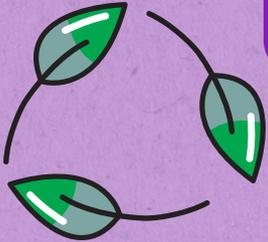


YOUTH CLIMATE JUSTICE

School of Law, UCC, Ireland

 www.ucc.ie/en/youthclimatejustice/

Case Law Database



IACHR ADVISORY OPINION

Child-friendly summary



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



OVERALL SUMMARY

In 2023, Chile and Colombia asked the **Inter-American Court of Human Rights** for advice on how countries should act to protect people from the dangers of **climate change**. They said that **climate change** harms human rights, especially for vulnerable communities and nature in Latin America. They wanted the Court to explain what governments must do to prevent damage, protect people, and cooperate to stop the climate crisis. The court held that all countries have a duty to prevent, reduce, and fix the human rights harms caused by climate change. The Court confirmed that the right to a healthy environment includes the right to a stable climate and warned that going beyond 1.5°C of warming would threaten many human rights, such as life, health, and housing. It said countries must follow climate science, make strong rules for companies, and work together fairly.

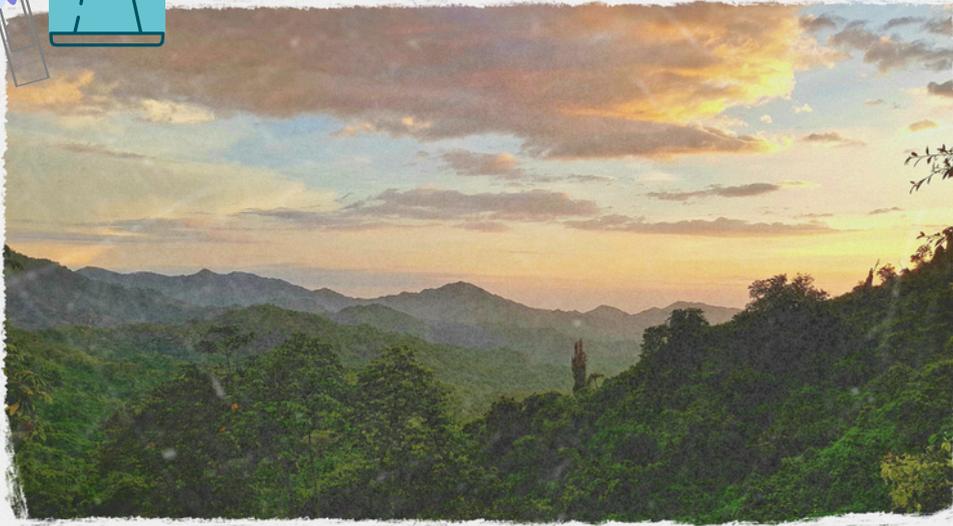
THE CASE

Chile and Colombia asked the **Inter-American Court of Human Rights** for advice on how countries should act to protect people from the dangers of climate change.



The Court considered the **Escazú Agreement**, **the Paris Agreement**, and other international instruments in this case.

*Tricky words in
BOLD explained
at the end!



Credit: Niels van Altena on Unsplash

The two countries face the ongoing challenge of addressing the consequences of the climate emergency, including the increasing occurrence of droughts, floods, landslides and fires. The effects are now being felt by those communities that are the most vulnerable. It is significant that those communities and countries experience the said effects in a way that is disproportionate to their contribution to climate change. This is having an impact on the right to life, survival and development of present and future generations and that are protected by the **American Convention on Human Rights**.

WHAT ARTICLES OF THE CONVENTION OF THE RIGHTS OF THE CHILD DID THE COURT CITE?

- **General Comment** - on children's rights and the environment.
- **Article 12** - Participation
- **Article 3** - Best Interests
- **Article 24** - Health, healthy environment

FOR EXAMPLE:



Migrant and displaced children are among the groups most vulnerable to the adverse effects of climate change, which can harm their physical and mental health and their access to education



There is a strong need to integrate human rights into climate change mitigation and adaptation policies



Countries should guarantee the right of children to be informed and to participate in making decisions to move or stay in the context of climate change, in line with their age and maturity

WHAT DID THE COURT DECIDE?

the Court held that States have obligations to prevent, mitigate, and remedy the human rights impacts of **climate change**. The Court also recognized that the right to a healthy environment includes the right to a stable climate. The Court held a climate exceeding 1.5°C of **global warming** would threaten multiple human rights. The Court noted that States have obligations may include responsibility for cross-border harm where it is shown that they caused the harm. States must introduce measures and cooperate with other States in order to reduce the effects of climate change.

WHY IS THIS CASE IMPORTANT?

The Court's opinion shows the need for procedural safeguards to be introduced. For example this may include access to information, public participation, and access to justice. This case also highlights special protections which are owed to **Indigenous Peoples**, Afro-descendant communities, children, environmental defenders, and future generations





EXPAND YOUR KNOWLEDGE!

- The **Paris Agreement** is an important agreement signed by 196 countries on climate change. It was adopted in 2015 at the UN Climate Change Conference (COP21) in Paris, France. Its main goal is to avoid the average Earth's temperature from rising more than 2°C in the coming years.



- The **Inter-American Court of Human Rights** is a judicial institution which applies and interpretes the **American Convention on Human Rights**, which is an international human rights instrument.



- **Climate change** is a long-term shift in global or regional climate patterns. Often climate change refers specifically to the rise in global temperatures from the mid-20th century to present. **Global warming** is the phenomenon of increasing average air temperatures near the surface of Earth over the past one to two centuries



- The **Escazú Agreement** is an international treaty signed by 24 Latin American and Caribbean nations concerning the rights of access to information about the environment, public participation in environmental decision-making, environmental justice, and a healthy and sustainable environment for current and future generations.



- “**Indigenous peoples**” are the original inhabitants of a region, who maintain distinct cultural identities, languages, and traditions, often in the face of colonization and cultural suppression.

