

Verein KlimaSeniorinnen Schweiz and Others v. Switzerland – FAQ

Status as of March 2024

I. Why have you filed a lawsuit?

- 1 We have filed a lawsuit in the European Court of Human Rights (ECtHR) because Switzerland is pursuing an inadequate climate policy and is thus violating our human rights.
- 2 We older women are particularly affected by the effects of global warming. Climate change, with its increasing frequency and intensity of heat waves, is life-threatening to older people, especially women. We have personal experience of this, and it is confirmed by numerous studies as well as by figures from the Swiss federal government. We have a significantly increased risk of death and health problems during heat waves as compared to the population as a whole.
- 3 Through our lawsuit, we want the European Court of Human Rights (ECtHR) to require Switzerland to strengthen climate protection in such a way as to protect our life, family life and health. We have demanded that Switzerland design its climate policy in such a way that it is consistent with limiting global warming to 1.5 °C. We have specifically shown what is the required adaptation of Switzerland's climate targets and requested the court to order specific general measures to remedy these human rights violations (see para. 7). We want climate protection to be recognised as a human right.

II. Why are only women pursuing this case? Why is the health of women more affected?

- 4 The reason our group is made up exclusively of women is that elderly women are extremely vulnerable to the effects of heat. There is substantial evidence to show that we are at a significantly greater risk of dying or of becoming ill as a result of heat (see also [Observations](#), p. 3 ff.).
- 5 Accordingly, the harm and risks caused by climate change are sufficient to engage the State's positive obligations to protect women's right to life and well-being as guaranteed by Articles 2 and 8 of the Convention on Human Rights. By way of example, please see the most recent evidence in this regard in footnote¹.

¹ Federal Office for the Environment FOEN, [Heat and drought in summer 2018](#), Bern 2019 (p. 8 and p. 27 ff. Intergovernmental Panel on Climate Change IPCC, Sixth Assessment Report, Climate Change 2022: Impact, adaptation and vulnerability, in brief [AR6 WGII](#) (p. 9 [B.1.1], p. 15 [B.4.4], p. 51 [TS.B.5.3], p. 1044, p. 1051 ff., p. 1073)

VICEDO-CABRERA/SCOVRONICK/SERA ET AL., [The burden of heat-related mortality attributable to recent human-induced climate change](#), Nature Climate Change 11, 492–500 (2021) (p. 1 and Figure 4c) BAFU et al.,

6 There are several studies that have measured an even higher risk for older women than for older men (see also [Observations](#), p. 5-6). See footnote for the most recent supporting documents².

III. Why do you say that Switzerland is not doing enough in terms of climate protection? Isn't Switzerland already doing what is possible, isn't it very progressive on this issue anyway?

7 Swiss climate policy is clearly inadequate with regard to the target of keeping global warming below 1.5°C. If everyone acted as Switzerland is doing today, global warming of up to three degrees Celsius could occur by 2100. Keeping below 1.5 degrees is decisive to avert more serious threats to human rights. We have always explained this in detail in our legal briefs, most recently in the [Observations](#) on p. 10 ff. Below is a comparison in table format of what should be done by Switzerland to do its share to prevent a global temperature increase of more than 1.5 °C (green) and what Switzerland plans to do (orange); it should be noted that Switzerland has not yet set a legally binding climate target for the period up to 2030:

	Swiss climate policy compatible with preventing a global temperature increase of more than 1.5°C	Swiss climate policy (after the conclusion of parliamentary deliberations)
Reduction of domestic emissions on the territory of Switzerland by 2030	<ul style="list-style-type: none"> - Net negative with measures in Switzerland and abroad - Included therein: More than 60% with measures in Switzerland 	<ul style="list-style-type: none"> - Minus 50% with measures in Switzerland and abroad - The law does not specify a domestic share. The Federal Council would like to achieve a domestic reduction of 34%.
Reduction of domestic emissions on the territory of	Net zero with domestic measures	net zero ("where possible" with domestic measures) (Art. 3 of the Federal Act

[Management Summary](#): Climate Change in Switzerland, Indicators of driving forces, impact and response, Bern 2020 (p. 6 and 9)

² SAUCY ET AL., [The role of extreme temperatures in cause-specific acute cardiovascular mortality in Switzerland](#): A case-crossover study, Science of The Total Environment, Vol. 790, 10 October 2021
 Swiss Tropical and Public Health Institute, Project A.06, [Heat and health](#), Synthesis of 22 September 2022 (Table 1) of [Third-party intervention](#) of the University of Bern 2022 with reference to various studies, not yet published (p. 2-3).

