



Children's rights and climate change: A Pacific perspective

Diplomacy Training Program
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International Court of Justice Advisory Opinion on Climate Change

What is it?

Influential opinion from the “World’s Court” on two key questions:

Obligations and legal consequences of climate change and future generations (i.e. children and young people).

How will this make “real” change?

The opinion will guide climate change international law and promote climate justice for countries most affected by climate change – including the Pacific.

How will this help Pacific children and communities?

Influence key decisions around climate and children’s rights in the Pacific and around the world.

Promotes the rights of children to health, education and safe homes, schools and communities.

Where it all began

In March 2019 students from eight Pacific Island countries began a campaign to persuade the leaders of the Pacific Island Forum to take the issue of **climate change and human rights** to the **International Court of Justice**.



**PACIFIC ISLANDS
STUDENTS FIGHTING
CLIMATE CHANGE**

www.pisfcc.org/

Vanuatu: global leader in climate policy

Vanuatu presented the idea to the UN General Assembly which agreed that the International Court of Justice would provide an opinion on climate change.



What is the International Court of Justice?

The World's Court (part
of UN system)

15 judges of different
nationalities

Elected by UN General
Assembly and the UN
Security Council

Resolves disputes
between countries –
“judgments”

Provides advise on legal
questions – “advisory
opinions”



The questions

What are the obligations of States under international law to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases for States and for **present and future generations**;

What are the legal consequences under these obligations for States where they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment, with respect to:

- i. States, including, in particular, **small island developing States**, which due to their geographical circumstances and level of development, are injured or specially affected by or are particularly vulnerable to the adverse effects of climate change?
- ii. Peoples and individuals of the present and **future generations** affected by the adverse effects of climate change?

Key considerations

In the development of submissions, Member States are under NO OBLIGATION to consult with ‘future generations’ (i.e. children and young people).

Young people are the most affected by climate change, and the “*least able to participate in decision making*”.

United Nations General Assembly, *Promotion and protection of human rights in the context of climate change*, 76th sess, Agenda Item 69(b), UN DOC A/RES/77/226 (26 July 2022) (at [73]).

Convention on the Rights of the Child

Article 12

States parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child

Article 24

States parties recognize the right of the child to the enjoyment of the highest attainable standard of health

Article 29

Education should prepare children and young people...teach them how to live in an understanding and tolerant way....that respects their environment

General Comment 26

UN CRC

GC26 is the first international instrument establishing the link between environmental degradation and climate change.

It clearly establishes that environmental degradation and climate change results in child rights being unfulfilled, including the right to life. It also establishes that children have the right to a clean, healthy and sustainable environment.

Parties to the CRC are accountable to the actions required under the GC26.

GC26 establishes a benchmark against which governments' action will be measured and evaluated, particularly through the CRC reporting mechanism, other human rights accountability mechanisms such as the Universal Periodic Review and even through litigation.

GC26 relates to every aspect of children's life.

Covers children's rights ranging from right to life, health, food security, child protection, to right to play and leisure, education. It **provides guidelines** as to how to integrate environmental and climate concerns in the areas of work of each child right, as it is affected by environmental degradation and climate change.

Not complying with environmental obligations, governments, business and other stakeholders are violating child rights. Because environmental degradation and climate change have direct negative impact on child rights, inaction or action that exacerbates environmental degradation and climate change **constitute violation of child rights.**

Save the Children

1. Pacific Country Offices support State submissions

- Engage with climate justice and youth participation networks and initiatives
- Create awareness of climate change and children's rights
- Support State draft submissions
- Provide evidence and case studies to be included in submissions

2. Facilitate child-led and youth-led initiatives

- Proud to be partnering with Pacific Island Students Fighting Climate Change and UNICEF to support child-led forums to elevate voices of children and young people

3. Advocate and support ongoing climate change and human rights dialogues



Thank you!

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