



JUST ATONEMENT INC.

justice
hope peace unity equal opportunity
golden age
progress sustainability democracy freedom
human rights harmony civilization

Just Atonement Inc.

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Just Atonement Inc. (JAI) is a legal non-profit that connects and trains advocates to address threats to human rights, a livable planet, and the international rule of law.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of Switzerland.

SUMMARY OF CONCLUSIONS

1. Severe melting of the Alpine glaciers and the occurrence of heatwaves will continue to increase due to climate change, causing Switzerland to lose an important water reservoir and posing health risks especially to its ageing population. Switzerland should strive to set an example with ambitious goals to keep global temperature rise below 1.5°C.
2. Switzerland's financial sector still invests too heavily in fossil fuels. Switzerland should encourage divestment from the fossil fuel sector and strive to set mandatory rules for businesses to report and prevent environmental, climate, and human rights risks.

IMPACT OF CLIMATE CHANGE

Glacial Melt

3. In Switzerland, climate change is expected to manifest in temperature rise, glacial melt, and change of precipitation, increasing the risk and magnitude of flooding.



4. Melting glaciers destabilize mountains and increase the risk of debris flows, mudslides, ice avalanches, and floods, as also underground glacial lakes melt. This endangers the right to life and health, and the livelihoods of those affected by these natural disasters. One of the most pressing consequences of the rising temperatures is glacial melt. Between 2014 and 2019, Swiss glaciers lost 10% of their ice mass. In 2021, 400 million tons of ice melted.
5. Switzerland is losing an important water reservoir through glacial melt caused by climate change, which will result in competing socioeconomic interests over the shrinking water resources, mainly between the agricultural sector and hydropower plants. Farmers will need more water in rivers to irrigate crops in hotter and drier summers, impacting the right to food, while generating electricity through hydropower needs the water in reservoirs and dams.¹ In 2020, 58.1% of the total energy produced in Switzerland was generated through hydropower.² With glacial melt, solar and wind power will have to play an important role when transitioning away from imported fossil energy sources. With a reduction in water resources, this would likely impact the right to water as access to drinking water becomes reduced.

Heatwaves

6. Climate change increases the frequency and intensity of heatwaves in Switzerland. 2003, 2015, 2018 and 2019 were the four warmest summers ever recorded in the country. Climate change induced heatwaves cause adverse health effects including heat-related mortality, the risk increasing strongly with age. Not mitigating this risk can violate the right to life and the right to health of the population (Article 6 of the ICCPR and Article 12 of the ICESCR). Almost 20% of Switzerland's population is over 65 years old, by 2060 this number is expected to increase to 30%. The annual number of deaths caused by heat increased from 74 between 1969–78 to 181 between 2009–17, a substantial increase.³

¹ Luigi Jorio: "Melting Swiss Glaciers to Fuel Conflicts Over Water," (20 November 2019). Available at: https://www.swissinfo.ch/eng/swiss-glacier-series--0-1-000m-_melting-swiss-glaciers-to-fuel-conflicts-over-water-/45371008.

² Swiss Federal Office of Energy, "76 Prozent des Stroms aus Schweizer Steckdosen stammten 2020 aus Erneuerbaren Energien," <https://www.admin.ch/gov/de/start/dokumentation/medienmitteilungen.msg-id-84908.html> (last visited 1 July 2022).

³ Evan de Schrijver, Marvin Bundo, Martina S. Ragetti, Francesco Sera, Antonio Gasparrini, Oscar H. Franco, and Ana M. Vicedo-Cabrera, "Nationwide Analysis of the Heat- and Cold-Related Mortality Trends in Switzerland between 1969 and 2017," *The Role of Population Aging, Environmental Health Perspectives*, 30 (3) (9 March, 2022). Available at: <https://doi.org/10.1289/EHP9835>.



