The Nature Crisis and the Human Rights Protection of Right to Private Life after KlimaSeniorinnen v. Switzerland

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Abstract

Following the European Court of Human Rights ruling of KlimaSeniorinnen v. Switzerland, it is a question whether a State failing to adequately address the global nature crisis may be in breach of the right to private life, parallel to how the Court held this to be the case in regard of the climate crisis. In this decision, the ECtHR established a certain threshold for when environmental harm connected to a global crisis constitutes a violation of the right to private life. As this threshold already seems met by the risk of adverse effects on life, health, and well-being caused by the lack of State action to contain the nature crisis, States may have a positive obligation not only to contain but to reduce the nature crisis in accordance with international commitments and scientific consensus. As containing the climate crisis within the limits established by the ECtHR is absolutely dependent on keeping the nature crisis from reaching the point where marine and terrestrial ecosystems lose their ability to absorb and store anthropogenic carbon emissions at about the same level as today, it is also a question whether this may come under what is now required by the Court concerning climate change in KlimaSeniorinnen.

Keywords: Nature crisis, Climate crisis, Human Rights, Right to private life, Right to a healthy environment

Introduction

The challenges represented by the climate crisis and the various anthropogenic threats to biodiversity and the natural environment often referred to collectively as the nature crisis are often approached in a similar manner within the global community. The two crises, both caused by human activities, are intimately interconnected, and repeatedly presented as dual threats against the very fundaments for the most basic human rights. For example, within the United Nations system, both crises are dealt with through their respective international bodies: The escalating climate changes constituting the climate crisis through the Intergovernmental Panel on Climate Change (IPCC) and the escalating destruction of the Earth's ecosystems constituting the nature crisis through the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). The climate and nature crises are also referred to by various UN bodies, the Council of Europe, and the Inter-American Court of Human Rights, as parts of a global triple crisis consisting of climate change, pollution, and biodiversity loss.[1] In the Kunming Declaration adopted at the 2021 UN Conference of the

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[1] UN Framework Convention on Climate Change, *What is the Triple Planetary Crisis*. unfccc.int/news/what-is-the-triple-planetary-crisis, 13.4.2022 (accessed 11.5.2025); UN Environment Programme, *Facts about Sustainable Nutrient Management and the Triple Planetary Crisis*. www.unep.org/facts-about-sustainable-nutrient-management-and-triple-planetary-crisis, 26.11.2024 (accessed 11.5.2025); Council of Europe, *Reykjavík Declaration. United around Our Values*, 9.10.2020, appendix V.v; Inter-American Court of Human Rights, *Advisory Opinion AO-32/25. Climate Emergency and Human Rights*, 29.5.2025, §§ 42, VII, 7.

Parties to the Convention on Biological Diversity over 100 countries acknowledged

> with grave concern that the unprecedented and interrelated crises of biodiversity loss, climate change, land degradation and desertification, ocean degradation, and pollution, and increasing risks to human health and food security, pose an existential threat to our society, our culture, our prosperity and our planet.[2]

One may also turn to how more than 200 scientific health journals, reflecting a scientific consensus within their field, concluded in 2023 that the climate and nature crises represent 'one indivisible crisis', which 'must be tackled together to preserve health and avoid catastrophe.'[3] The intimate interconnection between the two crises is reflected, as well, in the way each crisis leads to the escalation of the other. As pointed out by the IPBES, the nature crisis accelerates the climate crisis by causing harm to marine and terrestrial ecosystems, which 'are the sole sinks for anthropogenic carbon emissions,'[4] whereas climate change is one of the five main human drivers causing the nature crisis.[5]

The human rights rulings on the climate crisis

For all the focus on the nature and climate crises within the international community, the 2024 case of Verein KlimaSeniorinnen and others v. Switzerland in the European Court of Human Rights (ECtHR) stands out, as the first time a formal complaint against a State concerning these issues winning through in an international human rights body. In this way, it established the first formal and precise limits for when the lack of adequate State action to contain and reduce one of these global environmental crises constitutes a breach of human rights. The Court ruled that Switzerland had violated the right to respect for private life of the elderly Swiss women represented by the association Verein KlimaSeniorinnen Schweiz, by failing to fulfil its obligation 'to adopt, and to effectively apply in practice, regulations and measures capable of mitigating the existing and potentially irreversible, future effects of climate change.'[6]

The ruling has most generally been considered a landmark decision, as it holds that the State is obliged by the right to private life of its inhabitants to follow up what is required according to the scientific consensus in order to stop climate change.[7] As no Party to the ECHR

[2] *Kunming Declaration* from the United Nations Conference of the Parties to the Convention on Biological Diversity (CBD/COP/15/5/Add.1), 13.10.2021, p. 1.

[3] Kamran Abbasi et al., 'Time to Treat the Climate and Nature Crisis as One Indivisible Global Health Emergency.' *The Lancet* (and more than 200 other journals) 402 (2023), p. 1603.

[4] Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), *Global Assessment Report on Biodiversity and Ecosystem Services*. Bonn: Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services 2022, p. xiv, cf. p. 215.

[5] IPBES 2022, *supra* note 4, p. xvi.

[6] Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (53600/20), ECtHR 9.4.2024, §§ 545, 573; henceforth referred to as KlimaSeniorinnen v. Switzerland.

[7] See e.g. Kanstantsin Dzehtsiarou, '"KlimaSeniorinnen Revolution": The New Approach to Standing.' *European Convention on Human Rights Law Review* 5 (2024), p. 423; Andreas Hösli and Meret Rehmann, 'Verein KlimaSeniorinnen Schweiz and Others v. Switzerland: The European Court of Human Rights' Answer to Climate Change.' *Climate Law* 14 (2024), p. 264; Anna Hoffmann, 'Five Key Points from the Groundbreaking European Court of Human Rights Climate Judgment in *Verein KlimaSeniorinnen Schweiz v Switzerland*.' *Environmental Law Review* 26 (2024), pp. 91–99; Julia Laffranque, 'KlimaSeniorinnen: Climate Justice and Beyond.' *European Convention on Human Rights Law Review* 5 (2024), p. 433; Annalisa Savaresi, 'Verein KlimaSeniorinnen Schweiz and Others v Switzerland: Making Climate Change Litigation History.' *Review of European, Comparative and International Environmental Law* 34 (2025), p. 279; Hani Taghavi, 'Silent Expansion: The Role of the Living Instrument Doctrine before and after the Verein Klimaseniorinnen Judgment'. *Nordic Journal of International Law* 94 (2025),

currently does this, it is also a poignant example of the ECtHR moving away from the more traditional consensus model, increasingly placing 'less emphasis on what states actually do and focus[ing] more on what they ought to do under the ECHR.'[8] Perhaps, most importantly, as pointed out by Margaretha Wewerinke-Singh and Joe Udell, the Court in this decision incorporated three of the main principles relevant for seeing the climate crisis in the context of human rights: 'referring to norms of international environmental law and best available science to interpret States' human rights obligations', 'recognising the impacts that climate change is having and will continue to have on human rights,' and 'recognising that States must adopt and implement a wide range of climate actions to protect human rights'.[9]

Simultaneously with and after this decision, the ECtHR has itself dismissed a number of other cases involving the climate crisis, either finding them inadmissible due to extraterritoriality and not having exhausted national remedies,[10] *incompatible ratione personae*,[11] or to the basis for the case being too narrow.[12] The Inter-American Court of Human Rights (IACHR), however, has delivered an Advisory Opinion that to a large degree mirrors the conclusion of KlimaSeniorinnen v. Switzerland by holding that

> States have the obligation to act in accordance with the standard of enhanced due diligence to counteract the human causes of climate change and to protect the persons subject to their jurisdiction from climate-related impacts, in particular those who are most vulnerable.[13]

In 2025 also the Internal Court of Justice (ICJ) came with an Advisory Opinion on the obligations of States in respect of climate change, concluding that 'a State's failure to implement timely and adequate adaptation measures to address the adverse impacts of climate change may violate the right to privacy, family and home.'[14]

As no parallel decision has been made concerning the challenges the *nature* crisis poses to human rights, the question becomes whether States within the European human rights regime have a similar obligation according to the right of private life of their inhabitants in regard of this *other* global environmental crisis, as have been established in regard of the climate crisis.

Climate crisis, nature crisis and environmental harm

A practical outset for a discussion on the nature crisis and human right is considering to what degree the particular assertions concerning the climate crisis may be relevant also in regard of a State's policies towards curtailing the nature crisis and the threats this crisis pose to people within its jurisdiction.

