

PRESS RELEASE

Unprecedented climate case clears major hurdle as European court recognises “importance and urgency”

- Six young people facing spiralling heat extremes seek legally binding decision against 33 countries
- International [crowdfund](#) seeks support for crucial next phase of case

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Today (30/11/2020), the European Court of Human Rights has announced its decision to green-light a first-of-its-kind climate case against 33 countries. Its “communication” of the case to the defendant countries now requires each one of them to respond to the complaint filed by six Portuguese youth-applicants. As the vast majority of cases filed with the Strasbourg court fail to reach this stage, this decision marks a major step towards a potential landmark judgment on climate change. In another significant move, the Court granted the complaint priority on the basis of the “importance and urgency of the issues raised”.

The four children and two young adults from Portugal who are behind this case are asking the Court to hold 33 countries accountable for fuelling the climate crisis. Their complaint, which was filed with the support of the Global Legal Action Network (GLAN), centres on the rising threat which climate change poses to their lives and to their physical and mental wellbeing. If successful, the defendant countries would be legally bound, not only to ramp up emissions cuts, but also to tackle overseas contributions to climate change, including those of their multinational enterprises.

André Oliveira (12), one of the youth-applicants involved, said: "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."

In a list of questions sent by the Court to the parties, it asked whether the youth-applicants’ right under Article 3 of the European Convention on Human Rights was being violated. Article 3 states: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.” This indicates that the Court believes the climate impacts which the Portuguese youth face are so severe that their right under this Article is arguably being violated.

According to Gerry Liston, Legal Officer with 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. 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.”

The defendant countries are now required to respond to the youth-applicants’ case by the end of February, unless a “friendly settlement” is reached. The youth-applicants, their lawyers and their experts will then have to respond to the defences of 33 countries. An international [crowdfunding](#) drive coordinated by GLAN is seeking funding to support this major effort.

The case was filed on the 3rd September, just after Portugal recorded its [hottest July in ninety years](#). An expert report prepared for the case by Climate Analytics describes Portugal as a climate change “hotspot” which is set to endure increasingly deadly heat extremes. Four of the youth-applicants live in Leiria, one of the regions worst-hit by the devastating forest fires which killed over 120 people in 2017. The remaining two applicants reside in Lisbon where, during a heatwave in August 2018, a new [temperature record of 44°C](#) was set.

Dr Gearóid Ó Cuinn, Director said: “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.”

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Note to the editor

The six young applicants from Portugal are: Cláudia Agostinho (21), Catarina Mota (20), Martim Agostinho (17), Sofia Oliveira (15), André Oliveira (12), Mariana Agostinho (8).

GLAN’s crowdfund: www.crowdjustice.com/case/youth4climatejustice . A copy of the court application and FAQs on the case can be accessed at www.youth4climatejustice.org

The countries being sued are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Germany, Greece, Denmark, Estonia, Finland, France, Croatia, Hungary, Ireland, Italy, Lithuania, Luxembourg, Latvia, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, the United Kingdom, Turkey and Ukraine. This case focuses on two main areas: how States contribute to global emissions inside and outside their borders. Regarding emissions released at home, European governments’ reduction efforts are too weak and not in line with what the science demands. Regarding emissions released outside their borders, it is argued that States must take responsibility for emissions relating to: 1) fossil fuels which they export, 2) the production of goods which they import from abroad and 3) the overseas activities of multinationals headquartered within their jurisdictions.

The Global Legal Action Network (GLAN) is a non-profit organisation that works to pursue innovative legal actions across borders to challenge powerful actors involved in human rights violations and systemic injustice by working with affected communities. GLAN has offices in the UK (London) and Ireland (Galway) | @glan_law | www.glanlaw.org. **Media Contacts:** Gerry Liston (Legal Officer) | gliston@glanlaw.org | +353863415175; Dr Gearóid Ó Cuinn (Director) | gocuinn@glanlaw.org | +447521203427