Switzerland by 2050		on Climate Protection Goals, Innovation and Strengthening Energy Security [German acronym: KIG])
The avoidance and reduction of emissions occurring outside Switzerland but attributable to Switzerland (namely: consumption-related emissions and climate compatibility of financial flows)	<ul style="list-style-type: none"> - Avoidance and reduction of all foreign emissions attributable to Switzerland in line with the 1.5°C limit 	<ul style="list-style-type: none"> - No inclusion of consumption-related emissions planned - As of 2025, under Art. 9 KIG there will now be a target for the climate-friendly alignment of financial flows. Quantitative goals remain non-existent (in contrast to the buildings, transport and industry sectors)

In doing so, we rely in particular on the scientific basis set out in footnote³.

- 8 In addition, Switzerland’s climate policy is also falling far behind relative to *comparable* countries: The Parliament does not provide for a binding domestic target, and the Federal Council’s intention to reduce domestic emissions to 34% below 1990 levels by 2030,, is significantly lower than the targets set in the [EU](#) (55%), not to mention [Denmark](#) (70%), [Finland](#) (60% by 2030 and carbon neutral by 2035) and [Germany](#) (65%).
- 9 Moreover, Switzerland [misses](#) its own, inadequate targets.
- 10 In overall respects, Switzerland is in bad company. Taking all the promises made by countries around the world together, we are moving towards global warming of [2.4 degrees and probably more than 3 degrees](#), which is life-threatening for billions of humans and animals. In order to solve the problem and stabilise warming at a maximum of 1.5°C, each country must make its fair contribution to solving the problem and eliminating greenhouse gas emissions as quickly as possible.

³ RAJAMANI ET AL., [National “fair shares’ in reducing greenhouse gas emissions within the principled framework of international environmental law](#), Climate Policy 21:8, pp. 983-1004, 2021
Climate Action Tracker, Switzerland, Targets, [CAT rating of targets](#), 8 June 2022
Climate Analytics, [A 1.5°C compatible Switzerland](#), 15 June 2021
Climate Analytics, [1.5°C national pathway explorer](#), Ambition gap, 1.5°C compatible pathways

IV. Why is climate policy relevant to human rights? What is the role and remit of the European Court of Human Rights (ECtHR)?

- 11 Climate change is the single biggest threat to human rights today. For human rights experts and climate scientists, this is undisputed. Keeping global warming to below 1.5°C (the lower, the better) is crucial to limiting, as far as possible, the impacts on human rights now and in future.
- 12 Climate policy is relevant to the human rights protected by the European Convention on Human Rights (ECHR), because climate change poses a real and serious risk to our lives and our physical and mental health as a result of increasingly frequent and intense heat waves (cf. above at paras. 4-5). This risk has already partially materialised for the individual applicants and members of the Verein KlimaSeniorinnen.
- 13 Since there is a real and serious risk to our lives and to our physical and mental health, Switzerland has a duty to protect us. This duty of protection arises from our right to life (Art. 2 [ECHR](#))⁴ and our right to private and family life (Art. 8 [ECHR](#))⁵ (as, incidentally, also provided under Art 10 (1) of the Swiss [Federal Constitution](#)). In other words, it is Switzerland's obligation under ECHR law to actively protect our lives and our physical and mental health from the impacts of climate change.
- 14 This state duty of protection includes, in particular, the obligation to take the necessary legislative and administrative measures. In particular, we consider one such "necessary measure" to be the need for Switzerland to play its part in ensuring that global warming does not exceed 1.5°C. This is not currently the case (cf. above at para. 7 ff.).
- 15 It is the duty of the ECtHR to review the alleged violations of the ECHR (such as, in this case, in particular, Articles 2 and 8 ECHR).

V. Why is the case before the Grand Chamber?

- 16 In deciding to transfer our lawsuit to the Grand Chamber for consideration, the ECtHR accorded it the greatest possible consideration. The reason for this is that it considers the case to be of significant importance. There has not yet been a landmark ruling on a state's human rights obligations in connection with global warming or the climate disaster at the European Court of Human Rights.

⁴ Article 2(1) ECHR: "Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law."