The very outset for the ECtHR in KlimaSeniorinnen v. Switzerland is that it proceeded

pp. 314–15; Margaretha Wewerinke-Singh and Joe Udell, 'Recent Landmark Decisions: Advancing Climate Litigation and State Obligations,' in Margaretha Wewerinke-Singh and Sarah Mead (eds.), *The Cambridge Handbook on Climate Litigation*. Cambridge: Cambridge University Press 2025, p. 472.

[8] Taghavi 2025, *supra* note 7, p. 319.

[9] Wewerinke-Singh and Joe Udell 2025, *supra* note 7, p. 488.

[10] Duarte Agostinho and Others v. Portugal and 32 Others (39371/20), ECtHR 9.4.2024, §§ 214, 227.

[11] Carême v. France (7189/21), ECtHR 9.4.2024, § 88; Uricchio v. Italy and 31 Others (14615/21), ECtHR 7.5.2025, §§ 14-15; Engels and Others v. Germany (46906/22), ECtHR 1.7.2025, § 10.

[12] Greenpeace Nordic and Others v. Norway (34068/21), ECtHR 28.10.2025, §§ 336-37.

[13] Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, § VII.3.

[14] International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, § 381.

'with its assessment of the issues arising in the present case by taking it as a matter of fact that there are sufficiently reliable indications that anthropogenic climate change exists.'[15] This is mirrored in how it is equally sufficient ground for taking it as a matter of fact that there are sufficiently reliable indications that also an anthropogenic *nature* crisis exists, as seen in cogent scientific evidence as well as in the general international focus on this issue, particularly within the frames of the United Nations Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). In this way, there is apparently the same ground for assessing to what degree the adverse effects of the nature crisis may pose a threat to human rights, as those of the climate crisis.

An essential aspect in regard of discussing the nature crisis and human rights on the basis of the connection between the climate crisis and human rights is that the adverse effects of the climate crisis often are considered an example of adverse effects of 'environmental harm' in general, as by the ECtHR in KlimaSeniorinnen v. Switzerland.[16] As any possible adverse effects of the nature crisis also must be understood to constitute 'environmental harm', this seems to indicate that the principles identified by the Court regarding the climate crisis may also be applicable to the nature crisis. Indeed, in maintaining that there is 'a recognition that *environmental degradation*' – in general – 'has created, and is capable of creating, serious and potentially irreversible adverse effects on the enjoyment of human rights,'[17] the ECtHR may seem, in principle, to hold that also the nature crisis may threaten various human rights in a similar way as the climate crisis.

The same basic understanding of environmental harm as a general concept is also found in the United Nations human rights system, as the UN Human Rights Committee holds that '*environmental* degradation can compromise effective enjoyment of the right to life,' in the 2019 and 2022 cases of Teitiota v. New Zealand and Daniel Billy and others v. Australia,[18] and as the 1998 Aarhus Convention maintains 'that adequate protection of the *environment* is essential to … the enjoyment of basic human rights'.[19] This is reflected, as well, in the 2025 Advisory Opinions by both the Internal Court of Justice and the Inter-American Court of Human Rights, considering respectively that 'the protection of the *environment* is a precondition for the enjoyment of human rights,'[20] and that '*environmental* damage may affect all human rights'.[21]

Another most fundamental aspect in the question of human rights and the nature crisis, is that, as also stressed by the ECtHR in KlimaSeniorinnen v. Switzerland, 'for a State's positive obligations to be engaged … in the context of environmental harm, … '[t]here must be a relationship of *causation* between the risk and the alleged failure to fulfil positive obligations.'[22] Environmental harm that cannot be explained by human activity within a State's jurisdiction, will thus fall outside this scope, although the State may be obliged to offer relevant information about and

[15] KlimaSeniorinnen v. Switzerland § 436.
[16] Ibid. § 438.
[17] Ibid. § 431, my emphasis.

[18] Teitiota v. New Zealand (CCPR/C/127/D/2728/2016), UNHRC 23.9.2019, § 9.5, Daniel Billy and Others v. Australia (CCPR/C/135/D/3624/2019), UNHRC 21.7.2022, § 8.5, my emphasis.
[19] Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), preamble, my emphasis.
[20] International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, § 373, my emphasis.
[21] Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, § 274, my emphasis.
[22] KlimaSeniorinnen v. Switzerland § 438, my emphasis.

protection against such events in order to protect those within its jurisdiction.

The differences from prior case-law

In regard of the 'fundamental differences' of the case of the climate crisis from what was then already 'existing environmental case-law', the ECtHR 'considers it appropriate to adopt an approach which both acknowledges and takes into account the particularities of climate change and is tailored to addressing its specific characteristics.'[23] However, when examining these 'specific characteristics' of the challenges posed by the climate crisis, one will find that these generally seem to mirror what must be considered the main 'specific characteristics' of the challenges that also the nature crisis poses.

Just as the ECtHR finds is the case with 'climate change disputes', disputes relating to the nature crisis 'are not concerned with single-source local environmental issues but with a more complex global problem.'[24] Similar to how 'there is no single or specific source of harm' causing the climate crisis, as 'GHG [greenhouse gases] emissions arise from a multitude of sources',[25] the harm posed by the nature crisis is the aggregate consequences of numerous activities that each by themselves may not represent a threat to human rights. That which causes the nature crisis may really be described in the same manner as that of the climate crisis, namely as something which is 'not limited to specific activities that could be labelled as dangerous,' but 'arise[s] in the context of basic activities in human societies … such as industry, energy, transport, housing, construction and agriculture'.[26] As the threat represented by the climate crisis is caused by a 'chain of effects' which 'is both complex and more unpredictable in terms of time and place' than more limited cases of environmental damage,[27] this is also the case with the threat posed by the nature crisis. Just as with the climate crisis, combating and halting the nature crisis consequently 'does not depend on the adoption of specific localised or single-sector measures' – it is in both cases a question of 'polycentric issues'.[28]

The way KlimaSeniorinnen v. Switzerland may be seen as a response to how Irmina Kotiuk, Adam Weiss, and Ugo Taddei, prior to the ruling, argued that the interpretation of the ECHR, if it 'is to be a living instrument, … cannot ignore the many ways environmental issues interact with human rights,'[29] this seems to be equally relevant for the effects of the nature crisis as those of the climate crisis, now established.

Nature and the right to private life

As the issue of the effect of the climate crisis in KlimaSeniorinnen v. Switzerland was decided on the basis of the right to respect for private life, as protected in Article 8 of the European Convention of Human Rights (ECHR), this is the right that seems most relevant also when discussing the relation between human rights and the nature crisis.

One must, in this regard, note that, as in a number of previous cases, the ECtHR stressed that neither Article 8 on the right to private life, nor any other article of the ECHR, 'is specifically designed to provide general protection of the environment as such'. 'Simply the general deterioration of the environment' does not constitute a

[23] Ibid. § 422.
[24] Ibid. § 424.
[25] Ibid. § 416.
[26] Ibid. § 418.
[27] Ibid. § 417.
[28] Ibid. § 419.
[29] Irmina Kotiuk, Adam Weiss, and Ugo Taddei, 'Does the European Convention on Human Rights Guarantee a Human Right to Clean and Healthy air? Litigating at the Nexus between Human Rights and the Environment.' *Journal of Human Rights and the Environment* 13 (2022), p. 151.

breach of the ECHR.[30] This is also the case with the generally parallel articles of the UN International Covenant on Civil and Political Rights (ICCPR).

It is, in other words, difficult to identify a right to nature, as such, from the current understanding of the ECHR. This does not, however, mean that a right to nature, as such, may not fall under human rights protected by other treaties and conventions, as, for instance, the UN Committee on Economic, Social and Cultural Rights and the UN Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment hold that a right to nature comes under the right to culture protected by article 15 in the UN International Covenant on Economic, Social and Cultural Rights (ICESCR).[31]

In its 2025 Advisory Opinion the Inter-American Court of Human Rights turned this position around, deciding by four votes to three that 'Nature and its components' are by themselves 'subjects of rights', on the basis of 'the principle of progressivity that governs the realization of the economic, social, cultural and environmental rights' in Article 26 of the American Convention on Human Rights.[32] Although this is an understanding that is gaining traction in both national legislation and jurisprudence and wider scientific discussions on law and nature,[33] it is less likely that this will be embraced within either the Council of Europe or United Nations human rights regimes in the foreseeable future, as it generally goes beyond the very outset of the human rights established within these systems.

