

CLIMATE ACTION AND THE UNCRC: A 'POSTPATERNALIST' WORLD WHERE CHILDREN CLAIM THEIR OWN RIGHTS

Youth Climate Justice Project, School of Law, University College Cork (Ireland)

 www.ucc.ie/en/youthclimatejustice/

 [Click to read our full article.](#)

In this article, we argue that we are in a 'postpaternalist' era for children's rights. What do we mean by '**postpaternalism**'?

When we say 'child' or 'children' in this article, we are talking about those under 18 years of age. However, many of the issues we discuss in this article are relevant to young adults too.

Children are now human rights leaders on a global scale. We should approach the United Nations Convention on the Rights of the Child (CRC) differently.

Background

- Children and youth are being harmed by the **climate crisis** by, for example, higher temperatures, rising sea levels and storms.
- The wave of child and youth-led **climate action** (including protests, lobbying and legal cases) has been [transformative for how we perceive children/youth](#) - particularly since 2018.
- Those under 18 years of age are often viewed as **helpless**. The CRC (1989) sets out children's rights including:
 - the right to be heard (Article 12)
 - the right to have their best interests considered (Article 3)
 - the right to freedom from discrimination (Article 2)
 - the right to protest (Article 15)
- Even so, it is usually adults that decide when children will be heard. Children are not usually seen as changemakers. Child and youth-led climate action has changed this.

Key Elements

- Children and youth's approach to climate action, such as taking to the streets, is one of '**doing-it-ourselves**' ([Pickard, 2019](#)) and working with adults as equals. For example, 12,000 scientists signed a statement in support of youth climate strikes, agreeing that states' actions were insufficient to keep global warming below 2°C in line with the 2015 Paris Agreement, and emphasising that young people's concerns are "justified and supported by the best available science" ([BioEd Online, 2019](#)).





- As under-18s cannot vote, they have had to find other ways to exercise political agency, such as through **protest (e.g., Fridays for Future), the courts (e.g., Saachi et al. v. Argentina et al) and digital media** to demand climate justice and equality ([Daly, 2022](#)). For example, young people in Fiji and the Solomon Islands came together to ensure their own participation in climate change policymaking (see further, [Gasparri et al., 2021](#)).

- Child and youth-led climate action also involves peer-to-peer work. For example, **‘Climate Change Solutions Festival’** involving children aged 13-18 years old in Gambia which contributed to community building and knowledge sharing ([Bonell et al., 2022](#)).
- Children and youth often take a **postcolonial approach**, bringing attention to Indigenous people, the Global South, and displaced people. For example, in the Saachi case, the right of Indigenous children to their own culture (Article 30) was one of the CRC provisions cited.
- Postpaternalism is about caring for others and for the environment more broadly. Members of [Ireland’s Children and Young People’s Assembly on Biodiversity Loss](#) (2023) called for **greater respect for the rights of nature**, proclaiming that *‘[w]e must treat the Earth like a member of the family or a friend’*.

Challenges

- The CRC is not often used in climate cases; perhaps eclipsed by the rights of future generations ([Daly, 2023](#)).
- In some countries, environmental action can be very dangerous for children and youth. They can face hostility for their work and/or can experience **climate anxiety and burnout** ([Godden et al., 2021](#)).
- Some children are **excluded from the conversation** – e.g. younger children, Indigenous children, those in the Global South and in poverty.
- Adults should try to be **allies** to children and youth, and to make human rights spaces child-friendly. Children and youth need to be seen as equals, and as leaders in progressing human rights. We need to speak to children and youth to find out how to do that.



Citation: Daly, A.; Maharjan, N.; Montesinos Calvo-Fernández, E.; Muller, L.H.; Murray, E.M.; O’Sullivan, A.; Paz Landeira, F.; Reid, K. **Climate Action and the UNCRC: A ‘Postpaternalist’ World Where Children Claim Their Own Rights.** *Youth* 2024, 4, 1387-1404. doi.org/10.3390/youth4040088. This work is funded by the European Research Council (grant agreement 101088453).