⁵ Article 8 ECHR: "(1) Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

VI. A few weeks before the public hearing on 29 March 2023 before the Grand Chamber of the ECtHR, the Court sent the parties [further questions](#) by letter for oral response during the hearing. This is why the issue of the “fair share” was often referred to at the hearing. What does that mean?

- 17 A “fair share” means a fair contribution. In the context of climate change, this means that the burden of reducing greenhouse gas emissions is apportioned equitably across the globe. Such a fair apportionment or “fair share” is necessary in order to effectively ensure that global warming does not exceed 1.5 °C. In other words, this means that no country takes more of the remaining global CO₂ budget than it is actually entitled to, based on considerations such as a country’s historical responsibility for the climate crisis and current ability to respond to the problem.
- 18 During the entire course of the proceedings, Switzerland never made any concrete submissions regarding its “fair share”, nor did it mention a CO₂ budget. Rather, it emphasised that it bases its climate targets on what is needed on a global average according to the Intergovernmental Panel on Climate Change. The Court therefore explicitly asked whether and how Switzerland had calculated and taken into account any remaining CO₂ budget in setting its own climate targets. In addition, the Court asked how, in Switzerland’s view, its fair share towards complying with the global CO₂ budget should be calculated.
- 19 Switzerland was unable to provide specific figures on its CO₂ budget, as it had not calculated any such budget. When asked about its ideas of fairness in the apportionment of the globally needed emission reductions, Switzerland referred to a policy brief by Prof. Bretschger. KlimaSeniorinnen thereupon applied Switzerland’s own ideas of fairness in engaging renowned scientists to calculate the remaining CO₂ budget. Those scientists concluded that, if the planned climate strategy were to be continued, Switzerland’s remaining budget would be exhausted before 2030. This can only mean that Switzerland’s current climate strategy is leading to a massive overutilisation of its own budget, and thus of the remaining global budget, and is therefore anything but a “fair share”. See further information at [“KlimaSeniorinnen v. Switzerland: Where does Switzerland stand on Justice and Fairness?”](#) (in [French](#), in [English](#)).

VII. What would be the effect of a favourable judgment?

- 20 We have requested the Court ([Observations](#), p. 69) to find the following violations of human rights:
- a violation of Articles 2 (right to life) and 8 ECHR (right to private and family life) and
 - a violation of Article 6 and Article 13 ECHR (namely: a violation of the right of access to a court due to arbitrary application of the standing rules by the Swiss courts).

- 21 In addition, we have requested that specific general measures be ordered to remedy these human rights violations ([Observations](#), p. 70 and para. 7). We have specifically requested that the court
- direct Switzerland to enact the necessary legislation to contribute to preventing a global temperature increase of more than 1.5 degrees above pre-industrial levels;
 - specify what is meant by “Switzerland’s contribution to preventing a global temperature increase of more than 1.5 degrees”, namely:
 - 1) a level of greenhouse gas emissions in 2030 that is net negative relative to 1990. To be achieved by
 - o reducing domestic emissions by more than 60% by 2030 compared to 1990 and to net-zero by 2050, as well as by
 - o financing emissions reductions abroad.
 - 2) preventing and reducing any emissions occurring abroad that are attributable to Switzerland (namely consumption-based emissions and emissions related to financial flows), in line with the 1.5°C limit it.
- 22 The concrete effect of a judgment in our favour depends on which of our requests the ECtHR upholds and also on the specific reasoning of the judgment.
- 23 If the ECtHR were to find only a violation of Art. 6 and/or Art. 13 ECHR, the case would, after a request for revision, go to the Federal Supreme Court (Art. 122 [FSCA](#)) and, at the behest of the Federal Supreme Court, ultimately be referred back to the Federal Department of the Environment, Transport, Energy and Communications DETEC. DETEC would then have to consider the [Request to stop omissions in climate protection pursuant to Art.25a APA and Art.6 para. 1 and 13 ECHR](#) filed in November 2016 and adjudicate it on the merits for the first time, i.e. examine the merits of our requests. We would update the requests we submitted in 2016.
- 24 If the ECtHR were to find a violation of Article 2 (right to life) and/or Article 8 ECtHR (right to private and family life), the Federal Council and Parliament would have to remedy the human rights violation. The ECtHR may issue specific instructions in this regard, which we have requested (see above, para. 20). If the Court rules in favour of our requests, Switzerland will have to revise its CO2 legislation and set the necessary climate targets in order to remedy the violation of human rights.
- 25 The judgment of the ECtHR is binding. Switzerland is *obliged* to comply with the rulings of the ECtHR, and the ECtHR [Committee of Ministers](#) monitors the implementation of its rulings (Art. 46 ECHR⁶). It does so on the basis of information provided by relevant national authorities, non-governmental organisations and other actors.

