**FACT SHEET**

**Chronology of the ENvironnement JEUnesse lawsuit**

**November 26, 2018**: Filing of the application for authorisation to bring a class action

**June 6, 2019**: Hearing before the Quebec Superior Court to present ENvironnement JEUnesse's application for authorization

**July 11, 2019**: Judgment by Justice Gary D.D. Morrison of the Quebec Superior Court

**August 16, 2019**: Filing of the statement of appeal by ENvironnement JEUnesse

**February 12, 2020**: Quebec Court of Appeal decision allowing Amnesty International to intervene

**February 23, 2021**: Hearing at the Quebec Court of Appeal

**December 13, 2021**: Judgment rendered by the Quebec Court of Appeal

**February 11, 2022**: Filing of an application for leave to appeal to the Supreme Court of Canada

**Other ongoing climate-related lawsuits in Canada**

**La Rose v. Canada**

Fifteen children and youth from across Canada have filed an application in Federal Court alleging that the federal government's conduct on climate change violates their rights under sections 7 and 15 of the *Canadian Charter of Rights and Freedoms*. Justice Manson granted the Attorney General’s motion to strike the case at a preliminary stage. He concluded that the plaintiffs' claim was not justiciable and that it disclosed no reasonable cause of action because of what he considered to be the excessive scope and diffuse nature of the impugned conduct.[[1]](#footnote-1) The decision has been appealed and will be heard by the Federal Court of Appeal jointly with the appeal in *Misdzi Yikh*.

**Mathur v. Ontario**

Seven young Ontarians have filed a lawsuit in the Ontario Superior Court, challenging the provincial government's decisions to revoke the cap-and-trade system and to lower the GHG reduction target. They allege that the province is thereby violating their rights under sections 7 and 15 of the *Canadian Charter of Rights and Freedoms*. Justice Brown dismissed a preliminary motion by the province to dismiss the action, finding that the issues presented were prima facie justiciable.[[2]](#footnote-2) The Divisional Court dismissed Ontario's application for leave to appeal. The trial will be held in September 2022.

**Misdzi Yikh v. Canada**

The Federal Court dismissed as non-justiciable and without reasonable cause of action an application brought by two Wet'suwet'en hereditary chiefs on behalf of their respective houses, alleging that the federal government's failure to act to control GHG emissions violated their rights under sections 7 and 15 of the *Canadian Charter of Rights and Freedoms*. The plaintiffs seek, among other things, a declaration that the Government of Canada has a constitutional obligation to maintain peace, order and good government by acting to keep GHGs at levels low enough to avoid dangerous climate change.[[3]](#footnote-3) The decision has been appealed and will be heard jointly with the *La Rose* case.

**Victories around the world**

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# **Urgenda Foundation v. Kingdom of the Netherlands**

The Urgenda Foundation took the Dutch government to court on behalf of nearly 900 citizens, claiming that the government breached its duty of care by failing to set sufficient emissions reduction targets. The first instance court ruled in 2015 that the government had failed to uphold its duty of care and should devise a plan to achieve reductions in GHGs of at least 25% by 2020 compared to 1990 levels. The government appealed the judgment in September 2015, even though it agreed to work with Urgenda to reduce the country’s overall emissions. In October 2018, the Hague Court of Appeal [confirmed](https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Gerechtshoven/Gerechtshof-Den-Haag/Nieuws/Paginas/State-must-achieve-higher-reduction-in-greenhouse-gas-emissions-in-short-term.aspx) the decision issued in 2015, ordering the Dutch government to increase its climate ambition and reduce emissions to protect the human rights of its citizens. In a landmark ruling issued on 20 December 2019, the Dutch Supreme Court rejected the government's appeal and upheld the lower courts' orders[[4]](#footnote-4).

