



**June 3, 2024**

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**Canadian Youth File Amended Statement of Claim in Constitutional Climate Lawsuit**

Five years after launch in 2019, *La Rose* youth climate lawsuit moving to trial

**Ottawa-** Last Friday, the fourteen youth plaintiffs in the federal climate lawsuit, *La Rose v. His Majesty the King*, [filed](#) their Amended Statement of Claim putting their case back on a path towards trial. The filing follows the December 13, 2023, unanimous [decision](#) by the Canada Federal Court of Appeal, where justices ruled that the youth deserve a trial to determine if Canada is fulfilling its constitutional obligations to protect children's rights to life, liberty and security of the person under the Charter of Rights and Freedoms.

The Amended Statement of Claim, brought by young people from seven provinces and one territory, details how Canada's actions contribute to the escalating climate crisis. Alongside several other similar cases around the world, *La Rose v. His Majesty the King* argues that the government's actions to perpetuate the climate crisis (or, as in other cases, inaction to prevent it) can be found by law to be in violation of citizens' basic human rights.

"These updated claims underscore the danger of Canada's existing framework to address the urgent demands of the climate emergency," said Andrea Rodgers, Deputy Director, U.S. Strategy, for Our Children's Trust. "Canada's high emissions and repeated failure to meet its own targets make it clear that there is a need for judicial intervention so that the Court can provide guidance as to Canada's constitutional obligations to protect young people from climate pollution."

The Amended Statement of Claim also emphasizes that climate change constitutes a special circumstance, warranting the Court's recognition that the youth in Canada possess the positive right to a safe climate system.

Some of the climate impacts the youth plaintiffs have experienced include: impacts on human health, such as waterborne diseases, flooding damage to property and agricultural lands, contamination of water supplies, loss of cultural heritage landmarks, waterborne diseases, exposure to unprecedented heatwaves and wildfires, and adverse impacts to the livelihoods and cultural rights to Indigenous communities.

“There is no doubt that the plaintiffs and other children and youth in Canada are experiencing significant health effects and other severe harms from greenhouse gas pollution,” said Catherine Boies Parker K.C., co-counsel for plaintiffs. “Around the world courts are holding governments responsible for their role in creating those harms. The youth plaintiffs in *La Rose* argue that the government’s response to global warming is not just a matter of politics, but of constitutional concern. The *Charter* requires Canada to put us on a trajectory that the science says is consistent with a safe and healthy climate.”

Plaintiff Sadie stated, “I can feel the wildfire smoke coming earlier each and every year, washing my city in murky light, canceling activities, and limiting access to the outdoors. Each time this happens, it makes me more worried for the future I see ahead of me, and reminds me why I am a part of this case. I have been part of *La Rose vs. His Majesty the King* for 5 years now. It feels like a long time - and it is; with the ever-increasing wildfires and other climate change events becoming worse every year, more and more change must be made, and faster. I have hope in this case, hope it can contribute to protecting the future of the youth of Canada, hope that it can hold our government accountable, hope that it may help limit these wildfires for future generations.”

“Alongside youth across the North, I have witnessed and experienced the forefront of climate change that poses a monumental threat to humanity,” said plaintiff Kira Y., “I am joining the *La Rose* case because my generation and those to come are entitled to a planet that can sustain livelihoods, but also an environment that is conducive to harmony, peace, and integrity. Our leaders must be held accountable for the systemic violation of the rights of youth that is occurring today, because there is still time to secure a livable future.”

The youth plaintiffs are represented by Catherine Boies Parker, K.C. and David Wu of Arvay Finlay LLP; Chris Tollefson and Anthony Ho of Tollefson Law Corporation; and by Reidar Mogerman of Camp Fiorante Matthews Mogerman LLC; the brilliant trailblazer Joseph J. Arvay, QC was also an architect and co-counsel for this case before his passing in 2020. The plaintiffs are supported by Our Children’s Trust and The David Suzuki Foundation; as well as the Pacific Centre for Environmental Law and Litigation (CELL), an educational partner using this lawsuit to train the next generation of public interest lawyers.

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Our Children's Trust was founded in 2010 on the idea that courts are vital to democracy and empowered to protect our children and the planet. Without a stable climate system, every natural resource we rely upon to exercise our basic human rights—life, liberty, home, happiness—is under threat. Our work will be achieved when there is universal recognition of children's climate rights by courts around the world and children's fundamental rights to life on this planet are protected. [www.ourchildrenstrust.org](http://www.ourchildrenstrust.org)

The David Suzuki Foundation ([DavidSuzuki.org](http://DavidSuzuki.org) | [@DavidSuzukiFdn](https://twitter.com/DavidSuzukiFdn)) is a leading Canadian environmental non-profit organization, founded in 1990. We operate in English and French, with offices in Vancouver, Toronto and Montreal. We collaborate with all people in Canada, including First Nations leadership and communities, governments, businesses and individuals to find solutions to create a sustainable Canada through scientific research, traditional ecological knowledge, communications and public engagement, and innovative policy and legal solutions. Our mission is to protect nature's diversity and the well-being of all life, now and for the future.