviews and potential biases show areas for improvement. Expanding the scope to include more diverse case studies across different regions could provide a more comprehensive understanding of global climate activism strategies. In conclusion, this thesis contributes to the growing body of knowledge on climate litigation and activism, offering valuable insights and practical recommendations for future action. As the climate crisis worsens, the insights from these case studies could help develop practical and inclusive strategies to fight environmental degradation and protect human rights.

List of Acronyms

ASEAN	Association of Southeast Asian Nations
DETEC	Federal Department of Environment, Transport, Energy and Communication in Switzerland
ECHR/the Convention	European Convention of Human Rights
ECtHR/the Court	European Court of Human Rights
EU	European Union
FOEN	Federal Office of Environment in Switzerland
FSC	Federal Supreme Court in Switzerland
IISD	International Institute for Sustainable Development
IPCC	Intergovernmental Panel on Climate Change
NDC	Nationally Determined Contributions
OHCHR	Office of the United Nations High Commissioner for Human Rights
SFOE	Federal Office of Energy in Switzerland
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
WHO	World Health Organization

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References

- Alogna, I., & Clifford, E. (2020). Climate change litigation: Comparative and international perspectives. *British Institute of International and Comparative Law*, 9, 1-21. <https://doi.org/10.13140/RG.2.2.11791.00160>
- Applicants' Submission to the Grand Chamber. (2022). *Duarte Agostinho and Others v. Portugal and Others*, European Court of Human Rights, Grand Chamber, paragraphs 80-93.
- Australian Human Rights Commission. (n.d.). What are human rights? Retrieved from <https://humanrights.gov.au/about/what-are-human-rights>
- Azar, C., & Holmberg, J. (1995). Defining the generational environmental debt. *Ecological Economics*, 14(1), 7–19. [https://doi.org/10.1016/0921-8009\(95\)00007-V](https://doi.org/10.1016/0921-8009(95)00007-V)
- BAFU. (2019). *Hitze und Trockenheit im Sommer 2018: Auswirkungen auf Mensch und Umwelt* (Umwelt-Zustand Nr. 1909). Bundesamt für Umwelt.
- Bähr, C. & Looser, M. (2020). [Application from the KlimaSeniorinnen to the European Court of Human Rights]. Retrieved from https://climatecasechart.com/wp-content/uploads/non-us-case-documents/2020/20201126_Application-no.-5360020_application.pdf
- Brundtland, G.H. and Khalid, M. (1987) World Commission on Environment and Development: Our Common Future. Oxford University Press, New York.
- Bullard, R. D., & Johnson, G. S. (2000). Environmentalism and public policy: Environmental justice: Grassroots activism and its impact on public policy decision making. *Journal of Social Issues*, 56(3), 555-578. <https://doi.org/10.1111/0022-4537.00184>
- Clarke, M., Hussain, T., Langen, M., & Rosin, P. (2018). Climate change litigation: A new class of action. <https://www.actu-environnement.com/media/pdf/news-33084-leadership.pdf>
- Council of Europe. (1950). European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, ETS 5. <https://www.refworld.org/legal/agreements/coe/1950/en/18688>

Council of Europe. (2024). The Convention in 1950.

<https://www.coe.int/en/web/human-rights-convention/the-convention-in-1950>

Council of Europe/European Court of Human Rights. (2023). *Practical guide on admissibility criteria*.

https://www.echr.coe.int/documents/d/echr/admissibility_guide_eng

de Moor, J., De Vydt, M., Uba, K., & Wahlström, M. (2020). New kids on the block: taking stock of the recent cycle of climate activism. *Social Movement Studies*, 20(5), 619–625. <https://doi.org/10.1080/14742837.2020.1836617>

Duarte Agostinho and Others v. Portugal and 32 Others, 2024, ECtHR 39371/20.

<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-233261%22%7D>

European Court of Human Rights. (2024). Rules of Court. Rule 72.

https://www.echr.coe.int/documents/d/echr/rules_court_eng#headerscroll115

European Parliament. (2018). The Universal Declaration of Human Rights and its relevance for the European Union.

[https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/628295/EPRS_AT_A\(2018\)628295_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/628295/EPRS_AT_A(2018)628295_EN.pdf)

Gardiner, S. M. (2014). The pure intergenerational problem. *The Monist*, 86(3), 481-500. <https://doi.org/10.5840/monist200386328>

GLAN. (2024). FAQ, Youth for Climate Justice. <https://youth4climatejustice.org/faq/>

Grant, C., & Osanloo, A. (2014). Understanding, selecting, and integrating a theoretical framework in dissertation research: Creating the blueprint for your “house”. *Administrative issues journal*, 4(2), 4.