⁶ Art. 46 ECHR: “(1) The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties. (2) The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution.

- 26 The fact that national laws are (must be) amended as a result of decisions of the ECtHR is regularly the case and is nothing unusual. This is not changed by the fact that Switzerland does not have a system of constitutional courts or that it has established instruments such as initiatives and referenda: Switzerland has ratified the ECHR and must accordingly comply with the ECHR and the decisions of the ECtHR. National laws that are contrary to the ECHR must be amended. This has already been done in Switzerland on several occasions. For country-specific and thematic examples of the implementation of the ECtHR's decisions, please refer to the [Presentation by the Council of Europe on the impact of the ECHR](#).
- 27 A favourable judgment would also set a precedent for all 46 member states of the Council of Europe. In other words, domestic courts would be able to apply the precedent set by the ECtHR and if they did not, lawsuits against all these states could be based on this decision; and it would be expected that the court would again apply the principles developed in the case of KlimaSeniorinnen in other cases as well. Numerous cases are already pending before the ECtHR, which could benefit from such a precedent in the near future (cf. para. 24 below).

VIII. What are the specific consequences if the ECtHR recognises climate protection as a human right?

- 28 If the ECtHR recognises climate protection as a human right, this would be a legal first for the Court. For the first time, a transnational court explicitly specialising in human rights would be directly upholding a human rights-based right to climate protection. If the Court recognises the need to keep warming to no more than 1.5°C, other countries (particularly those of the Council of Europe), relevant government institutions and also companies could potentially be judged on the basis of that minimum limit.
- 29 It is difficult to say what actions within Switzerland such a ruling will trigger, and this will depend largely on the decision of the ECtHR, namely what violations of the Convention are found and the grounds for the decision. It is clear that the Federal Council and the Federal Administration will have to react. In the event that a violation of Articles 6 and 13 ECHR is found, they will now have to assess the substance of the 2016 application submitted by KlimaSeniorinnen and, if necessary, initiate preliminary legislative proceedings. In the event that a violation of Articles 2 and 8 ECHR is found, both the Federal Council and Parliament will have to take action to remedy the violation. It may be necessary for Switzerland to commission expert reports to determine its fair share and to find solutions for complying with this fair share obligation. Based on any such expert opinion – or directly based on any specific measures ordered by the ECtHR – it will ultimately be necessary to initiate a legislative process to strengthen the climate targets.
- 30 It is also possible that there will be a series of follow-up actions to further strengthen the protection of human rights. For example, claims for damages could follow, or relevant institutions could be sued to adapt their business practices to take account of the measures necessary for climate protection.

IX. If the Court recognises climate protection as a human right, would the European Convention on Human Rights have to be adapted?

31 No. In this case, the Court will be applying existing Convention rights in the context of climate change, just as it did in the context of, for example, earthquakes, mudslides or floods. Only if the Court takes the view that climate protection does not fall within the scope of existing Convention rights (and thus dismisses the appeal under Articles 2 and 8 ECHR) would the Convention or the Protocols have to be adapted for a new “human right to climate protection”.

X. The ECtHR is treating the case of KlimaSeniorinnen as a priority and has held a public hearing. Has this already resolved the question of the admissibility of the application by KlimaSeniorinnen and the four individual applicants?

32 No, the Court will resolve that issue in its ruling. In doing so, it will draw a distinction between the individual applicants and the Verein (Association), as well as between the asserted convention violations (Articles 6 & 13 ECHR and Articles 2 & 8 ECHR) and the individual factual claims. It may well be that the Verein's application is deemed inadmissible with regard to Articles 2 & 8 ECHR, but that of the individual applicants is deemed admissible. In respect of Articles 6 & 13 ECHR, a separate assessment will be carried out, whilst it is to be expected that the assessment of admissibility will be the same for the Verein and the individual applicants.

XI. If so, will this mean, in *de facto* terms, that the four individual applicants and the Verein are recognised as victims of a human rights violation?

