



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Information Note on the Court's case-law 261

April 2022

***Verein KlimaSeniorinnen Schweiz and Others v. Switzerland
(relinquishment) - 53600/20***

Article 2

Positive obligations

Alleged failings in the prevention of global warming: *relinquishment in favour of the Grand Chamber*

Article 6

Administrative proceedings

Article 6-1

Access to court

Civil rights and obligations

Inadmissibility of legal actions concerning global warming on grounds of insufficient individual and direct interest: *relinquishment in favour of the Grand Chamber*

Article 8

Positive obligations

Alleged failings in the prevention of global warming: *relinquishment in favour of the Grand Chamber*

Article 13

Effective remedy

Lack of remedy in the prevention of global warming: *relinquishment in favour of the Grand Chamber*

Article 34

Victim

Victim status of an association and individuals in the area of global warming:
relinquishment: relinquishment in favour of the Grand Chamber

The applicants are, on the one hand, an association under Swiss law for the prevention of climate change and of which hundreds of elderly women are members, and on the other, four elderly women (between 78 and 89) who complain of health problems which worsen during heatwaves and which impact their living and health conditions. Since 2016 they have made unsuccessful requests to a number of authorities alleging various omissions in relation to climate protection. They also requested that the authorities take the necessary measures to meet the 2030 goal set by the 2015 Paris Agreement on climate change (COP21), in particular to limit global warming to well below 2 degrees Celsius compared to pre-industrial levels.

The applicants appealed unsuccessfully up to the Federal Court. It found that the applicants were not sufficiently affected in the enjoyment of their Convention rights to assert an interest falling under the protection of the relevant domestic law. Moreover, as neither domestic law nor the Convention guarantees an *actio popularis*, it would be incumbent on the applicants to plead their case before political institutions.

The applicants complain that the respondent State has failed to comply with its positive obligations to effectively protect life (Article 2) and respect for private and family life and the home (Article 8), read in the light of the precautionary principle and the principle of intergenerational equity, which are contained in international environmental law. In that context, they complain that the government have failed to adopt appropriate regulations and to implement them with adequate and sufficient measures in order to achieve the objectives for combatting climate change.

They also complain under Article 6 of a violation of the right to access to a court, alleging that the domestic courts failed to respond seriously to their requests and provided arbitrary decisions concerning their civil rights. Finally, they complain of a violation of Article 13, in that they did not have at their disposal an effective remedy in respect of the alleged violations under Articles 2 and 8.

On 26 April 2022 a Chamber of the Court relinquished jurisdiction in favour of the Grand Chamber.

(See also *Duarte Agostinho and Others v. Portugal and 32 other States*, 39371/20, communicated in November 2020, [Legal Summary](#))

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