Greenpeace. (2018). Holding your Government Accountable for Climate Change.

https://www.greenpeace.org/static/planet4-international-stateless/2018/12/4fdd4d8a-peoples_guide_fnl_2.pdf

Hart, P. S., & Feldman, L. (2014). Threat without efficacy? Climate change on US network news. *Science Communication*, 36(3), 325-351.

<https://doi.org/10.1177/1075547013520239>

IISD. (2021). UN body adopts universal right to healthy environment.

<https://sdg.iisd.org/news/un-body-adopts-universal-right-to-healthy-environment/>

- IISD. (2022). UNGA recognizes human right to clean, healthy, and sustainable environment. <https://sdg.iisd.org/news/unga-recognizes-human-right-to-clean-healthy-and-sustainable-environment/>
- IPCC. (2014). *Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects*. Working Group II Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. https://www.ipcc.ch/site/assets/uploads/2018/02/WGIIAR5-PartA_FINAL.pdf
- IPCC. (2022). *Climate change 2022: Mitigation of climate change*. Working Group III contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change. https://www.ipcc.ch/report/ar6/wg3/downloads/report/IPCC_AR6_WGIII_FullReport.pdf
- IPCC. (2023). *Climate Change 2023: Synthesis Report*. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change. https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_FullVolume.pdf
- Keller, H., & Heri, C. (2022). The Future is Now: Climate Cases Before the ECtHR. *Nordic Journal of Human Rights*, 40(1), 153–174. <https://doi.org/10.1080/18918131.2022.2064074>
- KlimaSeniorinnen Schweiz. (2024). Klimaklage. <https://www.klimaseniorinnen.ch>
- Knox, J. H., & Morgera, E. (2022). Human rights and the environment – The interdependence of human rights and a healthy environment in the context of national legislation on natural resources. *FAO Legal Papers No. 109*. Rome, FAO. <https://doi.org/10.4060/cb9664en>
- Markell, D., & Ruhl, J. B. (2012). An empirical assessment of climate change in the courts: A new jurisprudence or business as usual. *Florida Law Review*, 64, 15. <https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1013&context=flr>
- Meyer, L. H. (Ed.). (2017). *Intergenerational justice*. Routledge.
- Nickel, J & Etinson, A. (2024). Human rights. *The Stanford Encyclopedia of Philosophy*. <https://plato.stanford.edu/entries/rights-human/>

- Niska, T. (2020). Climate change litigation and the European Court of Human Rights - A strategic next step? *The Journal of World Energy Law & Business*, 13(4), 331-342. <https://doi.org/10.1093/jwelb/jwaa028>
- Nussbaum, M. C. (1997). Capabilities and human rights. *Fordham Law Review*, 66(2), 273. <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=3391&context=flr>
- O'Brien, K., Selboe, E., & Hayward, B. M. (2018). Exploring youth activism on climate change: dutiful, disruptive, and dangerous dissent. *Ecology and Society*, 23(3). <https://www.jstor.org/stable/26799169>
- OHCHR, UNEP, UNDP. (2023). What is the right to a healthy environment? Information note. <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>
- OHCHR. (2024). What are human rights? <https://www.ohchr.org/en/what-are-human-rights>
- Organization of African Unity. (1981). African Charter on Human and People's Rights. https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf
- Peel, J., & Osofsky, H. M. (2018). A Rights Turn in Climate Change Litigation? *Transnational Environmental Law*, 7(1), 37–67. <https://doi.org/10.1017/S2047102517000292>
- Rodríguez, L. L., & Casalin, D. (2024). Chapter 9: Regional protection of human rights and the environment. In *Handbook of regional cooperation and integration* (pp. 197-222). Edward Elgar Publishing. <https://doi.org/10.4337/9781800373747.00017>
- Sabin Center for Climate Change Law. (2024). Climate Litigation Database. <https://climatecasechart.com/>
- Schlosberg, D., & Collins, L. B. (2014). From environmental to climate justice: climate change and the discourse of environmental justice. *Wiley Interdisciplinary Reviews: Climate Change*, 5(3), 359-374. <https://doi.org/10.1002/wcc.275>
- Setzer, J., & Higham, C. (2023). Global trends in climate change litigation: 2023 snapshot. London: Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy, London

School of Economics and Political Science.

https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2023/06/Global_trends_in_climate_change_litigation_2023_sna_pshot.pdf

Shelton, D. (2006). Human rights and the environment: What specific environmental rights have been recognized. *Denver Journal of International Law & Policy*, 35, 129.

<https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1306&context=djilp>

Snow, A., & Bedford, R. (1988). Ideology, frame resonance, and participant mobilization. *International Social Movement Research*, 1(1), 197-217.

