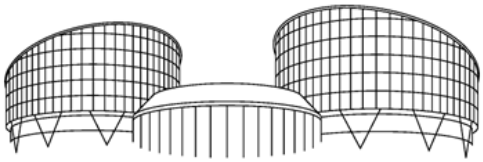

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

MUNLAWS 2025 LJUBLJANA

EUROPEAN COURT OF HUMAN RIGHTS

# CLIMATE ACTION NOW! and Others

**v.**

# RELANDIA and RULONIA

JUDGEMENT

Ljubljana,
30 November 2025

This judgment is final but it may be subject to editorial revision.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**In the case of CLIMATE ACTION NOW! and Others v Relandia and Rulonia,**
The European Court of Human Rights, composed of:

Rok Vidmar, *President*
Rene Fabjančič, *Vice-President*
Neža Vocovnik,
Urh Gregor Brvar.

Having deliberated in private on 29 November and 30 November 2025,

Delivers the following judgment, which was adopted on the last-mentioned date.

## I. THE CIRCUMSTANCES OF THE CASE

1. Relandia and Rulonia are neighbouring states in Europe, both with predominantly Mediterranean climate. Both states have steadily rising summer temperatures in recent years. States share a forest known as Littoral Forest which is known for the high risk from wildfires. Relandia and Rulonia adopted a common bilateral non binding Environmental and Climate Strategy in 2020.

2. On 15 July 2024 forest fire named Henrik, broke out in Littoral forest in Relandia, which lasted 12 days. Analysis done by the National Institute of Natural Science of Relandia, showed that the fire was caused by spontaneous combustion.

**Proceedings in Relandia**

3. The fire that engulfed a village in Relandia named Higju, destroyed three family houses in which lived four minors named Ana, Sarah, Robert and Andy, all aged between 11 and 15.

4. Four minors sought assistance from the organization Climate Action Now! which acted on their behalf and filed a lawsuit with first instance court in Relandia. Applicants alleged that the states violated their right under Article 2 and Article 8 of convention. They also claim violation of Article 72 of the Constitution of Relandia.

5. The first instance court dismissed the lawsuit, claiming that the organisation lacked legal standing, because it was representing individuals who cannot participate in civil preceding if they are under 18 years of age.

6. The Applicants appealed to a second-instance court which upheld the district's court decision. The Applicant then appealed to the Supreme Court which upheld the Second instance court's decision.

7. After exhausting all domestic remedies, Applicants lodged an application with the European Court of Human Rights, alleging the Articles 2, 8, 6, 13 and 14 of the convection.

**Proceedings in Rulonia**

8. Because of the fire, a policeman named Michel Renko was assigned to direct traffic on a road running alongside the fire. He was exposed to sun and heat for approximately six hours. Because he was feeling unwell he tried to find a shelter in the shade and after 2 minutes his colleague noticed that he was laying motionless. After 45 minutes of CPR, the doctor declared him dead. The autopsy showed that the cause of death was heatstroke.

9. The death of a policeman became the trigger for anti-government protests over violation of international climate agreement. At the initiative of Michels's widow Barbara, the protest began to be organized by Climate Action Now!. On 1 of August 2024, they organized one of the biggest protests yet which attracted close to 15000 people. The keynote speaker of the protest was Barbara. Because the police feared that the speech could steer up a violence and riots they prohibited her to speak. After prohibiting her to speak they dispersed the protest using water cannons and other means of crowd control and they justified all this on the grounds of national security.

10. Climate Action Now! decided to act on its own behalf and on behalf of Barbara Renko. They filed a lawsuit against the State of Rulonia before the first instance court. They were claiming violation of Article 2, 8, 10 and 11 of convention.

11. The first instance court claimed that there had been no violation of convection rights. Applicants then appealed to the second-instance court alleging incorrect findings. But the court upheld the lower court's decision. The judgment thus becomes final and binding.

12. The applicant then filed a constitution complaint, alleging violations of the right under Article 2, 8, 10 and 11 of Convention. The Constitution court concluded that there had been no violation of conventional rights.

13. Since all domestic remedies had been exhausted, Climate Action Now! and Barbara Renko lodged an application with the European Court of Human Rights, alleging violations of Articles 2, 8, 10, and 11 of the Convention.

## II. RELEVANT LEGAL FRAMEWORK

### A. EUROPEAN CONVENTION ON HUMAN RIGHTS

**Article 2**

Article 2 of the European Convention on Human Rights (hereinafter the Convention) provides as follows:

**ARTICLE 2**
**Right to life**

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:
(a) in defence of any person from unlawful violence;

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
(c) in action lawfully taken for the purpose of quelling a riot or insurrection.

**Article 8**
Article 8 of the Convention provides as follows:

**ARTICLE 8**
**Right to respect for private and family life**
1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

**Article 10**
Article 10 of the Convention provides as follows:

**ARTICLE 10**
**Freedom of expression**
1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and
are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

**Article 11**
Article 11 of the Convention provides as follows:

**ARTICLE 11**
**Freedom of assembly and association**
1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the
armed forces, of the police or of the administration of the State.

**Article 13**
Article 13 of the Convention provides as follows:

**ARTICLE 13**
**Right to an effective remedy**

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

**Article 14**

Article 14 of the Convention provides as follows:

**ARTICLE 14**
**Prohibition of discrimination**

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

B. DOMESTIC LEGAL FRAMEWORK

**Constitution**

The relevant provision of the Constitution of the Republic of Relandia reads as follows:

**Article 72 - Right to a clean, healthy and sustainable environment**

Every person has the right to a clean, healthy and sustainable environment.

