



Grand Chamber hearing on consequences of global warming on living conditions and health

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 29 March 2023 at 9.15 a.m.** in the case of **Verein KlimaSeniorinnen Schweiz and Others v. Switzerland** (application no. 53600/20).

The case concerns a complaint by a Swiss association and its members, a group of older women concerned about the consequences of global warming on their living conditions and health.

A recording of the hearing will be available this afternoon on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The applicants are, on the one hand, an association under Swiss law concerned about the consequences of climate change whose members are more than 2,000 older women (one-third of whom are over 75) and, on the other, four women aged over 80 who complain of health problems that are exacerbated during heatwaves, significantly affecting their health. The eldest of the four, who was born in 1931, has died since the lodging of the application.

On 25 November 2016, under section 25a of the Federal Law on administrative procedure of 20 December 1968, the applicants submitted a request to the Federal Council and other authorities, pointing to various failings in the area of climate protection and seeking a decision on actions to be taken (*Realakte*). They also called on the authorities to take the necessary measures to meet the 2030 goal set by the 2015 [Paris Agreement](#) on climate change (COP21).

In a decision of 25 April 2017, the Federal Department for the environment, transport, energy and communication declared the request inadmissible, finding that the applicants were not directly affected in terms of their rights and could not be regarded as victims.

On 27 November 2018 the Federal Administrative Court dismissed an appeal by the applicants, finding that women over 75 were not the only population group affected by climate change.

In a judgment of 5 May 2020, notified on 19 May 2020, the Federal Court dismissed an appeal dated 21 January 2019, finding that the applicants were not sufficiently affected by the alleged failings in terms of their right to life (Article 2 of the European Convention), or their right to respect for private and family life, including respect for their home (Article 8), in order to assert an interest worthy of protection within the meaning of section 25a of the above-mentioned Federal Law of 1968.

Procedure

The application was lodged with the European Court of Human Rights on 26 November 2020.

On 17 March 2021 the Swiss Government was given [notice](#) of the application, with questions from the Court. At the same time, the Chamber decided to grant the cases priority under Rule 41 of the Rules of the Court.

¹ Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber."

The applicants submit that the respondent State has failed to do its duty under the Convention to protect life effectively (Article 2) and to ensure respect for their private and family life, including their home (Article 8). They allege in particular that its duties under those Convention provisions should be considered in the light of the principles of precaution and intergenerational fairness contained in international environmental law. In this context they complain that the State has failed to introduce suitable legislation and to put appropriate and sufficient measures in place to attain the targets for combating climate change.

They further complain that they have not had access to a court within the meaning of Article 6 of the Convention, alleging that the domestic courts have not properly responded to their requests and have given arbitrary decisions affecting their civil rights, in particular totally rejecting their specific situation of vulnerability in relation to heatwaves.

Lastly, the applicants complain of a violation of Article 13 (right to an effective remedy), arguing that no effective domestic remedy is available to them for the purpose of submitting their complaints under Articles 2 and 8.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 26 April 2022.

The following Governments, persons and /or organisations have been granted leave to intervene in the written proceedings as third parties:

- Government of Austria
- Government of Ireland
- Government of Italy
- Government of Latvia
- Government of Norway
- Government of Portugal
- Government of Romania
- Government of Slovakia
- United Nations High Commissioner for Human Rights 2018-2022, Michelle Bachelet
- United Nations Special Rapporteur on toxics and human rights, Marcos A. Orellana and United Nations Special Rapporteur on human rights and the environment, David R. Boyd; the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler
- International Commission of Jurists (ICJ)
- European Network of National Human Rights Institutions (ENNHRI)
- International Network for Economic, Social and Cultural Rights (ESCR-Net)
- Human Rights Centre of Ghent University
- Evelyne Schmid and Véronique Boillet, University of Lausanne
- Sonia I. Seneviratne and Andreas Fischlin
- Global Justice Clinic; the Climate Litigation Accelerator (CLX) at New York University School of Law; Christina Voigt
- ClientEarth
- Our Children’s Trust (OCT); Oxfam; Centre for Climate Repair at Cambridge; Centre for Child Law at University of Pretoria
- Claus Beisbart, Thomas Frölicher, Martin Grosjean, Karin Ingold, Fortunat Joos, Jörg Künzli, Christoph Raible, Thomas Stocker, Ana M. Vicedo-Cabrera, Ralph Winkler, Judith Wytttenbach and Charlotte Blattner, University of Bern
- Center for International Environmental Law (CIEL); Margaretha Wewerinke-Singh
- Sabin Center for Climate Change Law
- Germanwatch; Greenpeace Germany; Scientists for Future

The following Government and organisation have also been granted leave to intervene orally in the proceedings as third parties: Government of Ireland and European Network of National Human Rights Institutions (ENNHRI).

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Síofra O’Leary (Ireland), *President*,
 Georges Ravarani (Luxembourg),
 Marko Bošnjak (Slovenia),
 Gabriele Kucsko-Stadlmayer (Austria),
 Pere Pastor Vilanova (Andorra),
 Arnfinn Bårdsen (Norway),
 Armen Harutyunyan (Armenia)
 Pauliine Koskelo (Finland),
 Tim Eicke (the United Kingdom),
 Darian Pavli (Albania),
 Raffaele Sabato (Italy),
 Lorraine Schembri Orland (Malta),
 Anja Seibert-Fohr (Germany),
 Peeter Roosma (Estonia),
 Ana Maria Guerra Martins (Portugal),
 Mattias Guyomar (France),
 Andreas Zünd (Switzerland), *judges*,
 Alena Poláčková (Slovakia),
 Jovan Ilievski (North Macedonia),
 Kateřina Šimáčková (the Czech Republic),
 Lado Chanturia (Georgia),
 Peter Paczolay (Hungary), *substitute judges*,

and also Søren Prebensen, *Deputy Grand Chamber Registrar*.

Representatives of the parties

Government

Alain Chablais, *Agent*,
 Maya Beeler-Sigron, Franz Perrez, Lydie-Line Paroz, Reto Burkard, Sébastien Nguyen-Bloch, and
 Ingrid Ryser, *Advisers*;

Applicants

Cordelia Bähr, Jessica Simor, Marc Willers, Martin Looser, and Raphaël Mahaim, *Counsels*,
 Richard Harvey and Louise Fournier, *Advisers*,
 Anne Mahrer, Rosmarie Wydler-Wälti, Bruna Molinari, and Marie Budry, *Applicants*.

Third parties

Government of Ireland

Barra Lysaght, *Agent*,
 Catherine Donnelly and David Fennelly, *Counsels*,
 Micheál Corry and Emer Griffin, *Advisers*;

European Network of National Human Rights Institutions

Jenny **Sandvig**, *Counsel*,

Katalin **Sulyok**, Hannah C. **Braenden**, and Peter William **Dawson**, *Advisers*.

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Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

We would encourage journalists to send their enquiries via email.

Jane Swift (tel.: + 33 3 88 41 29 04)

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

Denis Lambert (tel.: + 33 3 90 21 41 09)

Inci Ertekin (tel.: + 33 3 90 21 55 30)

Neil Connolly (tel.: + 33 3 90 21 48 05)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.