

IN-PERSON PROGRAMME

‘Advancing children's rights through strategic climate litigation’

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This paper will situate intergenerational justice as a novel overarching frame of analysis in emerging climate-related jurisprudence, and present findings from an expert roundtable to be held at King’s College London in April 2024 that seeks to (a) review the challenges and successes of key court actions in 2023 and (b) explore and recommend creative lawyering approaches to ensure access to justice and the safeguarding of fundamental human rights in the context of the climate crisis. Its overarching aim is to identify and evaluate potential remedies and ‘successful’ approaches that can facilitate access to justice for children taking into account jurisdictional differences.

‘Nothing small about kids’ talk: Article 12 and Child / Youth Climate Litigation’

Liesl Heila Muller, University College Cork.

Children and youth are leading the worldwide campaign to end climate injustice. Their protests and high-level advocacy have captured the attention of people all over the globe, including world leaders, and international treaty bodies. They have relentlessly insisted on their rights, without the mediation of adults, and, on an equal basis with adults. This undeniable display of children’s capacity and autonomy calls into question both traditional and progressive interpretations of “the right to be heard” or “child participation” (CRC article 12). Children / youth’s engagement with courts have illustrated this phenomenon effectively. Through indicators such as language, legal interpretations, and movements surrounding the cases this article tracks the unfolding evolution of article 12 and seeks to describe the new meaning of child participation as defined and created by children and youth.

‘Child Friendly Justice in Climate Change Litigation: Meaningful Child Participation and Creative Practice’

Asteropi Chatzinikola – Iliopoulos (University of Cardiff, UK); Maria Antonia Tigre (Sabin Center, New York).

As children increasingly participate in climate-related litigation to protect their most fundamental rights from the climate crisis, researchers and practitioners reflect on their practices and inform their procedures to ensure children can proactively fulfil their rights. Ensuring meaningful child participation and child

friendly justice has become central to these efforts. Child participation and their right to be heard under Article 12 of the UN Convention on the Rights of the Child have been linked to furthering child-friendly justice, and their interdependence is highlighted in the literature. Yet, fundamental questions remain open about the exact form of children's contributions and participation in these cases and the nature of their partnership with climate litigation practitioners. For example, non-verbal forms of child communication and participation in these proceedings, which could safeguard the participation of the most vulnerable groups of children, such as younger children or children with disabilities, have been so far neglected.

This work addresses this gap in legal advocacy and scholarship by investigating diverse non-verbal forms of child participation in climate litigation proceedings that accommodate for children's differentiated expression preferences, needs, and capabilities. It builds on the Committee's General Comment No. 26, and combines insights from creative and legal practice. The research is grounded on the argument that advancing the inclusivity of child participation through creative practice can act as a catalyst for shifting perceptions on child participation, include the most vulnerable groups of children, and reshape litigation practice in the climate context and beyond. This has the potential to transform the way children participate in legal proceedings, while allowing them to lead the way towards a child-friendly justice system.

'Examining Canadian child and youth-led climate cases through a child-friendly justice lens'

Mona Paré, University of Ottawa.

This paper presents results from a research project on children as human rights defenders, looking specifically at children and young people's efforts to fight climate change through legal action.

Despite much attention to children's participation, opportunities for them are still lacking. Yet, children are increasingly involved in activities related to environmental protection, including through legal proceedings before courts, where they exercise their rights and assert them.

This paper presents climate cases led by children and youth in Canadian courts and offers an assessment of these cases based on children's rights standards, and especially principles of child-friendly justice. Weaknesses and opportunities are highlighted both from procedural and substantive standpoints.

Concerning procedure, the paper examines the extent to which Canadian courts are adhering to the principles of participation and child-friendly justice. Are courts an adapted venue for children's participation in their efforts to protect their rights? From a more substantial point of view, the paper discusses whether decisions and reasons given by the courts are based on children's rights, and whether the best interests of the child principle is included as a consideration.

The findings, though preliminary for now given the limited number of decisions, are mixed and demonstrate the importance of the work of organizations that support children and the need for our courts to adapt to young petitioners to respect their rights. They also show an absence of a child-rights based approach in the courts' reasoning, although some positive elements, like recognizing children's vulnerability to climate change, must be highlighted.

‘Climate Brides: The relationship between the climate crisis and child marriages in Zimbabwe. A case study of the Chimanimani and Chipinge districts in Manicaland’

Carlotta Barbara Smalen, Trinity College Dublin, and Dr. Susan P. Murphy, Trinity College Dublin

This research examines the relationship between climate change and practices of child marriage. The focus of this study is on two wards in the Chimanimani and Chipinge districts in Zimbabwe, which are among the most vulnerable communities in areas of highest risk to climate shocks. Early research has found an increase of child marriages in vulnerable communities affected by climate change. Yet, despite the interest in the nexus between gender and climate change, very little is known about how household adaptation practices relate to broader social structures, values, and cultural understandings of gender, and how these coping mechanisms aimed at survival affect women and girls. It is especially important to focus on teenage girls, as scholarship on gender, adaptation and climate change typically focuses on adult women. This is concerning, because the double jeopardy of age and gender may bring unique challenges to the lived realities of teenage girls whose families are struggling to cope with climate change. By investigating the relationship between climate adaptation, gender norms and incidents of child marriage, this study provides novel insights into the broader nexus between gender, reactive climate adaptation, and the effects of coping mechanisms on girl children. Ultimately, its objective is to examine the extent to which the effects of climate change interact with social norms that underpin CEM, and to investigate whether households adopt these practices as a coping mechanism for climate change. This will be done through a) an analysis of the relationship between gender, inequality and climate change, b) an examination of factors underpinning child marriages in Zimbabwe, c) an assessment of the main effects of recent climate shocks on the communities in Chimanimani and Chipinge and d) the identification of the role of cultural gender values in households’ responses to recent climate shocks and their effect on girls.

‘Does climate change violate children’s rights? Investigating the combination of legal and scientific reasoning in child and youth-led climate litigation’

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Climate change is already manifesting through an increase in the frequency, intensity and duration of extreme events such as heatwaves and wildfires, and through slow-onset changes such as sea level rise and glacier melt. These changes are negatively impacting communities around the world, and will continue to do so with each additional degree of warming. Young people in current and future generations, who are least responsible for past emissions, will face ever-greater impacts during their lifetimes. Recent youth-led climate complaints, such as *Held et al. v. Montana* and *Greenpeace Nordic and Nature & Youth v. Energy Ministry* present courts with scientific evidence on the risks and impacts of climate change that violate the rights of children and future generations.

We focus on evidentiary questions such as what scientific evidence is used to substantiate that climate-related harms are occurring to plaintiffs, and how fair shares and common but differentiated responsibility are used to attribute responsibility to defendants. We review recent youth-led climate cases, particularly against governments, to investigate (i) what harms and/or risks are claimed by plaintiffs, (ii) what scientific evidence is used to support claims, and (iii) how legal and scientific reasoning are used, particularly in relation to causation, victimhood and vulnerability. By comparing cases across different jurisdictions, areas of law, stages, and outcomes, we investigate how claimants and litigators are innovatively combining scientific and legal arguments to push the boundaries of past legal practice and fight for a fairer future climate.

‘Cross-border climate change-induced displacement (CCID) in Africa’

Bryony Fox, Stellenbosch University.

This paper explores the significant impact of the Climate Crisis on children's rights, focusing on the emerging issue of cross-border climate change-induced displacement (CCID) in Africa. It notes the complex status of children displaced by climate change, who, unlike traditional refugees, lack official recognition and international protection. The Human Rights Committee, however, asserts that those displaced by climate change should not be returned if facing irreparable harm, thus prompting an urgent need to analyse durable solutions for climate-displaced children.

Adopting a children's rights-based approach grounded in the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), this paper evaluates the adequacy of existing soft law instruments addressing climate-displaced children's rights in the context of durable solutions. While considerable commitments are made in relation to traditional durable solutions for refugee children within soft law, a significant gap persists in addressing the unique challenges faced by displaced children. Furthermore, despite the recognition of CCID as a displacement driver, there are few soft law commitments made that aid in the protection of the rights of climate-displaced children. Emphasising the inadequacy of current soft law in addressing durable solutions for climate-displaced children, this paper underscores the imperative for explicit commitments and obligations within the existing legal framework to prevent rights infringements, as well as argues for enhanced commitments aligned with international rights obligations, outlined in the CRC and ACRWC, to ensure a holistic fulfilment of children's rights.

‘Transforming international human rights law through youth climate activism: Children and young people’s interconnected approach to climate justice’

Emily Murray, University College Cork.

This PhD research examines the intersection of children's rights and the climate crisis, focusing on how children's environmental leadership challenges traditional concepts of international human rights law. As global warming, biodiversity loss, and pollution threaten their current and future lives, children and young people have become key actors for human rights and environmental protection, demanding a healthy environment as a fundamental right. By claiming their rights in systems traditionally dominated by adults, children are spearheading what has been proposed as a postpaternalistic era for children’s rights—where they are seen not only as passive recipients of protection but as active agents of change. This shift, partially catalysed by their connection to and relationship with nature, aligns with an emerging ecocentric approach, challenging anthropocentric views in law and society. The research proposes that the children/youth climate activism may reflect a broader "ecosociological" transition, reconnecting human society with Earth's ecosystems. Through an ecosocial lens, the study explores how nature connectedness influences children's leadership and the evolution of their rights, contributing to the growing theory of postpaternalism. This work will contextualize the role of children and youth in transforming international law and societal approaches to climate justice.

‘An intergenerational exploration of participation, power and praxis in the nexus between the climate crisis and violence against children’

Kristen Hope, Bath University, Prathit Singh, Geneva Graduate Institute, Dhruv Bhatt, Januka Jamarkatel, Sumaita Ferdous, Sumaiya Raiyan, Akorede Aboyade, Amrit Rijal, Preyashi Agarwal, Anjali Kunwor.

This paper is the result of a process of co-creation involving five children (under 18 years old), four young people and a supporting adult, as a practice of fulfilling children's right to be heard (UNCRC Art 12). Drawing on insights from reflective and experiential learning, as well as principles of decolonisation of methodologies, this paper is a journey through the agency of the co-authors as subjects of knowledge in an era of climate degradation, as they encounter contrasting narratives about ‘children-as-agents-of-change’ alongside ‘children-as-victims-of-climate-induced-violence’. Accordingly, the paper is centred around the perspectives and reflections of a diverse group of children and young people from the Global South, who have worked together in the context of international child rights advocacy on the climate crisis and violence against children. It weaves together a series of descriptive sections, where authors highlight snapshots of how children in their contexts are harmed by climate change and examples of actions children are taking to counteract this harm, alongside more personal reflective segments about the process of researching and writing. The article concludes with an invitation to adult researchers to consider what adopting a rights-based approach to questions about the relationship between the climate crisis and violence against

children may entail, including more meaningfully and ethically involving children in creating and disseminating knowledge about the topic. In turn, the authors suggest that this may contribute towards new epistemologies that avoid the potentially ‘Othering’ discourses of orthodox scholarship and pave the way towards the possibility of “transformative praxis” inspired by decolonial perspectives.

