

KlimaSeniorinnen respond to last-minute justification by Switzerland and see shortcomings of Swiss climate policy confirmed

Zurich, April 28, 2023. Switzerland has to explain its climate policy to the European Court of Human Rights ECtHR. In attempting to do so, it filed last-minute submissions before the public hearing of the complaint by the Swiss Senior Women for Climate Protection and four individual applicants. Switzerland is trying to justify its climate strategy on its responsibility for the remaining global carbon budget. The Senior Women's legal team now show that the government's submissions actually confirm the inadequacy of its climate policy.

On March 29, the Swiss Senior Women for Climate Protection's (aka KlimaSeniorinnen) complaint against Switzerland was the first climate case to be heard in public before the ECtHR's Grand Chamber. Shortly before the hearing, Switzerland handed over written submissions concerning its climate strategy and climate targets relating to its «fair share» in global climate protection. The President of the Court gave the Climate Senior Women additional time to file written comments on Switzerland's statements. They have this done today.

What is it about? Switzerland's late submission addresses [questions posed](#) by the ECtHR two weeks before the hearing. The Court asked whether Switzerland had calculated a specific carbon budget for itself and, if so, on what basis. Additionally, the judges asked how the fair contribution of each state should be calculated in order to comply with the global carbon budget, the so-called «fair share».

Switzerland was unable to provide any concrete figures on the carbon budget. It referred to a policy brief by Prof. Dr. Bretschger of ETH Zurich from 2012 (three years before the Paris Agreement), in which no carbon budget for Switzerland was identified. That's why the Senior Women for Climate Protection had commissioned internationally recognised scientists to make up for this and, using the methodology applied in the Policy Brief by Prof. Bretschger, to calculate the remaining carbon and greenhouse gas budget for Switzerland today. The result is: Switzerland's remaining greenhouse gas budget as of 1 January 2022 was still 381 Mt CO₂-eq (megaton CO₂ equivalent). This budget will be used up by 2030 if the planned climate strategy is continued. This means that Switzerland's current climate strategy leads to massive overuse of the remaining global budget.

On the Court's question about a fair share of the necessary global emission reductions, Switzerland asserts that there is no generally accepted method for calculating a fair share and the studies submitted by the climate seniors are all «subjective». Switzerland claims that its climate strategy is based on other analyses, including the 2012 policy brief and a 60-page internal «working paper» on what Switzerland's contribution to global climate protection efforts should be before it could be called «fair and ambitious». But at the same time,

Switzerland states that this working paper does *not* reflect the government's official view. Notably, the «working paper» stands in stark contrast to current and planned climate policy. For example, according to the internal working paper, emission reductions abroad should not be counted towards Switzerland's own climate balance and Switzerland should also be responsible for reducing its grey emissions (e.g. those generated by domestic consumption and the activities of its financial centre).

An explosive sideline: The documents now submitted to the ECtHR “in support of” the climate targets were not made publicly available in 2021, despite an explicit request from the Senior Women's legal team based on the Public Disclosure Act.

Rosmarie Wydler-Wälti, co-president of Senior Women for Climate Protection Switzerland, comments: «The fact that my country is acting in such a way on such an essential issue – the necessary protection of the climate – again completely amazes me. But it is indeed the case. I am grateful that the ECtHR is taking a close look at our submissions.»

Public hearing before the Grand Chamber of the ECtHR to be transcribed

The Senior Women for Climate Protection Switzerland will soon publish a complete transcript of the public hearing before the Grand Chamber of the ECtHR on 29 March 2023, to better understand the contents of the proceedings. This will include the contributions of Switzerland (mostly in French), the Senior Women for Climate Protection (English) and the four individual applicants, the third parties (Ireland and the European Network of National Human Rights Institutions), the numerous questions put by the judges and the replies of both parties. The video of the public hearing can be found on the Court's website.

https://www.echr.coe.int/Pages/home.aspx?p=hearings&w=5360020_29032023&language=lang&c=&py=2023

Climate cases: Third public hearing on 27 September 2023

[Three climate cases](#) are currently pending before the Grand Chamber of the ECtHR. The Swiss complaint «Verein KlimaSeniorinnen Schweiz and Others v. Switzerland» (no. 53600/20) and the case «Carême v. France» (no. 7189/21) were heard in public at the end of March. The public hearing of the third climate change case «Duarte Agostinho et al./Portugal et al.» (No. 39371/20) will take place on 27 September 2023. It is expected that the Court will render leading judgments on human rights and climate change in these three cases.

More information

- [Questions of the Court](#) issued before the hearing

- [Submission of Switzerland](#); Annex 1: [Policy-Brief](#) by Bretschger; Annex 2: [Internal working document](#)
- [Submission of the Senior Women for Climate Protection Switzerland](#); Annex 1: [Expert Report Emissions Budget](#); Annex 2: [letter for access to information](#); Annex 3: [Response Climate Analytics](#); Annex 4: [Response Climate Action Tracker](#)
- [Speech of the legal team](#) of the Senior Women for Climate Protection Switzerland at the public hearing at the ECtHR on 29 March 2023 (only the spoken word is relevant)

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