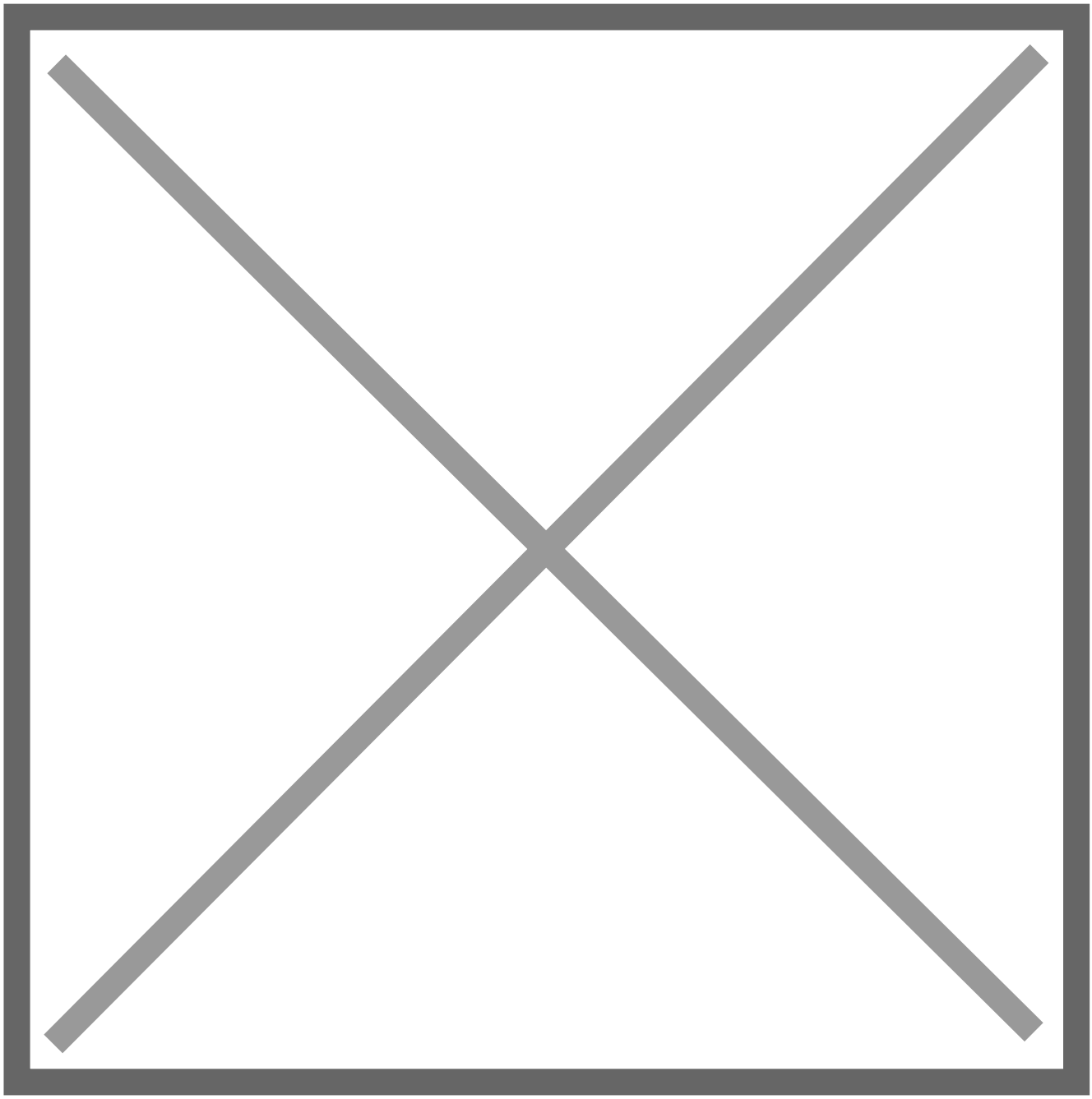


Swedish climate activist Greta Thunberg, 16, center left, listens to speakers during a climate change demonstration outside the U.S. Supreme Court in Washington Sept. 18, 2019.

The formal communication filed by Thunberg and 15 other young climate activists was delivered to the U.N. Committee on the Rights of the Child five days later at the 2019 U.N. Climate Action Summit. (CNS photo/Reuters/Kevin Lamarque)

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Editor's note: *This story originally appeared on KCET.org and is republished here as part of Covering Climate Now, a global journalism collaboration strengthening coverage of the climate story.*

Last fall, 16 children from across the world, including Greta Thunberg, filed a formal communication with the United Nations Committee on the Rights of the Child. Within the communication, the kids make the argument that their home nations — France, Germany, Brazil, Argentina and Turkey — haven't done enough to adequately respond to climate change, and therefore haven't protected their basic human rights. It's been described in the press as everything from a petition to a lawsuit.