‘A tool for change?: discursive strategies of Children Human Rights defenders in Climate Litigation in Latin America’

Adriana Alzamora, Hertie School

This article analyzes human rights-based climate change litigation in Latin America promoted by children. The focus of these legal actions lies in holding their respective states accountable for failing to fulfill obligations, thereby violating the rights of the young plaintiffs in the face of environmental commitments, national legislation, and climate change-induced environmental harm.

In Latin America, a region with structural social and political difficulties for the favorable outcomes of climate change lawsuits, we will analyze the nine demands at the national level brought by children. Using a qualitative methodology, we will offer a comprehensive examination of how discursive strategies of the lawsuits unfold and what are the similarities and differences of lawsuits carried in different countries of the region. Specifically, we will focus on the right of children to a clean, healthy, and sustainable environment (RCHSE). And we will provide an overview of the framework of this right in this lawsuits strategies in the region.

This paper aims to contribute valuable insights into the evolving landscape of climate justice and the pivotal role of young activists in reshaping legal responses to environmental challenges in Latin America.

‘Exploring the connection between the lack of environmental courts and the sparse occurrence of child-led climate litigation in Africa: A case study on Kenya and South Africa’

Tanaka Davin Dhumbura, University of KwaZulu-Natal, Durban, South Africa,

Child-led climate litigation has become common in the past decade, mostly in Western legal systems, but not so common in Africa. Child-led climate litigation has been considered a positive strategic advancement towards climate justice and intergenerational equity since children are seen as the pillars of climate justice for future generations. However, the lack of environmental courts in most African legal systems and regional organisations has led to severe setbacks such as lack of precedence, procedural hindrance, lack of exhaustion of local remedies and capacity to litigate. That means the absence of child participation in Africa is a significant setback for child climate justice and intergenerational equity. One of the major issues linked to all these factors is the lack of environmental courts with child-friendly procedures and exclusive jurisdiction to hear environmental matters. Regional instruments and national laws have not sufficiently dealt with the issue of child participation. This research exposes how the lack of environmental courts in Africa has made children reluctant to join the child-led climate litigation in Africa, using South Africa and Kenya as case studies. Kenya is one of the few countries that established environmental courts and

tribunals, whereas South Africa has no environmental court or tribunal with exclusive jurisdiction on environmental matters. These two legal systems juxtapose the need for environmental courts since there is little child participation in both legal systems. This research explores the need for environmental courts with child-friendly systems that accommodate children in Africa.

‘Children’s climate justice is also about biodiversity, the ocean and the human right to science’

Elisa Morgera, Strathclyde University Law School

Children’s human right to a healthy environment and their search for climate justice are often addressed exclusively with an emphasis on international climate change law. This paper, however, argues that it is necessary to explore the implications of children’s human right to a healthy environment, including a safe climate, also from the perspective of biodiversity and ocean science, as well as from the perspective of international biodiversity law and the law of the sea. The paper will reflect on how the pre-existing cross-fertilization between international biodiversity law and human rights, as well as the incipient cross-fertilization between the law of the sea and human rights, can clarify the content of children’s human right to a healthy environment and support children’s search for climate justice. In particular, it will be highlighted how “false” or ineffective solutions proposed under the international climate change regime may in fact undermine children’s human rights and efforts to address other environmental challenges. The paper will conclude with a reflection on the relevance of the human right to science to interpret State obligations and researchers’ responsibilities to prioritize children’s best interests in advancing science at the climate-biodiversity-ocean nexus through inter-generational dialogues and partnerships to support children’s search for climate justice.

‘Rights of nature and children and youth environmental litigation: Lessons from Colombia and Ecuador’

Julián Suárez, University College Cork

Rights of nature (RoN) are a refined version of rights-based approaches to environmental protection when compared to other environmental rights. They have been steadily gaining traction as a possible alternative or complement to existing environmental law. Where environmental constitutional or legal norms have paved the way to an objective ecocentric view of the environment, advocates have sought to obtain legal declarations of natural entities as rights-holders from the judiciary. So has children and youth environmental litigation; notably, in the Global South. Two noteworthy cases, because of their success, are the declaration of the Colombian Amazon River as a rights-holding entity, and the Ecuadorian gas flaring litigation. What lessons could these cases give to young environmental advocates who contemplate replicating a RoN strategy in their own jurisdictions? First, an understanding of the legal and factual context giving rise to those cases is needed to ascertain why RoN and children’s rights arguments were able to be successfully pleaded. Second, it is important to observe how children and youth’s rights -including the intergenerational principle- and RoN arguments have been relevant to the injunctive relief decisions

adopted by the courts therein. And finally, the scope of the relief granted to the applicant's and to nature must be also analysed. This paper would contend that the success of RoN initiatives is highly contingent on the existence of expansive constitutional injunctive relief frameworks unique to those jurisdictions that protect more established fundamental rights, to which RoN or children/youth's rights arguments are ancillary.

'Including children and young people in the European Green Deal: Exploring lessons from Ireland's Children and Young People's Assembly on Biodiversity Loss'

Benjamin Mallon (1), Darren Clarke (1), Aoife Daly (2), Aoife Deane (2), Clodagh Harris (2), Valery Molay (1), Rowan Oberman (1), Jimmy O'Keeffe (1), Katie Reid (2,3) and Diarmuid Torney (1) .

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The European Commission's Communication on the European Green Deal (EGD) pledges to place citizens at the heart of the EU's green transition, stating that "[c]itizens are and should remain a driving force of the transition". Curiously, the it does not mention children or young people, despite the prominence of young climate activists—such as Fridays for Future—in creating the conditions in which the EGD was born.

Deliberative mini publics such as citizens' assemblies have emerged in recent years as an innovative approach to involving citizens in environmental policymaking across a variety of European countries. Typically, however, these democratic innovations have allowed for participation by members of the adult population only.

This paper examines the experience of a recent democratic innovation that sought to give a voice to children and young people on environmental issues—Ireland's Children and Young People's Assembly on Biodiversity Loss. Taking place over two weekends in October 2022, the Assembly consisted of 35 participants aged 7-17 years, selected through a process of random stratified sampling, and produced a set of 58 calls to action. Using the Lundy model of child participation as well as the deliberative democracy literature, the paper draws on data collected during the Assembly and during a one-year reunion event in October 2023 to identify implications of this model for deliberative democracy on environmental issues in the context of the European Green Deal and, in turn, the realisation of children's political and environmental rights more broadly.

‘Children’s rights and intergenerational climate justice: an Australian perspective’

Bridget Lewis, School of Law at Queensland University of Technology.

The effects of climate change are already being felt in Australia. Recent floods and bushfires have caused widespread damage and loss of lives and livelihoods. Increased temperatures are endangering fragile ecosystems and vulnerable species. Rising sea levels and ocean temperatures threaten traditional lands and waters of Indigenous peoples. Despite these recognised threats, Australia continues to approve fossil fuel developments and remains a large exporter of coal and gas.

Unlike many countries, Australia has no constitutional Bill of Rights and a somewhat patchy framework of human rights legislation without strong enforcement mechanisms. The *Convention on the Rights of the Child* is inadequately implemented into Australia’s laws. In this context, children and young people have needed to find creative ways to enforce their human rights against the dangers of climate change.

For example, in *Sharma v Minister for the Environment*, a group of children were initially successful in arguing that the Environment Minister has a duty of care to protect children against climate harms. This decision was overturned on appeal, but it has motivated a proposed legislative amendment which would introduce such a duty into law. In *Youth Verdict v Waratah Coal*, a group of young people successfully challenged the approval of a large coal mine on human rights grounds. The Court agreed that climate change would limit their rights, including the distinctive cultural rights of Aboriginal and Torres Strait Islander Peoples. The Court specifically acknowledged the right of Indigenous children to learn their languages, customs and traditional knowledge.

This paper surveys progress on child/youth-led climate justice initiatives in Australia. It identifies critical gaps in the legal framework which need to be addressed, and recommends areas of focus for future work.

‘Litigating for the future: an analysis of climate litigation invoking intergenerational equity’

Nina Koistinen, University of Eastern Finland.

The recent global rise in climate litigation, particularly rights-based and youth-led climate litigation has been well-documented. Meanwhile, intergenerational equity, a longstanding concept/principle in environmental and constitutional law, has been increasingly invoked in litigation and in debates surrounding climate change. The concept is linked to rights-based discourses in climate lawsuits, which frequently underscore the rights of and duties owed to present and future generations, particularly in cases brought by or concerning children and youth. Intergenerational equity has also become a buzzword frequently employed in relation to youth activism. Agreement on the normative implications of intergenerational equity is yet to emerge, however. The article explores the potential normative implications of intergenerational equity through an empirical analysis of forty-nine climate lawsuits explicitly or implicitly invoking the concept before national and regional judicial and quasi-judicial bodies. Relevant cases were identified on the climate change litigation database of the Columbia Law School Sabin

Centre for Climate Change Law and through literature review. The analysis was restricted to cases decided on or before 31 August 2023. The study reveals a rights-based focus in the interpretation of intergenerational equity, notably through the right to a healthy environment, and reflects on the limitations of human rights and children's rights to protect future generations. The analysis of climate litigation thus far reveals diverging interpretations of the legal implications of intergenerational equity. At the same time, it confirms the rhetorical appeal of the concept in framing climate-related claims and colouring the interpretation of other legal norms.

'The role of the Indian judiciary in imbibing the doctrine of intergenerational equity and protecting green rights for adolescents: a critical analysis'

Areena Parveen Ansari, University of Ottawa.

The principle of intergenerational equity explicitly endorses the protection and preservation of the rights of future generations that require fair distribution and sustenance of natural resources. Accentuating the green rights of a healthy and wholesome environment complementing sustainable development, the role of adolescents is crucial. Universally, regulators and policymakers should concentrate on adolescents as imperative sources for future planning and curative actors rather than considering adolescents as a victim of the environmental impact. In this regard, the approach of the Indian Judiciary in dealing with green rights is more viable than the policymakers/regulators. The Indian Judiciary has efficaciously embraced and included vital environmental rights under the purview of Fundamental Rights enshrined in Article 21 of the Constitution of India 1949, which guarantees the "Right to Life and Personal Liberty." The liberal judicial approach has been instrumental in safeguarding the environment, securing environmental justice and promoting green rights. The author through this paper endeavours to critically analyse the approach of the Indian judiciary and their extent of contributions in terms of protecting the green rights of adolescents while imbibing the principle of intergenerational equity. Additionally, the paper explores the solution-oriented framework for the sustainable development and protection of green rights of future generations, especially focusing on the critical role of resourceful adolescents shielded by the judiciary.