33 By its ruling, the court will resolve the question of whether the individual applicants and the Verein are victims of a human rights violation or not. If the application of the Verein were rejected, that would mean that NGOs and associations do not have a human right to more climate protection because they are “only” legal entities, even though they constitute groupings of particularly vulnerable persons. However, we would celebrate a win by a single applicant as a win overall, as it would benefit all older women, including KlimaSeniorinnen.

XII. If the Court rules that the Verein is not admissible as an applicant, but the individual applicants are, why would the KlimaSeniorinnen speak of having won?

34 The Verein KlimaSeniorinnen Schweiz currently represents more than 2,500 women aged 64 and older. The four individual applicants are, like the members of KlimaSeniorinnen, part of the group of older women specifically affected by the consequences of climate change. A positive judgment by the ECtHR in favour of the individual applicants is thus a positive judgment for all older women.

35 The work of the Verein KlimaSeniorinnen Schweiz over the past eight years has been central to raising awareness in Switzerland and around the world that climate change is the greatest threat to human rights. Through their great commitment, KlimaSeniorinnen have brought the issue to the attention of the Swiss population and politicians. The

Verein also intends to continue its efforts to ensure that the political sectors in Switzerland and throughout Europe strengthen climate protection for the protection of human rights.

- 36 In climate cases, individuals may experience structural vulnerabilities that prevented them from bringing personal complaint and effective protection of an individual's long-term interest in living in a safe environment may thus depend on associations being able to bring complaints to protect against irreversible climate harm while there is still time to prevent it. Furthermore, associations have also been identified as those who hone in on the long-term structural climate harm that might otherwise escape the Court as well as the public's attention.

XIII. If, in the event of a positive ruling, the Court requires Switzerland to implement greater climate protection, what exactly does Switzerland need to improve?

- 37 The ECtHR cannot intervene directly in Swiss legislation. However, it can hold that Switzerland's inadequate climate policy is violating the human rights of older women. The Court may then leave it to Switzerland to remedy the violation as it thinks best. Alternatively, the Court may indicate what climate policy it considers sufficient in terms of protecting human rights and may order specific measures.

- 38 We have made our demands regarding climate protection in Switzerland known to the ECtHR. These relate solely to the climate targets, but not to specific measures to achieve these targets; as a basic principle, these are a matter for policy-makers (see also para. 7): Switzerland must reduce its greenhouse gas emissions by at least 60 percent by 2030 – and this means within Switzerland. In addition, as an industrialised country, Switzerland is obliged to support other countries in reducing greenhouse gas emissions.

XIV. If the Court recognises that Switzerland has violated the Applicants' human rights through its inadequate climate policy (Articles 2 and 8 ECHR), then it must adapt its climate policy to the requirements of the ECHR. The Federal Council will therefore have to revise the law. To what extent can Parliament oppose the implementation of such a decision?

- 39 The ECHR is part of the Swiss legal system and thus part of our basic democratic order. Switzerland has ratified the ECHR and is thus obliged to comply with the ECHR and the decisions of the ECtHR. The Federal Council and Parliament must therefore ensure that climate legislation is adapted accordingly. The judgement of the ECtHR is binding, and the [Committee of Ministers](#) monitors the execution of its judgments (Article 46 ECHR⁷).

- 40 But in *de facto* terms, Parliament can pass unconstitutional laws, or referendums can be held. To question the legitimacy of the ECtHR because of an ECtHR judgment that

⁷ Article 46 ECHR: "1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties. (2) The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution."

may not fit one's own worldview would be highly problematic from the perspective of democratic policy principles. Human rights are not left or right, but universal. We expect that politicians of all stripes adhere to the ruling.

XV. Is it the duty of Ignazio Cassis (representative of Switzerland in the Committee of Ministers (consisting of the foreign ministers of the 46 member states of the Council of Europe)) to remind Switzerland of Article 46 of the Convention: Binding force and execution of judgments?

41 It is the responsibility of the respective chair of the Committee of Ministers to conduct its business. Lichtenstein will hold the chair until May 2024. This will be followed by Lithuania.

XVI. If the Court refers the KlimaSeniorinnen's application back to the Swiss courts, to what court will the case be referred?

