Switzerland told it must do better on climate after older women’s ECHR win

Council of Europe says Swiss government failing to respect human rights court’s ruling on emissions

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Sat 8 Mar 2025 02.17 AEDT

The Swiss government has been told it must do more to show that its national climate plans are ambitious enough to comply with a landmark legal ruling.

The Council of Europe’s committee of ministers, in a meeting this week, decided that Switzerland was not doing enough to respect a decision last year by the European court of human rights that it must do more to cut its greenhouse gas emissions and rejected the government’s plea to close the case.

The KlimaSeniorinnen organisation of more than 2,000 older Swiss women successfully argued that its members’ rights to privacy and family life were being breached because they were particularly vulnerable to the health impacts of heatwaves.

It was seen as a historic decision in Europe, where it was the court’s first ruling on climate, with direct ramifications for all 46 Council of Europe member states. It has also influenced climate litigation around the world.

However, there was resistance within Switzerland from the start, and by the summer the Swiss federal council had rebuffed the ruling.

While it acknowledged the importance of the underlying European convention on human rights, the Swiss government said the court’s interpretation was too broad in extending it to the climate crisis and in accepting a complaint from an organisation.

It claimed it was already doing enough to cut national emissions, and submitted an “action report” in October rather than the required action plan. This maintained that the judgment did not require it to set specific carbon budgets and that there was no internationally recognised method for doing so.

The committee of ministers, which is responsible for upholding the judgment, noted this week that Switzerland had closed some legislative gaps, including revising its CO2 act and setting goals up to 2030.

But it invited Switzerland to provide more information showing how its climate framework aligned with the court’s ruling, “through a carbon budget or otherwise, of national greenhouse gas emissions limitations”. The committee took note of methodologies put forward by a broad coalition of NGOs to calculate this.

Georg Klingler, a project coordinator and climate campaigner at Greenpeace, which supported the Swiss women’s case, said this essentially meant setting budgets that reflected Switzerland’s “fair share” of emission reductions in line with the Paris agreement’s goal of limiting warming to under 1.5C. That could mean toughening up existing goals, he said.

The Swiss government was also told to keep the committee of ministers informed about planned adaptation measures to protect vulnerable citizens during events such as heatwaves. And it must provide “concrete examples” of citizens’ involvement in developing climate policies. Switzerland has until September to provide this information.

The KlimaSeniorinnen co-president Rosmarie Wydler-Wälti welcomed the decision. She called on the Swiss federal council and parliament “to take the dangers of global warming seriously and finally take decisive action against the climate crisis”.

Sébastien Duyck, a senior attorney at the Center for International Environmental Law, said European governments had “reaffirmed the rule of law”. “The decision … makes clear that the Swiss federal council must fulfil its legal obligation to protect its citizens’ human rights by ramping up its climate ambition.”

Başak Çalı, a professor of international law at the Oxford Bonavero Institute of Human Rights, said: “It is a good day for respect for European court judgments and international law. This decision also shows just how important international institutions – such as the European court – are for helping to improve the lives of people everywhere.

In a statement, the Swiss federal government said the “competent authorities” would analyse the decision and determine what further information they would submit, adding: “The aim is to demonstrate that Switzerland is complying with the climate policy requirements of the ruling.”