


THE ENVIRONMENTAL ACTION OF CHILDREN/YOUTH AND ITS IMPACT ON HUMAN RIGHTS LAW

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This chapter examines how the **action of children and youth* for the environment** has now had an impact on the international human rights law; and how children/youth can be helped to do this.



Young advisors helped write this chapter, and they reflect on their climate work. They supported the UN Committee on the Rights of the Child work on children's environmental rights.

Children/youth climate action and the UNCRC

- There is notable **lack of political action** to mitigate the climate crisis. Only 16 of the 197 countries that signed up to the 2015 Paris Agreement were recorded as currently meeting its climate goals in 2018.
- Children and young people have long been involved in social movements. They have been prominent in efforts to stop climate change on a global scale.
- The UNCRC is a global instrument for upholding the human rights of children. It directly mentions the right to a healthy environment (Art. 24(2)(c)).
- Yet the **right to a healthy environment** as a human right is still under-theorised and contested.



National and international climate cases and petitions

- In recent years, child and youth climate advocates have initiated **climate-related applications** to numerous national, regional and international courts.
- Many of these climate cases do not have legal outcomes favourable to progressing the mitigation of the climate crisis (Setzer and Higham (2023) estimate around half). Nevertheless, there are **outcomes beyond the sphere of law** which can be important for climate advocacy, for example media attention.

National cases

- Some climate cases at national level mention children and youth. E.g. **Urgenda** case.
- Others have children and youth as leaders, E.g **Sharma and others v. Minister for the Environment**.

International applications

- The **Duarte Agostinho** and **Sacchi** cases have been particularly groundbreaking and disruptive:
 - Multiple child and youth applicants.
 - Taken against multiple states.
 - They are taking cases against states in which they do not live.




General Comment No. 26 on Children's Rights and the Environment

- The **UN Committee on the Rights of the Child** is a group of 18 experts that make recommendations to each country on how they should improve children's rights. In 2023 it drafted a **General Comment on the environmental rights of children**. A General Comment is a document giving states more advice on how to help rights (rights already in the UN Convention on the Rights of the Child).
- In General Comment (No. 26) the Committee says that:
 - children's climate action has helped them decide to write this;
 - there is a crisis of 3 things - climate crisis, biodiversity loss and pollution.
 - States have to protect children's rights.
- The Committee says the right to a healthy environment is: "clean air, a safe and stable climate, healthy ecosystems and biodiversity, safe and sufficient water, healthy and sustainable food and non-toxic environments" (paras 63-64).
- The Committee points out that:
 - Children who have disadvantage (e.g. in poverty) need extra help;
 - Businesses have to be stopped from harming the environment;
 - States have to consider children's best interests when they make environmental laws/plans.



The work of the General Comment No. 26 Children's Advisory Team

- A **children's advisory team** helped the Committee in this work.
- 12 advisors from around the globe, aged 10 - 16 years helped with the writing, and helped the Committee to involve other children in the drafting process.
- Children in 121 countries did online surveys, focus groups and interviews.
- The Child Advisors found that **environment issues are hurting the mental health of children across the world**.
- They think that children have a lot to say on matters affecting them, and they have helped them to do that.
- They are proud that they helped write this General Comment, and say "*General Comment No. 26 is a document made with children, for children. The document must now be implemented at the community level*".

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