

Does Climate Inaction Violate Human Rights? The European Court of Human Rights Now Has Two Chances to Decide

The European Court of Human Rights (ECHR) heard its first ever cases Wednesday related to the **climate crisis**.

The plaintiffs argue that the governments of Switzerland and France violated their human rights by not doing enough to reduce climate-warming **greenhouse gas emissions**, which are primarily caused by the burning of fossil fuels. The hearings mark a “pivotal moment” for the legal fight for more ambitious climate action, Center for International Environmental Law human rights and climate campaign manager Sébastien Duyck told Climate Home News.

“They have the potential to set an influential legal precedent that would further confirm that states must take more adequate action against [climate change](#) as a matter of their human rights obligations,” said Duyck.

Senior Women Unite

The first case heard in Strasbourg, France, Wednesday-making it the first climate case ever heard by the ECHR-was brought by a group of older women who are seeking to protect themselves from worsening **heat waves**. The 2,038 members of Senior Women for Climate Protection Switzerland (KlimaSeniorinnen), along with four individuals, argue that older people, especially women, are more at risk to die during periods of high heat and that Switzerland should do more to prevent this.

“We have filed a lawsuit because Switzerland is doing far too little to contain the climate catastrophe,” Senior Women for Climate Protection Switzerland Co-President Anne Mahrer said in a statement shared by Greenpeace, which is supporting the women’s case. “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.”

One of the womens’ lawyers, Cordelia Bähr, told Greenpeace that the special risk faced by the older women meant the Swiss government was obligated to protect their right to [life](#), health and well-being as guaranteed by Articles 2 and 8 of the European Convention on Human Rights.

The group first brought their case before courts in Switzerland, which rejected it, arguing partly that everyone in Switzerland is impacted by climate change and that the womens’ rights were not sufficiently threatened to bring a case, according to a document shared by the plaintiffs. On Wednesday, the government’s lawyers argued that Switzerland was doing as much as it could feasibly do to combat [climate change](#), according to Climate Home News. But another lawyer for the plaintiffs, Jessica Simor, noted that Climate Action Tracker rated Switzerland’s policies to be “insufficient.”

If every country followed Switzerland’s lead, temperatures would rise by as much as three

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degrees Celsius above pre-industrial levels by 2100, the plaintiffs said, double the **1.5 degrees** of warming that scientists say is essential for preventing ever more severe climate impacts. In particular, the plaintiffs want Switzerland to cut emissions by more than 60 percent by 2030 instead of 34 percent and work to reduce emissions abroad as well.

Mayor on a Mission

Wednesday's second case was brought by the former mayor of Grande-Synthe in northern France who is now a Member of European Parliament, according to The Guardian. Damien Carême argues that he is personally victimized by France's insufficient climate policies because rising temperatures threaten his Calais home with flooding and even possible submersion by 2030. This, Carême contends, similarly violates his rights to life and private and family life under Articles 2 and 8 of the convention, Greenpeace explained.

A French court heard his case in 2021 and agreed that the government needed to take "all necessary additional steps" to meet [climate goals](#) but disagreed that Carême was personally harmed by inaction, according to The Guardian. In Strasbourg Wednesday, France's legal team said the country had improved its strategy to curb emissions and that national courts were already monitoring the government's progress, according to Climate Home News.

The **ECHR** is unlikely to decide either case before next year. In the fall, it will hear a third climate liability case brought by six Portuguese young people between the ages of 11 and 23 who similarly argue that the insufficient climate action of 32 countries including all of the EU threatens life and the rights of young people in particular. If ECHR decides in favor of any of these plaintiffs, it could lead to a wave of similar lawsuits and a strengthening of [EU](#) emissions reduction plans.

Source: [EcoWatch](#)