


YOUTH CLIMATE JUSTICE

School of Law, UCC, Ireland

 www.ucc.ie/en/youthclimatejustice/

Case Law Database

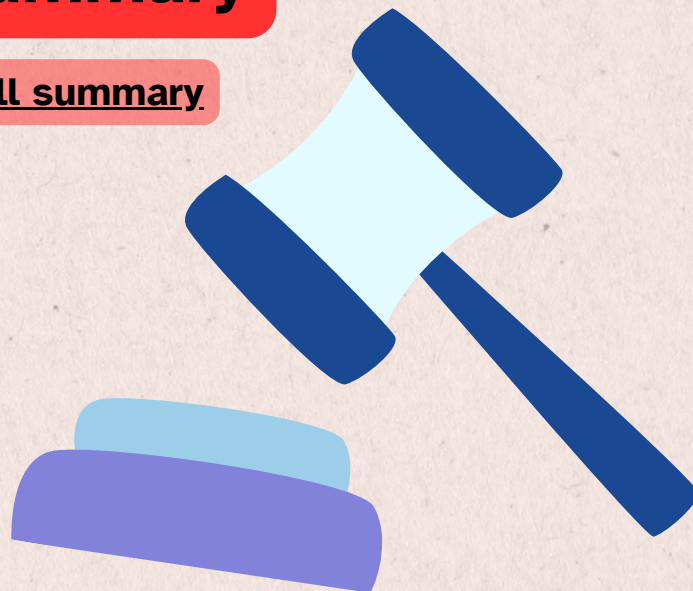


DANIEL BILLY & OTHERS V. AUSTRALIA

Child-friendly summary



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



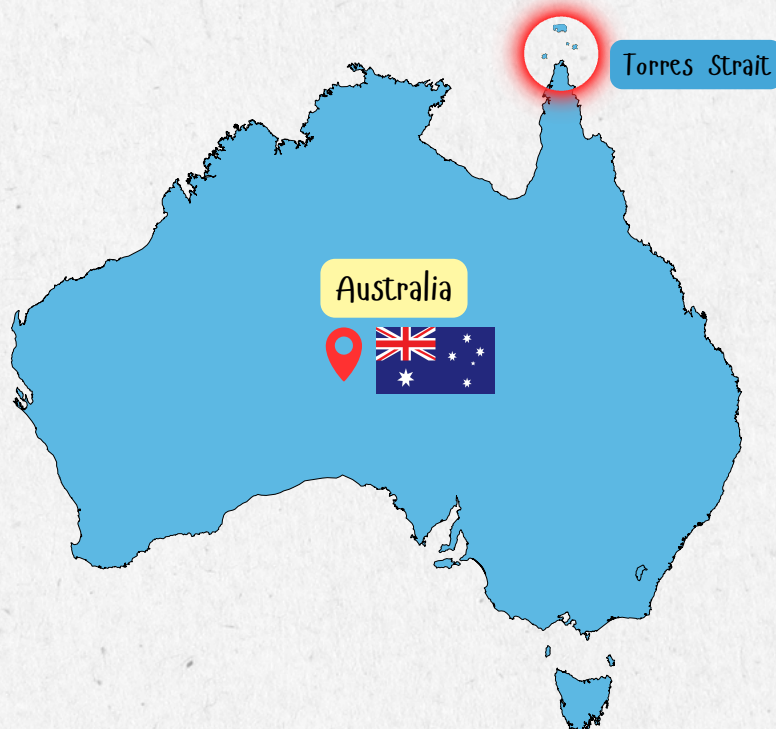
OVERALL SUMMARY

In 2022, a group of indigenous people took a **petition*** to the **United Nations Human Rights Committee*** arguing that Australia is not doing enough to stop climate change and protect the traditional lives of indigenous people. The Committee agreed that Australia hadn't done enough to protect them from the harmful effects of climate change and **said that the Australian government to take stronger action** to make sure indigenous people can continue to live safely on their islands.