7. Heatwaves disproportionately risk the lives and health of senior women, in particular women over 75.⁴ This leads to the intersection of negative climate change effects with sex, a protected category under the principle of non-discrimination (Article 2 of the ICCPR).
8. The Committee on the Elimination of Discrimination against Women has emphasized the vulnerability of women and girls to climate change induced natural disasters. Switzerland, as a state party to CEDAW, should ensure that policies aiming to reduce climate change related risks are gender responsive and based on the principles of equality and non-discrimination, with priority being accorded, inter alia, to older women.⁵

Biodiversity

9. Climate change poses a threat to biodiversity in Switzerland. OECD data shows that Switzerland brings up the rear in Europe with only 12.2% of the total land area designated as protected area, compared to the EU at 26% and OECD-Europe at 24.8%.⁶ Causes such as decreasing habitat quality, e.g. due to the use of pesticides and habitat fragmentation due to intensive land use, already put a strain on biodiversity. Higher temperatures, drier summers, and different precipitation patterns have deep effects on habitats and native species and are likely to exacerbate and disturb biodiversity and the environment. This will impact the right to have a clean, healthy, and sustainable environment in Switzerland.

CONTRIBUTION TO CLIMATE CHANGE AND ITS MITIGATION

10. We commend Switzerland for submitting an ambitious NDC to the UNFCCC pursuant to which the country aims to reduce emissions by at least 35% compared to 1990 levels by 2025, and by at least 50% by 2030, ultimately reaching carbon net neutrality by 2050. We encourage Switzerland to strive to achieve these set goals.
11. Nonetheless, Switzerland's 2030 emissions reduction target in its 2020 revision of the country's CO²-law fails to achieve the IPCC's recommended targets. The IPCC stated in its Fifth Assessment Report that countries such as Switzerland must achieve domestic reductions of at least 40% and possibly as much as 100% by 2030 compared to 1990 levels to have a 66% probability of remaining within the 2°C warming limit. The most recent target decided by the Parliament in 2020 is only a 37.5% reduction target until

⁴ See also the climate action brought by KlimaSeniorinnen Schweiz, *Verien KlimaSeniorinnen et al. v. Switzerland* (App. No. 53600/20), https://klimaseniorinnen.ch/wp-content/uploads/2021/10/UL_53600_20_Summary_on_OF_OL_and_Reply.pdf.

⁵ Committee on the Elimination of Discrimination against Women, "General Recommendation No. 37 on Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change," CEDAW/C/GC/37, paragraphs 4 and 26 (19 March 2018). Available at: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf.

⁶ OECD, "Protected Areas, <https://data.oecd.org/biodiver/protected-areas.htm> (last visited 1 July 2022).



2030. Pursuant to the mitigation recommendations from AR6 Working Group III published on 4 April 2022, Switzerland must peak its greenhouse gas emissions no later than 2025 in order provide a 50% chance of limiting warming to 1.5°C.⁷

12. We commend Switzerland for its energy strategy 2050 under which the country wants to increase domestic production of renewable energy while refraining from building new nuclear power plants, to decrease imports from fossil sources. More than 60% of the electricity produced in Switzerland comes from renewable sources. However, Switzerland remains highly dependent on energy imports from neighboring countries to meet its demand, which come predominantly from fossil fueled power plants.
13. We commend Switzerland on its recent agreement with UNDP on deploying \$42 million to increase private climate investments that further socio-economic development and climate mitigation in developing countries.
14. That being said, in October 2021, assessment reports to the IPCC by several governments were leaked, including comments by the Swiss government. According to the BBC, a significant number of Switzerland's comments for the next IPCC report aimed at amending the sections that argue that developing countries will need support, particularly financial, from rich countries to meet their emission reduction targets.⁸ If true, this would implicate the principle of "common but differentiated responsibilities" under the UNFCCC mechanisms ("CBDR"). It is our consistent recommendation to all high-income countries to support principles of CBDR in efforts to stabilize the climate. We also note that human rights law, including common Article 1 of the ICCPR and ICESCR, imposes an obligation of cooperation with respect to principles of self-determination and that all States must support the self-determination of peoples and States that are most likely to be heavily impacted by climate change.

SWITZERLAND'S FINANCIAL AND BUSINESS SECTORS

15. Swiss banks and asset management firms invest too heavily in international coal and oil production. In 2020, Swiss financial institutions invested four times more in companies producing electricity from fossil sources than in those producing electricity from

⁷ P.R. Shukla, J. Skea, R. Slade, A. Al Khourdajie, R. Van Diemen, D. McCollum, M. Pathak, S. Some, P. Vyas, R. Fradera, M. Belkacemi, A. Hasija, G. Lisboa, S. Luz, J. Jalley (eds.), "Climate Change 2022 – Mitigation of Climate Change – Summary for Policy Makers," IPCC at C1 (Cambridge University Press, Cambridge, UK and New York, NY, USA 2022). Available at: https://www.ipcc.ch/report/ar6/wg3/downloads/report/IPCC_AR6_WGIII_SPM.pdf.

