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CLIMATE ACTION NOW! and Others v. RELENDIA and RULONIA



European Court of Human Rights

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European
Parliament



REPUBLIC OF SLOVENIA
MINISTRY OF FOREIGN
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1. THE APPLICANT ASSOCIATION

Climate Action Now! is an international non-profit, non-governmental organization advocating for the promotion of environmental policies and combatting climate change. It was founded in 2015 as an international platform which combines the expertise of Europe's leading climate scientists with the energy and enthusiasm of young environmental activists. Today the association represents over 20 million individual members across its branches in all 27 Member States of the European Union (EU) as well as in some non-EU Member States of the Council of Europe. *Climate Action Now!* registered its branch in Relandia on 26 October 2016 and in Rulonia on 24 November 2016 in accordance with the national legislation governing the establishment of associations in both States.

Climate Action Now! 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, *Climate Action Now!* began monitoring the climate strategies of European States to reduce emissions of greenhouse gases and their compliance with the targets of the Paris Agreement. *Climate Action Now!* 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.

2. THE RESPONDENT STATES

Relandia and Rulonia are neighbouring States in Europe. Both are Member States of the Council of Europe and State Parties to the European Convention on Human Rights (ECHR). They are also both Member States of the EU and the United Nations (UN) and State Parties to the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and the Paris Agreement.

Both States have a predominantly Mediterranean climate and have experienced steadily rising summer temperatures in recent years, with extreme weather events and natural disasters such as heatwaves, storms and wildfires becoming increasingly more frequent and damaging. The area known as the Littoral Forest, a protected nature reserve which stretches along the border between Relandia and Rulonia, is especially at risk from wildfires. To mitigate the threat to plant and animal life in their territories and protect the biodiversity of the Littoral Forest, Relandia and Rulonia adopted a common bilateral Environmental and Climate Strategy in 2020 (Annex I). In this strategy the two States set out ambitious goals regarding environmental protection and the prevention of natural disasters, such as establishing a harmonized forest monitoring system, promoting sustainable forest management, restoring native vegetation and wildlife habitats and increasing funding for vegetation management and community fire prevention. The strategy is to be implemented by both States together as well as separately, with each State committing to adopt binding legislative acts at the national level in order to achieve goals and fulfill obligations set out in the strategy. The strategy is, however, considered by both governments to be primarily a political document rather than a legally binding agreement and its ambitious goals remain largely unrealized.

3. PROCEEDINGS IN RELANDIA

On 15 July 2024, the largest forest fire in the State's history broke out in the Littoral Forest nature reserve in the southwestern part of Relandia. From the first call to the completion of the intervention, a total of 12 days passed. During this time, 3248.9 hectares of meadows, low vegetation, and forest areas were burned. Since the fire constituted a major natural disaster, it was named *Henrik*. According to the report, the fire was first detected 2.6 km from the border between Relandia and Rulonia, after which it spread into Rulonia's territory.

The fire engulfed the small village of Higju (Relandia), which has 78 inhabitants with an average age of 52.6 years. Due to the danger, the village was evacuated in time, and no human

lives were lost. However, the fire destroyed three family houses. In Higju four minors — Ana, Sarah, Robert, and Andy — all aged between 11 and 15, lost their homes.

An analysis of the fire conducted by experts from the National Institute of Natural Sciences of Relandia, an independent organization, showed that the fire was caused by spontaneous combustion due to severe drought that had ravaged Relandia during the summer. The same institute had previously determined that the average temperature in Relandia had risen by 2 °C over the past 40 years. Research by the National Faculty of Natural Sciences focusing on the frequency of forest fires revealed that in 2004, 31 forest fires were recorded, whereas by 2024 the number had risen to 83. These fires last on average 14 % longer and destroy 24.6 % more land than in previous periods.

When the four villagers returned to their devastated village, they decided to act and demanded that the State adopt all necessary measures to effectively address the climate crisis. They sought assistance from the organization *Climate Action Now!*. Acting on their behalf and its own, this organization filed a lawsuit with the first-instance court in Relandia.

The Applicants alleged that the State violated their right to respect for family and private life, as they lived under the constant threat of forest fires that destroyed their homes, a right protected by Article 8 of the ECHR. They also alleged that the State violated their right to life under Article 2 of the ECHR by failing to manage the fires. Furthermore, they asserted that they are disproportionately affected compared to older generations, because they will bear the consequences of State inaction far longer, while older generations will not. They further emphasized that young people are politically underrepresented in comparison with older generations. They also claimed that the State violated Article 72 of the Constitution of Relandia, which guarantees everyone the right to a clean, healthy and sustainable environment.

The district court dismissed the lawsuit on procedural grounds without examining its substantive claims. It held that the organization lacked any legal standing because it

represented individuals who, under Article 77 of Civil Procedure Act, cannot participate in civil proceedings if they are under 18 years of age. The law permits persons under 18 to take part only in family law proceedings, and since this case did not fall into that category, neither the individuals nor the organization had legal standing.

The Applicants appealed to the second-instance court alleging that the procedural requirement means an absolute limitation of access to court, which does not pursue a legitimate aim, or, alternatively, is not proportional to the legitimate aim pursued. The second-instance court upheld the district court's decision finding that the procedural requirement protects minors. The Supreme Court upheld the second instance court's decision, confirming that the procedural requirement is proportional to legitimate aim pursued as it allows minors to participate in family law proceedings.

The Applicants subsequently lodged a constitutional complaint, alleging, in addition to the previous claims, violations of Articles 6 and 13 of the ECHR. The Constitutional Court accepted the case but found that the State had not violated their human rights in any way.

