

CLIMATE CHANGE & CHILD-FRIENDLY JUSTICE

CFJ-EN Handbook – 2024 Special Edition



CFJ-EN

Child Friendly Justice
European Network



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Table of contents

Acknowledgements	1
Acronyms	2
Foreword	3
About the CFJ-EN	4
1. Glossary of key terms and concepts	5
2. Compilation of resources on climate change's impact on children's rights	17
2.1. Briefs and Reports	19
2.2. Database, Map Viewers and Websites	22
2.3. Manuals, Guidelines, and Handbooks	24
2.4. Advocacy and Policy Documents	25
3. Key Legal Standards and Case law on climate change & child-friendly justice	27
3.1. International framework	28
3.1.1. Climate/Environment-Focused Legislation	28
3.1.2. Other Relevant International Resources	33
3.2. European framework	36
3.2.1. European Union	37
3.2.1.1. Climate/Environment-Focused Legislation	37
3.2.1.2. Other Relevant Resources	40
3.2.2. Council of Europe	41
3.2.2.1. Climate/Environment-Focused Legislation	41
3.2.2.2. Other Relevant Resources	42
3.3. Selection of Case law relating to climate change and child-friendly justice	44
3.3.1. Decided Cases	44
3.3.1.1. Access to Justice	44
3.3.1.2. Right to Private and Family Life	45
3.3.1.3. Right to Health	46
3.3.1.4. Freedom of Assembly	47
3.3.2. Adjourned, Pending and Settled Cases	47
3.3.2.1. Access to Justice	47
3.3.2.2. General Environmental Protection	48
3.3.3. Dismissed Cases	48
3.3.3.1. Access to Justice	48
3.3.3.2. Failure to implement climate protection law	49

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Acronyms

ACRONYM	MEANING
ACRSL	Advancing Child Rights Strategic Litigation
CBD	United Nations Convention on Biological Diversity
CCPE	Consultative Council of European Prosecutors
CESCR	Committee on Economic, Social and Cultural Rights
CFJ	Child-friendly Justice
CFJ-EN	Child Friendly Justice European Network
CoE	Council of Europe
CJEU	Court of Justice of the European Union
CRC	Convention on the Rights of the Child
CRIN	Child Rights International Network
DCI	Defence for Children International
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (commonly known as European Convention of Human Rights)
ECSR	European Committee of Social Rights
ECTHR	European Court of Human Rights
EEA	European Economic Area
EU	European Union
EPA	Environmental Protection Agency
FRA	European Union Agency for Fundamental Rights
GHG	Greenhouse Gases
IPCC	Intergovernmental Panel on Climate Change
LSE	London School of Economics and Political Science
SDG	Sustainable Developmental Goal
TFD	Task Force on Displacement
UN	United Nations
UNICEF	United Nations Children's Fund
UNECE	United Nations Economic Commission for Europe
UNFCC	United Nations Framework Convention on Climate Change
VCLT	Vienna Convention on the Law of Treaties

Foreword

This special edition of the CFJ-EN Handbook focuses on climate change and child-friendly justice. It has been prepared by the Operational Team of the CFJ-EN. It is the third in a series of annual handbooks on the effective adaptation of European justice systems (criminal, civil and administrative) to child-friendly justice (CFJ) principles.

What does this Handbook include?

This handbook lists resources and tools developed by the CFJ-EN and its members (manuals, toolkits, position papers, training material, research reports, etc.), legislation and main case law on CFJ at regional level, as well as main events related to climate change and child-friendly justice. It is made accessible to all, published in an online format, in English, on the [website of the CFJ-EN](#).

Why was this Handbook developed?

This handbook provides a mapping of the legal framework applicable to climate change and CFJ and initiatives and resources, which will allow practitioners working with children to have an overview of the general context and to better orient their actions. While it does not pretend to be exhaustive, as it contains a selection of resources, it is well meant to be a “toolbox” for professionals where they can easily find a set of legal resources, as well as recent resources that were developed mainly by CFJ-EN members in the framework of regional projects and initiatives. This toolbox aims to assist them in their decision-making processes.

Who is the Handbook for?

This handbook is a tool for any legal and non-legal professional who is interested in understanding how climate change impacts the rights of children, and how children can claim their rights when impacted/infringed upon by climate change. This handbook provides a glossary of terms and texts and an overview of significant case law which apply to climate and child rights and their intersection.

