

Verein KlimaSeniorinnen Schweiz and Others v. Switzerland – FAQ

Version of: 15 March 2023

The ten most important questions and answers – short version

I. Why have you filed a lawsuit?

We have filed a lawsuit because Switzerland is doing far too little to contain the climate catastrophe. Rising temperatures are already having serious impacts on our physical and mental health. The big spike in heat waves is making us older women sick. Compared to the population as a whole, we older women are exposed to a significantly increased risk of disease and death as a result of extreme heat waves.

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

Elderly women are extremely vulnerable to the effects of heat. There is substantial evidence to show that they are at a significant risk of death, as well as ill health as a result of heat. Accordingly, the harm and risks caused by climate change is sufficient to engage the State's positive obligations to protect their right to life and well-being as guaranteed by Articles 2 and 8 of the Convention.

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?

Swiss climate policy is clearly inadequate with regard to the target of limiting global warming to a maximum of 1.5 degrees Celsius. If every country's response was the same as what Switzerland is doing today, global warming of up to three degrees Celsius could be expected by 2100.

We have set out in detail in our legal briefs what Switzerland must do. Here are the most important points:

- Domestic emissions must need to be reduced by more than 60% by 2030 with domestic measures instead of the previously planned 34%
- In addition to reducing these domestic emissions with domestic measures, Switzerland, as a rich country with high historical emissions, must, by 2030, facilitate substantial emission reductions abroad which exceed the total of all domestic emissions that continue to accrue within Switzerland until 2030.

Swiss climate policy is also falling far behind relative to *comparable* countries: In particular, the Swiss target of reducing domestic emissions to 34% below 1990 levels by 2030 through domestic measures is significantly lower than the target set in the [EU](#) (55%), not to mention [Denmark](#) (70%), [Finland](#) (60% carbon neutral by 2035) and [Germany](#) (65%).

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

Climate change is the greatest threat to human rights today. Limiting global warming to a maximum of 1.5 degrees (the lower, the better) is crucial in order to limit, so far as possible, the negative impacts on the ability of people to exercise their human rights now and in future.

Climate policy is relevant to the human rights protected by the European Convention on Human Rights, because the increasing extreme weather events mean that climate change is a risk to human lives. In our case, the more frequent and intense heat waves with increasing global warming pose a real and serious risk to our lives and to our physical and mental health. That is why Switzerland has a duty to protect us. This duty of protection arises from our right to life (Art. 2 [ECtHR](#))¹ and our right to private and family life (Art. 8 [ECtHR](#))² (as, incidentally, also provided under Art 10 (1) of the Swiss [Federal Constitution](#)). In other words, it is Switzerland's obligation under ECtHR law to actively protect our lives and our physical and mental health from the risks of climate change.

It is the duty of the ECtHR to review the alleged violations of the ECtHR (such as, in this case, in particular, Articles 2 and 8 ECtHR).

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

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. 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 and revise the relevant laws. The ECtHR may issue specific instructions in this regard, which we have requested.

A favourable judgment would set a precedent for all 46 member states of the Council of Europe. This means that domestic courts would be able to apply the precedent set by the ECtHR and that if they did not, appeals from all these countries could be based on this

¹ Article 2(1) ECtHR: "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."

² Article 8 ECtHR: "(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."

decision and one could expect the court to apply the principles developed in the case of KlimaSeniorinnen in other cases, as well.

VI. What would happen if you lost?

The specific effect of rejecting our application would depend on the detailed grounds of the judgment. At worst, dismissing our application could legitimise Switzerland's inadequate climate policy. However, the judgment would also send a negative signal to the other 45 member states of the Council of Europe.

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

Several climate cases have been filed with the ECtHR. In addition to the case of KlimaSeniorinnen, numerous other cases are currently pending.