On 30 September 2025, after exhausting all domestic remedies, the Applicants lodged an application with the European Court of Human Rights, alleging that Relandia had violated Articles 2, 8, 6, 13, and 14 of the ECHR.

4. PROCEEDINGS IN RULONIA

On 18 July 2024, at 6:00 a.m., Michel Renko began his work shift at the police station in Venia, the capital of Rulonia. That day marked the seventh consecutive day with temperatures exceeding 36 °C. Despite the extreme heat, at 7:00 a.m., when the outside temperature measured 33.7 °C, Michel and his colleague Kris went to the fire site because *Henrik* had crossed into Rulonia's territory. Authorities in Rulonia had already been warned of the risk that the fire might reach their territory, so they had prepared in advance and mobilized an

adequate number of firefighting units. Firefighters quickly contained the fire in Rulonia and, as a result, only 12.98 hectares of low vegetation was burned.

Despite the quick response, Michel was assigned to direct traffic on a road running alongside the fire. He was continuously exposed to sun and heat for approximately six hours. Around 1:00 p.m., when outside temperatures exceeded 39 °C, Michel told his colleague he was feeling unwell and attempted to take shelter in the shade. About two minutes later, Kris noticed Michel lying motionless under a tree. Since paramedics were already on the scene of the fire, they reached Michel within two minutes and immediately began resuscitation efforts. After approximately 45 minutes of uninterrupted CPR, a doctor declared him dead at 1:52 p.m.

Due to suspicious circumstances, an autopsy was performed, confirming that the cause of death was heatstroke. News of the death of a police officer on duty shocked the entire State. Soon after, protests erupted nationwide against the government's environmental policies, as Rulonia had been extremely passive in implementing climate measures and fulfilling its obligations under the bilateral Environmental and Climate Strategy in 2020, and forest fires had been occurring with increasing frequency.

The news about the death of a police officer while carrying out his duty quickly spread across the State. The officer's death thus became the trigger for anti-government protests over the violation of international climate agreements. The protests grew increasingly massive, as people feared that heatstroke could strike any individual. Therefore, at the initiative of Michel's widow Barbara, the protests began to be organized by *Climate Action Now!* On 1 August 2024, *Climate Action Now!* organized one of the biggest protests yet, attracting close to 15,000 people. The keynote speaker at the protest was Michel's widow, Barbara. However, before she came on stage to speak, the police prohibited her from addressing the crowd due to national security concerns, as they feared that her speech could stir up violence. After prohibiting Barbara from addressing the crowd, the police also dispersed the protests using water cannons and other means of crowd control. The authorities justified the crackdown on the grounds of national security.

Shortly after this incident, *Climate Action Now!* decided to act on its own behalf and on behalf of Barbara Renko. The organisation has filed a lawsuit against the State of Rulonia before the first-instance court in Venia. They stated that the State of Rulonia violated their rights under Article 11 of the ECHR, as the police cracked down on a peaceful protest on 1 August 2024. They argued that there was no threat of violence and no risk to national security, and that all previous protests had been peaceful. Furthermore, they argued that there was also a violation of Article 10 of the ECHR, since the police prohibited Barbara from addressing the peaceful crowd. They claimed that his fatal heatstroke would not have occurred if the State had fulfilled its international environmental obligations by implementing adequate measures to prevent extreme temperatures. Hence, the State is directly responsible for Michel's death. Accordingly, the State allegedly violated the right to life under Article 2 of the ECHR and the right to family and private life under Article 8 of the ECHR. They also alleged a violation of Article 11 of the ECHR because Barbara was prohibited from addressing the protesters. They also argue that the State is directly responsible for Michel's death because Rulonia failed to fulfill its international environmental obligations. They claimed that the heatstroke that caused his death would not have occurred if the State had implemented adequate environmental measures to prevent extreme temperatures and fulfilled its obligations under the bilateral Environmental and Climate Strategy in 2020. Accordingly, the State allegedly violated the right to life under Article 2 of the ECHR and the right to respect for private and family life under Article 8 of the ECHR.

The first-instance court held that no rights had been violated and ruled that the case concerned labour law, as Michel died while performing his work duties. The court therefore declared itself without jurisdiction. The court also stated that there was an absolute threat to national security and that the police had sufficient grounds to prevent Barbara from speaking and to crack down on the protest.

The Applicants then appealed to the second-instance court, alleging incorrect findings of fact, but the court upheld the lower court's decision. The judgment thus became final and binding.

The Applicants then filed a constitutional complaint, alleging violations of the right to life, the right to family and private life, right to freedom of expression and right to freedom of peaceful assembly. The Constitutional Court ruled that the State has adequate labour law regulations requiring employers to ensure proper working conditions, such as sufficient water supply to workers, rest periods, and protective measures. It concluded that the State had not violated the right to life and that Michel's death was a tragic accident. Regarding the alleged violation of freedom of expression and right to freedom of peaceful assembly, the court found the restriction legitimate because, according to a police report, approximately 15,000 people attended the protest, and Barbara Renko's speech and assembly could have incited unrest.

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, and 10, 11 of the ECHR.

Appendix 1: Environmental and Climate Strategy between the Republic of Relandia and the Republic of Rulonia (2020)

Preamble

Recognizing the shared responsibility of the Republic of Relandia and the Republic of Rulonia to preserve and protect their natural environments,

Acknowledging the steadily rising summer temperatures, the increasing frequency and intensity of extreme weather events, and the growing risk of wildfires and other natural disasters affecting both States,

Recalling the importance of safeguarding biodiversity and ensuring the long-term sustainability of ecosystems, particularly within the Littoral Forest — a protected nature reserve extending along the border between Relandia and Rulonia,

Relandia and Rulonia have agreed to adopt this Environmental and Climate Strategy.

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.

[...]