

1537th meeting, 15-17 September 2025 (DH)

H46-37 Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20)

Supervision of the execution of the European Court's judgments

Reference document
CM/Notes/1537/H46-37

Decisions

The Deputies

1. recalled that this case concerns the authorities' failure to sufficiently comply with their positive obligation to adopt, and effectively apply, regulations and measures capable of mitigating the existing and potentially irreversible, future adverse effects of climate change (violation of the right to private and family life and home), and also the lack of effective access of an association to a court, in respect of complaints concerning the effective implementation of national measures capable of mitigating the effects of climate change (violation of the right to a fair trial);
2. recalled further the Court's findings that climate change is one of the most pressing issues of our times and that the inadequacy of past State action to combat climate change globally aggravated the risks of adverse consequences and the ensuing threats for the enjoyment of human rights; noted in this respect the growing international consensus, as evidenced notably by the recent advisory opinion of the International Court of Justice;
3. recalled that, according to previous decisions, no further separate action is required in respect of the individual measures;

As regards general measures under Article 8

4. recalled that the Court identified three types of measures to be addressed in relation to the State's positive obligation to ensure effective protection from the serious adverse effects of climate change, namely measures capable of mitigating the existing and potentially irreversible, future effects of climate change; adaptation measures aimed at alleviating the most severe or imminent consequences of climate change; and procedural safeguards in connection with both types of measures;
5. as regards mitigation measures:
 - strongly welcomed the adoption by Switzerland, following the Court's judgment, of a comprehensive legislative and regulatory framework at federal level setting out the goals, targets and timetable for achieving net-zero emissions by 2050, accompanied by a range of relevant measures at cantonal level;
 - further noted that Switzerland, by a method of its choice, has quantified the future greenhouse gas emissions corresponding to the general measures and the target timeline put in place;
 - recalling the global approach used to determine whether the country's climate policy falls within the limits of the wide margin of appreciation afforded under Article 8, underlined the paramount importance of ensuring the effective and efficient implementation of the objectives and measures adopted, and of ensuring in the future their updating as necessary; underlined also that providing effective protection to individuals from the serious adverse effects of climate change is a legal obligation under the Convention and international law; invited Switzerland to consider the opportunity of establishing an independent national body suited to the national political structure to monitor its climate policy, mandated *inter alia* to issue recommendations to the political authorities, drawing as appropriate on good practices of other member States;

- recalling furthermore the key role which domestic courts are called upon to play in climate change litigation, providing a safeguard for the State's positive obligations under Article 8, invited Switzerland to ensure that the domestic courts have the necessary means and procedural avenues available in this field;

6. as regards adaptation measures and procedural safeguards, while recalling that these aspects were not in themselves the subject of the Court's finding of a violation, noted with satisfaction the measures presented by Switzerland (which support the mitigation measures and contribute more broadly to ensure compliance with its positive obligations) and that it is not necessary to pursue further their examination under these two heads; encouraged the authorities to ensure the continued implementation of the relevant measures;

As regards general measures under Article 6 § 1

7. recalling the measures taken or in the process of being taken to disseminate information to the courts, which apply the Convention directly, on the legal obligations arising from the judgment; taking into account, *inter alia*, that the control of conventionality by the courts constitutes a guarantee of the positive obligations of the State under Article 8, reiterate their invitation to the authorities to update the Committee on the evolution of domestic case-law, regarding both the standing of associations to bring climate change-related cases and on courts' assessments of the merits of such cases; invited the authorities to keep it informed of any further relevant measures taken;

8. invited the authorities to inform the Committee of the measures taken on the outstanding issues and decided to resume examination of this case at one of their DH meetings in 2026 to assess the progress achieved.