The ECtHR decided that it would take the application of the KlimaSeniorinnen as the first climate case to be heard before the Grand Chamber on 29 March 2023. That same day, the same Chamber will also hear a case relating to France (Carême). The Grand Chamber has also scheduled the hearing of a third case (Duarte Agostinho), in which Switzerland is a co-respondent along with 32 other countries, but the date for it has not yet been set. On the basis of these three cases, the Grand Chamber will define the jurisprudence on the climate crisis and human rights, which will have far-reaching consequences.

VIII. In Switzerland, it is up to the people to decide, why are you filing an application with the ECtHR and not going down the political route instead?

In view of the catastrophic effects of climate change on nature and mankind, it cannot be "either or". Both paths are important, both must be pursued and should not be played off against each other.

Switzerland's inadequate climate policy negatively affects and violates our human rights. Consequently, in addition to the political approach, a legal approach is also needed. This is the precise reason the courts are there: to judge human rights violations. They do this solely in accordance with the law and thus beyond politics.

The KlimaSeniorinnen are also intensively pursuing political remedies in their fight for better protection of their lives and health. They have supported the glacier initiative and, after the parliamentary debate, are also supporting the counter-proposal of the parliament.

IX. Why is the case before the Grand Chamber?

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. Crucially, if it does not uphold the Senior Women's application it will have the effect of reversing the decision of the Dutch Supreme Court in Urgenda and the judgments of 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.

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

23 third parties have submitted observations in our case before the Grand Chamber of the ECtHR. These third parties are providing the court with important information to assist in its decision-making.

We are very pleased by the active participation of third parties from all over Europe, the United States and international organisations in our case, which shows the high level of attention and importance being given to it. The third parties include individuals and institutions with extensive expertise, such as the former UN High Commissioner for Human Rights, climate scientists who have contributed to the IPCC assessment reports, health experts who have investigated extreme heat phenomena in more detail, and legal scholars specialising in human rights and environmental protection. Eight countries also submitted observations as third parties. All of these submissions can be found on our website. Questions regarding the observations should be addressed directly to those third parties.

The ten most important questions and answers – long version

I. Why have you filed a lawsuit?

- 1 We have filed a lawsuit because the climate policy being pursued by Switzerland is inadequate and because, as older women, we are particularly affected by the consequences of global warming. We have personal experience of this, and it is confirmed by numerous studies as well as by figures from the Swiss federal government. Climate change, with its increasing frequency and intensity of heat waves, is life-threatening to older people. We have a significantly increased risk of death and health problems during heat waves as compared to the population as a whole.

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

- 2 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 they are at a significant risk of death, as well as ill health as a result of heat (see also [Observations](#), p. 3 ff.).
- 3 Accordingly, the harm and risks caused by climate change is sufficient to engage the State's positive obligations to protect their right to life and well-being as guaranteed by

Articles 2 and 8 of the Convention. By way of example, please see the most recent evidence in this regard in footnote³.

- 4 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 documents⁴.

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?

- 5 Swiss climate policy is clearly inadequate with regard to the target of limiting global warming to 1.5 degrees Celsius. If everyone acted as Switzerland is doing today, global warming of up to three degrees Celsius could be expected by 2100. The 1.5 degree limit is decisive to avert more serious threats to human rights. We have always explained this in detail in our legal briefs, most recently at pp. 10 ff. of our most recent [Observations](#). Below is a comparison in table format of what would have to be done by Switzerland with regard to the 1.5 degree limit (green) and what Switzerland plans to do (orange); it should be noted that legally binding climate laws only exist for the period up to 2025:

	Swiss climate policy compatible with the 1.5-degree limit	Planned Swiss climate policy
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 - Included therein: 34% with measures taken in Switzerland

³ 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 und Figure 4c)

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

⁴ 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)

[Third-party intervention](#) of the University of Bern 2022 with reference to various studies, not yet published (p. 2-3).

Reduction of domestic emissions by 2050	Net zero with domestic measures	Net zero ("where possible" with domestic measures)
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 - Legislation on climate compatibility of the financial sector only <u>considered</u> for after 2030 (with indirect counter-proposal to the glacier initiative)

In doing so, we rely in particular on the scientific basis set out in footnote⁵.

