Via DHL and Fax

7 March 2022

Judge Síofra O’Leary
President, Fifth Section
European Court of Human Rights
Council of Europe
F-67075
Strasbourg, France

Re: Request for leave to intervene in *Greenpeace Nordic and Others v. Norway* (Application no. 34068/21)

Dear Judge O’Leary,

Pursuant to Article 36(2) of the Convention and Rule 44 § 3(b) of the Rules of the Court, this request for leave to intervene in *Greenpeace Nordic and Others v. Norway* (Application no. 34068/21) as communicated on December 16, 2021 is submitted jointly by a number of international experts with a special interest in the mental health of children in the context of climate change, including the youth rights-based law firm, Our Children’s Trust and legal academics specializing in human rights and environmental law, collectively “Mental Health Experts.” Mental Health Experts have special knowledge in how climate change is adversely affecting the mental health of children and how governmental response to the climate crisis can remediate those injuries or worsen them. They are psychologists, psychiatrists, psychotherapists, academics and professional organizations who all specialize in the mental health of infants, toddlers, children, adolescents, teenagers, young adults, and/or adults. The 100 experts are listed in Appendix A and include individuals such as Dr. Lise Van Susteren, M.D., who convened the first panel on climate disruption and mental health in 2009 and Dr. Eric Chivian, M.D., co-founder of International Physicians for the Prevention of Nuclear War, which won the Nobel Peace Prize in 1985 as well as organizations Psychologists for Future Germany, National Alliance for Mental Health – India, American Association for Community Psychiatry, the Climate Psychology Alliance – North America, the Alliance of Nurses for Healthy Environments, and the Climate Psychiatry Alliance.

**About Children’s Mental Health Experts**

The Mental Health Experts are from 12 countries, (4 of which are Member States), and they have collectively produced dozens of peer-reviewed publications on the intersection of children’s mental health and climate change, submitted sworn testimony in judicial and political fora regarding the mental health injuries children are suffering due to climate change, and amassed decades of experience in this area. The Mental Health Experts have studied the acute and chronic mental and physical health injuries that children suffer due to climate change and the failure of governments to adequately address climate change. As a group, the Mental Health Experts have an unparalleled level of proficiency and expertise in this area of research. All of the Mental Health

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Experts have a strong interest in ensuring that international human rights law adequately recognizes the unique threat of climate change to children’s psychological health.

Drs. Shreya Atrey, Lovleen Bhullar, Corina Heri and Natasa Mavronicola have a wealth of expertise in international and European human rights law, international and comparative discrimination law, environmental law, and the interplay between these domains of law and jurisprudence. They will contribute to the analysis of the relationship between the mental health impacts of climate change for children and relevant human rights standards, including Articles 2, 8 and 14 of the Convention. Dr. Heri, a postdoctoral researcher at the University of Zurich, Switzerland, where she co-leads a research project on human rights and climate change is the author of *Responsive Human Rights: Vulnerability, Ill-treatment and the ECtHR* (Hart 2021), and her research has been published in leading journals including the *Human Rights Law Review*, *European Convention on Human Rights Law Review*, the *German Law Journal* and *Human Rights Quarterly*. Dr. Mavronicola is the author of *Torture, Inhumanity and Degradation under Article 3 of the ECHR: Absolute Rights and Absolute Wrongs* (Hart 2021). She has served as Special Advisor to the United Nations Special Rapporteur on Torture and her work has been cited in the Grand Chamber of the Court.

Our Children’s Trust is a non-governmental international law firm that has spent over a decade providing legal services to young people to secure their binding and enforceable legal rights to a healthy atmosphere and a stable climate based on the best available science. For over a decade, Our Children’s Trust has worked closely with a team of highly specialized medical experts, including Dr. Lise Van Susteren, who inform and support its legal initiatives with their proficiency in a wide range of medical fields but with a special focus on children’s mental health and overall wellbeing. Our Children’s Trust has significant expertise in the realm of children’s human rights in the context of climate change and has submitted reports on this topic to the UN Special Rapporteur for Human Rights and the Environment and the Committee on the Rights of the Child. Our Children’s Trust can provide the Court with an in-depth, comparative legal analysis of this issue as it has been addressed by the Committee on Economic, Social, and Cultural Rights; the Inter-American Human Rights System; and various domestic courts in the United States and around the world.

