

Joint media release by Senior Women for Climate Protection Switzerland and Greenpeace Switzerland

Renowned British King's Counsel join the legal team of Swiss Climate Seniors



Zurich, November 22, 2022 - Next year the Grand Chamber of the European Court of Human Rights (ECtHR) in Strasbourg will hold a public hearing on the complaint of the Senior Women for Climate Protection Switzerland and four individual plaintiffs. A ruling by the Court will have far-reaching consequences. In view of this, the Climate Seniors have strengthened their team under the leadership of Swiss lawyer Cordelia Bähr with two King's Counsel from Great Britain: Jessica Simor and Marc Willers, who both specialise in environmental law and human rights.

With their complaint against Switzerland at the European Court of Human Rights, the Senior Women for Climate Protection Switzerland and the four individual plaintiffs hope to clarify the question of whether and to what extent Switzerland is violating human rights through insufficient climate protection measures.

The Climate Seniors are represented at the Court by an international team of lawyers led by Swiss lawyer Cordelia Bähr. The team includes Raphaël Mahaim (Switzerland), Marc Willers (United Kingdom), Martin Looser (Switzerland), Jessica Simor (United Kingdom), Richard

Harvey (Greenpeace International). The lawyers are currently working on the submission, which has to be submitted to the Grand Chamber of the ECtHR on December 5.

Cordelia Bähr said: «I am very passionately committed because I am convinced that the Climate Seniors can bring about real change in Switzerland, but also on a global level. And because I am convinced that the courts must and will play a decisive role in tackling the climate crisis. This is all the more important because the consequences of global warming, which Switzerland has helped to cause, not only violate the human rights of vulnerable groups of people such as senior women, for whose assessment the judges are responsible, but also because a stable climate is the basic prerequisite par excellence for the exercise of human rights.»

Jessica Simor said: «It is a great honour and responsibility to join the legal team representing the Senior Women for Climate Protection; an extraordinary group of women who are seeking help from the European Court of Human Rights, their own Government and courts having failed them. Climate change is for many already a matter of life and death - in this case, the Court will have to face that reality.»

Marc Willers said: «I am delighted to be joining the brilliant team of lawyers representing the brave members of the Senior Women for Climate Protection in their case which highlights the disproportionate impact that climate change is having on senior women, not just in Switzerland but globally. I hope that this case will inspire people in Europe and across the world to take action to force their politicians to do everything in their power to tackle dangerous climate change for the benefit of all generations.»

Martin Looser said: «Switzerland and a large majority of governments of other nations have failed to take the problem of climate change seriously for decades, despite overwhelming scientific evidence. Countless elderly women suffer particularly severely from the consequences of summer heat waves, which are occurring more frequently and with higher intensity as a result of climate change. The case is about the consequences of the policy failure on fundamental human rights.»

Raphaël Mahaim said: «Climate change is the greatest current challenge of Mankind. Thanks to the Senior Women for Climate Protection, the European Court of Human Rights will be in a position to deliver a landmark ruling with potential effects not only in Switzerland but also worldwide.»

Richard Harvey said: «Who would deny their parents the right to age in dignity? Who would mortgage today their children's right to life and to quality of life? Swiss judges say that's not their problem. The Swiss government says leave it to politicians. But the Senior Women for Climate Protection say we can't leave such issues to those who place profits over human rights. Greenpeace is honoured to support them in asserting their rights to life and to quality of life. The Grand Chamber asks them what measures States must take to protect these rights. The Climate Seniors' answer must be heard around the world.»

Brief portraits of the lawyers

Cordelia Bähr has been working on the case of Senior Women for Climate Protection v. Switzerland since the very beginning as a Zurich lawyer with a passion for climate science. She advises her clients in environmental law and human rights law and brings over ten years of multi-faceted experience in climate law. She holds a degree in public law from the London School of Economics and Political Science (LSE) with a focus on human rights and the environment. Cordelia is also a board member of the Swiss Association for Environmental Law; a Co-founder and editor of the information platform Climate & Law; and Swiss National Rapporteur of the Climate Change Litigation Initiative. She regularly publishes in her fields of expertise.

Jessica Simor KC specialises in Environmental, Energy, Administrative, EU and human rights law. She recently acted for ClientEarth in its successful challenge to the UK's Net Zero strategy and for Friends of the Earth in its challenge to the UK Government's decision to provide \$1.15bn finance to Total to develop a vast LNG Project in Mozambique. She represents a wide range of clients, including NGOs, companies, regulators (Ofgem, ORR, Ofsted) and Governments as well as private individuals. She worked in the Environment Directorate of the European Commission in 1993, in the ECHR from 1995-1997, for the Human Rights Ombudsman in Sarajevo in 1997, is the original author of Human Rights Practice (Sweet and Maxwell), a signatory to the Oslo Principles, was one of the three UK nominees for Judge in the Strasbourg Court in 2016 and is a Visiting Professor of law at LSE and Goldsmiths. She practises from London.

Marc Willers KC is a Barrister at Garden Court Chambers and is also a member of the Irish Bar. Marc specialises in planning and environmental law; public and administrative law; civil liberties; human rights and discrimination; Gypsy, Traveller, and Roma law. Marc regularly acts for NGOs and campaigners in challenges to environmental legislation, policy and decisions relating to development which has an impact on the environment. He is recommended by the 2022 Chambers UK Bar Guide and Legal 500 for his work in planning law, environmental law, civil liberties and human rights.

Martin Looser is attorney-at-law and partner at the Zurich law firm «ettlersuter», where he specialises in Swiss public law. Martins' work focuses on environmental, planning and expropriation law as well as animal protection law, disability law and human rights issues. Until 2020 he was lecturer at ETH Zurich for Swiss environmental law. He is mainly active in litigation and often represents non-governmental organisations and individuals in these fields. In addition, he acts as a legal expert on environmental law issues and advises public administration, private companies and individuals on these matters.

Raphaël Mahaim is a swiss attorney-at-law, Partner in the law firm r&associés in Lausanne since 2017. He studied both law and environmental sciences at the University of Lausanne (graduation in 2007) and then wrote a PHD in environmental law at the University of Fribourg (graduation in 2014). He specialises in environmental law, human rights and criminal law. Parallel to his career as an attorney, Raphaël Mahaim has been a deputy to the Parliament of the Canton of Vaud for almost 15 years (2007-2021) for the Green Party. He was elected

into the Swiss Parliament (National Council) in February 2022 and is a member of its legal affairs committee. Raphaël Mahaim also teaches constitutional and environmental law at the University of Lausanne and at the University of Applied Sciences and Arts Western Switzerland.

Richard Harvey is a lawyer in Greenpeace International's Legal Unit. He advises campaigns, principally on issues related to Climate Justice, including strategic litigation aimed at holding governments and corporations to account for violating the right to a healthy environment. He is a barrister (England & Wales, since 1971); practised at the New York Bar (1982-2000); and was lead counsel at the International Criminal Tribunal for the Former Yugoslavia (2007-2014). Throughout his career he has focused on major human rights litigation, environmental justice, domestic and international criminal law, and post-conflict resolution. He is a member of Garden Court Chambers, London.

Pictures of the international team of lawyers: <https://www.klimaseniorinnen.ch/medien/>

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