

Top Europe court chides Switzerland in landmark climate ruling

April 9 2024, by Pauline Froissart and Marc Antoine Baudoux



The decision is expected to set a legal precedent for other European states.

Europe's top rights court on Tuesday said Switzerland was not doing enough to tackle climate change in a historic decision that could force governments to adopt more ambitious climate policies.

The European Court of Human Rights, part of the 46-member Council of Europe, however, threw out two other [climate](#) cases against European states on procedural grounds.

Hopes had been high for a legal turning point ahead of the rulings in the three cases, treated as a priority by the 17 judges of the court's Grand Chamber.

In the first case, the court found that the Swiss state had violated Article 8 of the European Convention on Human Rights, which guarantees the "right to respect for private and family life", according to the ruling.

The Swiss association of Elders for Climate Protection—2,500 women aged 73 on average—had complained about the "failings of the Swiss authorities" in terms of climate protection that could "seriously harm" their health.

The court found "there were some critical lacunae" in relevant Swiss regulations, including a failure to quantify limits on national greenhouse gas emissions.

The court ordered the Swiss state to pay the association 80,000 euros (almost \$87,000) within three months.

The lawyer of the Swiss association, Cordelia Bahr, said the court had "established that climate protection was a human right".

"It's a huge victory for us and a legal precedent for all the states of the Council of Europe," she said.

Climate activist Greta Thunberg said it was "only the beginning of climate litigation".

"All over the world more and more people are taking their government to court, holding them responsible for their actions," she said inside the court after attending the rulings.

'Historic'

Joie Chowdhury, a lawyer from the Center for International Environmental Law, said the ruling was "historic".

"We expect this ruling to influence climate action and climate litigation across Europe and far beyond," she said.

It "leaves no doubt: the climate crisis is a human rights crisis, and states have human rights obligations to act urgently and effectively... to prevent further devastation and harm to people and the environment," she said.

Gerry Liston, of the NGO Global Legal Action Network, said before the rulings that a victory in any of the three cases could constitute "the most significant legal development on climate change for Europe since the signing of the Paris 2015 Agreement".



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The Paris Agreement set targets for governments to reduce greenhouse gas emissions.

The Swiss government said it would examine measures it should take following the ruling.

Alain Chablais, the lawyer who represented Switzerland in court, warned it might take "some time".

The hard-right Swiss People's Party, the country's largest political party but which has only two of seven seats in the government, called the

decision a "scandal" and an "interference" in domestic policy, and called for Switzerland to withdraw from the Council of Europe.

Anne Mahrer, a member of Elders for Climate Protection, said the association would be "watching very closely" to make sure the government complied.

'Climate inaction'

The court decisions came as Europe's climate monitor said March this year had been the hottest on record.

In a second case, the court dismissed a petition from six Portuguese, aged 12 to 24, against 32 states including their own because the case had not exhausted all avenues at the national level.

Their case was not only against Portugal but also 31 other states—every European Union country, plus Council of Europe members Norway, Switzerland, Turkey, and the United Kingdom.

The case also named Russia, which was expelled from the Council of Europe after its invasion of Ukraine, though the court still hears cases against Moscow.

In a third case, the court rejected a claim from a former French mayor that the inaction of the French state risked his town being submerged under the North Sea.

The court found that Damien Careme, former mayor of the northern French coastal town of Grande-Synthe, was not a victim in the case as he had moved to Brussels at the time of his complaint in 2021.

In 2019, he filed a case at France's Council of State—its highest

administrative court—alleging "climate inaction" on the part of France.

The court ruled in favor of the municipality in July 2021 but rejected a case he'd brought in his own name, leading Careme to take it to the ECHR.

The European Convention on Human Rights does not contain any explicit provision relating to the environment.

But the court had already ruled in cases related to [waste management](#) or industrial activities that based on its Article 8 states have an obligation to maintain a "healthy environment".

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