



Written by [James Murphy](#) on April 12, 2024

“Absurd” ECHR Climate Ruling Against Switzerland Might Have Unintended Consequences

Tuesday’s ruling from the European Court of Human Rights (ECHR) that the Swiss government was, essentially, guilty of human-rights abuses for not taking the issue of climate change seriously enough could have repercussions that climate zealots did not expect. Warnings came from sources as disparate as the Swiss press and a British ECHR judge.

The ECHR [ruled](#) in favor of the Senior Women for Climate Protection, a Swiss climate activist organization demanding “that the federal authorities correct the course of Swiss climate policy because the current climate targets and measures are not sufficient to limit global warming to a safe level.”



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The ECHR ruled that Switzerland’s climate policy was somehow an impediment to the womens’ “private and family life,” which is protected under Article 8 of the European Convention on Human Rights. Switzerland, according to the ECHR, “had failed to comply with its duties” to protect its citizens from alleged man-made climate change.

While climate-change activists hailed the decision and hoped it would influence climate action all over the world, some are cautioning that the decision goes too far and might, in fact, go beyond the ECHR’s authority.

The ruling was referred to as “absurd” by prominent Swiss newspaper *Neue Zuercher Zeitung* (NZZ). “Absurd verdict against Switzerland: Strasbourg pursues climate policy from the judges bench,” stated NZZ. NZZ further surmised that the court engaged in “activist jurisprudence,” and that the plaintiffs were used by climate activist groups as a way to circumvent democracy.

Switzerland’s national daily paper *Blick* said that the ECHR’s ruling was “questionable” and ran a headline proclaiming, “We don’t want climate justice.”

“And in European politics, it should be noted, this plays into the hands of those who smell foreign judges everywhere,” *Blick* noted.

Another paper, *Tages-Anzeiger*, mused in an editorial that voters might turn “against the Green parties who now want to use the verdict for their political agenda.”

British ECHR judge Tim Eicke heard the case and did not join the 16 judges who voted for the decision. Eicke warned that the decision might have been illegitimate.

“I fear that the majority has gone beyond what it is legitimate and permissible for this court to do and, unfortunately, in doing so, may well have achieved exactly the opposite effect to what was intended,”



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Eicke wrote in dissent.

Eicke, like the Swiss newspapers, said that the ruling could result in an “unwelcome and unnecessary distraction” from actual government efforts to reduce emissions and that there was “significant doubt” that anything the court did could “make a meaningful contribution” to addressing so-called climate change.

Since the ECHR does not grant any specific right to a healthy environment, Eicke complained that the ruling “unnecessarily expanded the concept of ‘victim’ status’ to allow the women to bring the case.”

Even though the ECHR ruled against the Swiss government, it curiously stopped short of recommending that Switzerland do anything specific to address climate change, noting that taking such actions “necessarily depends on democratic decision-making.”

If those actions depend “on democratic decision-making,” then how can they rule that Switzerland failed in its duties? In 2021, the Swiss government held a referendum to propose more drastic climate action — a proposal to reduce greenhouse gasses by 50 percent by 2030. Swiss voters [rejected](#) the proposal. Is the ECHR saying on one hand that “democratic decision-making” is necessary, while on the other hand claiming they can override the decision should voters choose the wrong way?



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