

# Children's Rights and the Environment

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## [General Comment CRC](#)

### **Children's right to a healthy environment**

#### **Details of international law:**

<https://gnhre.org/wp-content/uploads/2022/03/GNHRE-White-Paper-Children-rights-and-environment-2.pdf>



GNHRE Blog post series:  
Rights-based Climate Change  
Litigation – Global and Regional  
Perspectives



GNHRE co-hosts the thematic  
consultation to inform the  
General Comment on  
Children's Rights and the  
Environment with a Special  
Focus on Climate Change

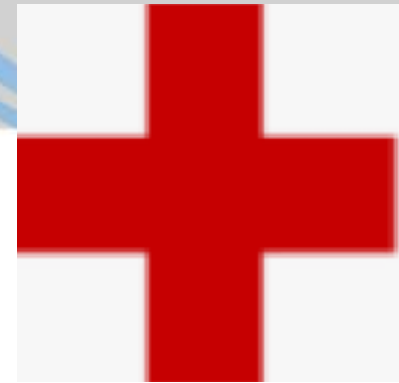
# Climate Crisis

2022 IPCC report – half world at risk

Children worst affected

Youth climate activism and litigation





# Right to a healthy environment

*-Straddles ESC and CP rights*

**Legal recognition ?** -UNCRC; African Charter on Human and Peoples' Rights

**No right to a healthy environment in a global human rights treaty but: 'greening' of other human rights;**

[More than 100 countries](#) have incorporated the right to a healthy environment- *John H. Knox, 'Constructing the Human Right to a Healthy Environment' Annual Review of Law and Social Science (2020).*

**NOW: HRC Resolution 2021 recognising right to healthy environment**

a child rights approach is one that:

- (a) Furthers the realization of child rights as established in the Convention and other international human rights instruments;
- (b) Uses child rights standards and principles from the Convention and other international human rights instruments to guide behaviour, actions, policies and programmes, particularly: ***non-discrimination; the best interests of the child; the right to life, survival and development; the right to be heard and taken seriously***; and the child's right to be guided in the exercise of his or her rights by caregivers, parents and community members, in line with the child's evolving capacities;
- (c) **Builds the capacity of children as rights holders to claim their rights and the capacity of duty bearers to fulfil their obligations to children.**

GC 21 (2017)



## CRC Saatchi case



- [“Climate crisis: how states may be held responsible for impact on children”](#) *The Conversation*, 20<sup>th</sup> October, 2021.
- BUT inadmissible

**#YOUTH4CLIMATEJUSTICE**

CLIMATE CASE BROUGHT AGAINST 33 COUNTRIES



## ECHR

- four children and two young adults from Portugal
  - submitted a historic [complaint](#) to EtCHR
  - fast-tracked.**
- Uses principle of non-discrimination
- Duarte Agostinho and Others v. Portugal and Others (communicated case)  
39371/20 | 13/11/2020 here-

<https://youth4climatejustice.org/wp-content/uploads/2020/12/Application-form-annex.pdf>

ECHR 142 (2022)  
29.04.2022

## Grand Chamber to examine case concerning complaint by association that climate change is having an impact on their living conditions and health

The Chamber of the European Court of Human Rights to which the case *Verein KlimaSeniorinnen Schweiz and others v. Switzerland* (application no. 53600/20) had been allocated has relinquished jurisdiction in favour of the Grand Chamber of the Court<sup>1</sup>.

The case concerns a complaint by a Swiss association and its members, a group of elderly people who are campaigning against the consequences of global warming on their living conditions and health.

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

### Principal facts

The applicants are, on the one hand, an association under Swiss law for the prevention of climate change whose members are women with an average age of 73 (650 members are over 75) and, on the other, four elderly women (between 78 and 89) who complain of health problems, worsening during heatwaves, which undermine their living conditions and health.

On 25 November 2016, under section 25a of the Federal Law on administrative procedure of 20 December 1968, the applicants submitted a request to the Federal Council and other authorities, pointing to various failings in the area of climate protection and seeking a decision on a material act (*Realakte*). They also called on the authorities to take the necessary measures to meet the 2030 goal set by the 2015 Paris Agreement on climate change (COP21).

In a decision of 25 April 2017 the Federal Department for the environment, transport, energy and communication declared the request inadmissible, finding that the applicants were not individually affected in terms of their rights and could not be regarded as victims.

On 27 November 2018 the Federal Administrative Court dismissed an appeal by the applicants, finding that women of over 75 were not the only population group affected by climate change.

In a judgment of 5 May 2020, notified on 19 May 2020, the Federal Court dismissed an appeal dated 21 January 2019, finding that the applicants were not sufficiently affected by the alleged failings in terms of their right to life (Article 2 of the Convention), or their right to respect for private and family life, including respect for their home (Article 8), in order to assert an interest worthy of protection



## CRC and Climate Crisis

Young person's view:

[https://www.ted.com/talks/greta\\_thunberg\\_the\\_disarming\\_case\\_to\\_act\\_right\\_now\\_on\\_climate\\_change?language=en](https://www.ted.com/talks/greta_thunberg_the_disarming_case_to_act_right_now_on_climate_change?language=en)

