


YOUTH CLIMATE JUSTICE

School of Law, UCC, Ireland

 www.ucc.ie/en/youthclimatejustice/

Case Law Database

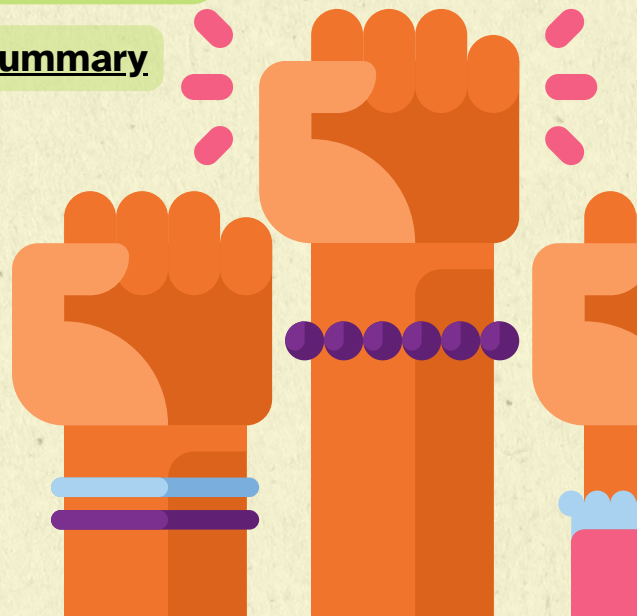
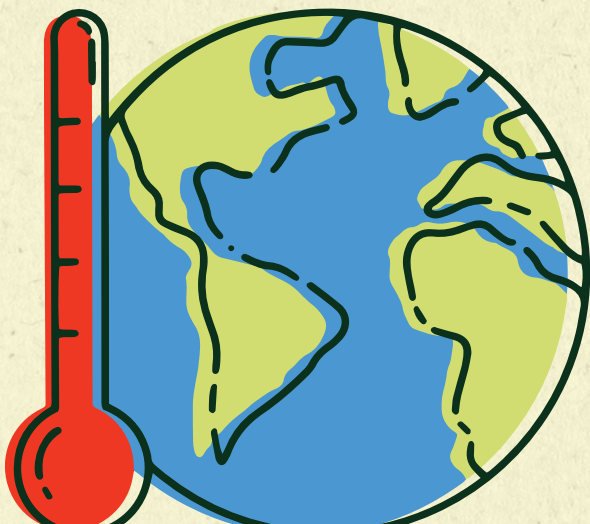


NEUBAUER & OTHERS V. GERMANY

Child-friendly summary



[Click here to read the full summary.](#)