The threshold of environmental harm

As it had already established in a number of rulings on more limited cases of environmental damage, the ECtHR stressed in KlimaSeniorinnen v. Switzerland that in order for the right to respect for private life to be applicable for any 'environmental harm', there must be 'a harmful effect on a *person* and not simply the general deterioration of the environment.'[34]

It is also a question of the degree of such adverse effects. As the Court made clear, 'there has to be evidence of a risk meeting a certain *thresh-*

[30] KlimaSeniorinnen v. Switzerland §§ 445, 446; cf. Kyrtatos v. Greece (41666/98), ECtHR 22.3.2003, § 52; Dubetska and Others v. Ukraine (30499/03), ECtHR 10.2.2011, § 105; di Sarno and Others v. Italy (30765/08), ECtHR 10.1.2012, § 80; Cordella and Others v. Italy (54414/13 and 54264/15), ECtHR 24.1.2019, § 100.

[31] The UN Committee on Economic, Social and Cultural Rights (CESCR) stressed in its 2009 General Comment 21 that the 'full realization' of 'the right of everyone to… participate in cultural life', as enshrined in article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), also includes the right 'for everyone to enjoy and benefit from … nature's gifts, such as seas, lakes, rivers, mountains, forests and nature reserves, including the flora and fauna found there, which give nations their character and biodiversity' (Committee on Economic, Social and Cultural Rights, *General Comment No. 21: Right of Everyone to Take Part in Cultural Life* (E/C.12/GC/21), 21.12.2009, § 16). In 2020 the UN Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, in a similar way, stressed that the right to 'an adequate standard of … culture' is 'among the human rights being threatened and violated' by 'damage to the biosphere'. Moreover, 'the failure of States to prevent the degradation of an ecosystem or the extinction of a species could violate children's rights to … culture', among other rights (UN General Assembly, *Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, David R. Boyd: Human Rights Depend on a Healthy Biosphere* (A/75/161), 15.7.2020, §§ 31, 49).

[32] Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, §§ VII.7, 281.

[33] For an overview of some of the recent national jurisprudence, see Susana Borràs-Pentinat, 'Rights of Nature,' in Margaretha Wewerinke-Singh and Sarah Mead (eds.), *The Cambridge Handbook on Climate Litigation*. Cambridge: Cambridge University Press 2025, pp. 275–98.

[34] KlimaSeniorinnen v. Switzerland § 446; cf. di Sarno and Others v. Italy (30765/08), EC- tHR 10.1.2012, §§ 80-81; Çiçek and Others v. Turkey (44837/07), ECtHR 11.12.2007, § 27.

old … in the context of environmental harm',[35] in accordance with how it in various previous environmental cases has stressed that the right to private life has to be 'adversely affected' at 'a certain level of severity' in order to represent a violation.[36] Although it must be the case of 'serious adverse effects of climate change on their life, health, well-being and quality of life,'[37] the understanding of what constitutes 'a harmful effect on a person' is broad, as it may be either 'physical' or 'mental',[38] and includes the 'adverse effects not only on individuals' health but on their well-being and quality of life'.[39] Another important principle concerning this threshold is that 'the applicability of Article 8 … is triggered not only by actual damage to the health or wellbeing of an applicant but by the *risk* of such effects, where such risks present a sufficiently close link with the applicant's enjoyment of his or her rights under Article 8.'[40]

This understanding of what constitutes a threat to the right of private life in cases of environmental harm is reflected on a more general level within the United Nations human rights system, often connected to health. In this regard, ECtHR in KlimaSeniorinnen v. Switzerland referred to a number of examples. In the 1998 Aarhus Convention the States recognise 'that every person has the right to live in an environment adequate to his or her *health* and *well-being*' and 'that adequate protection of the environment is essential to human well-being and the enjoyment of basic human rights, including the right to life itself.'[41] The UN Human Rights Committee, in its 2019 General Comment on the right to life, makes clear that '[e]nvironmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right of life,'[42] which, automatically, also relates to the right to private life. The Committee reiterated this principle in the 2019 and 2022 cases of Teitiota v. New Zealand and Daniel Billy and others v. Australia, in which it maintained that 'environmental degradation can compromise effective enjoyment of the right to life, and that severe environmental degradation can adversely affect an individual's well-being and lead to a violation of the right to life.'[43] In two parallel resolutions, the United Nations Human Rights Council and United Nations General Assembly similarly recognise 'the right to a clean, *healthy* and sustainable environment as a human right,' and note 'that the right to a clean, *healthy* and sustainable environment

[35] KlimaSeniorinnen v. Switzerland § 438, my emphasis.
[36] Ibid. §§ 446, 514; cf. López Ostra v. Spain (16798/90), ECtHR 9.12.1994, § 51; Fadeyeva v. Russia (55723/00), ECtHR 9.6.2005, §§ 69-70; di Sarno and Others v. Italy (30765/08), ECtHR 10.1.2012, § 80; Hardy and Maile v. the United Kingdom (31965/07) ECtHR 14.2.2012, § 188; Pavlov and Others v. Russia (31612/09), ECtHR 11.10.2022, § 61; Çiçek and Others v. Turkey (44837/07), ECtHR 11.12.2007, § 29; Yevgeniy Dmitriyev v. Russia (17840/06), ECtHR 1.12.2020, § 32.
[37] KlimaSeniorinnen v. Switzerland § 519.
[38] Ibid. § 516; cf. Hardy and Maile v. the United Kingdom (31965/07), ECtHR 14.2.2012, § 188; Çiçek and Others v. Turkey (44837/07), ECtHR 4.2.2020, § 22.
[39] KlimaSeniorinnen v. Switzerland § 435, cf. § 514.
[40] Ibid. § 437, my emphasis; cf. §§ 435, 470, 518; cf. López Ostra v. Spain (16798/90), ECtHR 9.12.1994, § 51.
[41] Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), preamble, my emphasis. Referred to by the ECtHR in KlimaSeniorinnen v. Switzerland § 141.
[42] UN Human Rights Committee, *General Comment No 36: Article 6: Right to Life* (CCPR/C/GC/36), 3.9.2019, § 62, referred to by the ECtHR in KlimaSeniorinnen v. Switzerland § 173. .
[43] Teitiota v. New Zealand (CCPR/C/127/D/2728/2016), UNHRC 23.9.2019, § 9.5, referred to by the ECtHR in KlimaSeniorinnen v. Switzerland § 195; Daniel Billy and Others v. Australia (CCPR/C/135/D/3624/2019), UNHRC 21.7.2022, § 8.5, referred to by the ECtHR in KlimaSeniorinnen v. Switzerland § 176.

is related to other rights and existing international law.'[44]

The climate crisis and the right to private life

As the ECtHR in KlimaSeniorinnen v. Switzerland concluded that the right to respect for private life encompasses 'a right for individuals to effective protection by the State authorities from serious adverse effects of climate change on their life, health, well-being and quality of life,'[45] it is relevant to look more closely at how the Court considers the climate crisis to threaten this right.

Most basically, the Court holds that the scientifically documented consequences of the climate crisis constitute 'evidence of a risk meeting a certain threshold' required in regard to the right to private life enshrined in Article 8 of the ECHR.[46] In other words, the environmental harm caused by the climate crisis is 'not simply' about 'the general deterioration of the environment' but represents 'a harmful effect on a person, 'where their private life is 'adversely affected' at 'a certain level of severity'.[47] As the Court found 'a direct and immediate link between the alleged environmental harm and the applicant's private or family life or home,' it established that harm caused by the climate crisis may represent an 'actual interference' with the right to private life.[48]

As States are 'in control of the causes of anthropogenic climate change,' the ECtHR concludes that there exists a 'causal relationship between State actions and/or omissions relating to climate change and the harm, or risk of harm, affecting individuals' and their right to private life.[49] Taking into account the general principle that 'States have a positive obligation to put in place the relevant legislative and administrative framework designed to provide effective protection of human health and life,'[50] the Court holds that in face of the climate crisis, 'the State's primary duty is to adopt, and to effectively apply in practice, regulations and measures capable of mitigating the existing and potentially irreversible, future effects of climate change.'[51] Indeed, this means that 'immediate action needs to be taken and adequate intermediate reduction goals must be set for the period leading to net neutrality… to avoid a disproportionate burden on future generations.'[52] The States must consequently 'take the necessary mitigation measures (to reduce GHG emissions) and adaptation measures (to adapt to climate change and reduce its impacts),' in agreement with their formal commitments 'in accordance with their common but differentiated responsibilities and their respective capabilities'.[53]

If a State does not comply with these positive obligations necessary to protect the right to private life of those within its jurisdiction from 'serious adverse' effects of the climate crisis, it

[44] UN Human Rights Council, *Resolution Adopted by the Human Rights Council on 8 October 2021: The Human Right to a Clean, Healthy and Sustainable Environment* (A/HRC/RES/48/13), 18.10.2021, §§ 1, 2; United Nations General Assembly, *Resolution Adopted by the General Assembly on 28 July 2022: The Human Right to a Clean, Healthy and Sustainable Environment* (A/RES/76/300), 1.8.2022, §§ 1, 2, referred to by the ECtHR in KlimaSeniorinnen v. Switzerland §§ 156, 144-47, my emphasis.

