

Media documents for «Swiss Climate Senior Women and Others v. Switzerland»

April 2024

On 9 April 2024, the Grand Chamber of the European Court of Human Rights (ECtHR) will deliver its ruling in the case Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (application no. 53600/20). The ruling will be delivered orally in Strasbourg. At the same hearing, the ECtHR will also deliver the rulings in the other two climate cases Duarte Agostinho and Others v. Portugal and 32 Other States (no. 39371/20) and Carême v. France (no. 7189/21).

If you have any questions regarding participation in the delivery of the ruling, please contact the [ECtHR Press Service](#) directly.

1. Starting point

The 29th March 2023 was a milestone in the global fight against the ever-more imminent climate crisis. For the first time ever, the Grand Chamber of the European Court of Human Rights (ECtHR) in Strasbourg held a public hearing on the question of the extent to which a state such as Switzerland must do its share in reducing greenhouse gas emissions in order to protect the human rights of its own population. The reason for this was the application with which the Senior Women for Climate Protection and four individual plaintiffs from Switzerland reached the ECtHR in 2020.

Climate change has become the greatest threat to human rights. Extreme heatwaves trigger a health crisis that claims thousands of lives every year. The fundamental right to life, the right to family life and the right to health are under threat.

The complaint by the Climate Seniors is one of three climate change lawsuits (see [ECtHR fact sheet](#)) that are currently pending before the 17-member Grand Chamber. The three lawsuits are:

- *Association of Senior Women for Climate Protection and Others v. Switzerland (application no. 53600/20)*
- *Carême v. France (no. 7189/21)*
- *Duarte Agostinho and Others v. Portugal and 32 Other States (no. 39371/20)*

The application by the Swiss Senior Women for Climate Protection was heard on 29 March 2023 as the first climate case ever to be heard before the Grand Chamber. On the same

day, the Grand Chamber also heard the case concerning France (Carême). The hearing of the third case (Duarte Agostinho), in which Switzerland is a co-respondent alongside 32 other countries, was held by the Grand Chamber on 27 September 2023.

The referral to and the hearing before the Grand Chamber of the Court underlines the exceptional importance and novel issues raised by these three climate cases. It is expected that the Grand Chamber of the ECtHR will define the State obligations on climate change and human rights based on these three cases, which will have far-reaching consequences. A precedent is expected, which the Council of Europe states will have to follow.

A victory for the Swiss Senior Women and/or the individual applicants would therefore not only be an important victory for older women in Switzerland. It would be a victory for all generations. Across Europe, all Council of Europe states could be asked by their citizens to review and, if necessary, strengthen their climate policy on the basis of the principles developed by the ECtHR to safeguard human rights. This would benefit everyone – young and old.

2. The issue

The Swiss Senior Women established their Association in August 2016 with around 150 senior women as an association of affected people. Today, the association has more than 2,500 members across Switzerland, with an average age of 73. As older women are the population group most severely affected by the increase in extreme heat events and the association represents their interests, only women who have reached the age of 64 can become members.

Senior Women for Climate Protection Switzerland is rising up for the protection of their fundamental rights, especially the right to life and health. These fundamental rights are protected by the Swiss Constitution and the European Convention on Human Rights (ECHR), which Switzerland ratified in 1974. Ever-more frequent and acute extreme heat events due to human-induced climate change particularly endanger the health and lives of older women. Because case law dictates that only particularly affected groups can file an application, the Senior Women for Climate Protection's application is restricted to elderly women (ages 64 and older).

The fact that senior women in particular suffer from increasingly frequent and acute heat waves is confirmed by reports and studies by the [Federal Office for the Environment \(FOEN\)](#) and the [Swiss Academy of Sciences](#). In the [Global Risks Report](#) published annually by the World Economic Forum (WEF), extreme weather events are among the most likely risks for humanity.

3. The legal journey of the Senior Women for Climate Protection

Below are the stages in the legal journey of the Climate Seniors:

- In November 2016, the Senior Women for Climate Protection made a [request](#) to stop omissions in climate protection to the Federal Council, the Department of the Environment, Transport, Energy and Communication (DETEC) and the Federal Offices for the Environment (FOEN) and Energy (SFOE), and demanded that the authorities do more to tackle climate change. The request was [rejected](#) on the grounds that no individual legal positions were affected, because their goal was to reduce CO2 emissions not only in the applicants' immediate surroundings, but worldwide.
- In May 2017, the Senior Women for Climate Protection then took their case to the next highest court, the Federal Administrative Court (FAC) in St. Gallen. That court [rejected](#) the complaint at the end of 2018 on the grounds that the complainants are not specifically affected by the Swiss Confederation's measures to fight climate change, as all people, and even winter tourism, the water sector, etc., are affected by global warming in some way.
- The subsequent appeal brought by the Senior Women for Climate Protection to the Federal Supreme Court of Switzerland was also rejected. The case, which [progressed](#) to Lausanne, was [rejected](#) there in May 2020 on the grounds that the (fundamental) rights of the complainants are not affected with the intensity required to be able to rely themselves on the Federal Act on Administrative Procedure (APA).
- On 26 November 2020, the Senior Women for Climate Protection filed an application with the European Court of Human Rights (ECtHR) in Strasbourg. The lawsuit, commonly referred to as the 'Swiss climate lawsuit', took important steps there. In late March 2021, the ECtHR decided to treat the Senior Women for Climate Protection's application as a [priority](#). In late April 2022, the ECtHR announced that it will deal with the case [in the Court's Grand Chamber](#). This underlines the significance the ECtHR attaches to the Swiss climate lawsuit.