'The Environment as the Heirloom: An Examination of Children's Rights, Intergenerational Equity, and Climate Action as a Pathway to Intergenerational Justice'

Tracey Kanhanga, University of Johannesburg.

In international environmental law (IEL), an adage emphasizes that the environment is not an abstraction but represents the living space, the quality of life, and the health of human beings, including unborn generations. Despite this wisdom, humanity faces a critical juncture in the Anthropocene, an era where human activity overwhelmingly influences the climate and environment. While climate change affects everyone, the Human Rights Council (Resolution 18/22) observed that vulnerable groups such as children

and persons with disabilities - disproportionately bear the consequences. Substantiating this observation, the United Nations Committee on the Rights of the Child (General Comment No.26) underscored climate change's adverse effects on children's rights to life, health, food security, and education. Despite these challenges, various international laws address child protection amid climate change.

Through a child rights-based approach, this study will pursue two goals. First, it will examine how the children's rights framework aligns with intergenerational equity. For instance, while the Convention on the Rights of Children (CRC) focuses on the rights of children, its provisions align with the IEL principle of intergenerational equity that emphasizes the responsibilities of current generations as stewards of the natural resources that ensure the well-being of present and upcoming generations. Secondly, it will examine how climate action can progress intergenerational justice which entails duties current generations owe to future ones, especially with regards to the equitable sharing of resources. In the context of climate change, the present generation must mitigate climate change impacts and enhance adaptive capacity for the sake of the children whose livelihoods are threatened by the climate crisis. [258 words minus title]

'Generation Dread? Young People and the Hope of/for Intergenerational and Climate Justice'

Peter Kelly and James Goring, Deakin University.

In much of our work in the Young People's Sustainable Futures Lab (YPSFL) we continue to situate many of the issues that concern us about young people's pasts, presents and futures – for example, the pandemic and its consequences, the climate crisis, the crises of global capitalism, the mass extinction of biodiversity – in wider debates and discussions about the impacts that different groups of humans have had, and continue to have, on the earth systems that sustain the complexity and diversity of life on the planet. In this presentation we will draw on more than 100 video interviews we conducted with young people in Melbourne (AUSTRALIA) during 2020-2023 to situate aspects of this ongoing work. Drawing on theories of intergenerational and climate justice, and posthuman understandings of the complex entanglements of the human and more-than-human that shape young people's hopes for living well in the Anthropocene we will explore how sociologies of young people can contribute to imagining what a 'radical politics of hope' (Braidotti 2013) for intergenerational and climate justice might mean for 'Generation Dread' (Wray 2023) - those contemporary populations of young people in different places who are experiencing the sorts of generational anger and emotional responses that are evident in the 'climate endgame of the historical present' (Frantzen 2023). In thinking with what many of these young people told us, we will suggest that any exploration of the promise of intergenerational and climate justice must acknowledge that if 'climate change accumulates in our bodies, it accumulates in our minds and brains too, and in our nervous systems. It sediments as a generational experience' (Frantzen 2023).

‘What are we talking about when we discuss the rights of future generations in climate litigation?’

Eva Balounová, Centre for Climate Law and Sustainability Studies at the Institute of State and Law of the Czech Academy of Sciences.

Climate litigation is growing in importance and human-rights-related claims are emerging as a dominant climate litigation strategy.¹ Two overlapping trends are the involvement of young people (youth-led climate litigation) and the emphasis on future generations. The cases involving these do not need to be identical, as cases involving minors do not need to address future generations and vice versa.

This contribution focuses on the rights of future generations. Courts have taken three main positions on granting standing to future generations: negative, avoiding, and positive. Although the majority of youth-focused rights-based climate cases were dismissed at a procedural stage, some were heard on the merits. Thus, the success of granting standing in *Minors Oposa* has been replicated in climate litigation by both *Neubauer* and *Demanda Generaciones*, where standing to future generations was granted insofar as current activities set such conditions that rights might be affected in the future. However, already three ways of granting standing to future generations have appeared in climate litigation. In addition, an entity representing a transgenerational group can hold rights, and a successful claim could be made based on the principle of sustainable development.

‘Challenges for the protection of future generations in the Inter-American Human Rights System’

Digno Montalván Zambrano, University Carlos III from Madrid.

In recent years, climate litigation has become one of the main tools in the fight against global warming. In this context, one of the most interesting international cases is the Advisory Opinion requested by the governments of Colombia and Chile to the Inter-American Court of Human Rights about State obligations in the fight against climate change. Among other issues, this advisory opinion seeks to establish parameters on the differential obligations of States with respect to the rights of children and new generations in the face of the climate emergency. Although the approach to climate protection based on the rights of future generations has been widely developed in the specialized literature, its implementation within the Inter-American system is particularly complex. According to the current precedents of the Inter-American Court, future generations cannot be considered victims within the Inter-American System, since the concept of person delimited by the Convention and the jurisprudence of the Court make it impossible to do so. For the Inter-American Court, only specific human beings who live or have lived can be considered persons and, therefore, victims within the Inter-American Convention. This generates significant difficulties to address the climate issue from the perspective of the human rights of future generations. In this context, based on the recent judgment in the *La Oroya v. Peru* case of November 2023, in this presentation I will seek to explore the possibility of thinking about the rights of future generations from the perspective of the rights of presentday children. Strategies such as the principle of intergenerational equity, the ecocentric turn and reparations with an intergenerational approach will be addressed.

‘Intertwinedness of Children’s Rights and the Rights of Future Generations: Strengthening Child-friendly Climate Justice through Intergenerational Equity’

Enikő Krajnyák, University of Miskolc.

There is a growing recognition of children’s particular vulnerability to the adverse effects of climate change at various levels of jurisdiction. In addition to more and more domestic courts who are open to consider climate litigation claims brought by child plaintiffs, the European Court of Human Rights also faces its first youth-led climate case, and the United Nations Committee on the Rights of the Child recently adopted Comment No. 26 to the CRC which explicitly addresses children’s rights and the environment in light of climate change. While child plaintiffs often build their argumentation on the principle of intergenerational equity, which embraces the idea of preserving the natural environment for future generations, there is no consensus in international law on the concept of future generations, including the problem of defining who is actually understood by them: already born children, young people, or only people yet to be born in the future? Notwithstanding the ongoing discussions, there are continuous endeavours to build a legal framework on enforcing the rights of future generations, including the UN Declaration on Future Generations or the establishment of a High Commissioner for Future Generations. The presentation aims to address the interrelation between children’s rights and the rights future generations, and assesses the potential benefits of recognising children as part of future generations, given that children have the potential to enforce the intergenerational perspective in climate justice, which is in contrast with the challenges the legal recognition of the rights of yet to be born people poses to adjudication.

‘Youth Self-Determination: A Proposed Dimension of the Self-Determination of Peoples In the Context of Climate Change Impacts Dave-Inder Comar’

Dave-Inder Comar, Leiden University.

This submission explores whether the international law of self-determination provides a way for young people to enforce and protect their human rights in the context of climate change. This proposed concept of “youth self-determination” would identify “young peoples” as rights holders who are entitled to the protection of their self-determination and the enforcement of their equal rights as “peoples” against threats to their economic, cultural, and social development¹ now at risk from climate change.

There is no universal definition of “peoples,”² but the concept of “peoples” has expanded to now include peoples comprising entire States, decolonising peoples, peoples under some form of occupation, and Indigenous Peoples.³ As argued by Jones, self-determination is “a right capable of being realized in multiple ways” which can generate innovative remedies to redress new kinds of domination, exploitation, or subjugation.⁴ Recognising youth self-determination and young peoples as rights holders would provide a vehicle for youth to enforce their equal rights and to prevent “environmental discrimination”⁵ against

them as a group. It would connect the legal rights of youth to the erga omnes obligation to protect and promote self-determination,⁶ requiring States to ensure that young peoples can pursue their economic, cultural, and social development. Youth self-determination could also provide a doctrine to explore conceptions of intergenerational equity and future generations⁷ and provide a “temporality dimension” to self-determination that could address the temporal nature of climate change impacts.

‘Rights-Based Climate Litigation, Future Generations, and Intergenerational Burden-Sharing’

Clare Lagan, University of Western Australia.

Concern for the effects of climate change on both present and future generations has been recognised in climate law since its inception in 1992. More than three decades on, collective efforts to address this existential threat continue to fall short, and litigation has been pursued as a strategy to catalyse greater climate action. Courts have become increasingly receptive to claims from litigants considering the intergenerational dimensions of climate change causes, harms, and costs. However, the language with which Courts have discussed the responsibilities we have to future generations has varied widely, including the use of legal principles and increasingly, non-legal concepts. This presentation highlights the common concerns in future-oriented climate litigation, and the potential benefits and limitations of different approaches.

‘How can citizens’ assemblies support children and young people to access environmental justice? Intergenerational perspectives from Ireland’s Children and Young People’s Assembly on Biodiversity Loss’

K. Reid, C. Harris, D. Torney, B. Mallon. V. Molay.

Citizens’ assemblies involving children and young people have been established in recent years at the municipal, local and national level, sparking interest in how they may (or may not) offer children and young people opportunities for greater representation and participation in political decision-making.

Ireland held its first Children and Young People’s Assembly on Biodiversity Loss (CYPABL) in October 2022. Its work coincided with that of the national adult Citizens’ Assembly on the same topic. Designed with children and young people, the CYPABL brought together 35 randomly selected members aged 7–17 from across Ireland to explore, discuss and create calls to action on how to protect and restore biodiversity in Ireland. It was designed and run by an intergenerational team consisting of a Young Advisory Team and researchers from Dublin City University and University College Cork. Its impact continues to grow. The children and young people have played a significant role in taking forward their 58 calls to action, such as amplifying the importance of children’s participation in decision-making processes about biodiversity, climate change and the environment, and developing educational resources for children and young people.

This paper sets out to explore how citizens’ assemblies may support children and young people to access/experience intergenerational environmental justice and their rights as outlined in the United

Nations Convention on the Rights of the Child. Using the Irish CYPABL as a case study, it critically explores citizens assemblies' potential as a legitimate space for children and young people's participation through the lens of input, throughput, and output legitimacy (Caluwaerts and Reuchamps, 2016), with reference to the opportunities for and barriers to impactful intergenerational deliberation on environmental justice.

'Children's Rights and (Un)Sustainable Development: Exploring Dynamics Between Fossil Fuels, Intergenerational Justice, and the SDGs'

Niamh Guiry, University College Cork.