**Civil Procedure Act**

The relevant provision of the Republic of Relandia's Civil Procedure Act reads as follows:

**Article 77**

1. Persons under the age of 18 cannot participate in civil proceedings.

**Environmental and Climate Strategy between the Republic of Relandia and the Republic of Rulonia (2020)**

The relevant provisions of the common Environmental and Climate Strategy of the Respondent States read as follows:

**Article 1 – Objectives**

The objectives of this Strategy are to:
1. Prevent and mitigate environmental degradation and natural disasters, particularly wildfires.
2. Protect and restore biodiversity within the Littoral Forest and other sensitive ecosystems.
3. Promote sustainable forest and land management practices.
4. Enhance cross-border cooperation in environmental monitoring, prevention, and response.
5. Strengthen community resilience and awareness regarding climate change and disaster risk reduction.

**Article 4 – Joint Measures**

To achieve these objectives, the Parties shall:

Establish a harmonized forest monitoring system, enabling continuous observation of vegetation, wildlife, and fire risk indicators across both territories.
- Coordinate research and data exchange on climate change impacts, forest health, and biodiversity trends.
- Develop joint early warning and emergency response mechanisms for wildfires and other natural disasters affecting the Littoral Forest region.
- Implement cross-border conservation projects, including the restoration of native vegetation and wildlife habitats.
- Organize annual consultations and technical meetings to review progress and adapt measures as necessary.

**Article 7 – National Measures**

Each State shall:
- Adopt binding legislative acts to give effect to the commitments under this Strategy.
- Promote sustainable forest management, including reforestation with native species and responsible land use planning.
- Increase national funding for vegetation management, community-based fire prevention, and ecological restoration.
- Support local communities and stakeholders in implementing environmentally sustainable practices.

C. RELEVANT INTERNATIONAL MATERIALS

**United Nations**

The system of the United Nations Framework Convention on Climate Change (hereinafter UNFCCC):

a) UNFCCC
b) The Kyoto Protocol
c) The Paris Agreement

III. ADMISSIBILITY

a) General principles of victim status/locus standi (representation)

14. The Convention does not provide for the institution of an actio popularis. The Court's task is not normally to review the relevant law and practice in abstracto, but to determine whether the manner in which they were applied to, or affected, the applicant gave rise to a violation of the Convention (see, for instance, Roman Zakharov v. Russia [GC], no. 47143/06, § 164, ECHR 2015). Accordingly, a person, non-governmental organisation or group of individuals must be able to claim to be a victim of a violation of the rights set forth in the Convention. In general, the word "victim" under Article 34 denotes the following categories of persons (see Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania [GC], no. 47848/08, §§ 96-101, ECHR 2014): those directly affected by the alleged violation of the Convention (the direct victims); those indirectly affected by the alleged violation of the Convention (the indirect victims); and those potentially affected by the alleged violation of the Convention (the potential victims).

b) Victim status of individuals in general

15. In order to fall into the category of direct victims, the applicant must be able to show that he or she was "directly affected" by the measure complained of (see Lambert and Others v. France [GC] no. 46043/14, § 89, ECHR 2015). This implies that the applicant has been personally and actually affected by the alleged violation of the Convention, which is normally the result of a measure applying the relevant law or a decision allegedly in breach of the Convention or, in some instances, of the acts or omissions of State authorities or private parties allegedly infringing the applicant's Convention rights (see, for instance, Aksu v. Turkey [GC], nos. 4149/04 and 41029/04, §51, ECHR 2012; see also Karner v. Austria, no. 40016/98, §§ 24-25, ECHR 2003-IX, and Berger-Krall and Others v. Slovenia, no. 14717/04, § 258, 12 June 2014).

16. The issues relating to the category of indirect victims normally concern the question of the standing of the direct victim's next of kin to submit or pursue an application before the Court concerning issues affecting the direct victim (see Centre for Legal Resources on behalf of Valentin Câmpeanu, §§ 97-100). The Court has consistently held that Article 34 concerns not just the direct victim or victims of the alleged violation, but also any indirect victims to whom the violation would cause harm or who would have a valid and personal interest in seeing it brought to an end (see Vallianatos and Others v. Greece [GC], nos. 29381/09 and 32684/09, § 47, ECHR 2013).

c) Victim status of individuals in the context of climate change

17. In the specific context of complaints concerning harm or risk of harm resulting from alleged failures by the State to combat climate change, having regard to the special features of climate change and to the principle of exclusion of actio popularis under the Convention, the Court ruled that applicants need to show that they were personally and directly affected by the impugned failures. That depends on two key criteria for which the threshold is especially high. Firstly, the applicant must be subject to a high intensity of exposure to the adverse effects of climate change, that is, the level and severity of (the risk of) adverse consequences of governmental action or inaction affecting the applicant must be significant. Secondly, there must be a pressing need to ensure the applicant's individual protection, owing to the absence or inadequacy of any reasonable measures to reduce harm (Verein KlimaSeniorinnen Schweiz and Others v. Switzerland [GC], 2024, §§ 487-488).

d) Locus standi (representation) by associations in the context of climate change