[45] KlimaSeniorinnen v. Switzerland § 519.

[46] Ibid. § 438.

[47] Ibid. §§ 446, 514; cf. López Ostra v. Spain (16798/90), ECtHR 9.12.1994, § 51; Fadeyeva v. Russia (55723/00), ECtHR 9.6.2005, §§ 69-70; di Sarno and Others v. Italy (30765/08), ECtHR 10.1.2012, § 80; Hardy and Maile v. the United Kingdom (31965/07) ECtHR 14.2.2012, § 188; Pavlov and Others v. Russia (31612/09), ECtHR 11.10.2022, § 61; Çiçek and Others v. Turkey (44837/07), ECtHR 11.12.2007, § 29; Yevgeniy Dmitriyev v. Russia (17840/06), ECtHR 1.12.2020, § 32.

[48] KlimaSeniorinnen v. Switzerland § 515.

[49] Ibid. § 519, cf. §§ 435, 436, 478.

[50] Ibid. § 538.

[51] Ibid. § 545.

[52] Ibid. § 549.

[53] Ibid. § 478.

consequently violates the right to private life as protected in Article 8 of the ECHR. This is what was the case in KlimaSeniorinnen v. Switzerland, as the Swiss authorities had failed 'to act in good time and in an appropriate and consistent manner regarding the devising, development and implementation of the relevant legislative and administrative framework' necessary in order to protect the right to private life of those within their jurisdiction.[54]

The climate crisis as an immediate and future threat

Connected to how the ECtHR holds that 'the applicability' of the protection of the right to private life may be triggered also 'by the risk of … actual damage to the health or wellbeing of an applicant,'[55] the Court has made it clear that the serious environmental risk that the climate crisis poses is an example of the 'highly exceptional circumstances that an applicant may … claim to be a victim of a violation of the Convention owing to the risk of a future violation.' This is the case when a 'potential victim' is able to 'produce reasonable and convincing evidence of the likelihood that a violation affecting him or her personally will occur.'[56]

On the basis of this and the scientific consensus on climate change, the Court emphasises that the threat posed by the climate crisis against the right to private life, is twofold, both current and future: Firstly, it is a question of '*immediate* danger to humans'[57] as seen in how 'there is cogent scientific evidence demonstrating that climate change has *already* contributed to an increase in morbidity and mortality, especially among certain more vulnerable groups, that it actually creates such effects.'[58] This immediate threat is the consequence of 'aggregate levels of CO_2' giving

> rise to global warming and climate change, which in turn cause incidents or periods of extreme weather; these in turn cause various harmful phenomena such as excessive heatwaves, droughts, excessive rainfall, strong winds and storms, which in turn give rise to disasters such as wildfires, floods, landslides and avalanches.[59]

Secondly, it is the question of what may happen 'in the *longer term*',[60] as the ECtHR emphasised that 'cogent scientific evidence' demonstrates that, 'in the absence of resolute action by States,' the climate crisis 'risks progressing to the point of being irreversible and disastrous.'[61] More in detail, the Court stressed how 'whole populations are, or will be, affected, albeit in varying ways, to varying degrees and with varying severity and imminence of consequences.' In 'the worst affected areas', there is the risk of climate changes outright 'destroying the basis for human livelihoods and survival.'[62] The ECtHR also emphasises that 'to avoid a disproportionate burden on *future* generations, immediate action needs to be taken and adequate intermediate reduction goals must be set for the period leading to net neutrality.'[63]

This twofold threat of the climate crisis also connects to the factors the ECtHR finds required for an association to have a legal standing on these issues: It 'must be able … to act on behalf of members or other affected individuals within

[54] Ibid. § 573, cf. 574.
[55] Ibid. § 437, my emphasis; cf. §§ 435, 470, 518; cf. López Ostra v. Spain (16798/90), ECtHR 9.12.1994, § 51.
[56] Ibid. § 470, my emphasis; cf. Berger-Krall and Others v. Slovenia (47117/04), ECtHR 26.6.2014, § 258.
[57] Ibid. § 417, my emphasis.
[58] Ibid. § 478, my emphasis.
[59] Ibid. § 417.
[60] Ibid. § 417.
[61] Ibid. § 478. Cf. §§ 546, 104-20.
[62] Ibid. § 417.
[63] Ibid. § 549, my emphasis.

the jurisdiction who are subject to specific *threats* … of climate change',[64] as these 'specific threats', according to the Court, are the 'serious current and future threat' posed by the climate crisis.[65]

That the climate crisis constitutes a twofold threat is also reflected both in how the IACHR in its 2025 Advisory Opinion concludes that '[t]he right to a healthy climate … protects *present* and *future* humanity in its collective dimension,'[66] and in how the ICJ in its Advisory Opinion holds that 'the climate system … must be protected for *present* and *future* generations.'[67] This basic understanding reflecting the scientific consensus is found as well in the United Nations human rights regime. The UN Human Rights Committee, in its General Comment on the right to life, maintains that '[e]nvironmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life,'[68] whereas the UN Framework Convention on Climate Change (UNFCCC) holds that '[t]he Parties should protect the climate system for the benefit of *present* and *future* generations of humankind.'[69]

Detailed State obligations on the climate crisis

Another pivotal aspect of the ruling of KlimaSeniorinnen v. Switzerland is how the ECtHR quantified the target of the 'effective protection by the State authorities' required in respect of the climate crisis: In order not to breach the right to respect for private life, each Contracting State to the ECHR, must implement the policies necessary to keep 'the rise in temperature … limited to 1.5˚C above pre-industrial level'[70] and 'undertake measures for the substantial and progressive reduction of their respective GHG [greenhouse gas] emission levels, with a view to reaching net neutrality within, in principle, the next three decades.'[71] As the Court detailed:

> In line with the international commitments undertaken by the member States, most notably under the UNFCCC and the Paris Agreement, and the cogent scientific evidence provided, in particular, by the IPCC, the Contracting States need to put in place the necessary regulations and measures aimed at preventing an increase in GHG concentrations in the Earth's atmosphere and a rise in global average temperature beyond levels capable of producing serious and irreversible adverse effects on human rights, notably the right to private and family life and home under Article 8 of the Convention.[72]

One should note, however, that whereas the 2015 Paris Agreement requires that the States must have a policy to hold 'the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels,'[73] the ECtHR bound the

[64] Ibid. § 502, my emphasis.
[65] Ibid. § 436.
[66] Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, § VII.9, my emphasis.
[67] International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, § 273, my emphasis.
[68] UN Human Rights Committee, *General Comment No. 36: Article 6: Right to Life* (CCPR/C/GC/36), 3.9.2019, § 62, my emphasis.
[69] United Nations Framework Convention on Climate Change, § 3.1, my emphasis.
[70] KlimaSeniorinnen v. Switzerland § 436.
[71] Ibid. § 548; cf. Georgel and Georgeta Stoicescu v. Romania (9718/03), ECtHR 26.7.2011, § 59: 'Indeed, where an issue in the general interest is at stake, which reaches a degree of gravity such that it becomes a public health issue, it is incumbent on the public authorities to act in good time, in an appropriate and consistent manner.'
[72] KlimaSeniorinnen v. Switzerland § 546.
[73] Paris Agreement, § 2.1.