About the CFJ-EN

The Child Friendly Justice European Network (CFJ-EN) was launched in 2019 informally by the Europe sections of Defence for Children International. Thanks to the formalisation of a Framework Partnership Agreement with the European Union, the CFJ-EN has been fully operational since April 2022. The CFJ-EN has, as of September 2024, 36 members in 21 countries in Europe. Its members include civil society organisations, research institutes and individual experts.

The purpose of the CFJ-EN is to federate organisations across Europe, influence policies and legislations and disseminate information in relation to CFJ at European regional and national levels. The vision for the future is that children in Europe have access to age appropriate, inclusive and diligent services and practitioners equipped to implement CFJ. To implement this vision, it bases its work on the Convention on the Rights of the Child and aims to support the implementation of the Council of Europe Guidelines on child-friendly justice, the European Directives on procedural safeguards and on victim's rights, as well as other key European instruments.

The CFJ-EN aims to:



Strengthen children's agency, by promoting meaningful and inclusive participation of children and young people and making practitioners working with children understand the importance of child participation.



Promote quality of practice, by increasing capacities of legal and non-legal practitioners who work with children and sharing knowledge and expertise across Europe on child-friendly justice.



Ensure accountability, by informing European policy makers and making them aware of inspiring practices and informing national policy makers and making them aware of latest developments in child-friendly justice.



Strengthen the network, by strengthening the capacities of the Network to communicate on and promote child-friendly justice and mobilising support to members and fostering collaborations across Europe towards effective access to justice for children.

01

GLOSSARY OF KEY TERMS AND CONCEPTS

Glossary of key terms and concepts

The following glossary of key concepts and terms aims to put forth a common understanding about what is at stake and to clarify some key concepts that are commonly used in various ways. Some terms are climate-specific, others are child-rights specific, and some are at the intersection of both concepts. Some of these terms have been defined below by international organisations or international panels of experts. The definitions offer a slice of terms and corresponding definitions that apply in the context of children’s rights. Overall, these terms serve to provide a foundation for grappling with the KEY WORDS concerning how climate change affect’s children’s rights and how children can claim and exercise their access rights (see definition below).

ACCESS RIGHTS AND CLIMATE GOVERNANCE

“Access rights are:

- the right to participate in decisions on climate change,
- the right to information on climate change,
- the right to justice in matters related to climate change.

It is important to guarantee access rights within the framework of climate governance to ensure the genuine and effective integration of individuals, groups or communities into processes or decisions related to potential climate actions. This may be at the local, national or international levels.”¹

ACCESS TO JUSTICE FOR CHILDREN

Access to justice is related to [Sustainable Development Goal 16](#), “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”, and more precisely, SDG 16.3, “Promote the rule of law at the national and international levels and ensure equal access to justice for all”.

According to the [UN Human Rights Council \(UN A/HRC/25/35\)](#), access to justice for children “(4) refers to the ability to obtain a just and timely remedy for violations of rights as put forth in national and international norms and standards, including the Convention on the Rights of the Child. It applies to civil, administrative and criminal spheres of national jurisdictions, including customary and religious justice mechanisms, international jurisdictions, as well as alternative and restorative dispute resolution mechanisms, and covers all relevant judicial proceedings, affecting children

¹ [Climate glossary for young people](#), UNICEF, 2020, 5.

without limitation, including children alleged as, accused of, or recognized as having infringed the penal law, victims and witnesses or children coming into contact with the justice system for other reasons, such as regarding their care, custody or protection. (5) The concept of access to justice for children requires the legal empowerment of all children. They should be enabled to access relevant information and to effective remedies to claim their rights, including through legal and other services, child rights education, counselling or advice, and support from knowledgeable adults. Moreover, access to justice for children requires taking into account children's evolving maturity and understanding when exercising their rights."

Additionally, according to the [Aarhus Convention](#) (article 9) "each Party shall ensure that, where they meet the criteria, if any, laid down in its national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of its national law relating to the environment."

ADAPTATION

"In human systems, the process of adjustment to actual or expected climate and its effects, in order to moderate harm or exploit beneficial opportunities. In natural systems, the process of adjustment to actual climate and its effects; human intervention may facilitate adjustment to expected climate and its effects."² See *also climate adaptation*.

ADVERSE EFFECTS OF CLIMATE CHANGE

As defined by the UNFCCC, "changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare."³

BIODIVERSITY

"Biodiversity or biological diversity means the variability among living organisms from all sources including, among other things, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems (UN, 1992)."⁴

CHILD

Per the definition of child of the [UN Convention on the Rights of the Child](#), a child is every person below the age of 18.