18. Regarding the specific context of climate change, the Court held that it was important to make allowance for recourse to legal action by associations for the purpose of seeking the protection of the human rights of those affected, as well as those at risk of being affected, by the adverse effects of that phenomenon, instead of exclusively relying on proceedings brought by each individual on his or her own behalf. For an association to have the right to act on behalf of individuals and to lodge an application on account of the alleged failure of a Contracting State to take adequate measures to protect them against the adverse effects of climate change, the Court held that three criteria have to be fulfilled: (a) it has to be lawfully established in the jurisdiction concerned or have standing to act there; (b) it has to demonstrate that it pursues a dedicated purpose in accordance with its statutory objectives in the defence of the human rights of its members or other affected individuals within the jurisdiction concerned, whether limited to or including collective action for the protection of those rights against

the threats arising from climate change; (c) it has to demonstrate that it can be regarded as genuinely qualified and representative to act on behalf of members or other affected individuals within the jurisdiction who were subject to specific threats or adverse effects of climate change on their lives, health or well-being as protected under the Convention (Verein KlimaSeniorinnen Schweiz and Others v. Switzerland [GC], 2024, § 502).

e) Application of these principles to the present case

- Applicants Ana, Sarah, Robert and Andy

19. In the case of individual applicants Ana, Sarah, Robert and Andy, the Court has found that the applicants were directly affected by the alleged failure of Relandia to take appropriate measures to combat climate change, as they have lost their homes in the forest fire *Henrik*. Having regard to the abovementioned criteria for victim status of individuals in the specific context of climate change, the Court has found that the applicants were, firstly, subject to a high intensity of exposure to the adverse effects of climate change, and secondly, that there is a pressing need to ensure the applicants' individual protection, owing to the absence or inadequacy of any reasonable measures to reduce harm. Therefore, the applicants can be considered direct victims as regards the alleged violations of their rights under Articles 2 and 8 of the Convention.

20. Moreover, the Court has found that the applicants were also directly affected by Relandia's measure preventing access to court for persons under the age of 18. Since, due to the impugned legislative measure, the applicants were unable to participate in judicial proceedings before the national courts at any stage and were thus unable to obtain a judicial decision on the merits of their claim, the Court has found that the applicants can be considered direct victims as regards the alleged violations of their rights under Articles 6, 13 and 14 of the Convention.

- Applicant Barbara Renko

21. In the case of individual applicant Barbara Renko, the Court has found that insofar as the alleged violations of Articles 2 and 8 are concerned, she was not directly affected by Rulonia's alleged failure to prevent the death on duty of policeman Michel Renko. However, as the spouse of the deceased, she has standing as the direct victim's next of kin to submit or pursue an application before the Court concerning issues affecting the direct victim, in the present case policeman Michel Renko. Therefore, the applicant can be considered an indirect victim as regards the alleged violations of Articles 2 and 8 of the Convention.

22. Regarding the alleged violations of Articles 10 and 11 of the Convention, the Court has found that the applicant was directly affected by Rulonia's measures aimed at prohibiting her from addressing the crowd at the protest following the death of Michel Renko and dispersing the protest. Therefore, the applicant can be considered a direct victim as regards the alleged violations of Articles 10 and 11 of the Convention.

- The applicant association Climate Action Now!

23. In the case of the applicant association Climate Action Now!, the Court has examined the criteria for locus standi by associations in the specific context of climate change. The applicant association is an international non-profit NGO advocating for the promotion of environmental policies and combatting climate change, which has been lawfully established in both respondent States in accordance with their respective national provisions. It represents over 20 million individual members, ranging from leading climate experts to young environmental activists, across its branches in all 27 Member States of the EU as well as in some non-EU Member States of the Council of Europe. The applicant association engages in policy advocacy and lobbying for ambitious climate targets with national governments and at the EU level, campaigns for sustainable development and good governance, promotes the use of renewable energy and eco-friendly travel and is active in the fields of scientific research and publications. After the Paris Agreement entered into force in 2016, the applicant association began monitoring the climate strategies of European States to reduce emissions of greenhouse gases and their compliance with the targets of the Paris Agreement. The applicant association is also committed to helping residents of European States who are affected by adverse consequences of climate change, such as heatwaves, wildfires and floods, and represents their interests before national courts and administrative bodies.

24. Having regard to the abovementioned facts about the applicant association, the Court has found that the applicant association is (a) lawfully established in the jurisdiction concerned or has standing to act there; (b) has demonstrated that it pursues a dedicated purpose in accordance with its statutory objectives in the defence of the human rights of its members or other affected individuals within the jurisdiction concerned, whether limited to or including collective action for the protection of those rights against the threats arising from climate change; (c) has demonstrated that it can be regarded as genuinely qualified and representative to act on behalf of members or other affected individuals within the jurisdiction who were subject to specific threats or adverse effects of climate change on their lives, health or well-being as protected under the Convention. Accordingly, it follows that the applicant association has the necessary locus standi in the present proceedings.

f) Conclusion

25. The Court has found the present application to be admissible in its entirety. The objections by the respondent Governments regarding victim status of the applicants must therefore be dismissed.

## IV. THE LAW

### A. ALLEGED VIOLATION OF ARTICLE 2

#### 1. Parties' submissions

a) The applicants

26. The applicant CLIMATE ACTION NOW! claims that Relandia's and Rulonia's omissions regarding tackling climate change caused real and immediate risk to the lives of people living in areas with high probability of wildfires and to people working outside in extreme conditions caused by heatwaves, therefore violating the substantive limb of Article 2 of the Convention..

27. The applicants CLIMATE ACTION NOW! and the four children, who lost their homes in the wildfire Henrik allege that Relandia violated Article 2 of the Convention, since the children's homes were located in the area, which was known to be susceptible to occurrence of wildfires, due to severe draught. Although the children survived the wildfires, there was a real risk to their lives, caused by the State's omission in tackling climate change.