"It's essentially a complaint similar to what you would file in a court here in the U.S.," said Jeanette Bayoumi, an attorney with Hausfeld LLP, the New York-based law firm representing the 16 children.

"The children have told us that they see the future of the planet as one of the major issues facing them," said UN Committee Chair Luis Pedernera, in a statement supporting the effort. But since then, the Committee hasn't taken any action.



“Individual complaints need to be procedurally ready before treaty bodies can examine them,” explained Vivian Kwok, a public information officer in the Office of the UN High Commissioner for Human Rights. “This means that the round of observations and comments from the State parties needs to have concluded.”

While the complaint appears to have moved relatively slowly, it was filed at a time when young people across the world were making weekly headlines for skipping school and demonstrating on Fridays to call attention to impacts of climate change. Since then, the 16 petitioners named in the complaint, along with youth around the world, have continued organizing around climate justice despite mixed results and the unprecedented challenges facing them.

Last fall, two Alaska Native teenagers called on their Indigenous leadership to declare a climate change emergency in the northernmost U.S. state. To their dismay, little action has been taken since, despite the international attention, as the Trump Administration last month moved to overturn more than 60 years of protections for the Arctic National Wildlife Refuge and open the vast area to drilling.

On a more global stage last December, the Indigenous Climate Action Youth Delegation took their climate change action demands to Madrid for the UN's Climate Change Conference (COP25) in Spain. "Within Indigenous organizations, it has been clear for decades youth must be involved [to] carry on the mantle and bring forth priorities and concerns on the international, national, regional and local scales," said Ben Charles, an Alaska Native and emerging leader with the Inuit Circumpolar Council.

When the COVID-19 outbreak began sweeping the globe, much of that momentum came to a halt, though some say the movement already appeared to be losing traction. Charles said the pandemic has required him and the activists he works to be more flexible. "Everyone had various degrees of infrastructure access — internet and time zones — we have had various challenges." And he admitted that slowed their progress. "Many of the larger items were set aside until we [can] meet physically," but he said smaller efforts are still in motion.

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As the coronavirus began to overshadow the youth climate change movement, the nations named in the UN complaint began to respond. France, Germany and Brazil argue that the authors failed to exhaust domestic remedies in their home nations, before filing the communication with the UN.

The countries argue that each of the children should have brought a case within each of their home countries and then taken those individual complaints all the way up to each nation's supreme court. Only then could they bring the complaint to an international court of justice, like the Committee on the Rights of the Child.

"But that's just not feasible," said Kimberly Fetsick and Associate with Hausfeld, LLP. "First of all none of the countries' legal systems are equipped to deal with the claims brought in the complaint," said Fetsick. "It would have taken anywhere from five to 10 years for all of that to play out in each individual country's court and climate change is obviously an urgent problem," she said.

The firm also had a strategy behind presenting the demand to what Fetsick called "the most ratified international treaty defending children's rights and human rights."

“Because climate change is such an international global problem, that’s why we wanted to bring it to the most international forum we could,” said Fetsick.

Argentina and Turkey only recently submitted their combined response in August. Attorneys with Hausfeld, LLP said they will submit a reply by October. Now that all five parties have responded to the complaint, it’s up to the UN Committee on the Rights of the Child to decide whether the case is admissible.

Despite the complaint facing opposition, and a global health crisis stalling public gatherings, the youth climate movement is still showing signs of life. A global day of action is planned September 25th. In places where social distancing isn’t possible, participants will take part digitally, as they did earlier this year, using the hashtags #digitalclimatestrike and #climatetsrikeonline. The movement has also aligned with the Black Lives Matter movement, arguing that there is no climate justice without racial justice.

And as the kids await a decision from the UN Committee, they’ve also expanded their work to Norway and Canada, by asking the nations to end support for domestic fossil fuel expansion. Neither country has yet responded, but it’s a painstaking process, according to Kimberly Fetsick. “Any legal case like this always takes longer than I think you want it to,” she said. “We’re hoping the committee will make a decision on admissibility in January,” she said. If the Committee does decide to proceed, they will then consider the merits of the case.

“I think a big outcome of our filing is that we’ve seen within the last year a lot of climate litigation pop up in other parts of the world,” added Jeanette Bayoumi. She pointed to a lawsuit filed just this month by six Portugese children in the European Court of Human Rights in Strasbourg. By suing 33 European nations, the case calls for ambitions reductions in greenhouse gas emissions and investment in renewable energy resources.

“If the committee admits this complaint, it’s a signal that climate change and climate issues, particularly those that intersect with human rights need to be addressed on the international level and can’t be addressed domestically,” said Fetsick.

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