

Opponent's review of dissertation thesis

Dissertation title	The Human Rights Dimension of Climate Change
Author	Xin Li
Study programme	Theoretical legal sciences – Law and legal theory in European context
Scope of the dissertation:	The text of the dissertation, including footnotes, has 343.956 characters including spaces.
Date of submission:	3 April 2025
Date of manuscript closure	20 February 2025
Dissertation supervisor	JUDr. Karolina Žáková, Ph.D.

The assessed thesis on the topic "The Human Rights Dimension of Climate Change" meets the basic formal criterion of a dissertation, i.e. the minimum number of characters of the actual text of the thesis, which is stipulated by the Rules for the Organization of Studies at the Faculty of Law. The thesis consists of five chapters, an unnumbered introduction and conclusion, an English and Czech abstract, a list of abbreviations and a list of sources. It contains all the obligatory elements set out in Article 74(2) of the Rules for the Organisation of Studies at the Faculty of Law of Charles University. **From a formal perspective, it adheres to the criteria expected of a dissertation.**

1. Topicality (novelty) of the topic

I consider the topic of the thesis to be highly topical and appropriately chosen for the dissertation. The subject of climate change from a human rights perspective is developing rapidly and is of great significance. The subject has attracted significant attention in both theoretical and case law contexts on a global scale. The chosen topic is of social relevance, with practical implications that overlap.

2. The demand for theoretical knowledge, input and processing of data and methods used is considerable.

For the following reasons, I consider the chosen topic of the thesis to be very demanding. The topic requires extensive knowledge of international, regional (especially EU) and national law, including extensive case law. Concurrently, it is a cross-cutting topic for which, in addition to

the substantive context, knowledge of the complex of climate protection and human rights norms, in both cases mainly at the international and regional level, is essential. The subject matter also places considerable demands on theoretical knowledge. From a methodological perspective, the thesis predominantly employs the analytical-synthetic method, supplemented by the comparative method, which is mainly used in chapter 5.

3. Formal and systematic structure of the dissertation

The dissertation under review is structured into a total of five sub-divided chapters (the dissertation uses mainly three levels of subdivision). Following the introduction, which defines the aim of the dissertation and outlines the structure of the work, there are two chapters of a more general nature. The first of these places the topic in the broader context of climate change and its impacts, while the second places it in the framework of human rights protection, including its development, especially from an international perspective. The core of the thesis is contained in chapters three and four. Chapter Three focuses on the relationship between human rights protection and climate change, primarily from a theoretical perspective, examining the content of sources of international climate law from a human rights perspective. The fourth chapter is dedicated to an examination of climate litigation, encompassing both a general overview and a detailed analysis of select judgements. The thesis is concluded in Chapter Five, which provides a comparative analysis of the manner in which climate protection is reflected in the respective domestic legal frameworks of China and Germany. This is followed by the conclusion of the thesis.

The chosen structure of the thesis is considered to be logical, with the individual chapters being interrelated and allowing the topic of the thesis to be treated in a broader context. The broader framework selected for the treatment of the topic is, of course, a possibility, but in the thesis under review, it comes at the expense of a more profound analysis of the actual topic of the thesis, or its objective. It is evident that Chapters One and Two go beyond the subject in certain respects; similarly, Chapter Five devotes most of its space to the embedding of climate protection and only marginally to the approach of the selected states to the relationship between climate protection and human rights.

4. Comments to the dissertation

The manner in which the subject matter is approached is extensive in nature, thereby enabling a thorough examination of the interplay between climate change and the protection of human rights; nevertheless, this approach also results in a more superficial analysis of the central theme of the thesis, namely the relationship between climate change and the protection of human rights. Chapters 1 and 2 could have been considerably more concise. Chapter 5, which otherwise complements the thesis, could have focused much more on the issue of the relationship between climate change and human rights protection in China and Germany. Chapters three and four constitute the central focus of the thesis, addressing the fundamental issues of the subject matter. However, these chapters could have delved more profoundly into the substance of the problems and unanswered questions raised by the thesis. For instance, in the subchapter dedicated to the ECtHR judgment in *KlimaSeniorinnen v Switzerland*, the thesis fails to address the issue of the status of the victim and the related conditions of the active standing of associations, which the ECtHR defines in its judgment. In a similar vein, the thesis

could have devoted greater attention to the obligations of states that the court defines in relation to the protection of human rights from climate change. One of the reasons for the aforementioned weaknesses of the thesis is, in this author's opinion, the overly general objective of the thesis (*to illuminate the multifaceted character of climate change and its intricate interplay with human rights obligations across international and domestic legal spheres*), which is not specified by research questions.

The thesis cites a sufficient number of sources in the appropriate style. I have no comments on the thesis's language, although given its composition in English, I lack the expertise to evaluate it. Nevertheless, the language used is accessible and comprehensible. Overall, despite the above-mentioned shortcomings, the thesis meets the formal and content criteria set for a dissertation by the regulations of Charles University.

5. Criteria for evaluating the dissertation:

Meeting the objective	The objective of the thesis (<i>“to illuminate the multifaceted character of climate change and its intricate interplay with human rights obligations across international and domestic legal spheres”</i>), has been fulfilled.
Independence in the preparation of the topic, including the evaluation of the work in terms of plagiarism.	The control protocol (turnitin) reports an overall similarity rate of 17% agreement with individual sources is always less in two cases 2%, in the others less than 1%.
Logical structure of the thesis	The structure of the work is logical, with reservations about the overall broader concept of the work, which is also reflected in the chosen systematics. See above (point 3 of the opinion)
Work with sources (use of foreign language sources) including citations	The amount of sources used is above standard. Sources are properly cited, with direct quotations clearly indicated by italics and quotation marks.
Depth of analysis (in relation to the topic)	The thesis could have analysed the topic of the thesis in more depth; this shortcoming is related to the overly general and broad approach to the topic, and at the same time to the overly general aim of the thesis. Nevertheless, I consider the depth of the analysis to be sufficient for a doctoral thesis. I have no comments on the editing of the thesis, the thesis is standardly and clearly graphically prepared.

Editing of the thesis (text, graphs, tables)	I have no comments on the editing of the thesis, the thesis is standardly and clearly graphically prepared.
Linguistic and stylistic level	I have no comments on the language of the text, it is written in English and is very comprehensible.

6. Conclusion and questions to be answered during defence

The conclusion of the dissertation provides a functional basis for the defence. In the course of the defence, I request that PhD student Xin Li provide a concise commentary on the reasons that led him to a broader approach to the topic, and what he considers to be the advantages of this approach to the thesis. The following questions are to be responded to:

1. The ECtHR's delineation of victim status and conditions of standing for association in the KlimaSeniorinnen decision.
2. The reflection of climate change's impacts on the protection of human rights in China.

Recommendation/ non-recommendation for defence

Notwithstanding the aforementioned deficiencies, the dissertation of PhD student Xin Li is in compliance with the criteria stipulated in the Rules for the Organisation of Studies of the Faculty of Law at Charles University. **Therefore I recommend that the thesis be presented for defence before the relevant dissertation defence committee.**

Prague, 16 April 2025

doc. JUDr. Martina Franková, Ph.D.