28. The applicants CLIMATE ACTION NOW! and Mrs. Renko further claim that Rulonia is responsible for the death of the police officer Mr. Renko. The State as the employer of Mr. Renko failed to implement any measures aimed at reducing the risks of heatwave on the health of Mr. Remko, who directed traffic for 6 hours in 39 degrees Celsius without any shade or a break. Additionally, Rulonia failed to perform an effective investigation into Mr. Renko's death, thus also violating the procedural limb of Article 2 of the Convention.

b) The States

29. Relandia submits that it is not responsible for the death of Mr. Remko, since it was not aware of any health conditions, which would make him more vulnerable to the consequences of heatwaves. Additionally, the State claims natural shade was available and immediate medical assistance was provided once Mr. Renko fell ill. After his death, an autopsy was performed, concluding that his death was the consequence of a heatwave, over which the State has no influence.

30. Rulonia denies responsibility for endangering the lives of children and other individuals living in areas with high risk of wildfires, since these are unpredictable and the consequence of the Mediterranean climate. Furthermore, once the wildfire Henrik started, the State carried out effective measures mitigating it and thus prevented any casualties.

2. The Court's assessment

a) General principles

31. Under Article 2 of the Convention the State has a positive obligation to take appropriate steps to safeguard the lives of those within its jurisdiction (Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania [GC], 2014, § 130). In broad terms, this positive obligation has two aspects: (a) the duty to provide a regulatory framework; and (b) the obligation to take preventive operational measures. The court has previously recognized positive obligations of the State also in the context of environmental disasters (Budayeva and Others v. Russia, 2008; Kolyadenko and Others v. Russia, 2012; Brincat and Others v. Malta, 2014; M. Özel and Others v. Turkey, 2015).

32. Whenever a State undertakes or organises dangerous activities, or authorises them, it must ensure through a system of rules and through sufficient control that the risk is reduced to a reasonable minimum (Mučibabić v. Serbia, 2016, § 126). Alleged failures of the State to combat climate change falls into the category of cases concerning an activity which is, by its very nature, capable of putting an individual's life at risk (Verein KlimaSeniorinnen Schweiz and Others v. Switzerland [GC], 2024, § 509). In the particular context of dangerous activities special emphasis must be placed on regulations geared to the special features of the activity in question, particularly with regard to the level of the potential risk to human lives. It has to be compulsory, that all those concerned adopt practical measures to ensure the

effective protection of citizens whose lives might be endangered by the inherent risks (Verein KlimaSeniorinnen Schweiz and Others v. Switzerland [GC], 2024, § 538; Jugheli and Others, § 75; Öneryıldız v. Turkey, 2011, §§ 71 and 90; Vilnes and others v. Norway, 2013, § 220). Additionally, individuals employed by the State may bring claims before the Court regarding violations committed by the State in its capacity as their employer (Guja v. Moldova, 2008; Vogt v. Germany, 1995).

33. Where lives have been lost in circumstances potentially engaging the responsibility of the State, that provision entails a duty for the State to ensure, by all means at its disposal, an adequate response – judicial or otherwise (Paul and Audrey Edwards, cited above, § 54). This means that the State should carry out an independent and impartial official investigation procedure that satisfies certain minimum standards as to effectiveness (Mučibabić v. Serbia, 2016, § 125; Durdaj and Others v. Albania, 2023, § 183).

34. In exceptional circumstances Article 2 of the Convention can also apply to near death situations. The Court has recently clarified that, in order for Article 2 to apply to complaints about State action or inaction in the context of climate change, it needs to be determined that there is a "real and imminent" risk to life, understood as referring to a serious, genuine and sufficiently ascertainable threat to the life of a specific applicant, containing an element of material and temporal proximity of the threat to the harm impugned by the applicant (Verein KlimaSeniorinnen Schweiz and Others v. Switzerland [GC], 2024, § 513).

b) Application of the above principles to the present case

i. CLIMATE ACTION NOW! v. Relandia and Rulonia

35. According to the case Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (2024, § 538) the principles safeguarding the right to life under Article 2 and the right to private life under Article 8 are similar in the context of environmental issues. The failure of the States to mitigate climate change, as alleged by the applicant CLIMATE ACTION NOW! will thus be reviewed below, only from the angle of Article 8 of the Convention.

ii. Applicants Ana, Sarah, Robert and Andy v. Relandia

36. The applicants live in the area of Littoral forest, where there is statistically a high risk of wildfires due to drought, which is exacerbated by rising temperatures caused by climate change. This has also been recognized by Relandia in the Preamble of Environmental and Climate Strategy. Furthermore, experts from an independent organisation Natural Institute of Natural Sciences of Relandia confirmed that the wildfire Henrik was caused by spontaneous combustion due to severe drought.

37. Although the children did not lose their lives in the wildfire Henrik, their lives and health have been and continue to be exposed to real and immediate risk of wildfires. Nevertheless, Relandia has failed to adopt any measures mitigating climate change and preventing wildfires, meaning that it has failed to mitigate real and immediate risk to the lives and health of the applicants. Consequently, Relandia violated Article 2 of the Convention.

iii. Mrs. Renko v. Rulonia

38. It is indisputable that Mr. Renko died from a heatstroke while performing his duties as a police officer. The conditions in which Mr Remko was working were dangerous, even for a healthy person, since he has been continuously exposed to direct sun and high temperatures of 39 degrees Celsius for 6 hours.