State obligations to a 1.5° C limit, as 'scientific knowledge has developed further and States have recognised that "the impacts of climate change will be much lower at the temperature increase of 1.5°C compared with 2°C".'[74]

In sum, the Court based its assessment of the positive obligations of the Swiss authorities regarding the climate crisis on the following criteria:

> taking it as a matter of fact that there are sufficiently reliable indications that anthropogenic climate change exists, that it poses a serious current and future threat to the enjoyment of human rights guaranteed under the Convention, that States are aware of it and capable of taking measures to effectively address it, that the relevant risks are projected to be lower if the rise in temperature is limited to 1.5°C above pre-industrial levels and if action is taken urgently, and that current global mitigation efforts are not sufficient to meet the latter target.[75]

In the aftermath of KlimaSeniorinnen v. Switzerland, the IACHR similarly ties the States' human rights obligations to that 'a temperature increase of no more than 1.5°C … should be considered a minimum starting point, rather than the finishing line when determining the mitigation target of each' as this is 'in keeping with global mitigation requirements calculated by the best available science'.[76] The ICJ, on its part, also stresses that in order to uphold human rights, 'States parties to the Paris Agreement have an obligation to prepare, communicate and maintain successive and progressive nationally determined contributions which, … when taken together, are capable of achieving the temperature goal of limiting global warming to 1.5°C above pre-industrial levels.'[77]

The State's role in a global crisis

The ECtHR also addressed the claim that, whether or not one single country – in this case Switzerland – follows what is required globally to curtail the climate crisis, will not make any substantial difference. But this line of argument is firmly refuted by the Court, as it 'considers that a respondent State should not evade its responsibility by pointing to the responsibility of other States, whether Contracting Parties to the Convention [ECHR] or not.'[78] Indeed, as 'the global climate regime established under the UNFCCC,' necessary for solving the climate crisis, 'rests on the principle of common but differentiated responsibilities and respective capabilities of States,'[79] the ECtHR stresses how '[t]his position is consistent with the Court's approach in cases involving a concurrent responsibility of States for alleged breaches of Convention rights, where each State can be held accountable for its share of the responsibility for the breach in question.'[80] As the Court sums up, 'given that the [ECHR] Article 1 jurisdiction is principally territorial, each State has its own responsibilities within its own territorial jurisdiction in respect of climate change.'[81] This is reflected, as well, in the 2025 Advisory Opinion of the IACHR, unan-

[74] KlimaSeniorinnen v. Switzerland § 106, quoting the 2021 Glasgow Climate Pact, § 21.
[75] KlimaSeniorinnen v. Switzerland § 436.
[76] Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, § 326.
[77] International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, § 457.A.f.
[78] KlimaSeniorinnen v. Switzerland § 442.
[79] Ibid. § 442.
[80] Ibid. § 443; cf. M.S.S. v. Belgium and Greece (30696/09), ECtHR 21.1.2011, §§ 264 and 367, and Razvozzhayev v. Russia and Ukraine and Udaltsov v. Russia (75734/12, 2695/15 and 55325/15), ECtHR 19.11.2019, §§ 160-61 and 179-81.
[81] KlimaSeniorinnen v. Switzerland § 443.

imously holding that 'States should incorporate into their *domestic legal framework* the necessary regulations to ensure the respect, guarantee and progressive development of human rights in the context of the climate emergency,'[82] and in the equally unanimous opinion of the ICJ, maintaining that

> States have a duty to prevent significant harm to the environment by acting with due diligence and to use all means at their disposal to prevent activities carried out *within their jurisdiction or control* from causing significant harm to the climate system and other parts of the environment, in accordance with their common but differentiated responsibilities and respective capabilities.[83]

The immediate threat of the nature crisis

The most fundamental question connected to the nature crisis and human rights is whether there is evidence of the adverse effects of this crisis meeting that 'certain threshold' required in order to come in under the protection of the right to private life, as identified and found in the case with the effects of the climate crisis in KlimaSeniorinnen v. Switzerland. As it is made clear that the adverse effects of the climate crisis pose both an *immediate* and *future* threat to the right to private life, it becomes relevant to examine whether the current and future effects of the *nature* crisis also threaten the right to private life in a similar twofold manner.

When detailing how the climate crisis, on the basis of cogent scientific evidence, *already* infringes upon the right to private life, the ECtHR points to the crisis having 'contributed to an increase in morbidity and mortality, especially among certain more vulnerable groups,'[84] as it is causing 'various harmful phenomena such as excessive heatwaves, droughts, excessive rainfall, strong winds and storms, which in turn give rise to disasters such as wildfires, floods, landslides and avalanches.'[85] The IACHR and ICJ sum up the current threat of the climate crisis to human rights in a similar manner.[86] This climate-induced increase in potentially life- and health-threatening natural phenomena may, perhaps, best be compared with how the nature crisis, according to the World Health Organization (WHO) and the Secretariat of the Convention on Biological Diversity (CBD), already leads to a number of apparently similarly potentially life- and health-threatening phenomena. Of these, it is probably most relevant to note how the nature crisis 'can destabilize ecosystems, promote outbreaks of infectious disease, and undermine … protection from natural disasters.'[87]

The question is, then, whether these consequences of the nature crisis represent 'a harmful effect on a person,' in which the right to private life is 'adversely affected' at 'a certain level of severity'.[88] Here one may also recall how the EC-

[82] Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, § VII.5, my emphasis.
[83] International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, § 457.B, my emphasis.
[84] KlimaSeniorinnen v. Switzerland § 478.
[85] Ibid. § 417.
[86] Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, §§ 90-105; International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, §§ 372-86.
[87] World Health Organization and Secretariat of the Convention on Biological Diversity (WHO and CBD), *Connecting Global Priorities: Biodiversity and Human Health*. Geneva and Montreal: World Health Organization and Secretariat of the Convention on Biological Diversity 2015, p. x; cf. p. xxxiv: The connection between the nature crisis and conflicts is 'established but incomplete'.
[88] KlimaSeniorinnen v. Switzerland §§ 446, 514; cf. di Sarno and Others v. Italy (30765/08), ECtHR 10.1.2012, § 80; Pavlov and Others v. Russia (31612/09), ECtHR 11.10.2022, § 59; Çiçek and Others v. Turkey (44837/07), ECtHR 4.2.2020, § 22; Yevgeniy Dmitriyev v. Russia (17840/06), ECtHR 1.12.2020, § 32.

tHR stresses that for falling within this threshold 'a harmful effect on a person' may be either 'physical' or 'mental',[89] and includes the 'adverse effects not only on individuals' health but on their well-being and quality of life'[90] and 'the risk of such effects.'[91]

Turning first to the various outbreaks of endemic infectious diseases, which according to the WHO and CBD are caused by the nature crisis, one finds that the increase in morbidity and mortality this has led to[92] seems to reflect the general 'increase in morbidity and mortality' caused by the climate crisis according to the ECtHR. In this way, this particular adverse effect of the nature crisis appears to be well within the threshold identified by the Court for what constitutes a breach on the right to private life of those affected.

The effects of how, according to the WHO and CBD, the nature crisis generally undermines the protection from life- and health-threatening natural disasters seems similarly to reflect the effects of how 'various harmful phenomena' caused by the climate crisis have given rise to 'disasters such as wildfires, floods, landslides and avalanches,' as stressed by the ECtHR.[93] The way these adverse effects of the nature crisis apparently mirror the effects of the climate crisis indicates that these, too, meet the threshold of severity of what constitutes the protection of right to private life.

Looking, for instance, at the IPBES's evaluation of the current state of nature in Europe and Central Asia, one may find that the well-being and quality of life of many Europeans seem adversely affected or at risk of being so, by how the 'continuing decline in biodiversity has had negative consequences for the delivery of many ecosystem services over the last decades,' including 'habitat maintenance, pollination, regulation of freshwater quantity and quality [and] soil formation'.[94] This also connects to how the WHO and CBD, on a more general level, maintain that '[a]ll aspects of human wellbeing depend on ecosystem goods and services, which in turn depend on biodiversity.'[95] Although not entirely paralleled by the threats generated by the climate crisis, these environmental harms caused by the nature crisis still seem to pose risks within the required 'certain level of severity',[96] as they, on a more general level, represent similar 'serious adverse effects' on the 'life, health, well-being and quality of life,'[97] and 'the risk of such effects'[98] as various threats posed by the climate crisis which infringe on the right to respect for private life.