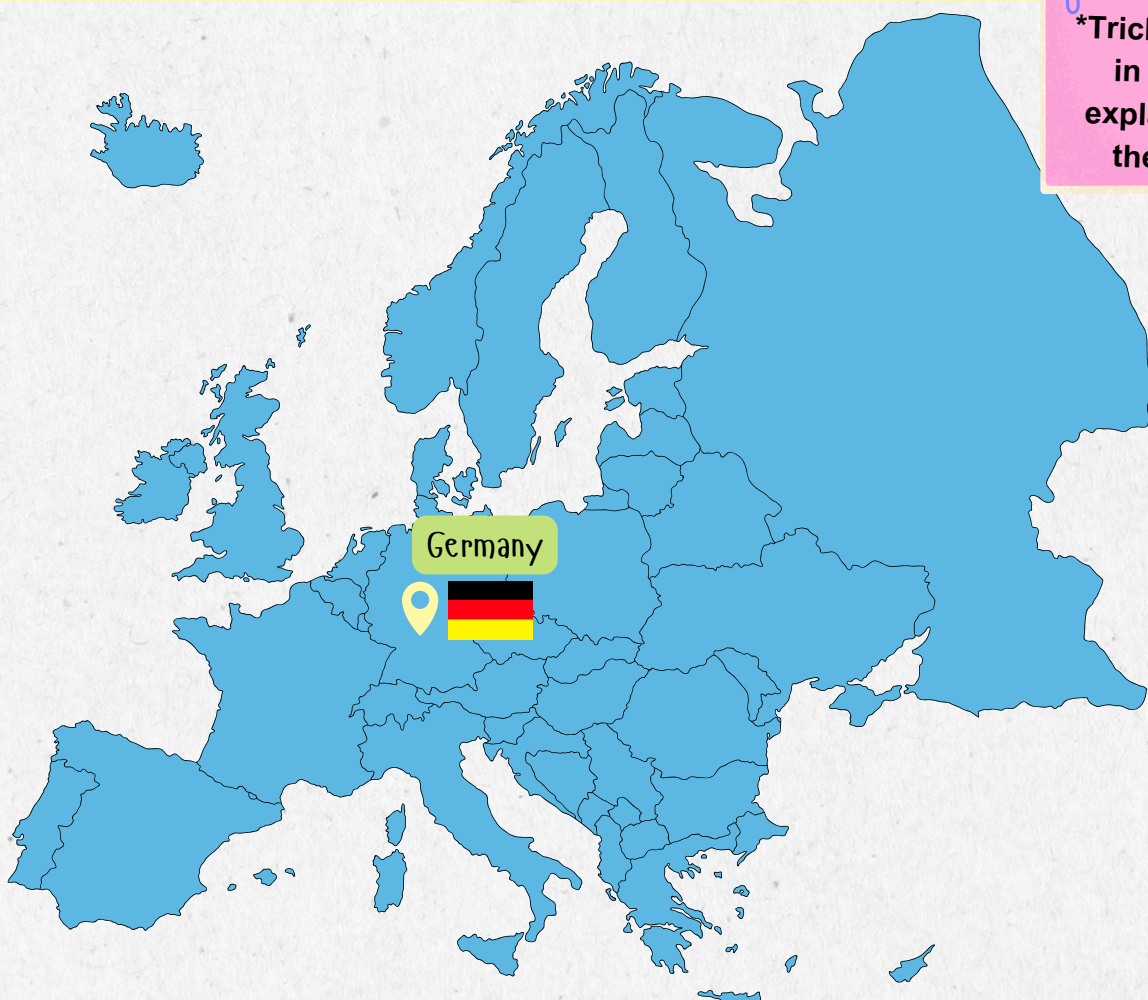
OVERALL SUMMARY

In 2020, 9 German young people took a petition to the **Federal Constitutional Court in Germany*** arguing that Germany's climate law, the "**Federal Climate Protection Act (KSG)***", wasn't doing enough to stop climate change. The Court agreed that the KSG wasn't strong enough to protect their rights and the rights of future generations and said that Germany should fix the law and set stronger goals to fight climate change.



THE CASE

In 2020, 9 German young people took a petition to the Federal Constitutional Court against Germany. They argued that Germany's climate law, called the "Federal Climate Protection Act (KSG)", wasn't doing enough to stop climate change. The KSG aimed to reduce **greenhouse gas (GHG) emissions*** by 55% by 2030 compared to 1990 levels. But the young people said this wasn't enough to meet global goals, like the Paris Agreement. The Paris Agreement aims to limit global temperature rise to "well below 2°C".



*Tricky words
in **BOLD**
explained at
the end!

The youth argued that insufficient GHG emissions harms their rights under the German Constitution, including: the right to live with dignity, the right to life and health, the responsibility to protect nature for future generations.

MEET THE PETITIONERS!



Credit: Kay Nietfeld / [npr](#)

Luisa-Marie Neubauer is a German climate activist from Fridays for Future. Along with 8 other young people, she brought this climate case against Germany.

The youth asked the Court to order stronger targets that would reduce emissions by 70% by 2030 and ensure that Germany would do its part in fighting climate change.

WHAT ARTICLES OF GERMANY'S CONSTITUTION DID THEY CITE?

- **Art. 1:** Right to live with dignity.
- **Art. 2:** Right to life and health.
- **Art. 20a:** Responsibility to protect nature for future generations.

FOR EXAMPLE:



The effects of global warming are destroying our natural environment. This poses a risk to human life and impedes that our rights are respected and everyone get equal opportunities to thrive (Article 1, German Constituion)



Heatwaves in Europe have significantly risen in frequency and intensity over the last decades. Respiratory system diseases and the mortality rate of people during intensive heatwaves has been shown to increase.

(Article 2, German Constituion)



Climate change poses one of the most serious threats to the lives of future generations. Children born today will be exposed to 2 to 7 more disasters in their lifetimes than people born 60 years ago.

(Article 20a, German Constitution)

WHAT DID THE COURT DECIDE?

On April 29, 2021, the Court made a historic ruling. It agreed with the young people, saying that the KSG wasn't strong enough to protect their rights and the rights of future generations. The Court ordered the government to fix the law and set clearer, stronger targets for cutting emissions by 2030. In response, Germany updated the KSG in 2021. The new version requires:

- A **65% reduction** in emissions by 2030.
- A **climate-neutral*** Germany by 2045.

WHY IS THIS CASE IMPORTANT?

This case was a huge win for children and young people. The decision showed that climate inaction can harm the fundamental rights of citizens, especially those of children and youth. It shows the great power of younger generations in pushing for real change. The case means Germany has to lower emissions.



EXPAND YOUR KNOWLEDGE!

- The **Federal Constitutional Court** is the supreme constitutional court in Germany. It acts as a “guardian of Germany’s Constitution”, which means that it ensures all fundamental rights are upheld in Germany.
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- The **Federal Climate Protection Act (KSG)** is an important law in Germany that ensures protection from the effects of climate change. It was made in accordance with the Paris Agreement. Its main goal is to limit the increase in the global average temperature to well below two degrees Celsius and, if possible, to 1.5 degrees Celsius, so as to minimise the effects of worldwide climate change.
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- 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. Germany is a State Party of the Paris Agreement, which means that the Government has an obligation to reduce carbon emissions.
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- **Greenhouse gas emissions (GHG)**: Driving cars, running factories, or using fossil fuels to get energy release greenhouse gases into the air (like carbon dioxide). These gases trap heat and make the planet warmer, which can cause big environmental problems like rising seas, melting ice or stronger storms.
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- **Climate neutrality**: Being climate neutral means making sure we don’t add more greenhouse gases to the air than the Earth can handle. We do this by:
 - Creating less pollution by, for example, using clean energy like wind or solar power instead of burning coal, oil or gas.
 - Balancing emissions out: for any pollution we make, there are ways to “take it back” – for example, planting trees! (which can absorb carbon dioxide).