

Cutting emissions to protect human rights

Swiss court ruling to embolden communities to bring climate change cases against governments

TRICIA CLARKSON

In a 2022 heat wave in Switzerland, a majority of the casualties were senior women. So on April 9, two senior women sued the Swiss government for climate inaction that put them at risk of dying during heat waves.

The two women argued their age and gender made them particularly vulnerable to such climate change impacts.

As a result of their lawsuit, Europe's top human rights court ruled that the Swiss government had violated the human rights of its citizens by failing to do enough to combat climate change. This decision will set a precedent for future climate lawsuits.

In her ruling, court president Siofra O'Leary said the Swiss government failed to comply with its own targets for cutting greenhouse gas (GHG) emissions, failed to set a national carbon budget, and failed to meet its past GHG reduction targets.

"The Swiss ruling sets a crucial legally-binding precedent serving as a blueprint for how to sue your own government over climate failures," said Ruth Delbaere, legal campaigns director at Avaaz — the global civic movement.

This ruling makes it no longer possible to contend that climate change is not a human-rights crisis. It will significantly benefit our children and grandchildren by protecting their health in the future.

The European Court of Human Rights' ruling, in favour of the more than 2,000 Swiss women who brought the case, is expected to resonate in court decisions across Europe and beyond, and will embolden more communities to bring climate change cases against governments.

The most important result from this ruling is that the court has said that all governments must cut their emissions more to protect human rights. So their win is also a win for Canada and for everyone globally.

This win in Switzerland could support similar frameworks to hold Canada accountable for failing to implement sufficient climate policies — thereby violating human rights — especially if a Conservative government is elected. Pierre Poilievre won't commit to the Paris Accord's emissions targets and doesn't have a viable climate-change policy.

According to Canada's National Observer, Poilievre's climate policy is a joke and his endless debate over the carbon tax is just a distraction from the more important conversation on how to reduce more emissions in Canada. The majority of economists all agree that a price on carbon pollution remains the most effective way to reduce emissions.

According to Ecojustice lawyer Fraser Thomson, the Swiss ruling is a huge win for climate litigation around the world.

"We know that Canada's climate targets need to be ratcheted up and that our government can do more," said Thomson.

Thomson leads the Ecojustice Charter climate case against the provincial Doug Ford government. When the government weakened its climate target, thereby putting the health of Ontarians at risk, seven young activists launched a fight against it in 2019, backed by Ecojustice. This case has overcome many hurdles, setting legal precedents along the way. It is the first Charter-based climate case to reach a full hearing in Canada — a legal battle which continues to this day.

The Swiss lawsuit has the potential to set a precedent for every government in the world. If this ruling had been implemented in Honduras in March when I had a severe reaction to toxic air pollution there (exacerbated by extreme heat and humidity), I could have sued the Honduran government for not openly disclosing a poor air quality/red alert warning to the public. This information was only available online if people actively researched it. The Honduran government is highly dependent upon tourism to bolster its economy so it didn't want to scare tourists away.

I was unaware of how bad the air quality was, so I took no precautions to prevent any adverse health effects. As a result, my respiratory tract became so inflamed from exposure to air pollution that I was taken to a clinic and hooked up to an oxygen tank. I could have died if my lungs and inflammation worsened.

I'm writing this column to warn others to please do their research on the effects of toxic air pollution and how to prevent lung damage from it. Simply closing all windows, operating ceiling fans and wearing an N-95 mask could prevent serious health effects.

All countries need to pass a similar ruling as in Switzerland to hold governments accountable for climate change-related health impacts. Thankfully, because of two brave Swiss seniors, we are now on our way to accomplishing this.

TRICIA CLARKSON IS CO-CHAIR FOR PETERBOROUGH ALLIANCE FOR CLIMATE ACTION.



JEFF WIDENER THE ASSOCIATED PRESS FILE PHOTO

A man stands in front of a line of tanks in Tiananmen Square on June 5, 1989, in front of the Beijing Hotel. Thirty-five years later the worldwide desire for democracy seems strong, Thomas Froese writes.

Democracy is a trust to constantly work on, or lose



THOMAS FROESE
OPINION

It was one of those inviting spring days and I said, "Welcome to another day in paradise," to a carpenter friend who was working out front while the sun shone — while we both knew full well that paradise will be something else entirely. But, you know, on Earth, we take what we can get.

This includes our governments. Because freedom is never a sure thing. Democracy is a trust to constantly work on, or lose. The ancient Greeks would tell you as much. So would people who long for the house of freedom that you and I live in. Don't take it for granted.

"Tank Man," who stopped that Chinese army tank in Beijing's Tiananmen Square, would say this. It was 35 years ago this June when that wild scene unfolded: when this unnamed man, a common Chinese citizen carrying what looked like a couple of shopping bags, stopped a tank by simply standing in front.

In that brief minute, he also held up an entire column of tanks and armoured vehicles following behind. Gosh.

One day before that spring day in 1989, on June 4, at least several hundred Chinese innocents in the square were mowed down by tanks and machine guns. So Tank Man, standing his ground on the ironically-named Avenue of Eternal Peace,

became an iconic image.