The climate crisis poses a significant existential threat to humanity, disproportionately impacting children and young people. This is a challenge that both binding and non-binding international law seeks to address. Specifically, SDG 13 (Climate Action) seeks to take urgent action to combat climate change and its impacts and acknowledges the UN Framework Convention on Climate Change as the 'primary international, intergovernmental forum for negotiating the global response to climate change'.¹ A glaringly obvious gap, however, in both the SDGs and the Paris Agreement is the lack of explicit reference to phasing-out fossil fuels, the principal contributor to the climate crisis. Thus, this paper will critically explore the dynamics between the rights and best interests of the child in the context of how the SDGs, and by extension, the Paris Agreement, are attempting to mitigate and adapt to the climate crisis. How these regimes address (or fall short of addressing) the issue of fossil fuels and consequent intergenerational justice implications will be discussed, noting the influence of fossil fuel lobbyists on international climate policy. The Fossil Fuel Non-Proliferation Treaty Initiative will also be considered as a potential means of advancing global climate action and thus intergenerational equity and climate justice.

'The potential of the child's right to play: meeting the SDGs'

Naomi Lott, University of Oxford.

Over the past 10 years, the child's right to play (Article 31, UN Convention on the Rights of the Child) has begun to emerge from its position as a 'forgotten right' having previously been neglected by States, the Committee on the Rights of the Child, and scholars alike. There is now a growing acceptance and acknowledgement of the importance of implementing the right to play for children, both intrinsically and instrumentally. Whilst acknowledging this criticality of the right to play for children, this paper emphasises its potential for the wider community, and particularly examines its capacity to promote sustainable development and combat environmental damage and climate change. Implementation of the right to play requires that children have access to nature and outdoor play spaces that are close to home, and safe streets that are conducive to independent mobility. It also requires that they have time to enjoy nature and are consulted on any matters that may impact their environment, including development policies. Realising the child's right to play therefore offers significant potential for meeting wider societal needs regarding a healthy and sustainable environment.

“Can we see our voices?’ - Creating a transformative ‘bottoms up’ child rights-based approach to climate action with young children, under Article 29 1 (e).’

Muireann Ranta, South East Technological University.

(UNCRC, 1989, p.9).

Robson (2016) and Lundy and Martinez Sainz (2018) call for a less ‘top-down’, policy-to-practice approach to children’s education and participatory rights and for greater attention to children’s living realities. Despite a growth in child rights literature (Lundy, 2007; Alderson, 2008; 2012; Lundy et al., 2011, 2012; Shier, 2016; Tisdall, 2015; 2017; Collins et al., 2020) and more recently that which includes early childhood (Mayne et al., 2016,2017. 2018, Wall et al. 2019) child rights-based research with young children remains in its infancy. Using a child rights-based, participatory methodological paradigm (Lundy & McEvoy, 2011;2012), the study demonstrates that children define their own relationship with Nature and make their own connections with it. In addition, through participating in research about matters that affect them, they also establish their own definitions of participation. By providing a detailed outline of how we engaged in this research, my research participants and I contribute to how a transformative ‘bottoms up’ rights-based approach for climate action can be supported at this early age.

‘The Natural World Around Me: A qualitative exploration of young people’s environmental perceptions and relationship to nature’

Topaz Shrestha, University College Cork.

Human and environmental health are deeply interconnected. Therefore, it is of significant concern that urbanisation and environmental degradation are leading to a reduction in our engagement with the natural world. Many of us seem to be both physically and psychologically disconnected from nature and this has implications, for both human and planetary well-being. Drawing from ecopsychology theory, this project explores how our intrinsic affiliation towards nature can be harnessed to enhance well-being while promoting environmental stewardship. We qualitatively explored young people’s relationship to nature; how it relates to their mental health and sentiment of pro-environmental behaviour. While multiple nature-based interventions exist, all proposing engagement with nature as a mechanism of improving mental health, there is a lack of consideration for young people’s environmental perceptions while developing these interventions. This can only limit the scope for nature-connectedness to promote well-being and environmental stewardship, potentially resulting in ineffective and ill-targeted interventions. At a foundational level, more research is needed to conceptualize how young people, in varying circumstances, perceive nature. A qualitative approach will help unearth the nuances of young people’s environmental perceptions and provide insight into the individual and contextual factors that govern the human-nature relationship. Such research will support a more comprehensive and dynamic approach to intervention design and the development of NBIs which are sensitive to the individual and ultimately more targeted and effective. We hope that this will lead to the development of nature-based interventions which benefit both the climate and biodiversity, while simultaneously enhancing human well-being.

‘Framing youth work to reflect climate justice: the potential of the UNCRC and SDG’

Hilary Tierney, Jamie Gorman, Tim Corney and Trudi Cooper.

Historically, a primary concern of youth work has been with social justice and young people’s wellbeing, welfare and rights. The recent statement by the UN Committee on the Rights of the Child (UNCRC) on the right of children to a healthy environment together with Agenda 2030, the Sustainable Development Goals (SDG) have focused attention on climate justice as a youth issue and the need for rights-based discourses to include environmental rights. The purpose of this presentation is to discuss the alignment between youth work and the UNCRC and the SDGs, and the ways in which youth work theory and practice can respond to environmental rights and SDGs. The presentation draws upon examples from Irish youth work and from Australian youth work, to identify the synergies between youth work and the SDGs/UNCRC, the strengths of this approach, but also the limitations and tension of incorporating the UNCRC and the SDGs into youth work theory and practice.

‘Youth-organized Youth Climate Courts: a new civil-society, human-rights option for activists’

Tom Kerns, North Seattle College.

Youth-organized Youth Climate Courts, solidly grounded in human rights standards, with a youth judge, youth prosecutor, and youth jury members, are a powerful, cost-free way for young people to pressure their local government to live up to its moral and legal obligations around climate change. By foregrounding human rights in a face-to-face trial-like format, youth can insist that their local government acknowledge and meet its human rights obligations and take the climate crisis more seriously. Beyond being a rewarding experience for both youth and their local government, YCCs offer young people a forum in which their voices can be amplified, and offer local governments an opportunity to learn about youths’ concerns, to demonstrate respect for the community’s young people, and to adapt.

This presentation will describe the bottom-up approach of YCCs, how YCCs work, some specific human rights a “trial” can focus on, resources available to organizers, and follow-up tools that can help insure their project’s success. It will lay out the advantages and challenges of this new civil-society option, and will detail its benefits for the youth participants – such as learning about human rights, about how courts and local governments work, and about how to effectively interact with media and government officials. It will also describe benefits to the local government and to the climate justice movement as a whole.

‘Intergenerational Equity in India’s National Green Tribunal’

Therese Boje Mortensen, PhD Candidate at Lund University.

When young people all over the world take their governments to court for lacking action on climate change, the principle of intergenerational equity is often taken in use. This was also the case in India’s only child-

led climate litigation in its National Green Tribunal (Pandey vs. Union of India, 2017). The present paper explores to what extent intergenerational equity's "youth turn" is beneficial for the fight against climate change. As a background study for a larger project on youth environmental activism in India, this paper conducts a qualitative and quantitative content analysis of all cases at India's National Green Tribunal that have used the concept "intergenerational equity." It finds that youth is largely absent from this tribunal's argumentation related to future generations. Instead, intergenerational equity is used for the purposes of anchoring the court's legitimacy in constitutional and international law, to qualify and explain the principle of "sustainable development," to take concrete environmental harms such as water pollution to a globally relevant level, and to place the court's argumentation in philosophical debates on anthropocentrism and moral duties. These are all purposes which calls upon humanity at large to act against environmental harm. The conclusive discussion of this paper argues for not framing youth as the poster child of intergenerational equity and thereby placing a rhetorically powerful responsibility, which is in fact due upon all of us, on young people's shoulders.

'Climate Justice in Hawai'i Demands Adherence to Science not Politics'

Andrea Rodgers, Kelly Matheson, Julia Olson, Our Children's Trust.

Children of Hawai'i—keiki o ka 'āina (children of this land)—are experiencing a wide range of climate change impacts threatening their ability to lead healthful lives in the Islands now and into the foreseeable future. Many Native Hawaiian children have roots in Hawai'i extending for over ten generations, with deep ties to the island's natural resources and myriad cultural practices that their 'ohana have passed down. The Supreme Court of Hawai'i was the first state court in the United States to declare that there is a fundamental right to a life-sustaining climate system. In *Navahine, et al. v. Hawai'i Department of Transportation*, fourteen children from Hawai'i have sued their government, arguing that the high levels of greenhouse gas emissions from the state transportation system violate their constitutional rights. Their case is set for trial in June 2024. This article will present a case study of the *Navahine* case and argue that given the unique threats to Hawaiian children living in a Pacific Island ecosystem surrounded by warming waters, children's best interests can only be served by the Court's use of best available science when defining the scope of their fundamental rights. The article will explore the unique challenges presented to Hawaiian children when others advocate around the world argue for legal standards that peer-reviewed science reveal would be devastating to their ability to live their lives in Hawai'i, presenting another example of colonialism serving to displace the Hawaiian people.

'Complimenting Litigation with Activism and Advocacy in Pursuit of Climate Justice for Children in Uganda'

Peter Davis Mutesasira, Uganda Christian University.

Climate change is still a significant challenge currently being faced by the global environment. Uganda has not been spared from the adverse effects of climate change such as floods, famine, unpredictable weather patterns and drought. Climate change does not affect all persons equally as it particularly has

disproportionate impacts on children premised on existing physical and physiological vulnerabilities subjecting them to death, displacement, malnutrition, and sickness. This has put the future of children at risk necessitating the promotion of urgent and targeted action such as litigation. Whereas litigation by children in Uganda is slowly gaining ground, it is still riddled with challenges such as contested legal standing, delayed justice and absence of an environmental specialized court. Activism and advocacy by children will go a long way in complementing litigation efforts aimed at attaining climate justice in Uganda. It is suggested that child activism and advocacy enable children to take on the role of agents of climate action rather vulnerable victims. This paper will therefore, examine the role of activism and advocacy in complementing litigation aimed at attaining climate justice for children in Uganda. Focus will be on examining the domestic and international legal framework on litigation, activism and advocacy relevant to climate justice. A comparative study from selected jurisdictions will also be conducted on the efficacy of adopting activism and advocacy to compliment litigation including, a discussion of the associated challenges. This paper will argue that activism and advocacy will go a long way in supplementing litigation to enable children significantly shape the current terrain of climate action in Uganda.

‘The Energy Charter Treaty (ECT) and Youth Climate Justice’

Eoin Jackson, Chief of Staff at the Climate Governance Commission, Legal Fellow at the Institute for Governance & Sustainable Development (IGSD).

My paper intends to examine the intersection between efforts to dismantle the Energy Charter Treaty (ECT) and new and emerging legal principles and frameworks driven by the youth climate justice movement. The ECT was signed before many of today's youth were born, yet, due to its protection of fossil fuel investments and a sunset clause that 'locks in' protections of these investments for 20 years post the withdrawal of a member from the Treaty, it is the youth who will be most affected by its continued enforcement.

I wish to argue that this violates the principle of intergenerational equity and examine how this principle could evolve to allow for viable legal challenges to be taken against the continued enforcement of the ECT. I will consider whether intergenerational equity and other principles and rights relevant to youth could be used to argue that the ECT and its sunset clause could be terminated using Article 62(1) of the Vienna Convention on the Law of Treaties (VCLT), which allows states to terminate or withdraw from a treaty due to fundamental changes of circumstances.

