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Diverse Groups Ask to Back Canadian Youth in Constitutional Climate Case

Human rights experts, legal scholars, indigenous communities and environmental advocates seek intervenor status in *La Rose* lawsuit

VANCOUVER – Seven organizations filed for intervenor status Wednesday in support of 15 plaintiffs in the youth-led federal climate case [La Rose v. Her Majesty the Queen](#), highlighting the constitutional significance of the case and why the court should allow the case to proceed to trial.

Requesting intervenor status are For Our Kids ("Pour Nos Enfants"), the Arctic Athabaskan Council, Canadian Lawyers for International Human Rights (CLAHR), the Center for International Environmental Law (CIEL), Friends of the Earth (Les Ami(e)s de la Terre), Ecojustice and British Columbia Civil Liberties Association (BCCLA). The Federal Court of Appeal is expected to rule on the requests for intervention in the coming months. If granted, the intervenors will be able to provide arguments to help the court in resolving the important legal issues in the case.

The *La Rose* plaintiffs, who are between the ages of 10 and 19, allege that the Canadian government causes high levels of greenhouse gas emissions and is responsible for the climate change impacts they are experiencing – such as from the devastating [extreme heat and wildfires](#) across Canada – that infringe their constitutional rights to life, liberty, security of the person and equality under the law.

The plaintiffs are awaiting a date for oral argument in the Federal Court of Appeal.

"I'm thrilled that we continue to gather support from so many incredible organizations," said Albert, a 19-year-old plaintiff who lives in Montréal. "I think it is yet another indicator of how our 15 personal situations have implications for our society as a whole, and how this case matters for all Canadians. People see how dangerous our government's climate apathy is and are taking action everywhere. That can only be celebrated."

The British Columbia Civil Liberties Association, which has a longstanding interest in equality issues, noted that "the resolution of these proceedings will have significant ramifications, both for the protection of children's equality rights now and into the future, but also for how young people faced with certain future disadvantage due to current government action can position themselves to have their concerns raised in court." The BCCLA argued that climate change "harms will be disproportionately felt by children, who will not only bear the burden of an ever-deteriorating environment, but also the burden of the increased cost of addressing that deterioration as they live their lives – costs that were knowingly, and unilaterally, passed on to future generations by politicians and their voting constituents."

For Our Kids/Pour Nous Enfants, a network of parents and grandparents who are exercising their duty to protect their kids by taking action on climate change, said "children have been told that while climate change threatens their very existence, our constitutional democracy will not hear their claim," and argued that the court is required to hear and decide the children's case, taking into account the principle of best interests of the child.

University of Ottawa law professors Nathalie Chalifour, Lynda Collins and Anne Levesque, representing Friends of the Earth, an international nonprofit organization that provides a voice for the environment, argue that the youth's claims should be heard and decided by the court because not doing so would limit access to justice given the unique realities of climate change. These preeminent legal scholars, whose scholarship has been cited by the Canada Supreme Court, assert that the constitution must be interpreted in line with the unwritten constitutional principle of ecological sustainability and that "what is relevant to the Charter analysis is Canada's collective actions and inactions which together determine the overall level of Canada's GHG emissions."

Canadian Lawyers for International Human Rights and the Center for International Environmental Law surveyed judicial decisions from around the world that support the youth's arguments that it is the proper role of courts to hear and decide constitutional climate change cases. They argued that [Justice Manson's decision dismissing the case](#) "is an outlier amongst courts around the world deciding climate cases, including those from commonwealth countries sharing a common constitutional heritage with Canada."

Ecojustice, Canada's largest environmental law charity, argues that "protection of public rights to natural resources and the environment has long been accepted by the Supreme Court of Canada to be of superordinate importance, representing a fundamental value in Canadian society. Our common future depends upon a healthy environment if we are to survive ... The time has now arrived to recognize the public trust as a viable doctrine and a cause of action in the context of climate change."

The Arctic Athabaskan Council, representing Dene peoples across the North of Canada and the United States, asked the Court to recognize Indigenous peoples' right to cultural survival as part of the right to life and anti-discrimination provisions at issue in the case. Noting that six of the *La Rose* youth plaintiffs are Indigenous, including one who is Dene, the Council stated that "the courts are perfectly equipped to do the necessary fact-finding to determine whether and how rights have been threatened and are the only ones placed to grant binding remedies."

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About the *La Rose* lawsuit

The plaintiffs allege that Canada has known about the climate change crisis for decades and has been promising and failing, for more than 30 years, to reduce GHG emissions to a safe level. Now, as the Supreme Court of Canada recently acknowledged, climate change is causing serious physical and psychological harm to the youth, particularly in indigenous communities, and if emissions are not reduced on an urgent basis, the most catastrophic impacts of climate change will be inevitable.

About Our Children's Trust

[Our Children's Trust](#) is a nonprofit public interest law firm that provides strategic, campaign-based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate. We work to protect the Earth's climate system for present and future generations by representing young people in global legal efforts to secure their binding and enforceable legal rights to a healthy atmosphere and stable climate, based on the best available science. We support our youth clients and amplify their voices before the third branch of government in a highly strategic legal campaign that includes targeted media, education, and public engagement work to support the youths' legal actions. Our legal work – guided by constitutional, public trust, human rights laws and the laws of nature – aims to ensure systemic and science-based climate recovery planning and remedies at federal, state, and global levels.

About the David Suzuki Foundation

The [David Suzuki Foundation](#) is a leading Canadian environmental non-profit organization, collaborating with all people in Canada, including government and business, to conserve the environment and find solutions that will create a sustainable Canada through evidence-based research, public engagement and policy work. The Foundation operates in English and French, with offices in Vancouver, Toronto and Montreal.