4. The final step for now: the European Court of Human Rights (ECtHR)

On 26 November 2020, the Senior Women for Climate Protection and four individual plaintiffs submitted their [application](#) on the decision of the Federal Supreme Court (see point 3 above), to the ECtHR. This was limited to 20 pages due to the court's guidelines. Switzerland [stated its position](#) on the complaint on 16 July 2021. In its submission on 13 October 2021, the Senior Women for Climate Protection and the four individual plaintiffs were able to state their detailed position on the [facts of the case](#) and the [legal situation](#), as well as respond to Switzerland's arguments. In turn, Switzerland [made its reply](#) on 21 November 2021.

After the matter was transferred to the Grand Chamber, the parties were given a deadline of 5 December 2022 to respond to various [questions asked by the court](#) and, in conclusion, to set out both the facts of the case and the legal issues in 70 pages. The legal team of the Senior Women for Climate Protection, which has now been expanded to five members for the proceedings before the Grand Chamber, delivered its [Observations on the facts, admissibility and merits](#) (original English version) to the ECHR on 2 December 2022. This was followed a few days later by the Swiss Government's submission to the Grand Chamber (Statement in [French](#) (original) and [English](#) (unofficial translation) – and observations on the facts in [French](#) (original) and [English](#) (unofficial translation)). In the proceedings before the Grand Chamber of the ECtHR, the [submissions of 23 third parties](#) were also admitted.

The Senior Women for Climate Protection are requesting the court to order Switzerland to act without delay to protect their human rights and to take the legislative and administrative actions necessary to make their share to limit global temperature increase to a maximum of 1.5 degrees. This includes specific emissions reduction targets (see [Requests to the Court](#)). Equally, emissions occurring abroad that result from Switzerland's consumption and in connection with its finance streams must be reduced and avoided.

The public hearing before the Grand Chamber took place on 29 March 2023. Over 100 Senior Women travelled to Strasbourg to take part in the hearing and faced media representatives from all over the world. The legal team of the Senior Women presented its arguments to the 17 judges in an [oral statement](#). The entire hearing was recorded ([video recording](#)) and can be read ([transcript](#)).

Shortly before the public hearing started, Switzerland handed in an [additional written submission](#) not provided for in the proceedings ([Annex 1 - Policy Brief](#) and [Annex 2 - internal working paper](#)). In it, Switzerland attempted to justify its climate strategy in relation to the remaining global CO2 budget and fair share considerations. The background to this «last minute» submission was the court's questions in this regard, which should actually have been answered at the oral hearing. The Seniors Women's legal team later also pointed out in writing that Switzerland's last-minute submission only confirmed – rather than exonerating – its inadequate climate policy: See the [reply](#) of 28 April 2023 with [Annex 1 - expert report on emissions budget](#), [Annex 2 - response of Climate Analytics](#) and [Annex 3 - response of Climate Action Tracker](#).

[All the relevant documents](#) submitted for the assessment of the application 'Association of Senior Women for Climate Protection Switzerland and Others v. Switzerland' (no. 53600/20) by both parties and by third parties to the Grand Chamber can be found on the [Senior Women for Climate Protection website](#).

5. Answers from the Senior Women for Climate Protection to frequently asked questions

On the website of the Senior Women for Climate Protection you will find the [detailed answers to the most frequently asked questions](#).

6. Further information and contacts

6.1. Interviews

Interviews with Senior Women for Climate Protection and individual plaintiffs

A delegation of Senior Women for Climate Protection will travel to Strasbourg by train on Monday, 8 April 2024. Media professionals who are interested in accompanying the Senior Women for Climate Protection on this trip are welcome to contact Yvonne Anliker, media spokesperson for Greenpeace Switzerland: yvonne.anliker@greenpeace.org, +41 79 306 53 42.

The following board members of the Senior Women for Climate Protection are available to provide information to the media:

- Rosmarie Wydler-Wälti, Co-Präsidentin des Vereins KlimaSeniorinnen, +41 79 567 67 73, rosmariewydler@sunrise.ch (German)
- Anne Mahrer, Co-Présidente des Aînées pour la protection du climat, +41 79 249 72 17, anne.mahrer@bluewin.ch (French)
- Norma Bargetzi, Anziane per la protezione del clima, +41 79 352 98 89, normaba@bluewin.ch (Italian)
- Elisabeth Stern, Member of the Board of Senior Women for Climate Protection Switzerland: +41 79 351 22 00, elisabeth.stern@bluewin.ch (English)

Journalists who would like to speak to individual plaintiffs should contact Anne Mahrer, Co-Présidente des Aînées pour la protection du climat, +41 79 249 72 17, anne.mahrer@bluewin.ch or Norma Bargetzi, Member of the Board of Senior Women for Climate Protection Switzerland, normaba@bluewin.ch, +41 79 352 98 89.

Pictures of the Senior Women for Climate Protection:
<https://media.greenpeace.org/Detail/27MDHUFZPZP>

All [press releases](#) of the Senior Women for Climate Protection

Interviews with the legal team

- Cordelia Bähr, Lead Lawyer, Senior Women for Climate Protection, +41 78 801 70 34, baehr@ettwein.ch (English and German)
- Martin Looser, Lawyer, Senior Women for Climate Protection, 079 481 76 88, looser@ettlersuter.ch (Deutsch)
- Raphaël Mahaim, Avocat au Barreau, +41 79 769 70 33, rmahaim@r-associes.ch (French)

Interviews with Greenpeace Switzerland

- Georg Klingler, Initiator and coordinator of the project at Greenpeace Switzerland, +41 79 785 07 38, georg.klingler@greenpeace.org (German, French and English)
- Press office Greenpeace Switzerland, +41 44 447 41 11, pressestelle.ch@greenpeace.org

6.2. Accreditation for media professionals at the ECHR

If you have any questions regarding participation in the delivery of the judgment, please contact the ECtHR [Press Service](#) directly.