

# European states ordered to respond to youth activists' climate lawsuit

**European court of human rights case could result in countries being bound to take greater action**



A firefighter tries to extinguish flames in Leiria, Portugal, during the 2017 wildfires. Four of the youth applicants are from Leiria, one of the worst-hit areas. Photograph: Anadolu Agency/Getty Images

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The **European court of human rights** has ordered 33 European governments to respond to a landmark climate lawsuit lodged by six youth campaigners, the Guardian has learned.

The plaintiffs' British barrister says it could be the most important case ever tried by the Strasbourg-based judges.

In a sign of the urgency of the climate crisis, the court will announce on Monday that it has green-lighted **the crowdfunded case**, which **was filed two months ago**.

It has already confirmed it will be treated as a priority, which means the process will be fast-tracked.

The states – the EU27 plus Norway, Russia, Switzerland, the UK, Turkey and Ukraine – are obliged to respond by 23 February to the complaints of the plaintiffs, who say governments are moving too slowly to reduce the greenhouse gas emissions that are destabilising the climate.

If the defendant countries fail to convince the Strasbourg-based judges, lawyers say they will be legally bound to take more ambitious steps and to address the contribution they – and multinational companies headquartered in their jurisdictions – make to overseas emissions through trade, deforestation and extractive industries.

“It is no exaggeration to say that this could be the most important case ever tried by the European court of human rights,” said Marc Willers QC, who is representing the young plaintiffs.

He said the onus was on the 33 governments. “We know they are not yet doing enough and the court’s decision to give the case priority status will add to the ever-growing pressure on European governments to act on the science and take the necessary steps to tackle climate change.”

The plaintiffs – four children and two young adults from Portugal – argue tougher climate action is needed to safeguard their future physical and mental wellbeing, to prevent discrimination against the young and protect their rights to exercise outdoors and live without anxiety.

The case was filed in September after Portugal recorded its hottest July in 90 years. It was **initiated three years ago** after devastating forest fires in Portugal that killed more than 120 people in 2017. Four of the plaintiffs are from Leiria, one of the worst-hit areas. The two other applicants live in Lisbon, which sweltered through record-breaking 44C (111F) heat in 2018.

Twelve-year-old André Oliveira, one of the youth applicants, said in a statement: “It gives me lots of hope to know that the judges in the European court of human rights recognise the urgency of our case. But what I’d like the most would be for European governments to immediately do what the scientists

say is necessary to protect our future. Until they do this, we will keep on fighting with more determination than ever.”

The young applicants are being represented by British barristers, including Willers, who is an expert in environmental and climate change law, and supported by the London- and Dublin-based NGO [Global Legal Action Network \(Glan\)](#).

“These brave young people have cleared a major hurdle in their pursuit of a judgment which compels European governments to accelerate their climate mitigation efforts,” said Gerry Liston, Glan’s legal officer. “This comes just weeks ahead of the EU decision on its 2030 emissions target. Nothing less than a 65% reduction by 2030 will be enough for the EU member states to comply with their obligations to the youth applicants and indeed countless others.”

More than 1,300 climate-related lawsuits [have been filed worldwide](#) since 1990. The most successful so far was in the Netherlands, where the Urgenda Foundation forced the government into [scaling back coal-fired power plants](#) and taking other compliance measures worth about €3bn (£2.7bn).

The impact the Strasbourg judges could have is potentially greater as they sit on a standard-setting court and this case crosses multiple international boundaries.

The court has also taken the unusual step of expanding its consideration of the case by asking the 33 countries to explain whether their failure to tackle global heating violates article 3 of the European convention on human rights, which protects the right not to be subjected to ‘inhumane and degrading treatment’.

The Glan director, Gearóid Ó Cuinn, said he was encouraged by the judges’ sense of urgency. “As only a tiny minority of cases filed with the European court of human rights are fast-tracked and communicated, this development is highly significant. This is an appropriate response from the court given the scale and imminence of the threat these young people face from the climate emergency.”

