


YOUTH CLIMATE JUSTICE

School of Law, UCC, Ireland

 www.ucc.ie/en/youthclimatejustice/

Case Law Database

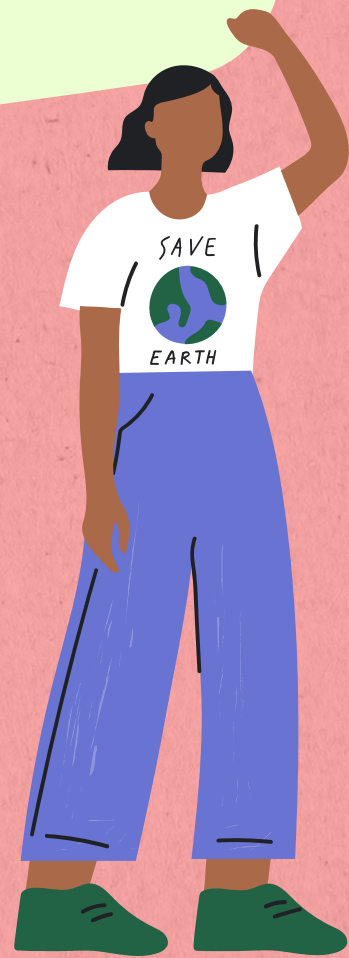


FUTURE GENERATIONS V. MINISTRY OF THE ENVIRONMENT AND OTHERS

Child-friendly summary



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OVERALL SUMMARY

In 2018, 25 young people brought a case against the Colombian government to **stop deforestation in the Amazon rainforest**. They argued that increased deforestation was threatening their fundamental rights to a healthy environment, life, food and water. The court agreed with the petitioners and ordered the government to develop plans to stop deforestation. The court also recognised, for the first time, that the Colombian Amazon is itself a “**subject of rights**”.



THE CASE

A group of 25 young people, including indigenous youth, between 7 and 25 years old, brought a case against the Colombian government to stop deforestation in the Amazon.



Colombia is part of the **2015 Paris Agreement** and committed to reducing the Amazon deforestation to zero by 2020, as well as **greenhouse gas (GHG) emissions**. But the youth showed that deforestation had, instead, increased, and that this was threatening **their rights to a healthy environment, life, food and water** under the Colombian Constitution.

*Tricky words in
BOLD explained
at the end!



MEET THE PETITIONERS!



Credit: Dejusticia

Dejusticia, an NGO based in Bogotá, grew concerned about the deforestation and the climate crisis. In response, they brought together 25 young people as plaintiffs in a “**tutela** action” – a legal mechanism to claim immediate protection of their individual constitutional rights.

Between 2015 and 2016, deforestation in Colombia’s Amazon region rose by 44%, with loss of 70,074 hectares of rainforest. This trend threatens not only the region but the entire planet, as the Amazon - often called the “**lungs of the Earth**” - plays a crucial role in global sustainability. Deforestation harms water supplies, degrades soil health, and increases carbon emissions. IDEAM, a scientific agency under the Ministry of Environment and Sustainable Development, warned that this deforestation contributes to rising greenhouse gas emissions and could lead to a temperature increase of 2.14°C within the expected lifetimes of the youth plaintiffs.

WHAT ARTICLES OF COLOMBIA’S CONSTITUTION DID THEY CITE?

- **Art. 1 and 11:** Right to life.
- **Art. 49:** Right to health.
- **Art. 1 and 65:** Right to food
- **Art. 1, 79, 93, 94, 366:** Right to water.
- **Art. 79:** Right to a healthy environment.

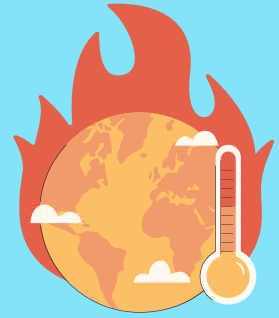
FOR EXAMPLE:



Deforestation in the Amazon disrupts the water cycle, which leads to a decrease of rain falls and droughts. Also, when it rains less, rivers near the forest get smaller, and there's less water in the area.



Changes in precipitation and weather patterns negatively impacts water supplies, agricultural activity and hydroelectric energy generation, which affects ecological stability and human well-being.



A large part of the world's oxygen is produced in rainforests, which also help remove carbon dioxide from the air. When trees are cut down (deforestation), more carbon dioxide stays in the atmosphere, which makes global warming worse.

WHAT DID THE COURT DECIDE?

The court agreed with the young people and recognised that the fundamental rights to life, health, food, freedom and human dignity depend on having a healthy environment. It also recognised that **future generations have environmental rights**, and ordered the government to **facilitate participation between generations** with the aim of designing and adopting an **intergenerational plan for the life of the Amazon**. The court also recognised, for the first time, that the **Colombian Amazon is itself a “subject of rights”**. This means that the Amazon is entitled to protection, conservation, maintenance, and restoration. Finally, the court ordered the Colombian government to develop action plans to stop deforestation in the Amazon.

WHY IS THIS CASE IMPORTANT?

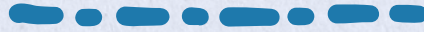
This case is one of the most successful examples of holding a government accountable for not protecting the environment and the rights of children and future generations. The case brought a lot of attention to deforestation and pushed the government to take some action. It also helped make Colombia's laws more focused on protecting nature, which can inspire future climate and environmental justice cases.



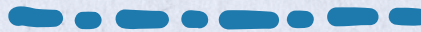


EXPAND YOUR KNOWLEDGE!

- The **Paris Agreement** is an important agreement signed by 196 countries on climate change. It was adopted in 2015 at the UN Climate Change Conference (COP21) in Paris, France. Its main goal is to avoid the average Earth's temperature from rising more than 2°C in the coming years.



- A **tutela action** is a legal mechanism in Colombia that any person - including children - can use if they believe someone is violating their basic constitutional rights, like the right to life, health, or a clean and safe environment. It can be used when the harm is being caused by the government or a private person. People can file a tutela at any time, even during emergencies or special situations. It is meant to protect important human rights quickly and effectively, so people don't have to wait a long time to get help from a court.



- The **Amazon rainforest** is often called the "lungs of the Earth": its trees and plants take in carbon dioxide and give off oxygen, which is the gas all humans and animals need to breathe and live. Just like our lungs help us breathe by taking in oxygen and getting rid of carbon dioxide, the Amazon rainforest helps the planet "breathe." It cleans the air and makes a big part of the world's oxygen. That's why it's so important to protect it!



- "**Future Generations**" are all those generations that do not yet exist, are yet to come and who will eventually inherit this planet. While children and youth are part of present generations and not future generations, their lives extend further into the future than that of adults and they will be more impacted by decisions being made today than the adults making them. Concern for future generations does not mean less of a focus on present generations or efforts to address climate change. Upholding the rights and meeting the needs of present generations is a precondition for a better shared future.