42 The Court only finds violations or orders specific measures. But it does not refer cases back to other courts. In the event of a violation of Articles 6 and 13 ECHR, the senior women may submit an appeal on points of law [*Revision*] to the Federal Supreme Court (see also para. 23). Subsequently, the Federal Supreme Court would refer the case back to the Federal Department of the Environment, Transport, Energy and Communications (DETEC) for consideration on the merits. DETEC would then have to adjudicate the complaint.

XVII. What would happen if you lose?

43 We do not believe that a lawsuit is ever lost. As acknowledged by [UNEP in their Global Climate Litigation Report: 2023 Status Review](#)⁸ lawsuits are "a key tool in delivering climate justice" and "challenging government and corporate inaction on the climate breakdown have become an important driver of change" and "even unsuccessful litigation can shape narratives around climate action, encouraging decision-makers to change their approach."

44 The concrete effect of a negative judgment depends on which of our requests the ECtHR rejects and also on the specific reasoning of the judgment.

45 In the worst case scenario, a negative decision could legitimise the inadequate climate policy in Switzerland as well as in the other Council of Europe states.

XVIII. Can the Court, in its ruling, actually walk back the jurisprudence of European domestic courts?

46 If the Court were to reject the KlimaSeniorinnen's claim, it could call into question the judgment of the Dutch Supreme Court in the Urgenda case and the judgments of the apex courts in Belgium, Germany and France. These courts have all held that States are obliged to do their share to prevent climate change in order to protect human rights.

⁸ United Nations Environment Programme (2023). Global Climate Litigation Report: 2023 Status Review. Nairobi.

However, these decisions were based not only on the ECHR, but also on the domestic law of each country, so it would remain to be seen how the national courts would consider the guidance of the ECtHR.

XIX. Are you the only ones who have filed a climate case with the ECtHR?

- 47 Several “climate lawsuits” have been filed with the ECtHR. In addition to the KlimaSeniorinnen case (submitted in 2020) there are [currently numerous other cases pending](#):
- [Duarte Agostinho and Others v. Portugal and 32 Other States](#) (filed in 2020, inter alia also against Switzerland, also pending before the Grand Chamber, hearing on 27 September 2023)
 - [Carême v. France](#) (filed in 2021, also pending before the Grand Chamber, public hearing on the afternoon of 29 March 2023)
 - [Greenpeace Nordic and Others v. Norway](#) (filed in 2021, decision postponed until Grand Chamber has decided on our climate case, among others)
 - [The Norwegian Grandparents’ Climate Campaign and others v. Norway](#) (filed in 2021, decision postponed until Grand Chamber has decided on our climate case, among others)
 - [Müllner v. Austria](#) (filed in 2021, decision postponed until Grand Chamber has decided on our climate case, among others)
 - [Uricchio v. Italy and 32 other States](#) (filed in 2021, also against Switzerland, decision postponed until Grand Chamber has decided on our climate case, among others)
 - [De Conto v. Italy and 32 other States](#) (filed in 2021, also against Switzerland, decision postponed until Grand Chamber has decided on our climate case, among others)
 - [Soubeste and Others v. Austria and 11 Other States](#) (filed in 2022, decision postponed until Grand Chamber has decided on our climate case, among others)
 - [Engels and Others v. Germany](#) (filed in 2022, decision postponed until Grand Chamber has decided on our climate case, among others)
 - [Humane Being v. the United Kingdom](#) (filed in 2022, rejected by the ECtHR on 1 December 2022 due to lack of victim status or insufficient concern)
 - [Plan B. Earth and Others v United Kingdom](#) (filed in 2022, rejected by the ECtHR on 13 December 2022 due to lack of victim status or insufficient concern)
 - [Asociacion Instituto Metabody v. Spain](#) (declared inadmissible on 5 October 2023)
- 48 On 29 March 2023, the ECtHR heard the KlimaSeniorinnen’s application before the Grand Chamber as the first climate case heard by it. That same day, the same Chamber also heard a case relating to France (Carême). On 27 September 2023, the Grand Chamber held a hearing on a third case (Duarte Agostinho), in which

Switzerland is a co-respondent along with 32 other countries. Based on these three cases, the Grand Chamber will define the jurisprudence on the climate crisis and human rights, which will have far-reaching consequences.

XX. Are you also requesting financial compensation from Switzerland in your application to the ECtHR? If yes, how much should that compensation be?

49 We, the Verein KlimaSeniorinnen, are reclaiming from Switzerland the legal and court costs that have incurred. When it comes to this claim for costs, our point is that it really should not be the case that one has to ask one's own country to protect fundamental rights at great personal cost to oneself. Instead of ignoring the case, as DETEC did, we would have preferred it if Switzerland had adjudicated it, and no one had incurred these costs.

