



February 2023

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.

The Court has not yet ruled on the issue of State climate-change action. There are currently three cases pending before the Grand Chamber of the Court on this issue.

Cases pending before the Grand Chamber of the Court

On 11 January 2023 the Grand Chamber held a procedural meeting in the three climate cases pending before it – *Verein Klimaseniorinnen Schweiz and Others v. Switzerland*, *Carême v. France* and *Duarte Agostinho and Others v. Portugal and 32 Others*. At that meeting, it was decided that, after the completion of the written stage of the proceedings, the oral stage in the cases would be staggered.

A hearing in the *Verein Klimaseniorinnen Schweiz and Others* and *Carême* cases will be held on 29 March 2023, and a hearing in the *Duarte Agostinho and Others* case will be held before the same composition of the Grand Chamber at a later stage. The precise date for the hearing in *Duarte Agostinho and Others* will be fixed later, with a target to hold the hearing soon after the 2023 summer judicial recess.

[**Verein KlimaSeniorinnen Schweiz and Others v. Switzerland \(application no. 53600/20\)**](#)

Relinquishment in favour of the Grand Chamber in April 2022

This case, which has been brought by a Swiss association and its members, a group of elderly people concerned with the consequences of global warming on their living conditions and health, relates to a complaint of various failings of Swiss authorities in the area of climate protection. The applicants submit in particular that the respondent State has failed to fulfil its positive obligations to protect life effectively (Article 2 of the Convention) and to ensure respect for their private and family life, including their home (Article 8 of the Convention). They further complain that they have not had access to a court within the meaning of Article 6 (right to a fair trial) of the Convention, and of a violation of Article 13 (right to an effective remedy) of the Convention, arguing that no effective domestic remedy is available to them for the purpose of submitting their complaints under Articles 2 and 8.

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, have taken part in the written stage of the proceedings.

[**Carême v. France \(no. 7189/21\)**](#)

Relinquishment in favour of the Grand Chamber in May 2022

This case concerns a complaint by a resident and former mayor of the municipality of Grande-Synthe, who submits that France has taken insufficient steps to prevent climate change and that this failure entails a violation of the right to life (Article 2 of the

Convention) and the right to respect for private and family life (Article 8 of the Convention).

The Chamber of the Court to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 31 May 2022.

Duarte Agostinho and Others v. Portugal and 32 Other States¹ (no. 39371/20)

Relinquishment in favour of the Grand Chamber in June 2022

This case concerns the polluting 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 complain 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 allege 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 29 June 2022.

A large number of third-party interveners have also taken part in the written stage of the proceedings.

Cases other than those pending before the Grand Chamber

Between September 2022 and February 2023 the Court held a series of procedural meetings in respect of climate change applications other than those pending before its 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 two 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

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.

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.

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.

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.

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

Cases declared inadmissible

The Court declared the two 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.

Further reading

See in particular:

- **“Environment”** factsheet
- **Guide to the Case-Law of the European Court of Human Rights – Environment** (*in French*), European Court of Human Rights, 2021.
- Council of Europe **webpage** “Protecting the environment using human rights law”.

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