



Climate Change, the Rights of Children, and the Duty of Care

Diplomacy Training Programme, Youth Law Australia, Australian Lawyers for Human Rights and the Human Rights Institute Webinar

Dr Noam Peleg, 29 July 2021

Sharma by
her litigation represe
ntative Sister Marie
Brigid Arthur v
Minister for the
Environment [2021]
FCA 560

What was the case about?

The legal framework

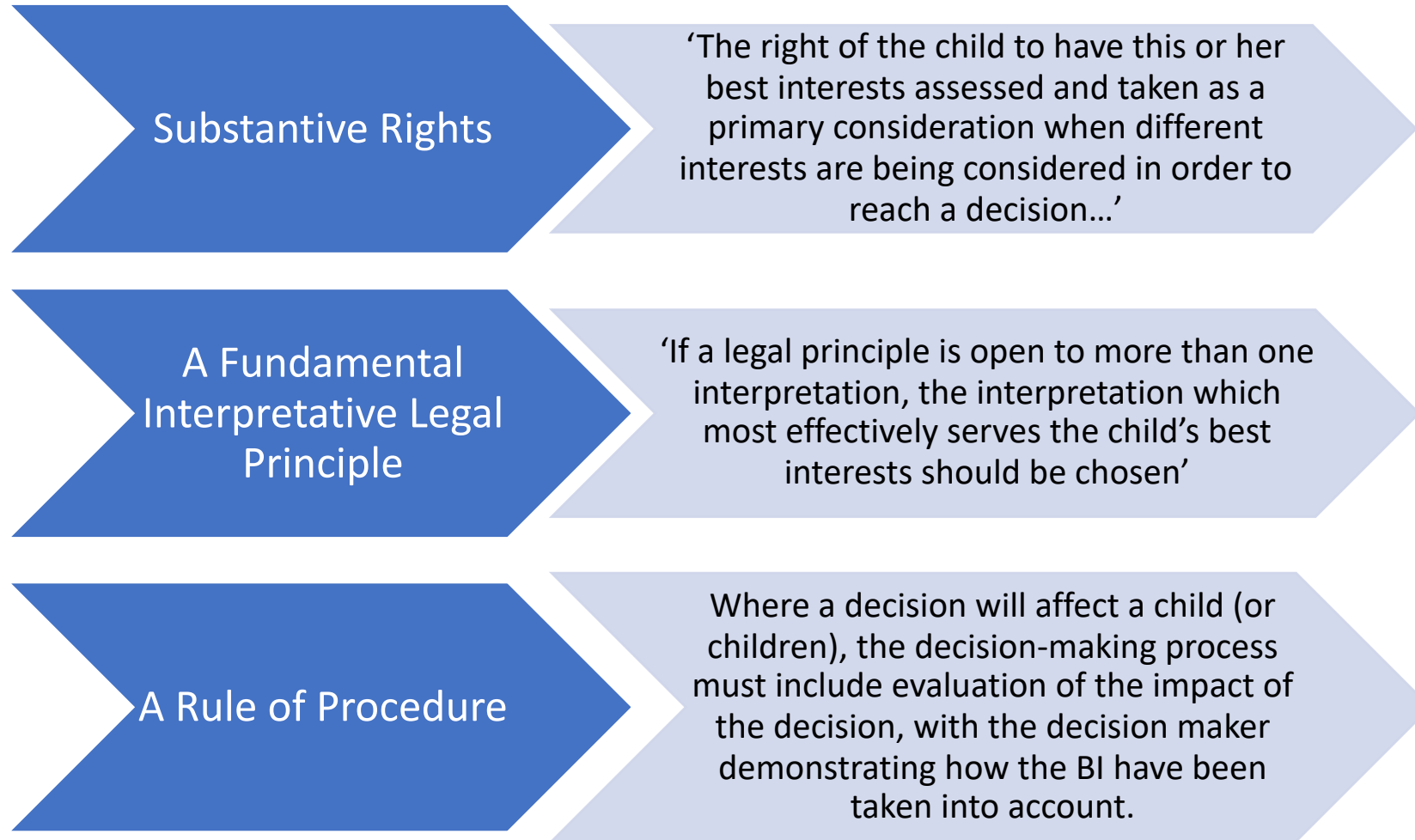
The Judgment

Duty of Care and children

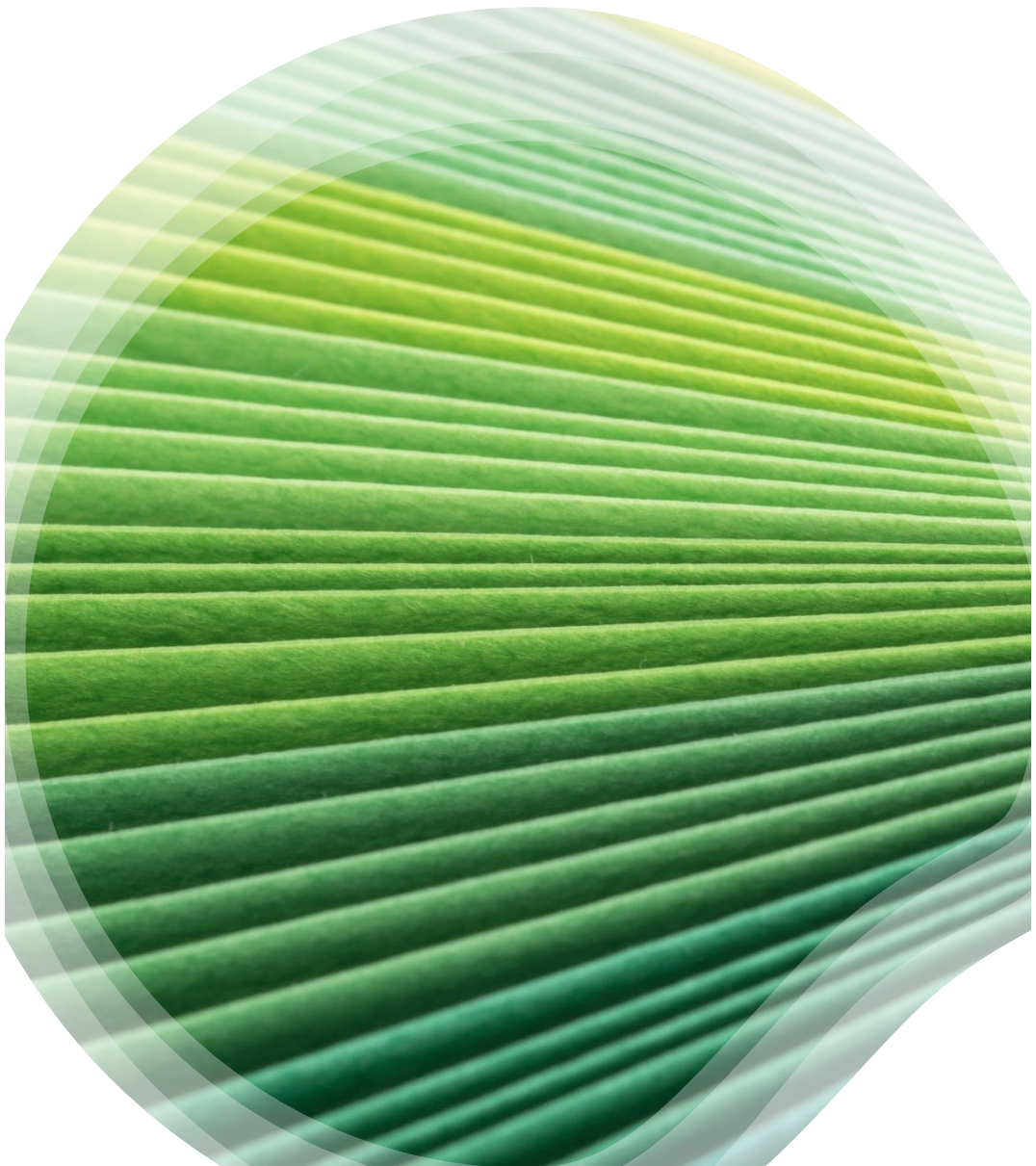
The Best Interests Principle

Climate Justice litigation around the
world

Article 3 as a Threefold Concept



UNCRC, General Comment no 14 (2013) *on the right of the child to have his or her best interests taken as a primary consideration* (art. 3, para. 1), 29 May 2013, CRC/C/GC/14



General Principles of the UN Convention on the Rights of the Child

Article 2 – the right to non discrimination

Article 3 – the principle of the best interests of the child

Article 6 – the right to life, survival and development

Article 12 – the right to participation

Source: UN Committee on the Rights of the Child, *General Comment no 5 (2003) General measures of implementation of the convention on the rights of the child*, 27 November 2003, CRC/GC/2003/5

Climate Change Litigation around the world - recent examples

- Netherland - 19/00135 The State Of the Netherlands (Ministry of Economic Affairs and Climate Policy) *and Stichting Urgenda* (20 December 2019)
- Germany - Constitutional Court decision BvR 2656/18
- Case No. 39371/20 Cláudia Duarte Agostinho and others v Portugal and 33 other States (submitted 7 September 2020).
- Greta Thunberg and others - Communication to the UN Committee on the Rights of the Child (2020).