- 6 In addition, Switzerland's climate policy is also falling far behind relative to *comparable* countries: In particular, the Swiss target of reducing domestic emissions to 34% below 1990 levels by 2030 through domestic measures is significantly lower than the target set in the [EU](#) (55%), not to mention [Denmark](#) (70%), [Finland](#) (60% carbon neutral by 2035) and [Germany](#) (65%).
- 7 Moreover, Switzerland [misses](#) its own, inadequate targets.
- 8 In overall respects, Switzerland is in bad company. Taking all the promises of 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 to billions of humans and animals. In order to solve the problem and stabilise warming at a maximum of 1.5 degrees, each country must make its fair contribution to solving the problem and eliminating greenhouse gas emissions as quickly as possible.

⁵ 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)?

- 9 Climate change is the single biggest threat to human rights today. Human rights experts and climate scientists are clear about this. Limiting global warming to a maximum of 1.5 degrees (the lower, the better) is crucial in order to limit, so far as possible, the negative impacts on the ability of people to exercise their human rights now and in future.
- 10 Climate policy is relevant to the human rights protected by the European Convention on Human Rights, 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. 3-4). This risk has already partially materialised for the individual applicants and members of the Verein KlimaSeniorinnen.
- 11 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 [ECtHR](#))⁶ and our right to private and family life (Art. 8 [ECtHR](#))⁷ (as, incidentally, also provided under Art 10 (1) of the Swiss [Federal Constitution](#)). In other words, it is Switzerland's obligation under ECtHR law to actively protect our lives and our physical and mental health from the risks of climate change.
- 12 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 degrees Celsius. This is not currently the case (cf. above at para. 5 ff.).
- 13 It is the duty of the ECtHR to review the alleged violations of the ECtHR (such as, in this case, in particular, Articles 2 and 8 ECtHR).

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

- 14 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 ECtHR (right to private and family life) and
 - a violation of Article 6 and Article 13 ECtHR (i.e., a violation of the right of access to a court due to arbitrary application of the standing rules by the Swiss courts).

⁶ Article 2(1) ECtHR: "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."

⁷ Article 8 ECtHR: "(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."

- 15 In addition, we have requested that specific general measures be ordered to remedy these human rights violations ([Observations](#), p. 70). 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 the
 - o financing emissions reductions abroad.
 - 2) avoiding and reducing all foreign emissions attributable to Switzerland (namely consumption-based emissions and emissions related to financial flows) in line with the 1.5 degree limit.
- 16 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.
- 17 If the ECtHR were to find only a violation of Art. 6 and/or Art. 13 ECtHR, the case would go 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 ECtHR](#) made in November 2016 and adjudicate it on its merits, i.e. examine our requests. We would update the requests we submitted in 2016.
- 18 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. 15). If the Court rules in favour of our requests, Switzerland will have to revise its CO₂ legislation and set necessary climate targets in order to remedy the violation of human rights.
- 19 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 ECtHR⁸). It does so on the basis of information provided by relevant national authorities, non-governmental organisations and other actors.
- 20 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

⁸ Article 46 ECtHR: "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."

Switzerland does not have a system of constitutional courts or that it has established instruments such as initiatives and referenda: Switzerland has ratified the ECtHR and must accordingly comply with the ECtHR and the decisions of the ECtHR. National laws that are contrary to the ECtHR 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 ECtHR](#).

- 21 A favourable judgment would set a precedent for all 46 member states of the Council of Europe. This means that domestic courts would be able to apply the precedent set by the ECtHR and that if they did not, appeals from all these countries could be based on this decision and one could expect the court to apply the principles developed in the case of KlimaSeniorinnen in other cases, as well. Numerous appeals are already pending before the ECtHR, which could benefit from such a precedent in the near future (cf. para. 24 below).

VI. What would happen if you lost?

- 22 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.
- 23 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.

