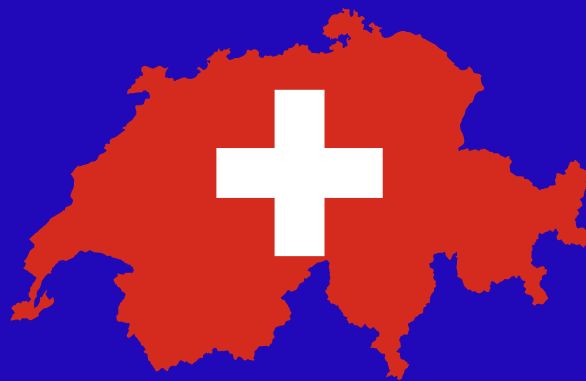




GENEVA CENTRE
FOR HUMAN RIGHTS
ADVANCEMENT AND
GLOBAL DIALOGUE

Senior Women for Climate Protection v. Switzerland

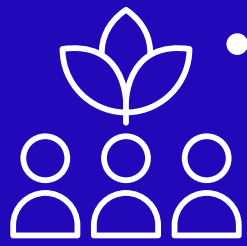
Understanding the very essence and the impact
of a groundbreaking judgement by the
European Court of Human Rights



KEY FACTS



ABOUT SENIOR WOMEN FOR CLIMATE PROTECTION

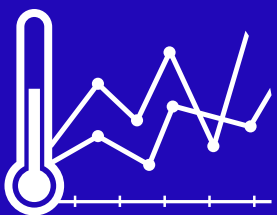


- Swiss Association composed of 2,000+ older women (aged 73 on average) whose aim is to promote and implement climate action

THEIR COMPLAINT



- Health problems exacerbated during heatwaves, significantly affecting their living conditions and health, all this proven by scientific studies submitted



- Lack of concrete measures by Swiss authorities:
 - to mitigate the effects of climate change on their lives, living conditions and health;
 - to adopt necessary measures to do its share to prevent a global temperature increase of more than 1.5°C above pre-industrial levels, in line with the 2030 goal set by the Paris Climate Agreement

THE LINK BETWEEN THE RIGHT TO PRIVATE LIFE AND CLIMATE CHANGE



- The right to a clean, healthy and sustainable environment does not exist as such in the European Convention



- The Court looks at the right to private life, which also covers one's health, in the context of climate change

COURT REAFFIRMS STATES HAVE 'POSITIVE DUTIES'

States shall ...



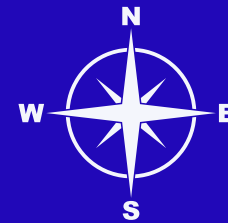
- have a set of legal and administrative rules in place to effectively protect human health and life; and
- make it compulsory for all concerned activities to take practical measures to protect the citizens whose lives may be endangered

ASSESSING STATES' FULFILMENT OF POSITIVE DUTIES



- What are States supposed to do to fulfil their 'positive duties' to protect the lives, living conditions, health and well-being of their citizens?

5 GENERAL GUIDING PRINCIPLES



States must ensure adequate ...

1. Decision-making processes
2. Examination by Courts of type of policies and decisions and to which extent views by individuals are duly taken into account
3. Investigations and studies to strike a fair balance between competing interests pursued by environmental and economic policies
4. Public access to results of the studies enabling citizens to understand the risks to which they are exposed
5. Participation of persons concerned and their arguments are duly examined

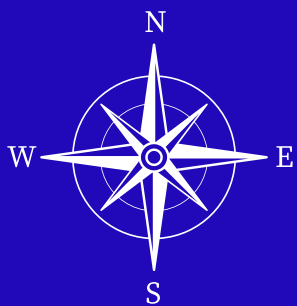
ASSESSING STATES' FULFILMENT OF POSITIVE DUTIES



5 SPECIFIC GUIDING PRINCIPLES IN THE CONTEXT OF CLIMATE CHANGE

States must ...

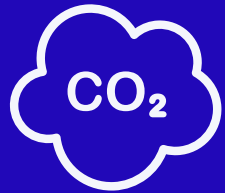
1. Adopt measures specifying a target timeline for achieving carbon neutrality and the overall remaining carbon budget
2. Set out intermediate Greenhouse Gas (GHG) emissions reduction targets
3. Provide evidence of whether GHG reduction targets have been achieved or are in the process of being achieved
4. Keep GHG reduction targets updated with due diligence
5. Act timely and consistently



SWITZERLAND'S FAILINGS



SHORTCOMINGS IN THE SWISS CLIMATE POLICY VIOLATING THE RIGHT TO PRIVATE LIFE IN CONNECTION WITH THE RIGHT LIFE AND HEALTH



- Insufficient legal framework to protect citizens from adverse effects of climate change on their life and health
- Absence of any specific carbon budget to quantify its GHG emissions limitations

ADDITIONAL VIOLATION OF THE RIGHT TO HAVE ACCESS TO A COURT OF LAW AND BE FAIRLY JUDGED



- Swiss courts did not engage seriously with the complaint by Senior Women
- Swiss administrative authorities rejected their complaint on the basis of insufficient considerations

A GROUNDBREAKING JUDGEMENT



THE EUROPEAN COURT ALSO CLEARLY ACKNOWLEDGED THE FOLLOWING ...



- Scientific evidence shows that climate change has a negative impact on human rights
- Scientific, political and judicial recognition of the link existing between adverse effects of climate change and the enjoyment of human rights



- Scientific evidence shows the urgency of combating climate change
- The gravity of the risks arising if the targets for reducing overall global emissions are not reached



- **Climate protection** carries considerable weight when putting on the balance competing interests

A MILESTONE TOWARDS CLIMATE JUSTICE

**A landmark judgement that will resonate through
courts and parliaments worldwide
by setting the benchmark
in any future climate litigation**



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