



April 2024

This factsheet is not exhaustive and does not bind the Court

Climate change

Even though the [European Convention on Human Rights](#) does not enshrine any right to a healthy environment as such, the European Court of Human Rights has been called upon to develop its case-law in environmental matters on account of the fact that the exercise of certain Convention rights may be undermined by the existence of harm to the environment and exposure to environmental risks.

Cases of the Grand Chamber

The Chambers to which the cases had first been allocated relinquished jurisdiction in favour of the Grand Chamber.

The following three cases were all granted priority (under Rule 41 of the Rules of the Court) and while they were not joined, they were all ruled on by the same composition of the Grand Chamber.

A hearing in the *Verein Klimaseniorinnen Schweiz and Others* and *Carême* cases was held on 29 March 2023, and a hearing in the *Duarte Agostinho and Others* case was held before the same composition of the Grand Chamber on 27 September 2023.

Verein KlimaSeniorinnen Schweiz and Others v. Switzerland

9 April 2024 (Grand Chamber judgment)

The case concerned a complaint by four women and a Swiss association, Verein KlimaSeniorinnen Schweiz, whose members are all older women concerned about the consequences of global warming on their living conditions and health. They consider that the Swiss authorities are not taking sufficient action, despite their duties under the Convention, to mitigate the effects of climate change.

The applicants submitted in particular that the respondent State had failed to fulfil its positive obligations to protect life effectively and to ensure respect for their private and family life, including their home. They further complained that they had not had access to a court and argued that no effective domestic remedy had been available to them for the purpose of submitting their complaints relating to the right to life and to the right to respect for private and family life.

The Chamber of the Court to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 26 April 2022. A large number of third-party interveners, including member States, took part in the written stage of the proceedings. On 29 March 2023 the Grand Chamber held a [hearing](#) in the case.

The Grand Chamber held, by a majority, that there had been a **violation of Article 8** (right to respect for private and family life) of the Convention, and, unanimously, that there had been a **violation of Article 6 § 1** (right to a fair trial / access to court) of the Convention. The Court found, in particular, that Article 8 of the Convention encompasses a right to effective protection by the State authorities from the serious adverse effects of climate change on lives, health, well-being and quality of life. However, it held that the four individual applicants did not fulfil the victim-status criteria under Article 34 (individual applications) of the Convention and declared their complaints **inadmissible**. The applicant association, in contrast, had the right (*locus standi*) to bring a complaint regarding the threats arising from climate change in the respondent State on behalf of those individuals who could arguably claim to be subject to specific

threats or adverse effects of climate change on their life, health, well-being and quality of life as protected under the Convention. The Court found that the Swiss Confederation had failed to comply with its duties (“positive obligations”) under the Convention concerning climate change. The Swiss authorities had not acted in time and in an appropriate way to devise, develop and implement relevant legislation and measures in this case. In addition, the Swiss courts had not provided convincing reasons as to why they had considered it unnecessary to examine the merits of the applicant association’s complaints.

Carême v. France

9 April 2024 (decision on the admissibility – Grand Chamber)

This case concerned a complaint by a resident and former mayor of the municipality of Grande-Synthe, who submitted that France has taken insufficient steps to prevent climate change and that this failure entails a violation of the right to life and the right to respect for private and family life.

The Chamber of the Court to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 31 May 2022. On 29 March 2023 the Grand Chamber held a hearing in the case.

The Grand Chamber unanimously declared the application **inadmissible**. Having regard to the fact that the applicant had no relevant links with Grande Synthe and that, moreover, he did not currently live in France, the Court considered that for the purposes of any potentially relevant aspect of Article 2 (right to life) or Article 8 (right to respect for private and family life or home) of the Convention he could not claim to have victim status under Article 34 (individual applications) of the Convention, and that was true irrespective of the status he invoked, namely that of a citizen or former resident of Grande Synthe.