The long-term threats of the nature crisis

For possible long-term consequences of the climate and nature crises, as summed up by the ECtHR, WHO, CBD, and IPBES, these seem to reflect each other in the way both crises pose the

[89] KlimaSeniorinnen v. Switzerland § 516; cf. Hardy and Maile v. the United Kingdom (31965/07), ECtHR 14.2.2012, § 188; Çiçek and Others v. Turkey (44837/07), ECtHR 4.2.2020, § 22.
[90] KlimaSeniorinnen v. Switzerland § 435.
[91] Ibid. § 437.
[92] WHO and CBD 2015, *supra* note 87, pp. 130–31.
[93] KlimaSeniorinnen v. Switzerland § 417.
[94] Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), *The Regional Assessment Report on Biodiversity and Ecosystem Services for Europe and Central Asia*. Bonn: Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services 2018, p. xviii.
[95] WHO and CBD 2015, *supra* note 87, p. x.
[96] KlimaSeniorinnen v. Switzerland §§ 446, 514; cf. di Sarno and Others v. Italy (30765/08), ECtHR 10.1.2012, § 80; Pavlov and Others v. Russia (31612/09), ECtHR 11.10.2022, § 59; Çiçek and Others v. Turkey (44837/07), ECtHR 4.2.2020, § 22; Yevgeniy Dmitriyev v. Russia (17840/06), ECtHR 1.12.2020, § 32.
[97] KlimaSeniorinnen v. Switzerland §§ 435, 437.
[98] Ibid. §§ 435, 437; cf. Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, § 384; International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, § 381.

most severe potential future threats. The IACHR and the ICJ also refer to the escalating future threat of the climate crisis, not least, through their emphasis on intergenerational equity.[99] Whereas the climate crisis, according to the ECtHR, means that 'whole populations are, or will be, affected,' and even 'the basis for human livelihoods and survival' is threatened in 'the worst affected areas',[100] the nature crisis, according to WHO and CBD, represents 'a fundamental risk to the healthy and stable ecosystems that sustain all aspects of our societies.'[101] In its 2022 report on the state of biodiversity and ecosystem services, the IPBES concludes that

> Except in scenarios that include transformative change, negative trends in nature, in ecosystem functions and in many of nature's contributions to people are projected to continue to 2050 and beyond, due to the projected impacts of increasing land-/and sea-use change, exploitation of organisms and climate change.[102]

In the long term, there is the risk of the nature crisis adversely affecting the right to private life in a number of ways. Although the nature crisis, according to the WHO and CBD, already 'undermine[s] … protection from natural disasters,'[103] the intensification of these effects will further threaten the potential of natural systems 'to reduce the incidence or impact of fire, floods, landslides, waves, and other destructive natural hazards,' as made clear by the IPBES.[104]

As 'more than 75 per cent of global food crop types, including fruits and vegetables and some of the most important cash crops, such as coffee, cocoa and almonds, rely on animal pollination,' the IPBES also points to how the '[p]rojected loss of diversity of pollinators and alteration of their communities generate risks for food security, human health and ecosystem function.'[105] This particular threat of the nature crisis represents another parallel to the adverse effects of the climate crisis, as the ECtHR in KlimaSeniorinnen v. Switzerland, as well as the IACHR and the ICJ in their 2025 Advisory Opinions, repeatedly point to how the climate crisis threatens food security, which is essential for the enjoyment of the right to private life as well as other human rights.[106]

Whereas the IPBES finds it 'established but incomplete' that '[e]merging infectious diseases in wildlife, domestic animals, plants or people can be exacerbated by human activities such as land clearing and habitat fragmentation,'[107] the WHO and CBD refer more generally to how biodiversity loss may 'promote outbreaks of infectious disease.'[108] The more than 200 scientific health journals similarly detail how the 'changes in land use', which 'have forced tens of thousands of species into closer contact [with humans],' is 'increasing the exchange of pathogens and the emergence of new diseases and pandemics.'[109] An intensified nature crisis in the future will consequently further escalate these risks. Although the origin of the COVID-19 pan-

[99] Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, §§ 309, 313; International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, §§ 156-57.
[100] KlimaSeniorinnen v. Switzerland § 417.
[101] WHO and CBD 2015, *supra* note 87, p. x.
[102] IPBES 2022, *supra* note 4, p. xx.
[103] WHO and CBD 2015, *supra* note 87, p. x.
[104] IPBES 2022, *supra* note 4, p. 349.
[105] IPBES 2022, *supra* note 4, pp. xiv, 667.
[106] KlimaSeniorinnen v. Switzerland §§ 133, 136, 151, 155, 157, 175, 182, 251, 261; Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, §§ 89, 92, 93, 97, 101, 109, 124, 383, 416, 435, 438, 455, 508, 510, 597, 605, VII.12; International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, §§ 1, 67, 78, 197, 380, 393.
[107] IPBES 2022, *supra* note 4, p. xxvi.
[108] WHO and CBD 2015, *supra* note 87, p. x.
[109] Abbasi et al. 2023, *supra* note 3, p. 1604.

demic is not firmly established, how this led to the death, serious illness, and severe long-term ailment of millions, in addition to extreme restrictions on the private life of the general public in most countries in the world, offers an example on how potential future epidemics caused by the nature crisis may play out.

As also pointed out by the 200+ health journals, the nature crisis threatens how the biosphere has always been 'an important source of medicines', not least as 'reduced diversity … constrains the discovery of new medicines.'[110] To what degree this may threaten the right to private life in the future is indicated by the IPBES detailing that 'an estimated 4 billion people rely primarily on natural medicines for their health care and some 70 per cent of drugs used for cancer are natural or are synthetic products inspired by nature.'[111]

The 200+ health journals also emphasise another increasingly more severe consequence from the nature crisis, as 'losing contact with the natural environment and the declining loss in biodiversity have both been linked to increases in non-communicable, autoimmune, and inflammatory diseases and metabolic, allergic and neuropsychiatric disorders.'[112] The IPBES similarly points to the escalating threat connected to the way '[n]ature underpins all dimensions of human health and contributes to non-material aspects of quality of life – inspiration and learning, physical and psychological experiences, and supporting identities.' Although the 'aggregated value' of these dimensions 'is difficult to quantify,' they 'are central to quality of life and cultural integrity,'[113] and, thus, seems to represent another way the nature crisis may increasingly affect the right to private life beyond the point deemed acceptable by the ECtHR.

Summing up these main aspects emphasised by the IPBES, WHO, CBD, and the 200+ health journals, one finds that the long-term effects of the nature crisis threaten not only to profoundly undermine so many of the most basic fundaments of today's society connected to the right to private life but to put the general health and well-being of large parts of the population at risk. One may note, as well, that these long-term consequences of the nature crisis also seem to mirror how the ECtHR, IAHCR, and ICJ focus on how a further escalated climate crisis represents a threat to 'intergenerational equity'[114] and 'a disproportionate burden on future generations'.[115] There is, in this way, good reason to hold that also the *future* environmental harms that may be expected if the nature crisis further escalates will cause 'serious adverse effects' on 'life, health, well-being and quality of life,'[116] and 'the risk of such effects'[117] equally within the required 'certain level of severity'[118] as the adverse effects from an escalating climate crisis.

[110] Abbasi et al. 2023, *supra* note 3, p. 1604.
[111] IPBES 2022, *supra* note 4, p. xiv.
[112] Abbasi et al. 2023, *supra* note 3, p. 1604.
[113] IPBES 2022, *supra* note 4, p. xiv.

[114] Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, § 313; International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, §§ 156-57.
[115] KlimaSeniorinnen v. Switzerland § 549.
[116] Ibid. § 435, 437.
[117] Ibid. §§ 435, 437; cf. Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, § 384; International Court of Justice, *Obligations of States in respect of Climate Change. Advisory Opinion*, 23.7.2025, § 381.
[118] KlimaSeniorinnen v. Switzerland §§ 446, 514; cf. di Sarno and Others v. Italy (30765/08), ECtHR 10.1.2012, § 80; Pavlov and Others v. Russia (31612/09), ECtHR 11.10.2022, § 59; Çiçek and Others v. Turkey (44837/07), ECtHR 4.2.2020, § 22; Yevgeniy Dmitriyev v. Russia (17840/06), ECtHR 1.12.2020, § 32.

Nature crisis and relationship of causation

As with the climate crisis, there is a number of aspects underlining the causal relationship between the adverse effects the nature crisis may have on the private life of those within a State's jurisdiction and the action or lack of action by the State.