39. According to the Court's jurisprudence the State has an obligation to adopt legislative measures safeguarding the right to life and health and, as the employer of Mr. Renko, to respect these provisions and adopt practical measures, thus ensuring effective protection of its workers, whose lives might be endangered by the inherent risks of their tasks (Vilnes and others v. Norway, 2013, § 220). The fact that climate change increases the occurrence of heatwaves, and that their health risks are well documented and should therefore be known to State (Verein KlimaSeniorinnen Schweiz and Others v. Switzerland [GC], 2024, § § 64-66, 510), gives rise to an obligation of Rulonia to mitigate these risks. Furthermore, the State is required to apply the relevant measures in a timely and effective manner (Cuenca Zarzoso v. Spain, 2018, § 51). Although medical assistance was provided to Mr. Renko immediately after he suffered from a stroke, Rulonia has failed to adopt any measures aimed at preventing the heatstroke, such as ensuring regular breaks in the shade and water for its employee. Not only has Rulonia failed as an employer to safeguard Mr. Renko's life, but also as a legislator, since no sufficient measures were adopted to mitigate climate change and occurrence of heathwaves. Rulonia has therefore failed to mitigate the well known and immediate risk to life and health of Mr Renko, violating its positive obligations under Article 2 of the Convention.

40. After Mr. Renko's death an autopsy was performed, but contrary to Rulonia's procedural obligations under Article 2 of the Convention, no further steps have been taken by the authorities to investigate and identify those potentially responsible for his death, although Mr. Renko died in suspicious circumstances and while working for the State.

41. In the view of the foregoing, the Court concludes that Rulonia violated its substantive and procedural obligations under Article 2 of the Convention in respect to Mr. Renko's death.

## B. ALLEGED VIOLATION OF ARTICLE 8

### 1. Parties' submissions

a) The Applicants

42. The applicant CLIMATE ACTION NOW! submits that the States' omission in tackling climate change violated Article 8 of the Convention, since individuals are exposed to adverse effects of rising global temperatures, resulting in draughts, wildfires and heatwaves, that have negative consequences for their every day private and family life, health and home. Although the States recognized in the Environmental and Climate Strategy the need to mitigate climate change and its effects, specifically in the area of Littoral forest, where the applicants reside, no measures have been taken.

43. The children allege that Relandia violated their right to home, private and family life protected under Article 8 of the Convention, because it has failed to mitigate climate change and occurance of wildfires that destroyed their home and endangered their lives and health.

b) The States

44. The States submit that they are adopting mitigating measures allowed by their limited resources and that climate change cannot be tackled in a short period of time. Furthermore, the drought and consequent wildfires and heatwaves are attributed to the Mediterranean climate and are a natural occurrence over which the States have no influence. They can only adopt mitigating measures after the fact, which both States did; wildfire Henrik was contained and no serious consequences occurred, therefore no violation of Article 8 of the Convention exists.

45. Regarding the children's submissions Relandia alleged that there was no violation of Article 8 of the Convention based on the absence of a direct and immediate link between climate change and the loss of the applicants' homes.

2. The Court's assessment

a) General principles

46. According to the existing case-law, in order to fall within the scope of Article 8 of the Convention, complaints relating to environmental nuisances have to show, first, that there was an "actual interference" with the applicant's enjoyment of his or her private or family life or home, and, secondly, that a certain level of severity was attained (Verein Klimaseniorinnen Schweiz and Others v. Switzerland, 2024, § 514).

47. In the context of climate change, 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. (Verein Klimaseniorinnen Schweiz and Others v. Switzerland § 545).
In accordance with the principle of subsidiarity, the national authorities have the primary responsibility to secure the rights and freedoms defined in the Convention, and in doing so they enjoy a margin of appreciation (Garib v. the Netherlands [GC], 2017, § 137).

48. Having regard, in particular, to the scientific evidence as regards the manner in which climate change affects Convention rights, and taking into account the scientific evidence regarding the urgency of combating the adverse effects of climate change and the severity of its consequences, the Court finds it justified to consider that climate protection should carry considerable weight in the weighing-up of any competing considerations (Verein Klimaseniorinnen Schweiz and Others v. Switzerland § 542).

49. 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 timely and 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 under Article 8 of the Convention. (Verein Klimaseniorinnen Schweiz and Others v. Switzerland § 546).

b) Application of the above principles to the present case

i. CLIMATE ACTION NOW! v. Relandia and Rulonia

50. In the present case, and having regard to the fact that the applicant CLIMATE ACTION NOW! is an association, acting on behalf of its members and the other applicants, the Court will assess the respondent States' compliance with their duty to put in place, and effectively apply in practice, the relevant climate change mitigation measures. Failure by the States to comply with this aspect of its positive obligations would suffice for the Court to conclude that the State failed to comply with its positive obligations under Article 8 of the Convention (Verein KlimaSeniorinnen Schweiz and Others v. Switzerland [GC], 2024, § 555).

51. At the outset, the Court notes that both States are experiencing steady rise in average temperature. Analysis conducted by experts from National Institute of Natural Sciences of Relandia, which is an independent organization, showed that average temperature in Relandia has risen by 2 degrees celsius in the past 40 years.

52. The States are both parties to UN Framework Convention on Climate Change, Kyoto Protocol and Paris Agreement and members of the EU, meaning that the States must comply with therein contained obligations aimed at tackling climate change. Additionally, Relandia and Rulonia adopted Environmental and Climate Strategy, which provides joint and national measures aimed at mitigating environmental degradation and natural disasters. However, according to the States' submissions they consider the Strategy merely a political document and no legislative and operative measures have been taken to implement the Strategy.

