

ADVISORY COUNCIL ON YOUTH (CCJ)

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English only

European Court of Human Rights' historic ruling in the case of KlimaSeniorinnen v. Switzerland

The Advisory Council on Youth celebrates the European Court of Human Rights' historic ruling in the [Verein KlimaSeniorinnen Schweiz and others v. Switzerland](#) on 9 April 2024, the first ever by an international human rights court. This ruling, on the inadequacy of climate action by a nation state, highlights that the climate crisis is a human rights crisis.

The case was considered admissible in part and accepted only the admissibility of the case brought by the association and not that of the individual applicants. Under Article 34 of the European Convention on Human Rights (the Convention), the Court used this ruling as an opportunity to create new standards on a victim status specific to climate-related cases and to avoid future actio popularis cases. This ruling demonstrates that climate inaction can and does violate the rights enshrined in the Convention, such as the right to private and family life (Article 8) and the right to access to court (Article 6§1).

The ruling explicitly mentions the vital role of intergenerational climate policies and of ensuring that they do not serve only short-term interests, while at the same time making a clear statement that future generations are likely to bear an increasingly severe burden of the consequences of present failures and omissions to combat climate change.

According to the ruling, collective action is the only means through which the voice of those at a distinct representational disadvantage can be heard and through which those groups can seek to influence relevant decision-making processes. This development is of vital importance when it comes to holding States accountable for their climate inaction. In view of this ruling, the Advisory Council on Youth wants to emphasise that involving young people in decision-making processes would result in more effective measures and ensure implementation of the intergenerational perspective that is needed to safeguard the rights of current and future generations.

The Advisory Council on Youth celebrates the Court's first historic ruling on a climate case and supports the Court's jurisprudence. This development, together with the awaited report in June 2024 of the CDDH-ENV on the need for and feasibility of a further instrument or instruments on human rights and the environment, the fact that all Council of Europe member States voted in favour of the UN General Assembly Resolution 76/300 in July 2022 – recognising the right to a clean, healthy and sustainable environment as a human right – must be reinforced and clarified by recognising the right to a healthy environment, providing additional legal certainty and clarifying States' obligations under the Convention.

The Advisory Council on Youth, together with our co-Joint Council on Youth (CMJ) colleagues from the European Steering Committee for Youth (CDEJ), have worked over the past two years on a draft Committee of Ministers recommendation on Young people and climate action, which was unanimously adopted by the CMJ at its 50th meeting (April 2024). This text will now be examined by the Council of Europe Committee of Ministers and (hopefully) adopted. This is the result of our joint efforts and support for the protection of the rights of young people and the promotion of their participation in climate-related decision-making processes. We urge the Council of Europe member States to implement the recommendations therein.

The Advisory Council on Youth remains at the disposal of the Council of Europe member States and the Committee of Ministers for any further consultation on the priorities set by the Reykjavík Declaration on the environment and young people.

At the same time, we invite all young people to join us in continuing our efforts to accelerate the protection of the environment from an intergenerational perspective and safeguard the rights of young people and future generations under the European Convention on Human Rights from the threat of the current climate crisis.

The statements of the Advisory Council are published for the purpose of informing the public about the activities of the statutory bodies of the Council of Europe youth sector. The statements reflect the opinions and positions of the Advisory Council and its members. The views expressed therein do not necessarily reflect the views of the Council of Europe.