My paper will also discuss the pending youth climate litigation taking place in the European Court of Human Rights seeking to challenge the ECT on rights-based grounds.¹ I will explore the challenges of this case succeeding at the Court, and apply lessons learned from the pending judgment of *Duarte Agostinho v. Portugal and Others*,² and wider human rights cases such as *Neubauer v. Germany*,³ to assess how the case could advance efforts to dismantle the ECT.

‘Clashing Timeframes: Youth Climate Activism, Institutional Inertia, and the (Im)Possibility of Radical Transformations’

Jonathan Josefsson, Linköping University; Frida Buhre, Uppsala University.

Even with the upsurge of global child and youth environmental mobilization, the more radical societal transformations that young activists hope for seem difficult to realize. School strikers mobilize on the streets, youth organizations push for harder policies within political institutions, and individual or groups of children and youth file climate litigations, thus making use of central democratic institutions as vehicles for political change. Yet, they also witness how these institutions slow down, and sometimes close down, political processes. The temporal hopes and experiences of youth climate activists and the temporal rhythm of institutional processes are at odds.

In this paper, we explore “Institutional inertia” as a significant factor for the opportunities and limitations that young climate activist experience in their struggle for political change. Building on the significantly growing literature on youth climate engagement and field studies, we discuss where and how young activists encounter different kinds of institutional barriers, from local squares and parliaments to national courts and global summits, to theorize the timescapes of institutional path-dependencies, the political agency of young people, and political change in a time of societal transformations.

The paper contributes to several fields of studies by connecting the empirical and theoretical work on how young activists navigate global systems of governance with scholarship on democratisation processes and historical institutionalism. By examining the timescapes, or temporal relations and dynamics, between inertia and transformations, we hope to provide knowledge about the relationship between institutional openings and closings and political agency and change in climate and environmental politics.

‘Does intersectionality have a role in shaping youth relevant policy in the context of climate justice at UN level?’

Romina Rodela and Ralph Tafon, Södertörn University.

Over the past few years, young people globally have increasingly demanded and claimed space in international and global climate policy arenas, including in the United Nations (UN) system. With its global scope, the UN has taken concrete steps toward establishing a number of important youth- and child-responsive processes (e.g. Comma 26), the setting up of the Youth Office and more. These processes are meant to target a diversity of young people across the globe; from North to South. However, despite increased involvement of young people in UN climate processes, there is limited research that explores youth involvement through an intersectional lens. Youth are not a homogenous group and many have critiqued past policy making in falling short of acknowledging the important role that diversity (e.g., cultural, ethnic, poverty, status, Indigenous, gender etc.) plays for young people, in terms of climate change, mitigation and adaptation. This paper develops an intersection lens to examine how young people’s **diversity is understood** and given expression in key UN policy documents and processes. Our analytical approach focuses on understanding if, how and in what form the UN integrates questions related to youth

intersectionality as part to their current work and future plans. To this end we will undertake a critical review of selected policy documents, identifying opportunities and challenges toward effective involvement of a diversity of young people in global climate governance.

‘Can we say there is child-friendly climate justice in Ireland? Let’s put it to the (young) people!’

Ruth Barry, Community Law & Mediation Centre.

Presuming that by climate justice we mean a judicial environment that enables people to argue their rights and have a judge decide their case based on the law and evidence, Ireland is far off the mark when it comes to child-friendly climate justice. Climate litigation in this jurisdiction presents claimants with a number of barriers. Namely, the financial burden and a high risk of adverse cost orders, standing and the absence of collective actions, and the rules around burden of proof. For children, we can add the further obstacle of their age and the need for a Next Friend in litigation. For a young person, we can add the alien nature of rules on evidence.

In this presentation, we will look at the legal services and the nature of advice that would be available for a child or young person looking to vindicate their rights through climate litigation in Ireland. We will look at the solicitor/client relationship and the ways in which children and young people need to be supported when taking legal action. We will put it to a young person, active in pursuing climate justice, whether there is child-friendly climate justice in Ireland and draw out in a solicitor/young person dynamic what would be needed for Ireland to be able to respond to children’s rights in accessing justice, and in particular climate justice. We will seek the engagement of a youth climate activist, presenting with our children’s lawyer from CLM.

‘The Strengthened Role and Responsibility of European Independent Human Rights Institutions (IHRIs) to Access Climate Justice’

Agnes Lux, ELTE University.

IHRIs can and should play a crucial role in monitoring and advancing children’s rights around the environment, especially when it comes to climate change, including realization of children’s rights to remedy and access to justice through their extra-judicial manner. It’s obvious that not only do the impacts of climate change significantly undermine, they can render null and void the effective enjoyment of the rights enshrined in the UN CRC. The CRC Committee has clearly identified climate change as one of the biggest threats to children’s health and also in its latest GC No 26 (2023) calls State Parties to provide access to justice pathways for children, including complaint mechanisms that are inclusive and child-friendly to ensure their engagement with effective judicial, quasi-judicial and non-judicial mechanisms, including child-centred NHRIs. However evidence indicates many IRHIs still do not confront issues around environmental and climate change when it comes to children’s rights and also many IHRIs do not host

conversations around climate change, young people are not aware of dangers arising from environmental/climate change and how their rights matter to this set of issues. In this paper there is a strong focus on mapping the implementation of children's rights to access to justice in cases related to climate change and healthy environment through analyzing the IHRIs in Europe, with a special focus to the Visegrád-countries.

‘Reflections on ‘The Anthropocene Judgments Project’ – the potential of future judgment writing projects for child friendly climate justice in scholarship and practice’

Orla Kelleher, Maynooth University; Aoife Daly, University College Cork.

In introducing the *Anthropocene Judgments Project* – a book of speculative judgments and commentaries on how judges might respond to the human-driven climate and biodiversity crises – Nicole Rogers reflects on how ‘law and judging will, undoubtedly, be radically transformed in the Anthropocene’.¹

As part of this critical judgment project which involved scholars ‘taking on the mantle of judge,’² Prof Aoife Daly and I stepped into the shoes of Irish Supreme Court judges to hand down a judgment from the year 2033 entitled *Young People v Government of Ireland*. In this case, which builds on an earlier domestic case of *Friends of the Irish Environment v Government of Ireland*,³ the youth applicants successfully argue that the Irish government has failed to implement principle of the best interest of the child and has abdicated its constitutional duty of environmental protection by failing to do its fair share to limit global heating to +1.5°C above pre-industrial levels.

This paper will sketch out our *Young People v Government of Ireland* judgment before reflecting on the pedagogical, research, and wider societal value of this kind of future judgment writing project from a child-friendly climate justice perspective.

‘Temporal Justice in Youth-led Climate Litigation: an approach to the Sacchi vs. Argentina Case’

Florencia Paz Landeira, University College Cork.

This article explores the intersection of temporality and children's rights within the context of climate litigation, focusing on the landmark Sacchi vs. Argentina case. Filed in 2019 by sixteen children from twelve countries, this case marked a significant moment in international law as it sought to hold states accountable for their contributions to climate change under the United Nations Convention on the Rights of the Child. Although the petition was ultimately deemed inadmissible, the case set a precedent by recognizing the responsibility of states for the transboundary impacts of their carbon emissions on children's rights. Through an analysis of the legal arguments and temporal dimensions inherent in the case, this article examines how children's experiences of time, shaped by the climate crisis, challenge traditional legal temporalities. It argues that understanding the unique temporalities of childhood is crucial in

addressing the long-term and intergenerational impacts of climate change on human rights. By situating the Sacchi case within broader socio-legal and environmental contexts, the article contributes to ongoing debates on the role of temporality in human rights law and environmental justice.

‘The Potential of Child/Youth-led climate litigation to close the gap in international legal protection of climate displaced children’

Esther Montesinos Calvo-Fernández, University College Cork.

Children and youth action has managed to bring attention to issues that have traditionally lacked adequate visibility and advocacy, such as the topic of climate-related (im)mobilities. Despite recommendations and resolutions from the Office of the United Nations High Commissioner for Human Rights, the Human Rights Council or the Committee on the Rights of the Child, there is still no official legal recognition of “climate refugees” under international law, which leaves climate-displaced communities without meeting the necessary conditions for accessing the rights associated to refugee status. Recent petitions and claims submitted by children and youth in national and international courts, such as *Álvarez et al v. Peru*, *Ali v. Federation of Pakistan*, *Juliana et al. v. USA*, *Billy et al v. Australia*, and *Sacchi et al. v. Argentina et al.* have highlighted forced displacement as a significant impact of climate change and a risk to children’s rights. Although most of these cases have been ultimately unsuccessful, this should not be taken as a negative outcome: in their decisions, Courts have embraced the fact that the right to life is threatened by environmental degradation and that, in order to protect that right, States should comply with their obligations in mitigating climate change. Despite some may argue this won’t do anything to advance the rights of climate-displaced people, it should be not forgotten that mobility patterns in the context of the climate crisis are the result of the interaction of multiple factors that cannot be isolated from one another. Recognition that States have a fair share in addressing the climate crisis will ultimately help mitigate the factors leading to climate-induced migration. In consequence, even if unsuccessful, these litigation cases could, in the future, inspire new laws and policies that enhance the protection of climate displaced persons, demonstrating the power of children in challenging the arena of international law.

‘Safeguarding Indigenous Sami children’s right to a future within their culture in Norway in the context of climate change and the green energy transition’

Gilbert Ajebe Akame, Faculty of Law UiT The Arctic University of Norway.

The green transition in Norway raises critical questions about reconciling environmental protection goals with preserving cultural heritage for present and future generations of Sami children. This issue is particularly pressing due to the development of large-scale wind farms in areas traditionally occupied by Sami reindeer herders, leading to significant conflicts.¹ My research seeks to explore how an intersectional approach to law, combined with insights from Indigenous methodologies and theories about child agency and participation—moving towards post-paternalism—can secure Indigenous Sami children’s right to a future within their culture amidst climate change and the green energy transition.

My PhD research delves into the intersection of environmental and human rights-based international legal norms, examining how this relationship is reflected in Norway's green transition and its impact on the cultural rights of Indigenous Sami children. Are there tensions and opportunities? How can Indigenous children's relativism, including their relationship with their natural environment, contribute to advancing both the cultural rights of Indigenous Sami children and Norway's climate ambitions? What is the role of Sami children and youth, and how does their inclusion (or lack thereof) affect their cultural rights and environmental outcomes?

Adopting a critical-interdisciplinary approach, I draw insights from an intersectional approach to law, social studies of childhood, and Indigenous methodologies. A central focus of my research is on the role of Sami children and young people in the climate change discourse. This involves analyzing conceptions of child and youth agency and participation, and engaging in the post-paternalism debate, to establish normative arguments for strengthening legal safeguards for meaningful participation of children and youth in climate action.