53. Neither Relandia nor Rulonia acted in good time and in an appropriate and consistent manner regarding the devising, development and implementation of the relevant legislative and administrative framework aimed at tackling climate change, rising temperatures, heatwaves and wildfires. The States have therefore exceeded their margin of appreciation and failed to comply with their positive obligations in the present context, violating the right to home, private and family life under Article 8 of the Convention.

ii. Applicants Ana, Sarah, Robert and Andy v. Relandia

54. The four children living in the area known as Littoral Forest lost their homes in the wildfire Henrik, which interfered with their right to home, private and family life under Article 8 of the Convention. In view of the above described omissions of Relandia regarding tackling cliamte change, Relandia is responsible for the interference and has therefore violated the children's rights under Article 8 of the Convention.

## C. ALLEGED VIOLATION OF ARTICLE 6

### 1. Parties' submissions

55. The applicants Ana, Sarah, Robert and Andy submit that their rights under Article 6 § 1 were violated, as they did not have access to court, based on national provision barring persons under the age of 18 from filing a claim before national courts.

56. Relandia responded that such provisions pursue a legitimate aim, as they protect minors, and are also proportionate.

2. The Court's assessment

a) General principles

57. In the present case, the issue under Article 6 § 1 of the Convention arises in relation to the right of access to a court. The relevant general principles concerning this matter are as follows (Zubac v. Croatia [GC], 2018, §§ 76-78):

> "76. The right of access to a court was established as an aspect of the right to a tribunal under Article 6 § 1 of the Convention in Golder v. the United Kingdom (21 February 1975, §§ 28-36, Series A. no. 18). In that case, the Court found the right of access to a court to be an inherent aspect of the safeguards enshrined in Article 6, referring to the principles of the rule of law and the avoidance of arbitrary power which underlay much of the Convention. Thus, Article 6 § 1 secures to everyone the right to have a claim relating to his civil rights and obligations brought before a court (see Roche v. the United Kingdom [GC], no. 32555/96, § 116, ECHR 2005-X; see also Z and Others v. the United Kingdom [GC], no. 29392/95, § 91, ECHR 2001-V; Cudak v. Lithuania [GC], no. 15869/02, § 54, ECHR 2010; and Lupeni Greek Catholic Parish and Others v. Romania [GC], no. 76943/11, § 84, ECHR 2016 (extracts)).
>
> 77. The right of access to a court must be 'practical and effective', not 'theoretical or illusory' (see, to that effect, Bellet v. France, 4 December 1995, § 36, Series A no. 333-B). This observation is particularly true in respect of the guarantees provided for by Article 6, in view of the prominent place held in a democratic society by the right to a fair trial (see Prince Hans-Adam II of Liechtenstein v. Germany [GC], no. 42527/98, § 45, ECHR 2001-VIII, and Lupeni Greek Catholic Parish and Others, § 86).
>
> 78. However, the right of access to the courts is not absolute but may be subject to limitations; these are permitted by implication since the right of access by its very nature calls for regulation by the State, which regulation may vary in time and in place according to the needs and resources of the community and of individuals (see Stanev v Bulgaria [GC], no. 36760/06, § 230, ECHR 2012). In laying down such regulation, the Contracting States enjoy a certain margin of appreciation. Whilst the final decision as to observance of the Convention's requirements rests with the Court, it is no part of the Court's function to substitute for the assessment of the national authorities any other assessment of what might be the best policy in this field. Nonetheless, the limitations applied must not restrict the access left to the individual in such a way or to such an extent that the very essence of the right is impaired. Furthermore, a limitation will not be compatible with Article 6 § 1 if it does not pursue a legitimate aim and if there is not a reasonable relationship of proportionality between the means employed and the aim sought to be achieved (see Lupeni Greek Catholic Parish and Others, cited above, § 89, with further references).

b) Application of the above principles to the present case

58. In the instant case the Court notes that it is not disputed that the actions brought by CLIMATE ACTION NOW! on behalf of the four children fell within the scope of Article 6 under its civil limb in so far as they sought to obtain compensation for the property destroyed in the fire and non-pecuniary damages resulting from the State's violation of their right to life, home, private and family life.

59. The Court further notes that the domestic courts dismissed the applicants' lawsuit on procedural grounds, without examining their substantive claims, constituting a clear interference with the right to access to court from Article 6 of the Convention.

60. It therefore falls to the Court to ascertain whether the restriction imposed on the applicants' right of access to a court pursued a legitimate aim and whether it was proportionate to that aim. As this court reiterated many times, a limitation of the right to access to court may be compatible if it pursues a legitimate aim and is proportionate in pursuing that aim (Lupeni Greek Catholic Parish and Others, 2016, § 89). The children' right to access to court was limited, based on the fact that national legislation provides that individuals who are under the age of 18 can only take part in family law proceedings.

61. Relandia argued that the procedural requirement of a minimum age for filing a lawsuit serves to protect minors and is therefore legitimate to the aim pursued and proportionate to that aim. The Court finds this argument flawed and unsupported by any facts or evidence, since the national legislation limits their rights, instead of protecting them. According to Article 12 of the Convention fn the Rights of the Child, children shall be provided the opportunity to be heard in any judicial and administrative proceedings affecting them, either directly, or through a representative or an appropriate body. While children can not necessarily participate in the proceedings in the same way as adults can, they nevertheless should have the right to participate in proceedings through representatives; in the present case through the non-governmental organisation CLIMATE ACTION NOW!, experienced in the filed of climate change litigation. The disproportionality of the measure is further reflected in the restriction applied to all children under 18, even though rights should be exercised in accordance with a child's age and maturity. The situation of a young child cannot be necessarily equated with that of a 15-year-old.