First of all, it has been established that the nature crisis is an actual anthropogenic phenomenon and not the result of natural changes. Here one may turn to the general scientific consensus established by extensive research on this matter. Similar to how the ECtHR, IACHR, and ICJ all agree on the basis of cogent scientific evidence, that 'it is a matter of fact that there are sufficiently reliable indications that anthropogenic climate change exists,'[119] there is no serious disagreement on the nature crisis being an equally global phenomenon that has been set about by human activity. As summarised by the IPBES: 'Nature across most of the globe has now been significantly altered by multiple *human* drivers, with the great majority of indicators of ecosystems and biodiversity showing rapid decline.'[120]

That 'multiple *human* drivers' are the cause of the 'rapid decline' constituting the nature crisis[121] is exactly that which demonstrates that the States are 'in control of the causes' of this crisis – just as is the case with the climate crisis. It is through the lack of proper regulation of these human drivers that States have brought about the nature crisis, and it is through the proper regulation, or lack of such regulation, that the nature crisis may either be reduced, contained, or further exacerbated, similar to how 'the absence of resolute action by States' may lead to the climate crisis 'progressing to the point of being irreversible and disastrous.'[122] In this way, one may identify what seems to be a 'legally relevant relationship of causation' between the nature crisis and 'State actions or omissions', parallel to that of the climate crisis.[123]

Just as the ECtHR maintains 'that States are aware of' the climate crisis 'and capable of taking measures to effectively address it,'[124] the same is the case with the nature crisis through a parallel relationship of causation and international engagement. As the very existence of the various international agreements demonstrates how States have acknowledged the current and future threat of the climate crisis and their responsibility for this, one must note that this is also the case with the great majority of States in regard of the current and future threat of the nature crisis and their responsibility for this. This is seen in how these States, for instance, have ratified the Convention on Biological Diversity (CBD), are members of the IPBES system, and have adopted the United Nations Sustainable Development Goals. Similar to how Hani Taghavi points out that in the matter of the climate crisis, the ECtHR has followed up how 'states have already limited their own margin of appreciation through their international commitments and must be held accountable to their own standards,'[125] there is reason to expect that the Court may find States equally accountable to their international commitments in regard of the nature crisis.

One may here, as Anna Hoffmann, also turn to how the ECtHR in KlimaSeniorinnen v. Switzerland indicates that although '[j]udicial intervention, including by this Court, cannot replace or provide any substitute for the action which

[119] KlimaSeniorinnen v. Switzerland § 436; cf. Inter-American Court of Human Rights; *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, §§ 45-50, 182; International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, §§ 293, 437.
[120] IPBES 2022, *supra* note 4, p. xv, my emphasis.
[121] IPBES 2022, *supra* note 4, p. xv, my emphasis.
[122] KlimaSeniorinnen v. Switzerland § 478.
[123] Ibid. § 478.
[124] Ibid. § 436.
[125] Taghavi 2025, *supra* note 7, p. 323.

must be taken by the legislative and executive branches of government,' the States' failure to halt the climate crisis may be an example of how 'democracy cannot be reduced to the will of the majority of the electorate and elected representatives, in disregard of the requirements of the rule of law.'[126] This may be held to be the case, as well, with the States' failure to halt the nature crisis.

Obligations related to interrelation between the nature and climate crises

As the adverse effects of the nature crisis on the right to private life and the relationship of causation between the nature crisis and State actions seem parallel to that of the climate crisis, the question is whether it is possible to identify more detailed State obligations in regard of the nature crisis similar to those identified in regard of the climate crisis. A possible point of departure in this matter may be to look more closely at how the nature and climate crises are inseparably tied to each other. Indeed, as the nature crisis threatens certain ecosystems which are imperative for containing climate change, it may lead to the exacerbation of the climate crisis.

Whereas the State parties of the UNFCCC are '[a]ware of the role and importance in terrestrial and marine ecosystems of sinks and reservoirs of greenhouse gases,'[127] the IPBES details how '[m]arine and terrestrial ecosystems, are the sole sinks for anthropogenic carbon emissions, with a gross sequestration of 5.6 gigatons of carbon per year,' something which is 'the equivalent of some 60 per cent of global anthropogenic emissions.'[128] This is, moreover, not only about absorbing future emissions. If the ability of the ecosystems to function as carbon sinks is further reduced, a significant part of the immense quantities of CO_2 already stored in these natural systems may return into the atmosphere.[129] As summed up by the WHO and CBD, such alterations of ecosystems 'alter the capacity of carbon sinks and thus further increase the risks of climate change.'[130]

As containing the climate crisis, in this way, is absolutely dependent on, to a certain degree, containing the nature crisis, one must note that it is only as long as 'internationally anchored targets and commitments' are met in regard of the climate crisis, that each State in KlimaSeniorinnen v. Switzerland is 'accorded a wide margin of appreciation' in 'their choice of means, including operational choices and policies adopted'.[131] When keeping the nature crisis from reaching the point where ecosystems lose their current ability as carbon sinks is absolutely imperative 'in order to meet internationally anchored targets and commitments' of the climate crisis, whether or not to prioritise the nature crisis and its role in the climate crisis, thus, seems to fall outside the 'wide margin of appreciation' given by the ECtHR to the States in order to check the climate crisis. Instead, it apparently becomes impossible for a State to treat the containment of the nature crisis as just one of several aspects connected to the climate crisis, which may or may not be prioritised. In order to follow up what is required to keep the climate crisis from going against the right to respect for private life, it seems, instead, absolutely necessary to keep the nature crisis from reaching the point where ecosystems lose their current ability to absorb and preserve CO_2.

If the nature crisis escalates to the point that marine and terrestrial ecosystems lose their abil-

[126] KlimaSeniorinnen v. Switzerland § 478; cf. Hoffmann 2024, *supra* note 7, p. 166.
[127] United Nations Framework Convention on Climate Change, preamble.
[128] IPBES 2022, *supra* note 4, p. xiv, cf. 215.
[129] WHO and CBD 2015, *supra* note 87, p. 322.
[130] WHO and CBD 2015, *supra* note 87, p. 38.
[131] KlimaSeniorinnen v. Switzerland § 543.

ity to absorb and store anthropogenic carbon emissions at about the same level as today, this will make it impossible to keep these emissions within the limits the ECtHR maintains are required to preserve the right to private life. The potential future threats represented by the nature crisis, in this way, connect to all the threats posed by the climate crisis to the right of private life. In this way one may recognise what seems like a clearly defined obligation of the States in regard of the nature crisis directly connected to the obligations identified by the ECtHR in regard of the climate crisis. If a State does not do what is required in order to conserve the ability of its ecosystems to preserve carbon emissions, it contributes not only to it being impossible to keep climate change within the required 1.5° C limit but also to the climate crisis 'progressing to the point of being irreversible and disastrous,'[132] something which appears to represent a violation of the right to private life in accordance with ECtHR in KlimaSeniorinnen v. Switzerland.

The nature crisis and minimum obligations

As the State obligations following from the interrelation between the climate crisis and the nature crisis and its effect on ecosystems as carbon sinks do not connect to the totality of the nature crisis, the question becomes whether it is possible to identify further detailed obligations of the State. One most fundamental factor for what may constitute State obligations is that cogent scientific evidence provided by the IPBES, WHO, and CBD, shows that the nature crisis already has about the same degree of adverse effects on the right to private life, as the climate crisis. If this means that the effects of the nature crisis *already* are as incompatible with the protection of the right to private life as those of the climate crisis, the States seem to be obliged to take measures to *reduce* the environmental harm leading to these adverse effects. Although to what degree the States will have to lessen the causes of these effects entails further discussion, that the States are absolutely required to reduce this in some way, nevertheless, makes *preserving* nature in its current state an absolute minimum obligation for the States in regard of the nature crisis. States, quite simply, have to contain the already existing environmental harm which equals the nature crisis.

Turning to the international commitments undertaken by most States in regard of the nature crisis, one will find the same principles of containing and reducing environmental harm, and thus also the same absolute minimum goal of preserving nature in its current state. Looking at the CBD, one will see that Article 8 requires that

> [e]ach Contracting Party shall, as far as possible and appropriate, … (d) *promote the protection* of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings [and] … (f) *rehabilitate* and *restore* degraded ecosystems and promote the recovery of threatened species, inter alia, through the development and implementation of plans or other management strategies.[133]

In the Aarhus convention, the State parties are 'affirming the need to *protect*, *preserve* and *improve* the state of the environment'.[134] The UNFCCC similarly demands that all Parties shall

[132] Ibid. § 478, cf. §§ 104-20.

[133] Convention on Biological Diversity, Article 8. My emphasis.

[134] Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), preamble, my emphasis.

> [p]romote sustainable management, and promote and cooperate in the *conservation* and *enhancement*, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol [on Substances that Deplete the Ozone Layer], including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems.[135]

This formal commitment of the States to protect and improve 'marine and terrestrial ecosystems' is also found in the Paris Agreement requiring that 'Parties should take action to *conserve* and *enhance*, as appropriate, sinks and reservoirs of greenhouse gases.'[136]

When the United Nations Human Rights Committee in its General Comment on the right to life observes that '[e]nvironmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of *present* and future generations to enjoy the right of life,'[137] the implication is, once again, that the environment in its current state must not only be preserved but improved.