**Scope of the Proposed Intervention**

The young people who bring this case contend that Member State Norway’s issuance of oil and gas extraction licences in the Arctic Ocean directly exacerbate climate change and its corresponding harms to their health and well-being, thus violating their Convention rights, particularly their right to life (Art. 2), their right to private and family life (Art. 8), and their right to be free from discrimination (Art. 14). In response to these claims, the Court has presented the following questions to the Parties:

1. Does each Applicant have locus standi under Article 34 of the Convention with regard to their alleged violations?

2. Has each Applicant exhausted all domestic remedies within the meaning of Article 35 of the Convention for each of the complaints lodged with the Court?
(3) In light of Norway’s domestic judicial review proceedings,

a. To what degree do the Applicants’ arguments, as they relate to the environmental consequences of Norway’s general petroleum activities and policies, fall within the scope of the case before the Court?

b. Could the Applicants have brought their Convention grievances before the domestic courts of Norway in any other manner?

c. What is the link between oil and gas production licences and the matters which the applicants argue entail violations of their rights under the Convention?

d. To what degree may the Applicants’ arguments concerning the environmental consequences of any specific petroleum production and extraction in continuation of the granted licences realistically be addressed at any later stages of the administrative process relating to production?

(4) In light of the Applicants’ arguments and the scope of the case before the Court, have there been any violations of Articles 2 or 8 of the Convention or of Articles 13 or 14 in conjunction with Articles 2 and/or 8 of the Convention?

We respectfully apply for permission to present to the Court by way of intervention, our independent and up-to-date assessments of children’s mental health injuries due to government actions that cause climate change. Specifically, in relation to Question (3) subparts (a) and (c), the Mental Health Experts can provide the Court with helpful insight regarding how affirmative governmental decisions that exacerbate climate change contribute to the ongoing children’s mental health crisis in relation to Applicants’ rights under Articles 2, 8, and 14 of the Convention as well as how courts around the world have interpreted and applied these, and similar provisions, in the context of children’s mental health and climate change. The information that the Mental Health Experts provide on this topic would also inform the Court’s consideration of the applicability of Applicants’ arguments to later stages of the administrative process for oil and gas production under Question (3) subpart (d).

Additionally, the Mental Health Experts can assist the Court in determining whether the Applicants’ rights under Articles 2, 8, and 14 of the Convention have been infringed as alleged. The Mental Health Experts have immense expertise regarding the acute and chronic psychological harms inflicted on children due to both climate change and the perception of its inevitability due to governmental action and political inertia. This expertise can inform Question 4 as it relates to Articles 2 and 8 of the Convention. In addition, the Mental Health Experts can inform the Court about how human rights bodies and domestic courts have addressed the disproportionate injuries children experience from climate change as compared to adults, given their still developing bodies and minds, their dependence on caregivers and government, their political powerlessness and status in society as well as their feelings of institutional betrayal from governments that are failing to keep them safe despite a fundamental duty to do so. It will be highly beneficial and in the best
interest of the administration of justice for the Mental Health Experts to share their expertise on these matters with the Court as it considers Question 4 in relation to Article 14 of the Convention.

**Conclusion**

In view of the critical importance of this case on the wellbeing of children’s mental health, we respectfultly submit that the interests of the proper administration of justice would be served by Mental Health Experts providing the Court with a third-party intervention. We are mindful of the proper role of a third-party intervention and would not comment upon the facts or merits of the case within our intervention. We respectfully request leave to intervene in this case accordingly.

Sincerely,

/s/ Julia Olson

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Appendix A

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Climate Psychology Alliance - North America
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