THE CASE

A group of 8 Australian people and 6 of their children took a **petition** to the **United Nations Human Rights Committee*** against Australia. They are indigenous inhabitants of Boigu, Poruma, Warraber and Masig, 4 small islands located in Australia's Torres Strait region.



*Tricky words
in BOLD
explained at
the end!

The Islanders argued that the Australian government's inaction harmed their rights under the International **Covenant on Civil and Political Rights (ICCPR)***, including: their right to **enjoy their culture**, their **right to privacy, family, and home**, their **right to life**, the **rights of their children**.

MEET THE PETITIONERS!



Credit: Talei Elu / Climate Law Accelerator NYC School of Law

Daniel Billy is an indigenous citizen from Warraber. Along with 7 other Torres Strait Islanders and 6 of their children, they took this petition against Australia.

The Islanders said that their rights were being violated because the Australian government hadn't done enough to:

- **Reduce pollution that causes climate change.**
- **Build stronger protections, like seawalls, to defend their islands from flooding.**

This was the first time people from low-lying islands filed a legal complaint like this, saying **climate change is a human rights issue**.

WHAT ICCPR ARTICLES DID THEY CITE?

- **Art. 6:** Right to life.
- **Art. 17:** Right to privacy, family, and home.
- **Art. 27:** Right to culture.
- **Art. 24:** Rights of children.

FOR EXAMPLE:



Big waves have destroyed family graves. For these Islanders, graves are very important - they're a connection to their ancestors and part of their culture. (Article 27, ICCPR)



Heavy rain and storms are making it harder to grow food and catch fish. On Masig Island, saltwater has seeped into the ground, killing coconut trees, which are an important part of the Islanders' traditional diet. (Article 6, ICCPR)



The land is being washed away, putting their homes at risk. As a result, they may have to move to other islands and start a new life, which means they may lose connection with their traditions and culture. (Article 17, ICCPR)



For the Islanders, their culture and traditions are deeply connected to their lands. If the islands disappear, people won't be able to pass down to their children their stories and history about their culture. (Article 24, ICCPR)

WHAT DID THE COMMITTEE DECIDE?

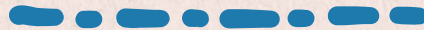
On September 23, 2022, the United Nations Human Rights Committee agreed with the Islanders. It said **Australia hadn't done enough to protect them from the harmful effects of climate change**. The Committee recognized how important the **Islanders' connection to their land** is and said that their cultural and spiritual rights depend on the health of their islands. It asked Australia to:

- **Compensate** the Islanders for the harm they've suffered.
- **Listen** to the Islanders to understand their needs and include them in decisions about their future.
- **Take stronger action** to make sure the Islanders can continue to live safely on their islands.

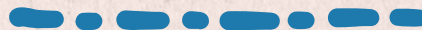


EXPAND YOUR KNOWLEDGE!

- The **United Nations Human Rights Committee** is a group of 18 experts who come from all over the world. They monitor the implementation of the International Covenant on Civil and Political Rights by each country that has signed it. They make recommendations to each country on how to improve the enjoyment of civil and political rights.



- The **International Covenant on Civil and Political Rights** (ICCPR) is an important agreement made by countries that promise to respect and protect and civil and political rights of people, including, for example, the right to life, to privacy, family and home, to freedom of expression, to enjoy your own culture, etc. It was adopted by the United Nations General Assembly in 1966.



- A **petition** is a legal document that asks for a specific court order. It can be created by a person, a group or an organisation, and it can be sent to a national or regional court, such as the European Court of Human Rights, or to an international body, such as the Committee on the Rights of the Child.



- **Cultural rights** were a key part of the petition. For Indigenous people, and specially children, climate change has a significant impact, as it affects their ability to develop and practice cultural traditions and enjoy their relationship with ancestral lands. It can also affect their way of living, traditional diet and connection to nature. These changes make it harder for Indigenous children to learn from their elders, speak their languages, and pass on important cultural knowledge.