⁸ Justin Rowlatt and Tom Gerken, "COP26: Document Leak Reveals Nations Lobbying to Change Key Climate Report," (21 October 2021). Available at: <https://www.bbc.com/news/science-environment-58982445>.



renewable sources and about 80% of them had coal mining companies in their portfolios.⁹ The greenhouse gas emissions financed by the Swiss National Bank's share portfolio are almost as high as Switzerland's domestic CO₂ emissions.¹⁰ This is in contradiction with the national climate goals.

16. We commend Switzerland for launching, with UBS and Credit Suisse, a CHF 1 billion fund to invest in social and environmental projects in developing countries.
17. However, there is currently no compulsory regulation on reporting environmental risks to the Financial Market Supervisory Authority. A review of whether new financial laws are needed to enforce sustainable finance standards will only be completed at end of 2022.¹¹
18. We commend Switzerland for the recent introduction of statutory due diligence and reporting obligations for businesses relating to conflict minerals and child labor in supply chains. The new law does not, however, establish broader obligations for businesses to conduct a human rights, environmental, and climate impact due diligence and does not encompass the financial sector. JAI recommends that the scope of due diligence be expanded to include an assessment on the impacts on human rights, environmental and climate change that would occur. Furthermore, JAI recommends the due diligence assessment be extended to include the financial sector, whose financial activity and funding could lead to direct and adverse impacts on the environment and human rights.

MIGRATION AND HUMAN RIGHTS

19. Climate change will increase the number of displaced persons globally in a significant way. Switzerland may see more migrants seeking protection.
20. In 2019, the asylum system was reformed, but the new expedited procedures and short time frames may not ensure a high quality for the assessment of asylum claims.
21. During the Covid-19 pandemic, Switzerland closed its borders with Italy and suspended any registration of asylum seekers. The refusal of entry to asylum seekers at the border was criticized as a violation of international law, specifically the *non-refoulement*

⁹ Swiss Federal Office for the Environment, "Schweizer Finanzmarkt auf dem Klimaprüfstand," <https://www.bafu.admin.ch/bafu/de/home/dokumentation/medienmitteilungen/anzeige-nsb-unter-medienmitteilungen.msg-id-81034.html> (last visited 1 July 2022); Swissinfo.ch, "Swiss Investors Still Leaning Heavily on Fossil Fuels," (9 November 2020). Available at : <https://www.swissinfo.ch/eng/swiss-investors-still-leaning-heavily-on-fossil-fuels/46150250>.

¹⁰ Stefan Boss, "Swiss National Bank Accused of Lagging Behind in Green Investment," (7 December 2020). Available at: <https://www.swissinfo.ch/eng/the-swiss-national-bank-is-lagging-behind-climate-change/46204342>.

¹¹ Matthew Allen, "Switzerland Grapples with Challenge of Greening Its Banks," (15 December 2020). Available at: https://www.swissinfo.ch/eng/switzerland-grapples-with-challenge-of-greening-its-banks/47172446?utm_campaign=teaser-in-article&utm_source=swissinfoch&utm_medium=display&utm_content=o.



obligation under Article 33 of the Convention Relating to the Status of Refugees, and it was not justified by the invocation of Article 20(4) of the Dublin Regulation.¹²

RECOMMENDATIONS

22. Switzerland should support and sustain the self-determination of all peoples and States, consistent with principles of CBRD, related to efforts to stabilize the climate and adapt to the impacts of climate change.
23. Switzerland should encourage and support more disclosure with respect to the impacts of climate change and human rights violations in its business and financial sector.
24. Switzerland should adopt gender responsive policies aiming to reduce climate change related risks.
25. Switzerland should ensure that its system for registering and processing asylum seekers is consistent with international legal obligations.
26. Switzerland should ensure the protection of human rights related to the right to food, the right to water, the right to life and the right to health from climate impacts that are likely to worsen over this century.

Acknowledgements

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¹² Humanrights.ch, “Das Asylwesen in der Corona-Pandemie – Ein Krisenherd,” (24 April 2020). Available at : <https://www.humanrights.ch/de/ipf/menschenrechte/migration-asyl/asylwesen-coronavirus-menschenrechte>