'Education for climate justice: diversifying knowledge, listening to different voices'

Catherine Walker, Newcastle University; Anne Marie Kavanagh, Dublin City University.

In a recent survey with 17,500 young people from 166 countries, 91% said they would like to have more teaching on climate change (UNESCO, 2022). Crucially, young people were also critical about the quality of the education they were receiving, with a common critique that it is generic (ibid, p.5). In this context, progressing intergenerational climate justice means ensuring access to education that supports students' critical understanding of difference in how climate and ecological crises are affecting communities and their abilities to respond. Students are already aware of these inequalities: as Verlie and Flynn (2022) have observed, the "affective weight of climate injustice" is a key reason why many young people have engaged in school strikes for climate. In this presentation we consider one aspect of education for climate justice, namely representational justice, or whose voices are prioritised in what we know and how we respond to climate change. We will each present insights into our respective research portfolios that aim to explore the knowledge that informs climate education and diversify this knowledge by creating contexts for listening to different voices. Catherine's research with migrant-background young people in Manchester and Melbourne involved young people interviewing first generation migrant parents about experiences of living with environmental challenges (see Walker et al., 2022). Anne Marie's research explores how Irish Travellers/Mincéirs' (an ethnic minority group indigenous to Ireland) knowledge systems and stories can support primary school children's understanding of the root causes of and potential solutions to the climate crisis (see Kavanagh, 2023).

‘Exploring children’s rights to participation, meaning-making and learning in the sixth mass extinction’

Sophia Georgescu, University of Stirling.

Children’s rights are simultaneously impacted and highlighted by the current international climate crisis and the resulting sixth mass extinction of species. Research is needed to understand how the experiences and participation of children can be understood and supported in this context. Whilst we have emerging knowledge about the impacts of eco-anxiety and climate change on young people, less is known about children’s changing lived experiences and the impacts they experience from accelerating biodiversity loss. Few studies address how child participation in intergenerational responses can support rights-based mitigation and adaptation to a world with species extinction and environmental degradation. This research seeks to understand the experiences of children’s meaning-making, their right to education, and participation with specific respect to the processes of biodiversity loss and related responses. Distinctively, the focus will be children’s experiences and embeddedness in biodiversity loss processes using an intergenerational justice and interspecies lens where they are place-based experts in the eco-social present. To do this, the methodology will involve taking a child rights-based approach to children’s meaning-making in biodiversity loss responses in Scotland. More-than-human, participatory co-creative methods and knowledge production processes will support and document their activism, meaning-making and ways of learning in their local environments. The research anticipates the co-creation of new insights into the lived experiences of children about, in, and against biodiversity loss. Findings will help inform better response-making to biodiversity loss in formal and non-formal educational settings based on intergenerational equity, eco-social well-being, and living with care alongside other species.

‘Reflecting on experiences of participatory co-creation from the perspective of children and young people involved in the co-creation of educational resources on biodiversity’

Aoife Deane (1), Catriona Reid (2), Diarmuid Torney (3), Katie Reid (4).

1, 2: University College Cork, MaREI Centre; 3: Dublin City University; 4: Independent children’s participation consultant

The Teaching Resources for Youth-informed Biodiversity Education (TRYBE) was an initiative led by UCC in 2023 which sought to engage and empower the younger generation with knowledge to understand the value of biodiversity and to address the critical challenges of biodiversity loss. TRYBE co-designed and co-created educational resources for young people based on the outcomes and recommendations of the Children and Young People’s Assembly on Biodiversity Loss (CYPABL). The Assembly and TRYBE project were modelled on the Lundy model of child participation based on the key concepts of space, voice, audience and influence.

The resources co-created with the young people have been received very positively by schools, education networks, and other stakeholders including the National Youth Council of Ireland, with hundreds of copies ordered and downloaded from our website. Following on from this we are researching the experiences of

the young people involved in the intergenerational co-creation process, and on the perspectives of their parents/guardians, with a view to sharing learnings for other projects or initiatives planning on working in this way with children and young people.

We are proposing a presentation on these learnings, highlighting the findings from our research and offering an insight into the key issues for researchers and practitioners to consider when planning co-creation work involving children and young people in the context of climate justice. This session will also highlight opportunities for further research in this space which serves to empower young people and support the participation and action of young environmental activists.

‘The Wind Whispers: the interface of law and art in representing children’s voices for climate justice’

Kata Dozsa, University of Antwerp; and Eszter Sziksz, DLA, Ringling College, Florida.

Climate justice entails democratic decision-making processes where the most affected groups by climate change - including those with the least power to be directly involved in decision-making -, have equal opportunities to express their views. For children, in particular, participation has been one of the most challenging and often omitted obligation of States. At the annual COP, for example, youth groups (young adults) are expected to represent children’s rights. Although youth seem particularly well-fitted to speak for intergenerational aspects, appointing young adults to represent children’s interests at political fora holds the risk of losing the focus from children’s rights, needs and their authentic views. In addition, alternative means and forms of indirect child-participation are rare in governance processes, and so is research on representation of children. The Wind Whispers project aims to fill this gap, featuring an innovative, interdisciplinary research on the extent and quality of children’s representation in two distinct forms: 1) through ‘proxy’ youth representatives at the COP28; 2) through artistic expressions which were created in October 2023 during the ‘Arctic Circle Residency’ expedition of artists and scientists: children’s original messages were displayed with natural elements such as soil, water, ice and the voices of the wind. The project draws attention to the climate crisis, as well as to how the ‘whispers’ of the most affected and marginalised groups (in this case, children) can be amplified and empowered to achieve impact on decisions and societal attitudes about climate justice.

‘Youth Protagonism in Latin American Climate Litigation’

Laura Rodrigues Gonçales, Latin American Climate Lawyers Initiative for Mobilizing Action (LACLIMA).

Climate litigation has proved itself a powerful tool to provoke governments into acting to effectively ensure environmental protection and the maintenance of a safe climate, for present and future generations. Amidst the growth of climate litigation cases centered on human rights, there has been an increasing trend in the use of litigation as a tool to protect children’s rights in face of the climate crisis. As climate change poses significant threats to the well-being of younger generations, there has been a noticeable surge in legal actions initiated by children and youth seeking to hold governments accountable for their (in)actions in face of the climate crisis. In this context, the present paper seeks to analyze youth-centered climate

litigation in Latin America. Through the acknowledgement and discussion of the region's particularities, with special attention to legal frameworks and rights-based traditions, the present paper aims at exploring how Latin American constitutional traits and international human rights instruments contribute to youth-centered litigation in the region. Furthermore, through the analysis and compilation of cases filed by youth in Latin America, the proposed paper challenged the apparent receptiveness of courts to youth judicial activism, considering the obstacles faced by youth plaintiffs. The proposed study will rely on information from regional climate litigation databases as well as on literature on intergenerational climate litigation in the region.

'Improving access to justice and climate change actions for socio-economically deprived youth'

Elise Lefevre, University College Cork.

The European youth has displayed a strong and growing interest and involvement in climate change, most emblematically by mean of demonstrations (Fridays for Future) and court cases (mainly ECHR case Duarte Agostinho and Others v. Portugal and 32 Other States). This committed young people actually represent a small percentage of the entire European youth population. They essentially have the same social background, i.e., urban and advantaged classes with a strong educational background and political awareness. Climate change concerns however everyone, as thus the question of involving young people with a weaker economic and educational background should be discussed, because they are entitled to join the debates as (future) citizens and because climate change may affect them in a different manner so their needs can somewhat differ.

This paper would look at how children who are socio-economically deprived can join the climate change discussion by participating along with children who are socio-economically advantaged to the demonstrations, court cases, and other impactful actions. Associations involved in social actions with the poorest will here play an instrumental role by bringing the topic of climate change to the poorest and making sure that their voices can be heard. Among these associations, ATD Fourth World (headquartered in France and with a large footprint in the EU, including Ireland) took up the topic and launched reflections and actions on social and environmental justice. This paper would therefore have to look at this particular case.

'The role of the scouting movement in supporting sustainability and youth leadership'

Lorraine Lally, Lawyer.

The role of the scouting movement in supporting sustainability and youth leadership. The paper will focus on the work that has been done by the scout movement internationally and nationally to support youth leadership and empowerment through volunteering in the area of sustainability. The World Organisation of the Scout Movement (WOSM), along with the World Association of Girl Guides and Girl Scouts (WAGGGS), were nominated for the 2021 Nobel Peace Prize, recognising the outstanding contributions that have

empowered hundreds of millions of young people. In Ireland support through Scouting Ireland activities and operation to teach youth best practice standards in implementing climate change. The focus on youth leadership is on overcoming and recognising challenges in the practical application of sustainable living for all of the community through scouting activities. The leadership model is collaborative in that there is an active desire to work in partnership with other stakeholders to reach common goals. A total of 149,671 hours of community service projects and actions have been logged in Ireland by Scouting Ireland through volunteers. The role of scouts and our youth members has been significant in the area of climate change and sustainability. We will be including testimonials from the youth members who have been volunteering as part of the projects which have been funded. We will be providing a survey to the membership on their awareness of the Sustainable Development Goals and the impact of climate change on daily living with a view to assessing the role of scouting in empowering our youth members.

‘Youth climate justice in Africa and the role of corporations’

Femi Amao, Professor of Company Law & Sustainability at University College Cork.

Young climate activists in Africa are increasingly vocal in advocating for robust and just climate policies. They are challenging both their governments and international organisations to take meaningful action against climate change. Africa as a continent is the most vulnerable continents to climate change despite contributing the least to global emissions. The continent faces various climate related challenges such as floods, droughts, and extreme weather events, which affect agriculture, water supply, and overall livelihoods. It is notable that African youth and children are disproportionately affected by climate change due to economic, social, and environmental factors. Corporations play a significant role in this situation. Historically, many businesses have contributed significantly to environmental degradation in Africa through practices like deforestation, pollution, and unsustainable resource extraction and so on.

There is a growing call for corporations to recognise their role in contributing to the prevailing situation. It is contended that corporations will need to be transparent about their impact on the climate and to be willing to take responsibility to provide a just and fair remediation. One way of doing this is for corporations to engage with the emergent youth climate justice. The role of corporations in youth climate justice in Africa, it is suggested, is about transitioning from being part of the problem to becoming a key player in the solution.

The paper will critically examine the legitimacy of the role of corporations and the various options open to corporations in engaging with the youth movement.

‘Accountability of states both for the harm done to children by both action and inaction on climate change’

Diane Duclax, Generations Together.

Exxon Mobil, a big oil company knew since about the 1980’s that there would be huge repercussions on the environment due to oil production and CO2 emissions. Yet, Exxon Mobil as well as other industries, did not

warn its consumers and did not try to exchange oil production for something less polluting like solar energy for example.