<https://ssc.wisc.edu/~oliver/SOC924/Articles/SnowBenfordIdeologyframeresonanceandparticipantmobilization.pdf>

Summers, J. K., & Smith, L. M. (2014). The role of social and intergenerational equity in making changes in human well-being sustainable. *Ambio*, 43, 718-728.

<https://doi.org/10.1007/s13280-013-0483-6>

UNECE. (1998). Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

<https://unece.org/DAM/env/pp/documents/cep43e.pdf>

UNEP & Sabin Center for Climate Change Law. (2023). Global Climate Litigation Report: 2023 Status Review. <https://doi.org/10.59117/20.500.11822/43008>

United Nations. (1973). *Stockholm Declaration of the United Nations Conference on the Human Environment*. <https://digitallibrary.un.org/record/523249?ln=en&v=pdf>

United Nations. (1992). United Nations Framework Convention on Climate Change.

<https://unfccc.int/resource/docs/convkp/conveng.pdf>

United Nations. (2015). The Paris Agreement.

https://unfccc.int/sites/default/files/english_paris_agreement.pdf

Urgenda. (2024). The Urgenda Climate Case Against the Dutch Government.

<https://www.urgenda.nl/en/themas/climate-case/>

Verein KlimaSeniorinnen Schweiz and Others v. Switzerland, 2024, ECtHR 53600/20.

<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-233206%22%7D>

Vu, H. T., Blomberg, M., Seo, H., Liu, Y., Shayesteh, F., & Do, H. V. (2021). Social media and environmental activism: Framing climate change on Facebook by

- global NGOs. *Science communication*, 43(1), 91-115.
<https://doi.org/10.1177/1075547020971644>
- Wahlström, M., Wennerhag, M., & Rootes, C. (2013). Framing “the climate issue”: Patterns of participation and prognostic frames among climate summit protesters. *Global Environmental Politics*, 13(4), 101-122.
https://doi.org/10.1162/GLEP_a_00200
- Weiss, E. (2008). Climate Change, Intergenerational Equity, and International Law. *Georgetown Law Faculty Publications and Other Works*. 1625.
<https://scholarship.law.georgetown.edu/facpub/1625>
- WHO. (2023). Climate Change. <https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health>
- Youth for Climate Justice. (2020). *Application to the European Court of Human Rights*. Retrieved from <https://youth4climatejustice.org/wp-content/uploads/2020/12/Application-form-annex.pdf>
- Youth4ClimateJustice. [@youth4climatejustice_]. (2021a). Hi, I'm Catarina, I'm 20 years old and I live in a small town in the Leiria district of Portugal. Retrieved from <https://www.instagram.com/p/CR3Giq6LCEQ/>
- Youth4ClimateJustice. [@youth4climatejustice_]. (2021b). Hi, I'm Martim and I'm 18yo. Retrieved from <https://www.instagram.com/p/CR3GhXjLwnb/>
- Youth4ClimateJustice. [@youth4climatejustice_]. (2023a). 2023 is the year of climate litigation. Retrieved from <https://www.instagram.com/p/CsEJAbUMI0o/>
- Youth4ClimateJustice. [@youth4climatejustice_]. (2023b). The six of us (Catarina, Cláudia, Martim, Mariana, Sofia and André) do not have long to finally have our voices heard in front of an international court on September 27. Retrieved from <https://www.instagram.com/p/CwArBAKM-TG/>
- Youth4ClimateJustice. [@youth4climatejustice_]. (2024). “We are stronger together,” says our own Sofia and we all support this message. Retrieved from <https://www.instagram.com/p/C7UHQ-CMyO6/>

Annex: Questions for Representatives of KlimaSeniorinnen

Can you describe the key communication strategies used by KlimaSeniorinnen in promoting climate action and advocating for their case before the ECHR?

- Does KlimaSeniorinnen use social media platforms or traditional media?
- Who is the target audience?
- Have you observed any particular platforms or methods that resonate more with their target audience?

How do you perceive the influence of generational dynamics within KlimaSeniorinnen?

- How does it shape your communication approach and strategies?
- Can you provide examples of how the movement tailors its communication strategies to bridge generational gaps and gain support from diverse age groups?

What legal arguments are central to the KlimaSeniorinnen case against Switzerland at the Court, and how were these arguments formulated?

What motivated KlimaSeniorinnen to bring their case before the Court, and how do you believe this legal avenue contributes to your overall climate action goals?

- Were there specific incidents that led to the pursuit of legal action?

Can you elaborate on the role of legal advisors and advocates in assisting KlimaSeniorinnen, and how have they influenced the movement's legal strategies?

- Could you share specific instances where they played a pivotal role in shaping the legal strategy?