In the face of the already adverse effects of the nature crisis, it seems like a State obligation to contain the nature crisis may also follow from the general requirement set by the ECtHR 'when examining cases involving environmental issues under Article 8' – the right to private life: 'States have a positive obligation to put in place the relevant legislative and administrative framework designed to provide effective protection of human health and life.'[138] In a number of rulings dealing with various environmental hazards, the Court has similarly made it clear that a State's failure to protect the 'right to enjoy a healthy and protected environment' may be a breach of the right to respect for private life in accordance with the article 8 of ECHR.[139] The very absence of 'a healthy and protected environment' may, thus, already be contrary to the right to private life.

When seeing the present adverse effects of the nature crisis in connection with the IACHR holding that '[i]t is evident that preservation of the vital equilibrium of the ecosystem that enables the life of all species – including ours – on the planet, constitutes a condition sine qua non for the enforceability of all the human rights recognized by international law, and immediately of the rights to life, integrity, health, and non-discrimination,' one finds that at least preserving nature at its current state again seems to be necessary for upholding these rights.[140] The same appears to be the case when the ICJ maintains 'that a clean, healthy and sustainable environment is a precondition for the enjoyment of many human rights, such as the right to life, the right to health and the right to an adequate standard of living, including access to water, food and housing.'[141]

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[135] United Nations Framework Convention on Climate Change, § 4.1.d, my emphasis.
[136] Paris Agreement, § 5.1, my emphasis.
[137] UN Human Rights Committee, *General Comment No. 36: Article 6: Right to Life* (CCPR/C/GC/36), 3.9.2019, § 62, my emphasis.
[138] KlimaSeniorinnen v. Switzerland § 538; cf. Tătar v. Romania (67021/01), ECtHR 27.1.2009, § 88; di Sarno and Others v. Italy (30765/08), ECtHR 10.1.2012, § 106; Jugheli and Others v. Georgia (38342/05), ECtHR 13.7.2017, § 75.
[139] Tătar v. Romania (67021/01), ECtHR 27.1.2009, § 112; cf. Ledyayeva, Dobrokhotova, Zolotareva and Romashina v. Russia (53157/99, 53247/99, 53695/00 and 56850/00), ECtHR 26.10.2006, § 110; Giacomelli v. Italy (59909/00), ECtHR 2.11.2006, § 78; Budayeva and Others v. Russia (15339/02, 21166/02, 20058/02, 11673/02 and 15343/02), ECtHR 20.03.2008, § 113.
[140] Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, § 293.
[141] International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, § 393.

As the adverse effects of the nature crisis in regard of the right to private life already seem to be at about the same level as those of the climate crisis and will, with the current policies, escalate, one may find that States, which have not acted in good time and in an appropriate and consistent manner regarding the devising, development and implementation of the relevant legislative and administrative framework necessary in order to *contain* the nature crisis, may have exceeded their margin of appreciation and failed to comply with their positive obligations to preserve the right to private life of those within their jurisdiction. This gives reason for holding that failing to implement what is required to contain the nature crisis may represent a violation of the right to private life in accordance with the standards set by the ECtHR in KlimaSeniorinnen v. Switzerland.

The nature crisis and further obligations

As we have seen, there is a number of international agreements holding that the States have to not only contain but reduce the various components of the nature crisis. Whereas the CBD requires contracting States to 'rehabilitate and restore degraded ecosystems and promote the *recovery* of threatened species,'[142] the UNFCCC and the Paris Agreement hold that States must '*enhance*' terrestrial and marine ecosystems in their function as carbon sinks.[143] In the Aarhus Convention, the State parties similarly are 'affirming the need to protect, preserve and *improve* the state of the environment'.[144]

But contrary to the basic obligation to *contain* the nature crisis, it is not equally self-evident how one may quantify to what degree the nature crisis must be *reduced* in order not to violate the right to private life. Based on scientifical assessment of the nature crisis, there are, however, certain internationally anchored agreements offering defined targets for restoring the earth's biospheres to a healthy level, which may mirror how the ECtHR, IACHR, and ICJ require each State to have a climate policy aimed at net CO_2 neutrality and the 1.5° C limit.[145] The Decision adopted by 196 States at COP15 of the CBD in 2022 offers one such clearly defined goal for reducing the nature crisis. Here these States to

> Ensure and enable that by 2030 at least 30 per cent of terrestrial and inland water areas, and of marine and coastal areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories.[146]

[142] Convention on Biological Diversity, Article 8f, my emphasis.
[143] United Nations Framework Convention on Climate Change, § 4.1.d; Paris Agreement, 12.12.2015, § 5.1, my emphasis.
[144] Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), preamble, my emphasis.
[145] KlimaSeniorinnen v. Switzerland § 543; Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, § 326; International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, § 457.A.f.
[146] Secretariat Convention Biological Diversity (CBD), *Decision Adopted by the Conference of the Parties to the Con-*

The 120 State parties of the High Ambition Coalition for Nature and People accordingly 'aims to deliver upon the global deal to protect 30% of the planet's land and 30% of the ocean by 2030,' as 'agreed upon at COP15.'[147] One may also note that EU Regulation 2024/1991 on nature restoration obliges all members of the European Union to 'put in place effective and area-based restoration measures with the aim to jointly cover, as a Union target, throughout the areas and ecosystems within the scope of this Regulation, at least 20% of land areas and at least 20% of sea areas by 2030, and all ecosystems in need of restoration by 2050.'[148]

Common for all these targets, is that they offer a clearly defined percentage tied to a territorial dimension to the requirements in the CBD, UNFCCC, and the Paris Agreement to 'rehabilitate', 'restore', 'enhance', and 'improve' ecosystems.

As all these goals are generally based on a scientific consensus on a territorial approach being necessary in order to reduce the main drivers of the nature crisis as required by the CBD, UNFCCC, and the Paris Agreement, these agreements may represent a basis for holding that certain quantified territorial obligations are necessary in order to protect the right to private life against the environmental threats of the nature crisis. However, as the ECtHR holds that recent development of scientific knowledge means that the State obligations in regard of the climate crisis have to be more severe than the 'well below 2°C above pre-industrial levels' required in the Paris Agreement,[149] a human rights body may find that, in light of the development of scientific knowledge, the required target should not be exactly identical with that established in these agreements involving the Contracting Parties.

As the climate and the nature crises affect the right to private life in a similar manner, it seems likely that each State has its own responsibilities within its own territorial jurisdiction in respect of the nature crisis, parallel to what the ECtHR, IACHR, and ICJ maintain is the case concerning the climate crisis.[150] Consequently, if there really is a territorial requirement connected to the nature crisis and the right to private life, this probably means that each and every contracting State will be obliged to see to that at least the general required percent of its own particular total land and sea areas must be preserved in its natural state.

As the adverse effects of the nature crisis in regard of the right to private life already seem to be at about the same level as those of the climate crisis, one may find that States, which have not acted in good time and in an appropriate and consistent manner regarding the devising, development and implementation of the relevant legislative and administrative framework necessary in order to *reduce* the nature crisis by preserving a certain percent of their land and sea areas in accordance with what is considered necessary by cogent scientific consensus, may have exceeded their margin of appreciation and failed to comply with their positive obligations to preserve the right to private life of those within their jurisdiction. In this way there may

vention on Biological Diversity: Montreal, Canada, 7–19 December 2022, Target 3.

[147] High Ambition Coalition for Nature and People, *The HAC for Nature and People Story*. hacfornatureandpeople.org/the-hac-for-nature-people-story (accessed 17.5.2025).

[148] Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on Nature Restoration and Amending Regulation (EU) 2022/869, § 1.2.

[149] KlimaSeniorinnen v. Switzerland § 106; Paris Agreement, § 2.1.

[150] KlimaSeniorinnen v. Switzerland § 443; Inter-American Court of Human Rights, *Advisory Opinion AO-32/25: Climate Emergency and Human Rights*, 29.5.2025, § VII.5; International Court of Justice, *Obligations of States in respect of Climate Change: Advisory Opinion*, 23.7.2025, § 457.B.

be reason for holding that failing to implement what is required to reduce the nature crisis may represent a violation of the right to private life in accordance with the standards set by the ECtHR in KlimaSeniorinnen v. Switzerland.