50 Finally, the court will determine the extent to which Switzerland must reimburse us for our legal fees and court costs. It is almost never the case that all costs are reimbursed. The amount depends, inter alia, on whether the Court grants our requests in whole or only in part.

51 The four individual applicants have additionally requested for just satisfaction of CHF 10,000 per person on the basis of their mental and physical suffering caused by Switzerland's inaction and the consequences of global warming.

XXI. In Switzerland, it is up to the people to make these decisions, why are you pursuing a case at the ECtHR and not going down the political route instead?

52 In view of the catastrophic effects of the climate crisis on people and the planet, it cannot be "either or". Both paths are important, both must be pursued and should not be played off against each other. Seeking redress in court is a democratic right, and the courts are an important pillar of democracy.

53 Of course, the political arena is a decisive factor in the struggle to address the climate crisis, and the pursuit of political means is important. For example, there was the launch of the [glacier initiative](#), which is supported by the KlimaSeniorinnen.

54 However: In 1992, Switzerland and almost all other countries in the world have agreed in the [Framework Convention on Climate Change](#) that a dangerous disruption of the climate system must be avoided. Unfortunately, the subsequent decades have clearly shown that those active in the executive and legislative branches have not been seriously pursuing this objective and do not intend to do so in the future (see above para. 7 ff.).

55 Switzerland's inadequate climate policy has a negative impact on and indeed violates our human rights (para. 11 ff.). Consequently, in addition to the political approach, a legal approach is also needed. The courts are there to judge human rights violations. Notwithstanding political polarisation and irreconcilable differences between the

parties, it is the task of the courts, which are solely bound by the applicable law, to identify violations of human rights and to prescribe measures to restore the rule of law.

- 56 Nor can referendums against climate legislation or in respect of such legislation invalidate the ECHR: The ECHR was ratified by Switzerland (and thus also by the Swiss people), and Switzerland and the Swiss must accordingly comply with the ECHR and the decisions of the ECtHR.

XXII. Who is involved as a third party in your case before the Grand Chamber?

- 57 The third parties neither support us as Applicants nor Switzerland as Respondent. The purpose of third party involvement before the ECtHR is to provide the court with information that will assist the court in its decision-making. A third party must objectively present the relevant content of the case and may not comment on the matter itself. All of the third parties have been informed accordingly by the Court.

- 58 We were delighted to see the active participation of third parties from all over the world in our proceedings, as this shows that our case is receiving attention and a great deal of importance is being attributed to it throughout Europe and even beyond.

- 59 Questions on the interventions should be addressed to the third parties. It is not for us to comment on the content of the interventions outside of the court proceedings.

- 60 There are **23 third parties** involved in the proceedings before the Grand Chamber.

- Third parties involved for the first time in proceedings before the Grand Chamber in this case:
 - [Austria](#)
 - [Ireland](#)
 - [Italy](#)
 - [Latvia](#)
 - [Norway](#); [Norway Annex 1](#) (Explanation of vote by First Secretary Katrine Ørnehaug Dale to the General Assembly after adoption of the resolution on clean, healthy, sustainable environment); [Norway Annex 2](#) (Statement by Ambassador Tine Mørch Smith, permanent representative of Norway) (for the first time before the Grand Chamber)
 - [Portugal](#)
 - [Romania](#)
 - [Slovakia](#)
 - [Center for International Environmental Law \(CIEL\) and Dr Margaretha Wewerinke-Singh](#)
 - [ClientEarth](#)