In addition, the big oils companies decided to keep the information a secret. They began spreading disinformation on the matter through fake independent organisations like the Green Climate Coalition (GCC)., The GCC was formed in 1989 and publicly challenged the science behind global warming. The organisation was funded by the oil industry, deliberately misinforming people, and making them believe that global warming does not exist.

This research explores how climate change deeply affects children.

It also considers way in which states, governments and others can be held accountable for climate inaction. The first section looks at the health impacts of climate change on children. Thereafter, the second section considers accountability of states both for the harm done to children by both action and inaction.

‘General comment no. 11 on Indigenous children’s and their rights, and its implications in the context of climate change in Nepal’

Nabin Maharjan, University College Cork.

It has been more than a decade that the UN Committee on the Rights of the Child (UNCRC) published its General Comment no. 11 on indigenous children’s and their rights. Most UNCRC signatory nation/states’ policies and programs are influenced by the GC11. However, little attention has been given as to what extent GC11 influenced developing countries like Nepal in designing/developing indigenous children focused policies/programs particularly in the time of climate crisis. In this paper, I will first review General Comment No. 11 in Nepal’s context and then analyse its recommendations on indigenous children’s rights. Finally, the paper examines Nepal’s national law and policies related to indigenous children’s rights linking them to general comments no. 11 and the climate change context.

ONLINE PROGRAMME

‘Chalo, Basti Badlein*’: A Youth-Driven Climate Justice Action Plan’ *Hindi phrase loosely translating into ‘Lets Transform our Basti (informal settlement)’

Dulari Parmar, Consultant, Youth for Unity and Voluntary Action.

The injustice of the climate crisis is that marginalised people contribute minimally to the emissions, yet are forced to bear the brunt of climate vulnerabilities (Islam & Winkel, 2017). Within this context, there are fewer or no opportunities for youth to articulate their needs. In response, Ambojwadi, a coastal urban poor settlement in Mumbai, was identified as a climate hotspot through YUVA’s Climate Hazard Mapping (YUVA, 2023), underscoring the need to enable space for the voices of the youth within this vulnerable community.

In 2022, facilitated by YUVA and spearheaded by youth from the community, a Vulnerability Assessment (VA) process was initiated. Through geo-tagging, the youth documented climate vulnerabilities, exploring their intersections with everyday challenges such as drainage, open spaces, and transportation. Taking into account their personal experiences they actively reshaped the VA to ensure it was tailored to the specific context of their settlement.

This resulted in the Community Climate Action Plan (CCAP) – a tool and vision that identifies priority areas for climate action, including stormwater, sanitation, health, housing, and their interlinked vulnerabilities. The youth now part of their local groups (*Mohalla Committees*) help prioritise demands in CCAP and advocate with the local ward office. In collaboration with Ambojwadi residents and authorities they aim to implement local adaptations. YUVA intends to extend the climate justice approach in various Indian cities, weaving a 'Tapestry' of micro-efforts for macro urban transformations (Mehta et.al., 2021). The youth of Ambojwadi showcase a pilot on power of collective strength, participatory action, and grassroots climate justice.

‘Children as Catalysts for Change: Empowering the Next Generation in Climate Justice Advocacy’

Solange Swiri Tumasang, Kids for Kids Cameroon.

This empirical and evidence-based research initiative delves into the transformative role of children in driving climate justice advocacy and advancing a healthy and just environment. By recognizing children as active agents of change, this study investigates innovative strategies that empower them to become advocates for climate justice and architects of a sustainable future.

Through a comprehensive research approach encompassing surveys, interviews, and case studies, this study examines the distinct perspectives, experiences, and contributions of children in fostering a healthy environment with a focus on social justice. The research reveals that children possess a deep understanding of environmental issues and climate change, demonstrating a high level of concern for their impact on the planet and their own well-being.

Moreover, the study highlights the disproportionate impact of climate change on children's rights to a healthy environment, particularly in marginalized communities. It uncovers instances where children in these communities exhibit remarkable resilience and agency in addressing environmental challenges, showcasing their potential as change agents.

The research identifies successful interventions and initiatives that empower children to participate actively in climate justice advocacy. From community-led projects to school-based programs, these efforts amplify children's voices, enhance their agency, and foster intergenerational collaboration. The study underscores the crucial role of education, awareness campaigns, and digital platforms in mobilizing children's participation and broadening the reach of their advocacy.

The findings of this research provide concrete evidence to support policy recommendations and practical strategies for promoting a healthy environment and social justice. By recognizing and harnessing the power of children, society can build a future that prioritizes sustainability, equality, and the holistic well-being of all individuals.

This work has the potential to inspire global action, policy reforms, and the realignment of societal values. By embracing children as catalysts for change, we can collectively shape a future where a healthy environment and social justice are not mere aspirations but fundamental human rights realized for the benefit of all.

‘Afterlives of Wangari Maathai’s Green Belt Movement and Youth Climate Justice in Kenya’

Muindi Paul Wambua, University of Nairobi.

Wangari Maathai pioneered tree-planting efforts not only in Kenya but worldwide. Her international recognition with the Nobel Peace Prize accolade took the whole climate discourse to a whole new level. Not surprisingly, following this legacy perhaps, the Kenyan government announced the JazaMiti Initiative to plant some 15 billion trees over ten years to fight climate change. This paper considers the influence of Wangari Maathai among the youth engaged in climate action to illustrate the intersection of youthful agency and initiative with climate justice. Through a case study of ‘Trees4Goals’ and the ‘GGI Initiative’ of Lesein Mutunkei and Elizabeth Wathuti respectively, I argue that youth are not only present but are active actors within the climate space in Kenya. My argument borrows from Hilder and Collin’s concept of educative movement building to understand the role of young environmental activists in peer-to-peer climate sensitisation. In fact, their approach to tree planting leverages their social capital of being young fostering better ways of climate education, of course, to inspire climate action and justice. This paper also fashions both initiatives as heeding the clarion call of Wangari Maathai’s autobiography, *Unbowed*,

embodied in the story of the hummingbird. As a result, the two young eco-warriors are not only engaged with their specific initiatives but are equally, just like the hummingbird, doing what they can to combat climate change.

‘Fostering Children’s Rights through an Eco-centric Approach: The Indian Experience’

Manjeri Subin Sunder Raj, Expert Member of the Harmony with Nature Network, UN.

General Comment No. 26 of the UN Committee on the Rights of the Child, issued in August 2023, marked the beginning of a new epoch in the field of child rights – by placing responsibilities on governments to take actions in light of the climate crisis. The rights of children to live in a clean, healthy and sustainable environment has been affirmed. While there is absolutely no question as to the importance of this right, the implementational hurdles that it might face, especially in developing countries, is a matter of grave concern. Climate crisis, which every country in the world faces, and the governmental response to it, especially in light of the new directive should definitely be under strict scrutiny. The developments made in the field of Rights of Nature, it is felt, if implemented properly, could definitely be a shot in the arm for the General Comment No.26. By carving out newer avenues in the field of child rights, or the rights of the next generation, and reading into it, an eco-centric approach, it is felt would be more amenable in creating a much-needed balance between human rights and the rights of the environment. The paper aims to explore the inclusion of a right to live in a healthy environment, in the Indian context, under Art. 21 of the Constitution of India, and by relying on the development of Rights of Nature, delve into as to whether it could provide an impetus to create a better future for our children.

‘Unveiling Epistemic Rights: Children, Climate Justice, and Knowledge Equity in the Latin American Context’

Pedro Hernando Maldonado Castañeda, Universitat de Barcelona.

An integral component of climate justice centres around the entitlement to information within a context permeated by misinformation. In recent years, children across the globe have actively voiced their support for climate justice, recognizing the significance of their involvement in this crucial matter. Epistemic rights encompass a range of entitlements designed to safeguard and regulate the quality, dissemination, and accessibility of epistemic goods. These entitlements include the right to know, be informed, and possess the truth. By violating an individual’s epistemic rights, one demonstrates an unwarranted disregard for the corresponding responsibilities associated with that person’s entitlements to epistemic goods. When barriers are erected to protect one’s right to acquire specific knowledge while simultaneously infringing upon the rights of others, an inequitable distribution of knowledge emerges. This is particularly evident when such barriers are systemic in nature and exhibit discriminatory patterns against an entire social group to which an individual belongs. The present study undertakes an examination of the epistemic rights of Latin American children’s activist in relation to environmental issues, with a focus on both their right to know and their role as contributors to environmental knowledge. These particular aspects represent

notable gaps within the existing framework of children’s rights conventions, warranting further exploration and investigation.

‘Taking climate justice to the Global South: Toward transformative youth climate justice in Africa’

Ralph Tafon, Södertörn University, Sweden, Fred Saunders et al.

Worsening climate impact has spurred youth mobilizations globally in what was hitherto an adultist climate change governance. However, the literature focuses on the actions of highly mobilized youth in the Global North (Ritchie 2021), thereby failing to account for youth mobilizations in the Global South, especially in Africa (Nkrumah 2021) and confronting differentiated climate risks and related governance challenges that contribute to strip young Africans of expressions of agency and their full and effective enjoyment of rights.

This paper takes youth climate justice to the Global South, particularly to Africa. First, we analyze the Nationally Determined Contributions (NDCs) of 10 African countries (Benin, Burkina Faso, Cameroon, Chad, Côte d’Ivoire, Guinea, Mali, Niger, Nigeria, Somalia) to assess the extent to which these NDCs are child-responsive. These countries are chosen based on having the world’s highest triple burden of children lacking basic water, under-five child deaths from unsafe water, sanitation and hygiene (WASH) related diseases, and climate threats that impact WASH services (UNICEF 2023). The analytical approach focuses on understanding the extent to which children’s vulnerabilities and well-being are considered in the respective NDCs in the context of climate change impacts and action. Against this backdrop, we explore the mobilizations of African youth to develop a typology of African youth climate mobilization (scales, motivations, organizational structures, rights-based issues, tactics), and identify achievements (spheres of influence) and hindering factors (regulation, financial mechanisms, cultural norms). Next, we chart pathways toward transformative youth climate justice in Africa, focusing on policy, research, and youth mobilization itself.

‘Global youth engagement for climate justice: Opportunities for public health and health promotion’

Grace Arnot et al, Deakin University.

Children, young people and future generations will be most impacted by the climate crisis. Youth-led initiatives including climate justice protests, youth climate organisations, and social media advocacy have been important for enabling the sharing of information and building of communities. Yet, these mechanisms afford children and young people no structural power to influence climate decision-making.

Methods

In-depth interviews and photo elicitation techniques were used to investigate the perspectives of $n=28$ children (aged 12-16 years) in Australia about their ability to influence decisions made about the climate crisis, and strategies and mechanisms to engage them in climate decision-making processes. A reflexive approach to thematic analysis was used to construct themes from data.

