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# Women's Health Rights can Guide International Climate Litigation: KlimaSeniorinnen v. Switzerland before the European Court of Human Rights

*Hannah van Kolfschooten and Angela Hefti*

All over the world, individuals are taking governments to court for their role in climate change, or rather, their “climate inaction”. The [2022 Global Trends in Climate Change Litigation Policy Report](#) shows that strategic litigation cases to enforce climate laws and policies have doubled since 2015. On 29 March 2023, the Grand Chamber of the [European Court of Human Rights \(ECtHR\)](#) heard its first climate case: [KlimaSeniorinnen v. Switzerland](#). A group of senior women is suing Switzerland for failing to protect them from the harms of climate change. This case is [likely the first climate case ever to be decided by a human rights court](#) and is important for two reasons. First, it centers around health rights. Second, it is a case involving women's health. It shows how women's health rights could guide international climate litigation.

KlimaSeniorinnen (German for ‘senior climate women’) are suing Switzerland for neglecting the target of the [Paris Agreement](#) and failing to take action to limit global warming to a maximum of 1.5 degrees Celsius. Switzerland's temperature is increasing [two to three times faster](#) than the global average, with extreme, life-threatening heatwaves as a result. KlimaSeniorinnen argues that Switzerland's lack of

action has violated their right to health, as interpreted under the [European Convention on Human Rights](#). Specifically, they claim that as women they are more vulnerable to the effects of heatwaves, which exacerbate their existing health problems, and they are therefore disproportionately affected by Switzerland's climate inaction. Rising temperatures affect women's health more than men's, especially [pregnant people](#) and [heat-related mortality](#) is higher in women than in men.

Climate change is the biggest health emergency of this century and is a [new social determinant of health](#), impacting health directly and indirectly. We can no longer ignore the growing evidence of the impact of climate change on human health, especially for already marginalized populations. While the European Convention does not protect the right to a healthy environment as such, the ECtHR has a long track record of holding governments responsible when they fail to protect the health of their citizens from environmental harms. Examples include [methane explosions](#) caused by industrial activities, and toxic emissions from [steel plants](#) and [toxic industrial waste plants](#), as well as natural hazards such as [earthquakes](#). This strand of case law will form the basis for the Court to decide the Swiss climate case.

The ECtHR will have to examine the KlimaSeniorinnen case from both a health and a women's rights perspective. A common issue is whether it is possible for applicants to prove in court that they are directly affected by climate change. In climate cases direct cause is difficult to establish but in this case, the applicants are suffering from heat-related health problems and thus are victims of climate change. To demonstrate the direct effects of extreme heat on their mental and physical health, the Swiss women are providing detailed medical reports. One has severe heat intolerance due to a cardiovascular illness, another has a pacemaker, and a third suffers chronic asthma, exacerbated by heat stress. Their age aggravates these health problems: as all women are aged over 75, they are at [risk of dying from heat-related health problems](#).

Even though the Swiss women did not explicitly raise gender equality arguments, the ECtHR ought to examine the case from a nondiscrimination perspective, as gender inequality and climate change are undeniably interconnected. The ECtHR is increasingly ruling that special human rights guarantees are required because of intersectional factors such as gender and age. Switzerland is party to the Convention on the Elimination of All Forms of Discrimination (CEDAW), also known as the international bill of women's rights. This treaty requires Switzerland to provide equal protection to women, for example, in accessing healthcare. The KlimaSeniorinnen case may just be the start of strategic human rights litigation at the intersection of climate change and health. The Court's rich case law on reproductive rights, domestic violence, and sexual violence allows for other links between climate change and women's health. Cases linking increased rates of domestic violence, forced marriage, and trafficking with climate change and women's health can be expected.

*KlimaSeniorinnen v. Switzerland* confirms that climate change is first and foremost a health issue which exacerbates existing patterns of health inequity. The Swiss women make a strong argument that the government has failed to protect them from climate harm. Winning this case would benefit the planet and boost women's health rights across the Europe, as the Court would recognize governments' responsibilities to reduce health inequities experienced by women.

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