² [Special Report: Special Report on Climate Change and Land: Annex-I Glossary](#), Intergovernmental Panel on Climate Change (IPCC), 2019, 804

³ UNFCCC, 1992, 3.

⁴ [Special Report on Climate Change and Land: Annex-I Glossary](#), IPCC, 2019, 806.

CHILD-FRIENDLY JUSTICE

According to the Council of Europe, “child-friendly justice’ refers to justice systems which guarantee the respect and the effective implementation of all children’s rights at the highest attainable level, bearing in mind the principles listed below and giving due consideration to the child’s level of maturity and understanding and the circumstances of the case. It is, in particular, justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.”⁵

CHILD RIGHTS STRATEGIC LITIGATION

According to the definition proposed by ACRSL, Child Rights Strategic Litigation is a “Litigation that seeks to bring about positive legal and/or social change in terms of children’s enjoyment of their rights.”⁶ See also *Climate Litigation*.

CHILD-SENSITIVE CLIMATE POLICY

“Guidelines established so that adaptation, mitigation and other areas of climate action guarantee the protection and enjoyment of children’s rights, paying special attention to their specific risks and vulnerabilities.⁷ Child-sensitive policies involve children in the process of their formulation, implementation and monitoring. Mechanisms need to be created to enable children to participate in each country’s climate action plans.”⁸

CLIMATE

“Climate in a narrow sense is usually defined as the average weather, or more rigorously, as the statistical description in terms of the mean and variability of relevant quantities over a period of time ranging from months to thousands or millions of years. The classical period for averaging these variables is 30 years, as defined by the World Meteorological Organization.”⁹

CLIMATE ADAPTATION

Taking action to adjust to present and future impacts of climate change.¹⁰ See also *adaptation*.

CLIMATE ANXIETY

According to UNICEF, “Children all over the world are in the frightening position of

⁵ [Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice](#), Council of Europe, 2010.

⁶ ACRSL Home page.

⁷ [A Guide for Action: Are climate change policies child-sensitive?](#), UNICEF Office of Global Insight and Policy, 2020.

⁸ [Climate glossary for young people](#), UNICEF, 2020, 18.

⁹ [Special Report on Climate Change and Land: Annex-I Glossary](#), IPCC, 2019, 807-808.

¹⁰ [Adaptation to climate change, Directorate-General for Climate Action](#), European Commission.

witnessing the impacts of climate change and understanding its implications for their futures while having little power to change the situation. This means that children and young people suffer from climate anxiety on a significant scale. They perceive governments as failing to take sufficient action, which can cause further distress.

Survey results show that over 45 percent of children and young people ages 16–25 in 10 countries reported that ‘their feelings about climate change negatively affected their daily life and functioning’. The rise in global temperatures also poses risks to children’s mental and emotional health. Extreme heat is associated with an increase in mental health problems including post-traumatic stress disorder and depression in children and adolescents.”¹¹

CLIMATE CHANGE

“A change in the state of the climate that can be identified (e.g., by using statistical tests) by changes in the mean and/or the variability of its properties and that persists for an extended period, typically decades or longer. Climate change may be due to natural internal processes or external forcings such as modulations of the solar cycles, volcanic eruptions and persistent anthropogenic changes in the composition of the atmosphere or in land use. Note that the UNFCCC, in its Article 1, defines climate change as: ‘a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods’. The [UNFCCC](#) thus makes a distinction between climate change attributable to human activities altering the atmospheric composition and climate variability attributable to natural causes.”¹²

CLIMATE GOVERNANCE

“Purposeful mechanisms and measures aimed at steering social systems towards preventing, mitigating, or adapting to the risks posed by climate change.”¹³

CLIMATE CHANGE IMPACT ASSESSMENTS

“The practice of identifying and evaluating, in monetary and/or non-monetary terms, the effects of climate change on natural and human systems.”¹⁴

CLIMATE IMPACT

“The consequences of climate change on social and economic aspects, ecosystems and species. Economic, social and ecosystem goods and services

¹¹ [The Climate-Changed Child: A children’s climate risk index supplement](#), UNICEF, 2023, 12.

¹² [Special Report: Special Report on Climate Change and Land: Annex-I Glossary](#), Intergovernmental Panel on Climate Change (IPCC), 2019, 808.