# Portuguese children sue 33 countries over climate change at European court

This article is more than 2 months old

**Ground-breaking crowdfunded case demands that states make more ambitious emissions cuts**



A wildfire in Monchique in Portugal in 2018. The case was initiated in 2017 after devastating forest fires in Portugal killed over 120 people. Photograph: Filipe Farinha/EPA

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Young activists from Portugal have filed the first climate change case at the **European court of human rights** in Strasbourg, demanding 33 countries make more ambitious emissions cuts to safeguard their future physical and mental wellbeing.

The **crowdfunded legal action** breaks new ground by suing multiple states both for the emissions within their borders and also for the climate impact that their

consumers and companies have elsewhere in the world through trade, fossil-fuel extraction and outsourcing.

The plaintiffs – four children and two young adults – want the standard-setting court to issue binding orders on the 33 states, which include the EU as well as the UK, Norway, Russia, Turkey, Switzerland and Ukraine, to prevent discrimination against the young and protect their rights to exercise outdoors and live without anxiety.

The **case is being filed** after Portugal recorded its hottest July in 90 years. It was initiated three years ago following devastating forest fires in Portugal that killed over 120 people in 2017. Four of the plaintiffs are from Leiria, one of the worst-hit areas. The two other applicants live in Lisbon, which sweltered through record-breaking 44C heat in 2018.

Expert testimony will warn that these trends will worsen in the future. On the current path of about 3C of warming above pre-industrial levels, scientists have predicted a thirty-fold increase in deaths from heatwaves in western Europe by the period 2071-2100. At 4C, which is also possible, they say heatwaves above 40C would endure for more than 30 days a year, quadrupling the risk of forest fires.

Catarina Mota, 20, said governments must act on scientific warnings because the climate crisis was already affecting young people psychologically and physically.

“I am afraid for the future,” she said. “Lately, it is already impossible to exercise outdoors. If that was only for a few days it would be fine but the heatwaves are extreme and recurring. I live with the feeling my home is becoming more hostile each year. It scares me a lot.”

Sofia Oliveira, aged 15, said her generation was acutely conscious of the dangers that lie ahead: “We have seen unbearable heatwaves that cause water shortages and damage food production, and violent wildfires that give us anxiety and make us afraid to travel through our country’s forests ... If we already see these extremes in 2020 what will the future be like?”

She said the EU must commit to a minimum 65% emissions reduction target by 2030 and ensure a green recovery from the Covid crisis by investing in renewables and clean technology rather than fossil fuels.

The young applicants are being represented by British barristers, including Marc Willers QC, who are experts in environmental and climate change law, and supported by the London- and Dublin-based NGO **Global Legal Action Network (Glan)**, which **raised £27,000 through crowdfunding**.

More than 1,300 climate-related lawsuits **have been filed worldwide** since 1990. The most successful so far was in the Netherlands, where the Urgenda Foundation **forced the government into scaling back coal-fired power plants** and taking other compliance measures worth about €3bn (£2.7bn).

Gerry Liston, legal officer with Glan, said the latest case could go further because Strasbourg sets standards that other courts follow. “This case is unique in scale. This is the most countries ever taken to a regional court in a climate change case. If we win, it will have a very significant effect throughout Europe.”

He noted that this was the first time the court had dealt with an issue that threatens the very system of rules it was established to uphold, citing **a warning last year** by the UN special rapporteur Philip Alston that human rights may not survive the upheaval caused by climate change.

The NGO behind the case says the legal campaign aims to amplify the pressure applied by school climate strikers.

“This is a culmination of all the campaigning that the youth movement are engaged in. Now they are asking the courts to step up. This is a last-ditch effort to put the ship back on a course that doesn’t involve catastrophic climate change,” said Gearóid Ó Cuinn, the director of Glan. “It is the youth who stand to be discriminated against. They bear the burden in terms of risk.”

The court will have to consider whether the case is admissible and then, if so, rule on the merits of the case. This could take months or years. A new phase of **crowdfunding has been launched**. Ó Cuinn said there was no time to wait: “The situation is dire. The climate threat dwarfs Covid. Given the urgency of dealing with emissions, we think our case should be a priority.”