Duarte Agostinho and Others v. Portugal and 32 Other States¹

9 April 2024 (decision on the admissibility – Grand Chamber)

This case concerned the greenhouse gas emissions from 33 member States which, in the view of the applicants – Portuguese nationals aged between 10 and 23 –, contribute to the phenomenon of global warming, resulting, among other things, in heatwaves affecting the applicants’ living conditions and health. The applicants complained in particular that the 33 States concerned are failing to comply with their positive obligations under Articles 2 (right to life) and 8 (right to respect for private and family life) of the Convention, read in the light of their undertakings under the 2015 Paris Agreement on climate change (COP 21). They also alleged a violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 2 and/or Article 8 of the Convention, arguing that global warming affects their generation particularly and that, given their age, the interference with their rights is greater than in the case of older generations.

The Chamber of the Court to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 28 June 2022. A large number of third-party interveners also took part in the written stage of the proceedings. On 27 September 2023 the Grand Chamber held a hearing in the case.

The Grand Chamber unanimously declared the application **inadmissible**. As concerned the extraterritorial jurisdiction of the respondent States other than Portugal, the Court found that there were no grounds in the Convention for the extension, by way of judicial interpretation, of their extraterritorial jurisdiction in the manner requested by the applicants. It followed that territorial jurisdiction was established in respect of Portugal, whereas no jurisdiction could be established as regards the other respondent States. The applicants’ complaint against the other respondent States had therefore to be

¹. Austria, Belgium, Bulgaria, Switzerland, Cyprus, Czech Republic, Germany, Denmark, Spain, Estonia, Finland, France, United Kingdom, Greece, Croatia, Hungary, Ireland, Italy, Lithuania, Luxembourg, Latvia, Malta, the Netherlands, Norway, Poland, Romania, Russia (*N.B.*: on 16 September 2022 the Russian Federation ceased to be a Party to the European Convention on Human Rights), Slovakia, Slovenia, Sweden, Türkiye, and Ukraine.

declared inadmissible pursuant to Article 35 §§ 3 and 4 (admissibility criteria) of the Convention. Having regard to the fact that the applicants had not pursued any legal avenue in Portugal concerning their complaints, the applicants' complaint against Portugal was also inadmissible for non-exhaustion of domestic remedies.

Other cases

Between September 2022 and February 2023 the Court held a series of procedural meetings in respect of climate change applications other than these three cases which were examined and then decided by the Grand Chamber.

The Court decided to adjourn its examination of six cases until such time as the Grand Chamber has ruled in the climate change cases before it.

It has also declared three other cases inadmissible.

Cases adjourned

Uricchiov v. Italy and 31 Other States² (application no. 14615/21) and De Conto v. Italy and 32 Other States³ (n° 14620/21)

Applications lodged before the Court in March 2021

These cases were brought by two young adults who complain, relying on Articles 2 (right to life), 8 (right to respect for private and family life), 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the Convention, that the greenhouse gas emissions from 33 member States have caused global warming, resulting, among other things, in extreme weather events such as heatwaves and storms, affecting the applicants' living conditions and mental health.

Müllner v. Austria (no. 18859/21)

Application lodged before the Court in March 2021

This case was brought by a person suffering from a medical condition that makes him wheelchair-bound when subjected to temperatures of 30 degrees Celsius and above. The applicant complains, relying on Articles 2 (right to life), 6 (right to a fair trial), 8 (right to respect for private and family life) and 13 (right to an effective remedy) of the Convention, that Austria has not put in place an adequate legislative and administrative framework to achieve the Paris Agreement temperature target of limiting the global average temperature increase to 1.5 degrees Celsius above pre-industrial levels, and that it has consistently failed to meet its national targets in terms of effective greenhouse gas reduction.

Greenpeace Nordic and Others v. Norway (no. 34068/21)

Application communicated to the Government of Norway in December 2021

This case was brought by two non-governmental organisations (NGOs) and six affiliated individuals. The applicants complain, relying on Articles 2 (right to life), 8 (right to respect for private and family life), 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the Convention, about the judicial review-proceedings in which the applicant NGOs did not succeed in obtaining a judgment declaring invalid a decision made by the Norwegian Government to grant petroleum exploration licences for the Norwegian continental shelf.

². Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Russia (*N.B.*: on 16 September 2022 the Russian Federation ceased to be a Party to the European Convention on Human Rights), Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine, and the United Kingdom.

³. Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Russia (*N.B.*: on 16 September 2022 the Russian Federation ceased to be a Party to the European Convention on Human Rights), Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine, and the United Kingdom.

This case was [notified](#) to the parties (“communicated”) by the Court on 16 December 2021.

[The Norwegian Grandparents’ Climate Campaign and Others v. Norway \(no. 19026/21\)](#)

Applications lodged before the Court in March 2021

This case relates to the same domestic proceedings as the subject of *Greenpeace Nordic and Others* (see above). The applicants are non-governmental organisations.

[Soubeste and four other applications v. Austria and 11 Other States⁴ \(nos. 31925/22, 31932/22, 31938/22, 31943/22 and 31947/22\)](#)

Applications lodged before the Court in June 2022

These cases were brought by five individuals from France, Cyprus, Belgium, Germany and Switzerland. The applicants complain, relying on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life) and 14 (prohibition of discrimination) of the Convention, that the [Energy Charter Treaty](#) inhibits the respondent States from taking immediate measures against climate change, making it impossible for them to attain the [Paris Agreement](#) temperature goals.

[Engels v. Germany \(no. 46906/22\)](#)

Application lodged before the Court in September 2022

This application was brought by nine teenagers and young adults. The applicants complain, relying on Articles 2 (right to life) and 8 (right to respect for private and family life) of the Convention, that the new objectives of the [German Climate Protection Act](#) in its amended version which entered into force on 31 August 2021, are insufficient to reduce greenhouse gas emissions to the level necessary for meeting the [Paris Agreement](#) temperature goals.

Cases declared inadmissible

The Court declared the three applications below inadmissible on the grounds that the applicants were not sufficiently affected by the alleged breach of the Convention or its Protocols to claim to be victims of a violation within the meaning of Article 34 (right of individual petition) of the Convention. These decisions were taken, respectively, in a Single Judge and Committee judicial formations in a non-public written procedure.

[Humane Being and Others v. the United Kingdom \(no. 36959/22\)](#)

1 December 2022 (inadmissibility decision)

The case was brought by a non-profit organisation running the “Scrap Factory Farming” campaign. The applicants complained, relying on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private and family life) of the Convention, that the United Kingdom had failed to regulate and take all reasonable steps to safeguard against the risks of factory farming.

[Plan B. Earth and Others v. the United Kingdom \(no. 35057/22\)](#)

1 December 2022 (inadmissibility decision)

The applicants are a non-governmental organisation and four individuals. They complained, relying on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life) and 14 (prohibition of discrimination) of the Convention, that the United Kingdom had failed to take practical and effective measures to tackle the extreme threat from man-made climate change. They also complained, relying on Articles 6 (right to a fair trial) and 13 (right to an effective remedy) of the Convention, that they had been denied a full hearing of their case in the domestic courts.

⁴. Belgium, Cyprus, Denmark, France, Germany, Greece, Luxembourg, the Netherlands, Sweden, Switzerland, and the United Kingdom.

Asociacion Instituto Metabody v. Spain (no. 32068/23)

5 October 2023 (inadmissibility decision)

The case was brought by a non-profit organisation running a campaign against animal exploitation food industries as “the main source of ecosystem destruction and climate change, mass extinctions and animal abuse, threats to human health, equality, food security and peace”. Relying on Articles 2 (right to life), 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination) of the Convention, the applicant submitted that Spain had failed to regulate and take all reasonable steps to safeguard against the risks of factory farming.

Further reading

See in particular:

- ECHR Knowledge Sharing platform (ECHR-KS), Transversal Theme **“Environment”**
 - Council of Europe [webpage](#) “Protecting the environment using human rights law”
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