# **Peña and others v. Government of Colombia**

Twenty-five young people, with the support of Dejusticia, sued the Colombian government for failing to honour its commitment to tackling climate change. In a historic win in April 2018, Colombia’s Supreme Court of Justice found the Colombian government liable for not halting the increasing deforestation of the Amazon Forest, thereby increasing the average temperature in the country and threatening the young people’s rights to life, health, food, water and a healthy environment. The Supreme Court gave two main orders: to build a short, medium and long-term action plan to stop deforestation within four months, and to create an Intergenerational Pact for the Life of the Colombian Amazon within a five-month period. The decision is also ground-breaking because it recognised that the Amazon Basin is “a subject of rights”. This is the first climate case where a river basin is recognised as a legitimate right-holder whose interest can be represented in a court of law.

# **Neubauer and Others v. Germany**

# Nine young Germans filed a lawsuit in the German Constitutional Court, claiming that the state's 55% GHG emission reduction target was too low to limit the temperature rise to 2°C. They also criticized the German government for not having a plan to reduce GHGs beyond 2030. In its decision of March 24, 2021, the German Constitutional Court partially ruled in favour of the young plaintiffs on the basis of the proportionality principle, according to which the reduction of CO2 emissions must take place with foresight and be spread over time in a way that safeguards the fundamental rights of all generations. The Court ordered the legislator to specify reduction targets that extend beyond 2030, by 2022 at the latest. [[5]](#footnote-5)

# **"Case of the Century": Association Oxfam France and others**

# Four environmental organisations have joined forces and filed a lawsuit against the French State to have the courts recognise its responsibility and order the government to adopt all necessary measures to put an end to the state's failures and to repair the damage suffered. In a judgment rendered February 3, 2021, the Paris Administrative Tribunal condemned the State for climate inaction and established that it was obliged to respect its GHG emission reduction trajectory by 2030. It also ordered the executive to take "all useful measures" before December 31, 2022 to repair the ecological damage done by compensating for the excess CO2 emissions observed between 2015 and 2018.[[6]](#footnote-6)

# **Asghar Leghari v. Federation of Pakistan**

# Asghar Leghari, a 25-year-old Pakistani farmer, filed a public interest litigation challenging the inaction of the Pakistani federal government and the government of the province of Punjab on climate change. On September 4, 2015, the Lahore High Court found that the delay in implementing the national climate change policy violated citizens' fundamental rights to life, dignity, property and information. Among the remedies it ordered, the court set up a Climate Change Commission and required the government to submit a list of actions that can be taken within a few months. [[7]](#footnote-7)

# USEFUL RESOURCES

* The **Sabin Center at Columbia Law School** tracksclimate remedies in the United States and around the world: http:[//climatecasechart.com](http://climatecasechart.com)
* **Track 0** is a non-profit organisation that monitors governments' climate change commitments: <http://track0.org/about/track-0s-mission>
* The London School of Economics’ **Grantham Research Institute on Climate Change and the Environment**, in collaboration with the Sabin Center, tracks global climate change legislation and litigation: http:[//www.lse.ac.uk/GranthamInstitute/climate-change-laws-of-the-world](http://www.lse.ac.uk/GranthamInstitute/climate-change-laws-of-the-world)

1. <https://www.canlii.org/fr/ca/cfpi/doc/2020/2020cf1008/2020cf1008.html?autocompleteStr=la%20rose%20c.%20&autocompletePos=5> [↑](#footnote-ref-1)
2. <https://www.canlii.org/en/on/onsc/doc/2020/2020onsc6918/2020onsc6918.html?autocompleteStr=mathur&autocompletePos=3> [↑](#footnote-ref-2)
3. <https://www.canlii.org/fr/ca/cfpi/doc/2020/2020cf1059/2020cf1059.html> [↑](#footnote-ref-3)
4. <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2019:2007> [↑](#footnote-ref-4)
5. <http://climatecasechart.com/climate-change-litigation/wp-content/uploads/sites/16/non-us-case-documents/2021/20210429_11817_judgment-2.pdf> [↑](#footnote-ref-5)
6. <http://paris.tribunal-administratif.fr/content/download/179360/1759761/version/1/file/1904967190496819049721904976.pdf> [↑](#footnote-ref-6)
7. <http://climatecasechart.com/climate-change-litigation/wp-content/uploads/sites/16/non-us-case-documents/2015/20150404_2015-W.P.-No.-25501201_decision.pdf> [↑](#footnote-ref-7)