Results

Participants described their right to have a say in climate decision-making, stating that they and future generations will be most impacted by the increasingly harmful consequences of the climate crisis. Participants described a range of strategies and mechanisms to engage children and young people in climate decision-making, ranging from high-level engagement including youth representatives in policy making, mid-level engagement such as with intermediary youth organisations, and lower-level engagement including petitions and surveys. Participants discussed the need for population-level engagement, and highlighted the importance of knowledge and perspectives of children and young people in lower-middle income countries and Indigenous communities.

Implications

Children and young people are knowledgeable, proactive and powerful voices for climate action. Health communities globally must partner with them to develop strategies and mechanisms to engage them as legitimate democratic and political influences in climate decision-making.

‘The Impact of Natural Disasters on Rights of Children: Perspectives from India’

Shashikala Gurpur, Director, Symbiosis Law School Pune and SCALSAR, and Dean, Faculty of Law, Symbiosis International University, Sujata Arya, Symbiosis International University, Manika Kamthan, Assistant Professor, UPES Dehradun.

The recent climate change crisis reinforces that the world is nowhere close to fulfilling its obligation set under the Paris Agreement of keeping the temperatures below the 1.5 degrees Celsius by the end of this century, (2023 Nationally Determined Contributions Synthesis Report).

The entire world is facing the brunt of the effects of climate change, however countries like India face an unequal burden leading to increased vulnerabilities for its population more so its children.

As highlighted by UNICEF, a climate crisis is a child rights crisis. Climate change has emerged as the greatest threat facing the world’s children and young people.

India is most prone to natural disasters and in recent times has witnessed nearly every type of natural hazard, including floods, cyclones, droughts, heat waves, lightning etc.

Apart from climate change; unplanned expansion, mindless development and degradation of natural environment have significantly contributed to the increasing calamities.

These natural disasters have proved disastrous for the local communities and have had widespread ramifications for the families leaving them impoverished and vulnerable, and more so for the women and girl children making them an easy target for human traffickers.

Homeless, without livelihood or basic necessities, they are forced to seek refuge at any available place including railways, parks, temporary shelter homes resulting in them being trafficked into sex trade, beggary, child marriages, organ harvesting or domestic slavery.

The authors in this research paper will establish the connection between natural disasters and the menace of trafficking. The research paper will further highlight the aggravated vulnerability of women and girls to crime and more so to trafficking as an aftermath of natural disasters.

For the purposes of research, the authors will take selected States from India like Bihar, Odisha, West Bengal and Uttar Pradesh based on their vulnerability to perennial floods and repeated reporting of human trafficking from these areas.

The paper will critically analyse the existing national and international framework and its implementation for effective protection of the rights of the children especially girls in case of natural disasters drawing from the lessons from the ground and its incorporation into law, policy or judicial pronouncement keeping in mind the best interest of the child.

‘The impact of climate change on school education: Perspectives and voices of adolescent Adivasi girls in India’

Priyambada Seal, Moray House School of Education and Sport at the University of Edinburgh.

India is one of the most vulnerable countries to the impact of climate change. India is also home to the largest number of out-of-school girls in the world. However, how climate change intersects with and compounds existing barriers to girls’ education is an area that has not been adequately studied. Further, girls’ voices and their lived experiences in a climate-stressed region are largely missing from the literature. This project will apply the capability approach, and intersectionality frameworks to understand how climate change affects educational access and attainment. It will use a feminist post-colonial qualitative approach through photovoice and semi-structured interviews that will seek to include perspectives and voices of adolescent *Adivasi* girls. By viewing girls as co-creators of knowledge, the project will contribute to a greater understanding of their lived experiences in a climate-stressed region, and how climate change intersects with existing barriers to girls’ education.

‘Can children’s rights norms deliver accountability for climate change related violations? A perspective from Africa’

Samrawit Getaneh, African Committee of Experts on the Rights and Welfare of the Child, African Union.

Climate change adversely affects a wide range of children’s rights in Africa such as right to life, right to health, right to education and others. The adverse impacts are expected to exacerbate. However, accountability for these violations is severely lacking. Children in Africa are among the most vulnerable groups to the impact of climate change, however the negligible contribution of the continent as a whole to causing climate change means that the most effective remedy lies in the international fora.

In a quest for accountability, the focus of the paper is on one of the key elements for accountability, which is establishing a legal responsibility. There are various commonly cited legal challenges in applying human rights laws to climate change issues. The transboundary nature of the harm caused by climate change raises the challenges associated with extraterritorial application of human rights norms. Furthermore, the diffused nature of climate change, with multiple factors and actors contributing to the phenomenon and the disconnect between the major emitters and most affected communities raises concerns over the notion of state responsibility and causation. The paper analyses these barriers and proposes ways of overcoming them, it further argues that children’s rights norms and principles bring added values to the discourse of climate change. The analysis focuses on African children, as one of the most affected groups by climate change and their right to a remedy at international forums of accountability where both African children and nations most responsible for climate change meet.

‘Climate Change-Induced Child Marriage: A Threat to Girl Child Rights’

Shuma Talukdar, Supreme Court of India.

Climate change has emerged as a multi-faceted global challenge with far-reaching implications for human societies. Beyond its well-documented environmental consequences, there is a growing body of evidence highlighting its intricate connection to social issues, particularly the alarming rise in child marriages. This study explores the nuanced relationship between climate change and the surge in child marriages, elucidating the profound impact on the rights of the girl child.

As climate change exacerbates natural disasters, resource scarcity, and economic instability, vulnerable communities are compelled to adopt coping mechanisms that often undermine human rights, particularly those of girls. Heightened poverty and the depletion of essential resources intensify societal pressures, pushing families to resort to child marriages as a perceived survival strategy. Early marriages not only curtail a girl’s education and personal development but also expose her to increased health risks and perpetuate cycles of poverty.

The adverse effects of climate change on agriculture and livelihoods contribute to the commodification of girls, as they are seen as economic assets or burdens to be managed through marriage. This study emphasizes the urgent need for comprehensive interventions that address the intertwined challenges of climate change and child marriages, advocating for laws and policies that safeguard the rights of girls and

promote sustainable development strategies. By recognizing and addressing these linkages, we can foster resilience, protect vulnerable populations, and empower girls to break the shackles of climate-induced adversity.

‘Climate anxiety in early childhood: A scoping review’

Jane Spiteri, University of Malta.

As intensity of the climate crisis increases and the scientific evidence of its impacts on child development become more evident, there is emerging evidence suggesting that young children may be experiencing a noteworthy psychological strain in the shape of climate anxiety, and this can increase as they learn more about it. The distress induced by climate change manifests as heightened anxiety, hence the term ‘climate anxiety’, among children who grapple with concerns about the uncertainties surrounding their future in the face of environmental challenges. Despite the increased international recognition of climate anxiety in young children as a valid mental state, there is little empirical evidence detailing how climate anxiety manifests in young children before age eight, or describing the interventions considered most effective in addressing it. The present scoping review aims to understand how climate anxiety in early childhood is operationalised in the literature, identify knowledge gaps in this new and emerging field, and provide an initial point for scoping climate anxiety in early childhood, a topic that has not been investigated in-depth (yet). The findings suggest that while climate change and mental health represents a rapidly growing field of research, similar research in early childhood is still in its infancy. Any available research is presented from a Western perspective, and further research is needed to provide conceptual clarity of climate anxiety in early childhood from non-Western countries and indigenous perspectives. Further research employing diverse methodologies is needed to respond with evidence-based and child-friendly mitigation and adaptation strategies.

‘Climate justice and children’s right to participation’

Aparecida Stoeberl, Pamplona; Cristiane, Danielle Anne, Hertie School of Governance.

The climate crisis affects different groups with a greater impact on groups made up of people in vulnerable and developing situations, such as children. For this and other reasons, Climate Justice is about guaranteeing and protecting human rights and children's rights in relation to climate and the environment. This work, through qualitative research, aims to analyze the child's right to participation as one of the principles of Climate Justice through the report on the consultation carried out with children in Brazil and Mexico. In order to contribute to General Comment no. 26, more than 400 children from Brazil and Mexico were interviewed about the impact of climate change. Analysis of the responses revealed that it was the first time that children were being consulted about this and that they would like to be heard, as climate change affects their lives in several aspects, such as increased temperature, increased fires and floods, compromised quality air and water, changing routine and reducing outdoor activities. Furthermore, children recognize that they are more affected than adults because they are more vulnerable due to their

condition as developing people and affirmed the importance of taking urgent measures to contain the effects of climate change and guarantee the rights of future generations. The report demonstrated that children's participation must be secured and considered in the search for Climate Justice.

‘The nexus between the climate justice and Section 15 “the right of a child to free, compulsory and universal basic education” of the Child Rights Act in Nigeria’

Adesuwa Omozusi, ForestHill Legal Practice.

34 states out of the 36 states in Nigeria have domesticated the Child Rights Act. The domestication of the Child Right Act does not translate to effective implementation of the provisions of the Act. According to a recent UNICEF report, “in Nigeria about 10.5 million children are not in school even though primary education is officially free and compulsory.” The aforementioned statistics is the reality of many African countries. Hence, the importance of climate education to climate justice. Education on climate change, climate justice would expedite resilience among children by increasing knowledge and appropriate orientation whilst in the long term building trust. Adequate training, investment is required to train educators on the subject of environmental science, climate change and sustainability. This will equip children to understand and combat the rising impact of climate change in their community. Failure to introduce and implement climate education as a step towards climate justice, will leave the Nigerian child ill prepared and ignorant to climate change reality. This paper will analyze the nexus between climate justice and climate education in Nigeria and proffer solutions on the way forward.

‘Strategic climate litigation on the rights of child and youth: a new frontier for climate litigation in Brazil?’

Carolina Garrido, State University of Rio de Janeiro; Mariana Mariani, Brazilian Bar Association.

In many jurisdictions, climate litigation is being led by youth groups and highlights how children are especially vulnerable to the climate crisis. However, in Brazil, the number of climate cases concerning the rights of children and youth is strikingly low. Considering this, we aim to analyse to what extent there is potential for strategic climate litigation in Brazil involving children and youth. In this effort, we will first introduce the concept of climate justice from the child and youth perspective and how they are unequally impacted, drawing on UN documents on children’s rights in the context of the climate crisis (e.g. Reports of Special Rapporteurs on Human Rights, CRC’s General Comment on the right of children to a healthy environment, the CRC’s decision concerning communication number 104/2019). Then, we will analyse relevant aspects of the Brazilian legal order to show how these rights are being violated, especially the framework for protecting the rights of children and the youth read in conjunction with Environmental Law, highlighting that the Brazilian Constitution protects the right to a healthy environment – including the principle of intergenerational justice – and the best interests of children and youth. Considering that, we will present a panorama of Brazilian case law that can work as jurisprudence to pave the way for climate litigation in this area, also drawing lessons from relevant international climate litigation. Finally, we will

conclude that there is strong, yet unexplored, potential for strategic climate litigation on the rights of children and youth in Brazil.