- [Germanwatch, Greenpeace Germany and Scientists for Future](#)
- [Our Children’s Trust, Oxfam, Center for Climate Repair at Cambridge, Centre for Child Law](#)
- [Group of academics from the University of Bern](#)
- [Sabin Center for Climate Change Law, Columbia Law School](#)
- Already involved as a third party in the proceedings before the Chamber, observations before the Grand Chamber updated from those filed in 2021:
 - [ENNHRI – European Network of National Human Rights Institutions](#)
 - E. Brems, [Department of European, Public and International Law Human Rights Center](#), Ghent University
 - [International Commission of Jurists \(ICJ\) and Swiss Section of the International Commission of Jurists \(ICJ-CH\)](#)
 - [S. Seneviratne and A. Fischlin of ETH Zürich](#)
 - [E. Schmid and V. Boillet of Université de Lausanne \(french and english\)](#)
- Already involved as a third party in the proceedings before the Chamber, observations remain relevant before the Grand Chamber:
 - [Altsean-Burma, Comisión Colombiana de Juristas \(CCJ\), Comité Ambiental en Defensa de la Vida \(CADV\), The European Center for Constitutional and Human Rights \(ECCHR\), FIAN International, The Global Initiative for Economic, Social, and Cultural Rights \(GIESCR\), Human Rights Action \(HRA\), The international Human Rights Clinic at the University of Virginia School of Law, Layla Hugues, Minority Rights International \(MRG\), Observatori DESC \(ESCR observatory\), The Oficina para América Latina de la Coalición Internacional para el Hábitat \(HIC-AL\), The Women’s Legal Centre \(WLC\)](#)
 - [Global Justice Clinic, Climate Litigation Accelerator and C. Voigt](#)
 - [United Nations High Commissioner for Human Rights](#)
 - [UN Special Rapporteurs and UN independent expert – M. A. Orellana – D.R. Boyd – C. Mahler](#)

XXIII. Why did DETEC reject the request “to stop omissions in climate protection” in April 2017?

- 61 DETEC refused to enter into the case. DETEC asserted in its decision that the KlimaSeniorinnen lacked standing. DETEC’s reasoning was that the KlimaSeniorinnen did not aim to reduce CO₂ emissions in their immediate environment, but rather to reduce CO₂ emissions worldwide. DETEC therefore ruled that they lacked standing to sue. The arguments of KlimaSeniorinnen were not addressed. Neither the significantly increased health risk for older women nor the omissions in climate protection, which

has been shown to lead to more frequent, longer and more intense heat waves, were discussed. DETEC thus did not deal at all with the climate case on the merits.

XXIV. Why did the Federal Administrative Court dismiss the appeal in November 2018?

62 The Federal Administrative Court upheld DETEC's decision not to consider the case, albeit on other grounds. According to the judgment, women over 75 years of age are not particularly affected by the effects of climate change. This is because all humans and also winter tourism, water management, etc. are affected by global warming in some way. On the basis of this argument, the court refused to consider the KlimaSeniorinnen's claims that their fundamental and human rights are violated. .

XXV. Why did the Federal Supreme Court dismiss the appeal in May 2020?

63 The reasons for rejection of the Federal Supreme Court:

- It based its negative decision on the fact that the Appellants' right to life and health has not been affected to a sufficient extent at the present time, that a violation of the "well below 2 degrees Celsius" target is only to be expected in the medium to longer term, i.e. there is still time to take measures. In concrete terms: The threshold of "well below 2°C" has not yet been reached at present and therefore no one could demand compliance with such a target at this stage.
- The Federal Supreme Court goes on to say that for this reason neither the KlimaSeniorinnen nor the rest of the population can invoke their right to life and health in relation to Swiss climate policy.
- Incidentally, the Federal Supreme Court also states that for this reason not only is there a lack of standing, but also that the human rights of KlimaSeniorinnen and the single plaintiffs have not been violated. In this respect, the Federal Supreme Court also expressed its legal view on the merits of the alleged violation of human rights.

64 The Federal Supreme Court thus ultimately upheld the decisions of the lower courts, albeit with different reasoning. The Federal Supreme Court thus made the climate crisis a "fundamental rights-free zone", and provided cover for the continuing failings in this country with regard to climate protection, which are making it increasingly unlikely that the goal of limiting global warming to no more than 1.5°C, which is also recognised by Switzerland, will be achieved.

XXVI. Summarise briefly, how did the courts decide in Switzerland?

65 The DETEC was not willing to deal with the relief requested on the merits. The Federal Supreme Court ultimately upheld this decision. It also found, as an ancillary point, that the human rights of older women were not violated by Switzerland's current climate policy.

XXVII. How much has the pursuit of legal remedies cost the KlimaSeniorinnen so far?

66 Since the Verein KlimaSeniorinnen Schweiz was founded in 2016, an average of around CHF 120,000 has been spent annually. Greenpeace Switzerland is guaranteeing the costs as a partner in the proceedings and thus is also bearing a part

of the costs. However, the KlimaSeniorinnen themselves are also bearing a substantial part of the costs.