62. Accordingly, all the provisions of the Convention and its Protocols must be interpreted in such a way as to guarantee rights which are practical and effective as opposed to theoretical and illusory, and the Court cannot accept the State's argument that the limitation of applicants' access to court was proportionate.

63. The court notes that the applicants had access to the Constitutional Court, which accepted the case but found that the State had not violated their human rights in any way. The Court must therefore assess whether the Constitutional Court carried out an effective judicial review. (Obermeier v. Austria, 1990, § 70). The Constitutional Court in the present case must have jurisdiction to examine all questions of fact and law relevant to the dispute before it (Terra Woningen B.V. v. the Netherlands, 1996, § 52). However, the Constitutional Court inquired into the contested proceedings solely from the point of view of their conformity with the Constitution. It did not examine all the relevant facts, nor could it grant the applicants what they had requested before the lower courts, thus failing to carry out an effective judicial review. A similar conclusion was reached in Zumtobel v. Austria, 1990, §§ 29-30. Failure to carry out a full judicial review, means that the applicant's access to the Constitutional Court did not fulfill their right to access the court.

64. The Court concludes that the applicant's right to access the court was restricted in such a way and to such an extent that the very essence of the right was impaired, constituting a violation of Article 6 § 1 of the Convention.

## D. ALLEGED VIOLATION OF ARTICLE 13

65. The Applicants complained that since they could not access national courts in regards to their destroyed homes and constant fear due to wildfires, there was no effective remedy availabe under national law for the violation of their rights under the Convention. In their submission, this was in breach of Article 13 of the Convention, which reads:

> "Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

66. In view of its findings concerning Article 6 para. 1 of the Convention, the Court does not consider it necessary to examine the case under Article 13.

## E. ALLEGED VIOLATION OF ARTICLE 14 IN CONNECTION WITH ARTICLE 6

67. The four children also claimed that in enjoying their rights under Article 6 paragraph 1 of the Convention, they had been discriminated against on the ground of their age(being younger than 18), when compared to persons older than 18, who could participate in proceedings and could be represented by an association before national courts.

68. According to the Court's well-established case-law, discrimination means different treatment of persons in relevantly similar situations, without an objective and reasonable justification (Willis v. the United Kingdom, 2002, § 48). A difference in treatment has no objective and reasonable justification if it does not pursue a legitimate aim or if there is not a reasonable relationship of proportionality between the means employed and the aim sought to be realised. Where the difference in treatment is based on race, colour or ethnic origin, the notion of objective and reasonable justification must be interpreted as strictly as possible (Oršuš and Others v. Croatia [GC], 2010, § 156).

69. The Court finds it undisputable that the applicants were treated differently solely based on their age, which falls under the scope of Article 14 as a ground for discrimination. It is not necessary to examine, whether the difference in treatment pursued a legitimate aim and was necessary in a democratic society, since this assessment was already made above under Article 6 of the Convention. The Court therefore finds a violation of Article 14 in connection with Article 6 ot the Convention.

## F. ALLEGED VIOLATION OF ARTICLES 10 AND 11

70. The applicants CLIMATE CHANGE NOW! and Mrs. Barbara Renko claim that Rulonia violated freedom of speech guaranteed under Article 10 of Convention, when authorities prohibited Mrs. Renko from speaking at the protest on the 1st of August 2024. They further claim that the State violated their right to freedom of assembly guaranteed under Article 11 of Convention, when police dispersed the protest on the 1st of August 2024. Due to interconnection of Article 10 and Article 11 of the Convention, the Court has decided that it will assess alleged violations under both articles together.

### 1. Parties' submissions

a) The Applicants

71. The applicants Mrs. Barbara Renko and CLIAMTE ACTION NOW claim that the authorities have a duty to take appropriate measures with regard to lawful demonstrations in order to ensure their peaceful conduct and the safety of all citizens. Applicants also claim that States must refrain from applying unreasonable indirect restrictions upon the right.

72. Applicants further submit that the state violated their rights by preventing the speech at the protest without valid reasons and unjustifiably dispersed the protest using excessive force on grounds of national security, which it failed to substantiate – following that the protest was peaceful and there were no indications that violence could occur. They also claim that mesures, including dispersing the crowd with water cannons do not appear to have been necessary in a democratic society.

b) The State

73. Rulonia submits that the speech was likely to exacerbate and justify violence, hatred or intolerance, so the right to freedom of expression was justifibly restricted. The protest took place in the context of a highlighted political tension, following the death of a police officer on duty, which triggered a large-scale protest attended by approximately 15.000 people. This means that the atmosphere was emotionally charged and the police had reasons to fear that the keynote speech of the widow could further inflame the crowd and provoke disorder. They also claim that the background of public fear, the scale of protest and the symbolic weight of the officer's death further justifiy police restriction.

74. They also argue that dispersal of the protest with water cannons and other forms of crowd control was lawful and followed a legitimate aim. They claim that a crowd of 15.000 people gathered under highly emotional circumstances created real and immediate risk of escalation. They also claim that the state enjoys a wide margin of appreciation in connection to safeguarding national security and public order. Additionally, at the time of the protest, there was a wildfire Henrik and consequently there was a lack of available policemen.

2. The Court's assessment

a) General principles

75. Article 10 of the Convention is not only applicable to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb; such are the demands of pluralism, tolerance and broadmindedness without which there is no "democratic society" (Handyside v. the United Kingdom, 1976, § 49; Observer and Guardian v. the United Kingdom, 1991, § 59).

