

YOUTH CLIMATE JUSTICE

School of Law, UCC, Ireland

 www.ucc.ie/en/youthclimatejustice/

Case Law Database



**VARIOUS PARTIES OBO MINORS V.
ANGLO-AMERICAN SOUTH AFRICA
LIMITED & OTHERS (CHILDREN OF
KABWE)**

Child-friendly summary



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



**REAL
CLIMATE
ACTION
NOW!**



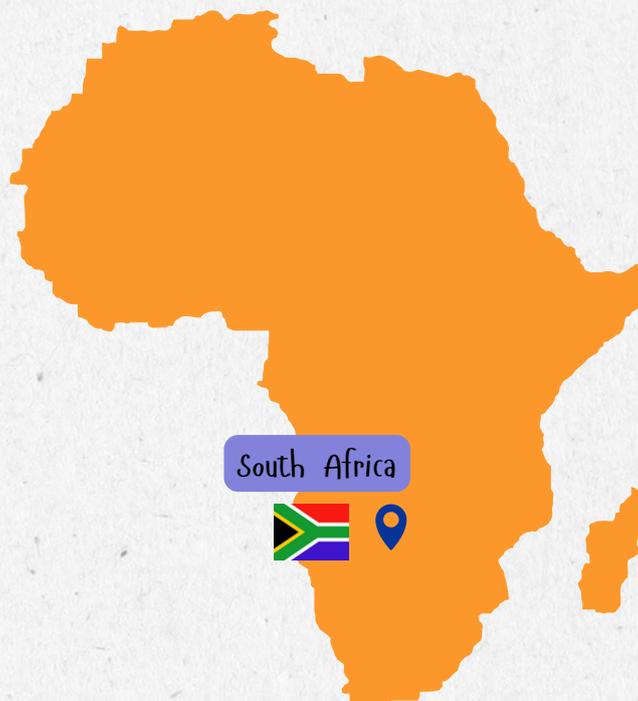
OVERALL SUMMARY

In Zambia, thousands of children and women from Kabwe say they were poisoned by lead from the old Kabwe Mine, once run by the **Anglo American Group**. In 2023, lawyers from South Africa and the UK filed a **class action** against the company for about 140,000 victims, seeking compensation and cleanup. The court first dismissed the case, but in April 2024 allowed an appeal, saying it raised important constitutional issues. The case will now go to South Africa's Supreme Court of Appeal.



THE CASE

In 2020, South African law firm Mbuyisa Moleele Attorneys and UK-based Leigh Day filed a class action against **Anglo American** South Africa on behalf of children and women from Kabwe, Zambia. They say the company left behind dangerous lead pollution from the old Kabwe Mine, harming around 140,000 people. Twelve community members are representing the group in court, telling their stories of how **lead poisoning** has affected their health and families.



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

They argued that **Anglo American's** failure to clean up the Kabwe Mine left communities exposed to toxic lead, violating their rights to health, life, dignity, and a safe environment. They said children suffered serious harm and that women faced risks during pregnancy, threatening the well-being of present and **future generations**.



Mbuyisa Moleele Attorneys in South Africa and Leigh Day in the UK are law firms focused on human rights and environmental justice. Before launching the Kabwe lead poisoning case, they had long raised concerns about **Anglo American's** role in leaving dangerous lead pollution in Zambian communities and the severe health impacts it caused for children and women.

Kabwe, once home to one of the world's largest lead mines, remains severely polluted decades after mining stopped. Lead from the old Anglo American-owned mine still contaminates the soil and homes, poisoning children and families. Instead of leaving the area unsafe, the claimants argue that **Anglo American** should take responsibility by cleaning up the environment and funding medical care to protect the health and future of Kabwe's communities.

WHAT ARTICLES OF THE CRC DID THEY CITE?

The Kabwe case cites several articles from the UN Convention on the Rights of the Child (CRC). **Article 12** protects children's right to express their views freely and have them considered in decisions affecting their lives. **Article 39** ensures children's right to recover from trauma and live in safe conditions after harm. **Articles 43 to 54** outline how these rights must be implemented and monitored by governments and international bodies to ensure children are fully protected.

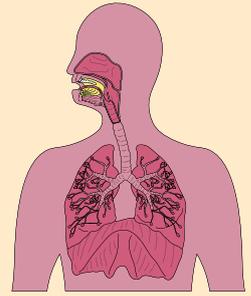
FOR EXAMPLE:



Women who have lived in Kabwe District have suffered injury from lead exposure that significantly increases adverse health risks during pregnancy to themselves and their unborn children.



Children (under 18) who live in Kabwe District have suffered injury from lead exposure



Lead poisoning can cause serious and often irreversible permanent damage to organs and the neurological system

WHAT DID THE COURT DECIDE?

In April 2024, the Johannesburg High Court granted the Kabwe claimants permission to appeal an earlier decision that had dismissed their **class action**. The judge said the case had reasonable prospects of success and raised important constitutional questions about access to justice and corporate responsibility. The court recognised that **class action** law in South Africa is still developing and that the case could help protect the rights of affected children and women. The Kabwe claimants will now take their case to the Supreme Court of Appeal.

WHY IS THIS CASE IMPORTANT?

This case isn't just about lead poisoning, it's about justice, accountability, and protecting children's health and futures. By taking on a powerful multinational company, the Kabwe claimants are standing up for communities harmed by environmental neglect and for the rights of children to grow up in a safe, clean environment. The case could set an important precedent for how corporations are held responsible for pollution in Africa and beyond, inspiring other communities to demand environmental justice.





EXPAND YOUR KNOWLEDGE!

- A **class action** is a type of lawsuit where one or a few people bring a case to court on behalf of a larger group who have all been affected in a similar way. Instead of each person filing a separate case, the group is treated as one “class.” This helps save time and money, and it makes it easier for people—especially those with limited resources—to seek justice together. In the Kabwe case, a small number of representatives are acting on behalf of thousands of children and women who were affected by lead poisoning.



- The **Anglo American Group** is a multinational mining company based in South Africa. It is one of the world’s largest producers of metals and minerals, including diamonds, platinum, copper, and coal. The company has operated mines in many countries for over a century. In Zambia, Anglo American owned and operated the Kabwe Mine (formerly Broken Hill Mine) for almost 50 years, leaving behind toxic lead contamination that is now the focus of the class action lawsuit.



- **Lead poisoning** occurs when lead builds up in the body, often over months or years, and causes serious health problems. It is especially harmful to children and pregnant women. In children, even small amounts can affect brain development, causing learning difficulties, behavioral problems, and slowed growth. In adults, lead can damage the kidneys, nervous system, and reproductive health.



- “**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.