Several weeks prior, tens of thousands of university students across China had started walking peacefully toward Tiananmen. Thousands of workers and intellectuals eventually joined the massive public march for democratic reform. It had started on April 27.

So today is a good day to consider our freedoms, even as this year is good. In 2024, half of the world's eight billion people, 76 nations, are invited in elections. It's a bonanza year for voting.

What this means or doesn't mean for democracy remains to be seen. Democracies vary. I explained this to my boy one day in Uganda some years ago.

"Thank God for whoever invented democracy," he'd said.

"The Greeks did," I responded. Then I added, "In our family we have a limited democracy. Kind of like in Africa."

Just saying. Democracies do differ. But they always thrive in competition. I've personally lived in places where such competition is routinely discouraged. For opposition leaders this might involve a good beating, or jail time or maybe a bullet. But even mature democracies with fair and free elections can languish without enough competition. Voters get cynical. And lazy.

For every 100 people on Earth, 46 now live in some sort of democracy. But just eight of those live in a "full democracy," like Canada. Thirty-eight are in a so-called "flawed democracy." U.S. democracy became formally "flawed" in 2016 upon Donald Trump's presidential win.

Another 39 in 100 people live under an "authoritative" regime. Think Russia. And 15 per cent have a so-called "hybrid" government, common in regions like Central America.

This is from the Economist Democracy Index rankings. It looks closely at elections, political participation, government workings, civil liberties, pluralism and political culture.

Of 167 nations, Canada ranked 13th in 2023. Our American cousins were 29th. Several Scandinavian countries, and Australia, ranked highest. Interestingly, Greece, democracy's birthplace, was bumped back to "full democracy" because its political participation improved.

Worldwide, desire for democracy seems strong. Freedom seems somehow written into our DNA. But liars and spreaders of misinformation who like to push confusion are pushing the global trend toward authoritarianism. So ample opportunity remains for brave people to stand in front of one tank or another, and for cowardly people to build their political nests inside such tanks.

No political system is perfect. People are so human, you know? It's no wonder that so many houses, so to speak, sit so strangely slanted. So we keep working at it by building what's a little more strong, and straight, and true, a home that's a little more like our real home.

This is it. We work with what we have. No, we're not living in paradise.

FIND THOMAS FROESE AT THOMASFROESE.COM.

LETTERS

Local MPP is breaking the rules

Re: MPP Sarah Jama refuses order to leave Ontario legislature for wearing a kaffiyeh (April 25)

It figures that MPP Sarah Jama would be the one breaking rules and wearing a kaffiyeh in legislature. They are a political symbol now; she even admitted that, and therefore according to the rules are not allowed.

Canadians can stand in solidarity with Palestine without wearing this symbol in our legislature. This is in no way telling or threatening anyone to keep quiet about what is going on.

Diana MacKenzie, Hamilton

Skates should've stayed in the city

Re: Longtime roller skate rental program ends at Hamilton waterfront (April 20)

"The leftover roller skates were donated to Scooters Roller Palace in Mississauga." My question is why were the skates donated there? Why not donate them to local roller skaters who used the Pier 8 skate pad program? After all, they were paid for by Hamilton taxpayers.

Another option would be to ask for volunteers to help refurbish the skates. Other than the boot being in bad shape, bearings and

wheels could be replaced relatively cheaply. Something is wrong in the city of Hamilton. This decision stinks.

Bill Lukawecy, Hamilton

Keep the funding in Hamilton

Re: How things would've been different if we'd simply held an LRT referendum (April 24)

Scott Radley's column about referendums is missing a few key pieces of information. First of all, you need to have more than 50 per cent voter turnout for a referendum to be legally binding, which we don't typically get in Hamilton. Turnout was 35.38 per cent in 2022.

Second, even if we did get that turnout, council can choose to ignore the results with no recourse, as they did with the Copps Coliseum referendum back in the late '70s. Voters voted "no" and council chose to build it anyway.

Third, it costs millions that is not in the budget to hold a referendum vote. Millions the city doesn't have. And before you say "just add it to the next municipal election" — that's more than two years away, and there have effectively been five elections since the LRT project began (2006) where a pro-LRT mayor has won and LRT has been an major election ballot question in each of those elections.

Further, I would much rather

have provincial and federal dollars go toward fixing the badly needed infrastructure repairs along the rail line than having it pushed off further into our infrastructure deficit. Why are we even toying with allowing that money to not go to Hamilton? It can't be reallocated — that was answered a long time ago; it's for just this LRT project. The majority of that money will fix the sewers, water lines, utilities, sidewalks and roads on King street. No way should we allow it to slip through our fingers and go to Toronto or Mississauga.

Laura Farr, Hamilton

This plan is just plain ludicrous

Re: Mayor's veto advances affordable housing plan in Stoney Creek (April 25)

So our mayor is flexing her muscles. Putting parking in a Stoney Creek parking lot, where there are no grocery stores or any other amenities, is just plain ludicrous.

The area will be looking like the hilltop at Centennial and North Service Road, where when the garbage from the encampments gets too much, they move and leave the mess, letting the city or province clean it up. Mayor Horwath, we in Stoney Creek don't want your input, or the overflow of Hamilton city council's bad decisions.

Bruce Bocek, Hamilton