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

- 24 Several "climate lawsuits" have been filed with the ECtHR. In addition to the KlimaSeniorinnen case (submitted in 2020), [numerous other cases](#) are currently pending, two cases were declared inadmissible by the ECtHR:
- [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 after summer 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 the 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 the Grand Chamber has decided on our climate case, among others)
 - [Müllner v. Austria](#) (filed in 2021, decision postponed until the Grand Chamber has decided on our climate case, among others)
 - [Uricchio v. Italy and 32 other States](#) (filed in 2021, inter alia also against Switzerland, decision postponed until the Grand Chamber has decided on our climate case, among others)
 - [De Conto v. Italy and 32 other States](#) (filed in 2021, inter alia also against Switzerland)

- [Soubeste and Others v. Austria and 11 Other States](#) (filed in 2022, decision postponed until the Grand Chamber has decided on our climate case, among others)
 - [Engels and Others v. Germany](#) (filed in 2022, decision postponed until the 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 and insufficient concern)
- 25 The ECtHR decided to take up the application by KlimaSeniorinnen as the first climate case ever for a hearing on 23 March 2023 before the Grand Chamber. That same day, the same Chamber will also hear a case relating to France (Carême). The Grand Chamber has also scheduled the hearing of a third case (Duarte Agostinho), in which Switzerland is a co-respondent along with 32 other countries, but the date has not yet been set. On the basis of these three cases, the Grand Chamber will define the jurisprudence on climate change and human rights, which will have far-reaching consequences.

VIII. 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?

- 26 There is no "either or", both of these routes are important.
- 27 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.
- 28 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. 5 ff.).
- 29 Switzerland's inadequate climate policy has a negative impact on and indeed violates our human rights (para. 9 ff.). Consequently, in addition to the political approach, a legal approach is also needed. The courts are there to judge human rights violations.
- 30 Nor can referendums against climate legislation or in respect of such legislation invalidate the ECtHR: The ECtHR was ratified by Switzerland (and thus also by the Swiss people), and Switzerland and the Swiss must accordingly comply with the ECtHR and the decisions of the ECtHR.

IX. Why is the case before the Grand Chamber?

- 31 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. Crucially, if it does not uphold the Senior Women's application it will have the effect of reversing the decision of the Dutch Supreme Court in Urgenda and the judgments of 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.

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

- 32 The third parties do not support us as Applicants or 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.
- 33 We are delighted to see the active participation of third parties from all over Europe 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.
- 34 Questions on the observations should be addressed to the third parties. It is not for us to comment on the content of the observations outside of the court proceedings.
- 35 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:
 - [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 a 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](#)
 - [Client Earth](#)
 - [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 Zurich](#)
 - [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](#)

Other Questions and Answers

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

DETEC refused to consider the prayers for relief. DETEC asserted in its decision that the KlimaSeniorinnen lacked standing. Reasoning: KlimaSeniorinnen did not, DETEC argued, aim to reduce CO₂ emissions in their immediate environment, but rather to reduce CO₂ emissions worldwide. They therefore lacked standing to sue. The arguments of KS were not addressed. Neither the significantly increased health risk for older women nor the lack of 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.

XII. Why did the Federal Administrative Court dismiss the climate lawsuit?

The Federal Administrative Court also rejected KS’ appeal against DETEC’s decision on the grounds of a lack of standing to sue. 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 the KlimaSeniorinnen's request to even evaluate the merits of the violations of fundamental rights and human rights they had asserted.

XIII. Why did the Federal Supreme Court dismiss the appeal?

The negative reasoning of the Federal Supreme Court:

- It bases 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" had 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 to sue, but also that the human rights of KlimaSeniorinnen 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.

The Federal Supreme Court thus ultimately upheld the decisions of the lower courts, albeit with different reasoning. The Federal Supreme Court thus makes the climate crisis a "fundamental rights-free zone", and provides 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 1.5 degrees, which is also recognised by Switzerland, will be achieved.

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

The Federal Department of the Environment, Transport, Energy and Communications 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.