


# YOUTH CLIMATE JUSTICE

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## Case Law Database

### WOODPECKER & OTHERS, V. SOUTH KOREA

#### Child-friendly summary



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



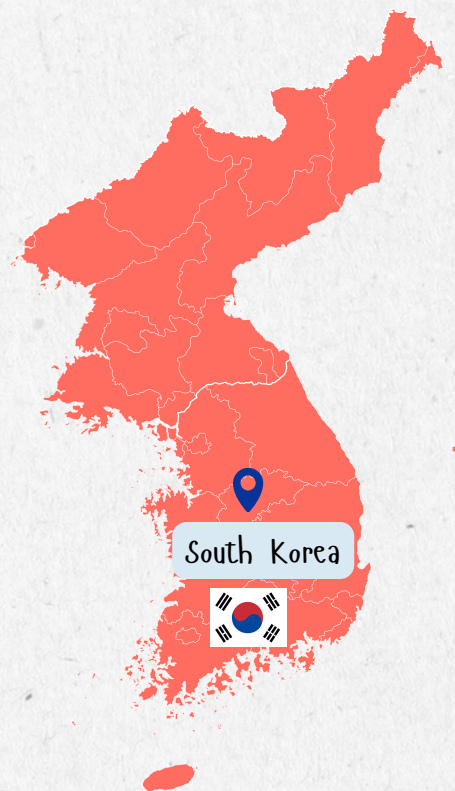
## OVERALL SUMMARY

In 2022, 62 children brought a case against the South Korean government for failing to **protect their fundamental rights to life, equality, property, and to live in a healthy environment**. In 2024, the court agreed with the children and found that the government's response to the climate crisis was inadequate and a risk to the rights of children and future generations.



## THE CASE

In 2022, 62 children under the age of 5 years old (including a **baby that wasn't born yet!**) brought a case against South Korea arguing that the State was violating their rights by **failing to reduce its greenhouse gas emissions**.



The children said that the Korean climate policy, set out in the State's **Carbon Neutrality Act (2021)** was unlawful. They argued that the mitigation measures listed in this Act (envisioning a 40% reduction of greenhouse gas emissions by 2030 as compared with 2018 levels) are not enough to stop climate change and **violate their constitutional rights to life, equality, property, and to live in a healthy environment**.

\*Tricky words in  
BOLD explained at  
the end!



## MEET THE PETITIONERS!



Credit: [NPR](#)

**Woodpecker** is the nickname of the youngest of all plaintiffs. He wasn't even born when the case was filed! His mum and legal representative made him part of the claim while he was still in her womb. This was the first time that a **foetus was listed as a claimant** in a climate case.

To support their arguments, the children relied on scientific data. Climate impacts in Korea are growing rapidly. Government statistics show the damage from natural disasters has risen since 1985. According to reports, in the future, the country will face more frequent and heavy floods and forest disasters, loss of habitats and endangered species, and lower yields and quality of staple foods such as rice. This will negatively impact the well-being of present and **future generations** growing up.

## WHAT ARTICLES OF SOUTH KOREA'S CONSTITUTION DID THEY CITE?

- **Art. 10.** Right to life, pursuit of happiness and general freedom of action.
- **Art. 11.** Right to equality.
- **Art. 23:** Right to property.
- **Art. 35:** Right to live in a healthy and pleasant environment.
- **Art. 34(6) and 35(2).** State's obligation to prevent disasters and protect the people from the risk of environmental disasters.

## FOR EXAMPLE:



In 2020 alone, strong rains and typhoons in South Korea caused over 1.153 billion USD in damages, and 46 people lost their lives - which is three times worse than the average in the last 10 years.



Frequent landslides and typhoons damage thousands of hectares of crops, which results in food shortages, higher prices, and less access to healthy food - especially affecting vulnerable communities and future generations.



Winters are also warmer than before, which causes summer insects (flower cicadas, walkingsticks, leaf-eating insects etc.) to survive longer and damage forests.

## WHAT DID THE COURT DECIDE?

In 2024, the **court agreed with the children** and found that the government's response to the climate crisis was inadequate and a **risk to the rights of children and future generations**. The Court specifically said that Article 8(1) of South Korea's Carbon Neutrality Act was unconstitutional. While the government had promised to cut greenhouse gas emissions by 40% by 2030 compared to 2018 levels, it had not set any further targets beyond that. The court said this was not enough to deal with the serious threat of the climate crisis. The court gave the government 18 months (until 28 February 2026) to introduce relevant targets for reducing emissions.

## WHY IS THIS CASE IMPORTANT?

Woodpecker v. South Korea is one of the first major climate cases to reach a high court in Asia. It shows the power of strategic litigation to hold States accountable for the impacts of the climate crisis on the rights of present and future generations. This will also inspire and influence other cases in the Asian region, encouraging more children and young people to demand stronger climate action through their own courts.







## EXPAND YOUR KNOWLEDGE!

- **South Korea's Carbon Neutrality Act (2021)** is the national law to help the country fight climate change and protect the environment. It aims to make South Korea carbon neutral, which means the country needs to balance the amount of greenhouse gases it emits with the amount it removes from the atmosphere. To achieve this, it promised to cut greenhouse gas emissions by 40% by 2030 compared to 2018 levels. However, the plaintiffs in *Woodpecker and others v. South Korea* argued that this target was not enough to stop climate change.



- **"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.



- A **foetus can be included as a plaintiff** in a climate case, although this is unusual and depends on the laws of the country where the case is filed. In *Woodpecker and others v South Korea*, a foetus was included as one of the claimants to symbolically and legally represent the rights of future generations.



- 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.