76. All restrictions of the freedom of expression must be subject to strict review (Stollv. Switzerland ([GC], 2007, § 101.) In addition, the Court has set out in its case-law that states also have a positive obligation to protect freedom of expression (Appleby and Others v. the United Kingdom, 2003, § 39; Side by Side International Film Festival and Others v. Russia, 2024, § 13).

77. However, there are certain categories of speech that may not be covered by the Convention, such as all expressions in which sole intent is to insult (Rujak v. Croatia (dec.), 2012, §§ 27-32).

78. The right to freedom of expression can be limited, if this is necessary in democratic society and if it pursues a legitimate aim, such as national security, territorial integrity or public safety, prevention of disorder or crime, protection of health or morals and the rights of others. But the Court has established that exceptions need to be applied strictly and should be brought into play only where it has been shown to be necessary to suppress release of the information for the purposes of protecting national security and public safety (Stoll v. Switzerland [GC], 2007, § 54; Görmüş and Others v. Turkey, 2016, § 37).

79. Freedom of expression may not be infringed, unless it has been demonstrated that the impugned statements were capable of leading or actually led to disorder – for instance in the form of public disturbances – and that in acting to suppress them, the relevant authorities had that in mind (Perinçek v. Switzerland [GC], 2015, §§ 152-153; compare also Gaspari v. Armenia (no. 2), 2023, § 30; and contrast Sanchez v. France [GC], 2023, § 144).

80. As to the freedom of assembly and association the Court has concluded in its case law that the right to freedom of peaceful assembly is a fundamental right in a democratic society and is one of the foundations of such a society and therefore it should not be interpreted restrictively (Djavit An v. Turkey, 2003, § 56; Kudrevičius and Others v. Lithuania [GC], 2015, § 91).

81. The Court has previously pointed out that Article 11 of the Convention must also be considered in the light of Article 10 of the Convention, where the aim of the exercise of freedom of assembly is the expression of personal opinions (Ezelin v. France, 1991, § 37) as well as the need to secure a forum for public debate and the open expression of protest (Éva Molnár v. Hungary, 2008, § 42). The link between Article 10 and Article 11 of the Convention is particularly relevant where the authorities have interfered with the right to freedom of peaceful assembly in reaction to the views held or statements made by participants in a demonstration or members of an association (Primov and Others v. Russia, 2014, § 92; Stankov and the United Macedonian Organisation Ilinden v. Bulgaria, 2001, § 85).

b) Application of the above principles to the present case

82. The Court notes that claims brought before the Court, fall within the scope of protection of Article 10 and 11 of the Convention.

83. It therefore falls to the Court to ascertain whether the restriction imposed on the applicants' right of freedom of assembly and right to freedom of speech has a legitimate aim and whether it was proportionate to that aim.

84. Applicants' right to freedom of assembly and freedom of expression were limited pursuing a legitimate aim, namely national security. However the interference was not proportionate and was not necessary in democratic society.

85. The Court was not convinced by the argument presented by Rulonia, that there was a crisis in the State due to the wildfire Henrik and consequent lack of police resources to contain any possible riots.

The Court reiterates that freedom of expression and freedom of assembly are key for a functioning democracy. Genuine and effective exercise of these freedom requires positive measures of protection (see Özgür Gündem v. Turkey, no. 23144/93, §§ 42-46). Even if there was a lack of policeman, absolutely limiting the freedom of expression and freedom of assembly must be the last resort. Rulonia should have first adopted more lenient, preventive measures, such as ensuring enough space for the protest, involving other public personnel, diverting protesters by peaceful means instead of using water cannons … Additionally, preventing the main speech without any indication of its potentially harmful content or intention was also disproportionate.

86. The Court further emphasizes the importance of the State's obligation to provide reasons for the decisions concerning a restriction to the right to freedom of expression and assembly. Therefore the State must implement procedural safeguards to prevent arbitrary interference with these rights ( Nur Radyo Ve Televizyon Yayıncılığı A.Ş. v. Turkey (no. 2), 2010, §§ 49-50; Cumhuriyet Vakfı and Others v. Turkey, 2013, §§ 67-68). Therefore Rulonia would have to assess all relevant aspects, before limiting the rights, solely on the abstract fear regarding the consequences of Mrs. Renko speech.

87. The Court concludes that Rulonia has violated the applicants' freedom of speech and assembly under Article 10 and Article 11 of the Convention.

## OPERATIVE PROVISION

For these reasons, the Court:

*Declares*, unanimously, that the application is admissible; and

*Dismisses,* unanimously, preliminary objections by the respondent Governments concerning victim status of the applicants;

*Holds*, unanimously, that Relandia and Rulonia have violated Article 2 of the Convention;

*Holds*, unanimously, that Relandia and Rulonia have violated Article 8 of the Convention;

*Holds*, unanimously, that Relandia has violated Article 6 § 1 of the Convention;

*Holds*, unanimously, that there is no need to examine separately the complaint under Article 13 of the Convention;

*Holds*, unanimously, that Relandia has violated Article 14 of the Convention in connection with Article 6 § 1 of the Convention;

*Joins*, unanimously, the assessment of the alleged violations of Articles 10 and 11 of the Convention;

*Holds*, unanimously, that Rulonia has violated Articles 10 and 11 of the Convention.

Done in English and delivered at a public hearing at the Faculty of Law, Ljubljana, on 30 November 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Rok Vidmar Rene Fabjančič Neža Vocovnik Urh Gregor Brvar