

FOR IMMEDIATE RELEASE

EUROPE TO BE JUDGED ON CLIMATE IN LANDMARK TRIAL

- *Six young Portuguese people bring climate case over violation of human rights.*
- *32 European states appear at the European Court of Human Rights over failure to address the climate crisis.*
 - *Hearing will take place on the 27 September 2023.*

Strasbourg, 20 SEPTEMBER 2023 – On 27 September, the European Court of Human Rights will hold a hearing in the largest-ever climate case, a claim brought by six Portuguese young people against 32 European States. The six youth-Applicants argue that these States are violating their human rights by failing to cut their emissions fast enough. The hearing will be unprecedented in scale, involving the largest number of states ever brought before any court.

The six youth-Applicants base their case on the detrimental impacts that climate change is already having on their physical and mental health, as well as the worsening impacts that they will experience in future. Recent heatwaves have confined them to their homes, limiting their ability to play and socialise outdoors, exercise, sleep and concentrate.

According to expert evidence presented to the Court, based on the current global warming trajectory, the youth-Applicants stand to endure heatwaves of over 40°C which last for a month or more. They also point to their exposure to increasing risks from other climate impacts such as wildfires, Atlantic storms and increased exposure to infectious diseases. These direct threats to the youth-Applicants cause them significant anxiety, which is another central feature of the case.

The youth-Applicants have taken their case straight to Strasbourg, without going via national courts, and argue that national courts have not gone far enough in protecting people from climate inaction. Even in the landmark *Urgenda* case, the Dutch Supreme Court only ordered the Netherlands to cut emissions in line with the “absolute minimum” of its fair share. As a [recent op-ed](#) by the renowned jurist Philippe Sands explains, this approach cannot protect human rights because if all States do this, global warming would overshoot the already catastrophic 2°C threshold.

The Duarte Agostinho case is the first climate change case ever filed with the ECtHR; it is one of three currently before the Court’s highest tier - the Grand Chamber - which only hears cases of exceptional importance. Only approximately 0.03% of cases before the ECtHR end up before the Grand Chamber.

A judgment in the youth-Applicants' favour would be the equivalent of a legally binding regional treaty compelling all 32 Respondent countries to rapidly accelerate their climate action (i.e. through emissions reductions). In addition, as rulings of the ECtHR are influential in cases before domestic courts in Europe, this judgment would also give claimants taking future climate cases at the national level a much stronger basis on which to argue their cases.

A ruling in the case is expected in the first half of 2024.

According to one of the six youth-Applicants Martim Duarte Agostinho:

“Without urgent action to cut emissions, where I live will soon become an unbearable furnace. It hurts me to know that European governments have the power to do so much more to do their part in preventing this and are choosing not to. Our message to the judges on 27th September will be simple - please make these governments do what it takes for us to have a liveable future.”

Gerry Liston, senior lawyer with the Global Legal Action Network (GLAN) who is leading the case which is supporting the youth-Applicants, said:

European governments' climate policies are consistent with a catastrophic 3 degrees of global heating this century. For the brave youth-Applicants, that is a life sentence of heat extremes which are unimaginable even by today's rapidly deteriorating standards. The European Court of Human Rights was set up following the horrors of World War 2 to hold European governments to account for failing to protect human rights. Never has there been as urgent a need for the Court to do so than in this case.

ENDS

Notes to the editor

Spokespeople are available to speak in English, French, German and Dutch. For further information and to organise interviews, please contact:

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About the Youth4ClimateJustice

Duarte Agostinho and Others v. Portugal and 31 Other States will be heard by the Grand Chamber of the European Court of Human Rights (ECtHR) in Strasbourg. The public hearing will take place on Wednesday 27 September at 9:15AM to 16:25 CEST.

The six young applicants from Portugal are: Cláudia Agostinho (24), Catarina Mota (23), Martim Agostinho (20), Sofia Oliveira (18), André Oliveira (15), Mariana Agostinho (11). A copy of the court application and FAQs on the case can be accessed at www.youth4climatejustice.org

The youth Applicants are represented by a team of ten barristers from various UK-based chambers including Essex Court Chambers, Garden Court Chambers and Cloisters Chambers. Lead counsel is [Alison Macdonald KC](#) of Essex Court Chambers.

* The Respondent States in this case 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. A claim against Ukraine has been discontinued.

This case focuses on how the respondent states contribute to global emissions inside and outside their borders. Regarding emissions released outside their borders, it is argued that States must take responsibility for emissions relating to: 1) fossil fuels that they export, 2) the production of goods which they import from abroad and 3) the overseas activities of multinationals headquartered within their jurisdictions.

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About the Global Legal Action Network

The Global Legal Action Network (GLAN) is a unique non-profit organisation that pursues innovative legal actions across borders, challenging states and other powerful actors involved with human rights violations.

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