¹³ Jagers and Striiple, [Climate Governance Beyond the State](#), Global Governance, Vol. 9, No. 3, 2003; [Special Report: Special Report on Climate Change and Land: Annex-I Glossary](#), Intergovernmental Panel on Climate Change (IPCC), 2019, 814.

¹⁴ [Special Report on Climate Change and Land: Annex-I Glossary](#), IPCC, 2019, 815.

are also affected. These impacts may be adverse or beneficial. They may be seen as consequences or results of climate change.”¹⁵

CLIMATE LITIGATION

Bringing ground-breaking litigation to compel national governments to adopt ambitious climate plans.¹⁶ See also *Child Rights Strategic Litigation*.

CLIMATE JUSTICE

“Climate justice aims to address the ethical and practical implications of climate change. As a field of research and activism, it acknowledges that climate change is not merely an environmental issue but also an ethical, legal, and political issue that has significant implications for justice, environmental justice, and social justice. [Climate justice] Climate justice focuses on equality, human rights, collective rights, and historical responsibilities for climate change. It seeks to ensure that those who are most affected by climate change, such as children and vulnerable and marginalised communities, are included in decision-making processes to curb climate change.”¹⁷

“Climate justice rights and development in order to achieve a people-centred approach, protecting the rights of those who are most vulnerable to the effects of climate change. The concept also proposes that the burdens, impacts and benefits of climate change be shared in an equitable and fair manner. Climate justice responds to science and also recognises the need for an equitable distribution of the world’s resources.”¹⁸

DISPLACEMENT

“In land system science, displacement denotes the increasing spatial separation between the location of agricultural and forestry production and the place of consumption of these products, as it occurs with trade. Displacement disconnects spatially environmental impacts from their socioeconomic drivers.”¹⁹

DROUGHT

“A period of abnormally dry weather long enough to cause a serious hydrological imbalance. Drought is a relative term, therefore any discussion in terms of precipitation deficit must refer to the particular precipitation-related activity that is under discussion. For example, shortage of precipitation during the growing season impinges on crop production or ecosystem function in general (due to soil moisture drought, also termed agricultural drought), and during the runoff

¹⁵ [Climate glossary for young people](#), UNICEF, 2020, 11.

¹⁶ [Climate Litigation Network](#) website.

¹⁷ [Climate in-justice for children: How climate crisis affects access to justice and children's rights](#), Terre des hommes, 2023, 10.

¹⁸ [Climate glossary for young people](#), UNICEF, 2020, 15.

¹⁹ [Special Report on Climate Change and Land: Annex-I Glossary](#), IPCC, 2019, 810.

and percolation season primarily affects water supplies (hydrological drought). Storage changes in soil moisture and groundwater are also affected by increases in actual evapotranspiration in addition to reductions in precipitation. A period with an abnormal precipitation deficit is defined as a meteorological drought.”²⁰

ENABLING CONDITIONS (FOR ADAPTATION AND MITIGATION OPTIONS)

“Conditions that affect the feasibility of adaptation and mitigation options and can accelerate and scale-up systemic transitions that would limit temperature increase and enhance capacities of systems and societies to adapt to the associated climate change, while achieving sustainable development, eradicating poverty and reducing inequalities. Enabling conditions include finance, technological innovation, strengthening policy instruments, institutional capacity, multi-level governance, and changes in human behaviour and lifestyles. They also include inclusive processes, attention to power asymmetries and unequal opportunities for development and reconsideration of values.”²¹

EQUITY

“The principle of being fair and impartial, and a basis for understanding how the impacts and responses to climate change, including costs and benefits, are distributed in and by society in more or less equal ways. It is often aligned with ideas of equality, fairness and justice and applied with respect to equity in the responsibility for, and distribution of, climate impacts and policies across society, generations, and gender, and in the sense of who participates and controls the processes of decision making.

Distributive equity

Equity in the consequences, outcomes, costs and benefits of actions or policies. In the case of climate change or climate policies for different people, places and countries, including equity aspects of sharing burdens and benefits for mitigation and adaptation.

Gender equity

Equity between women and men with regard to their rights, resources and opportunities. In the case of climate change, gender equity recognises that women are often more vulnerable to the impacts of climate change and may be disadvantaged in the process and outcomes of climate policy.

Inter-generational equity

Equity between generations. In the context of climate change, intergenerational equity acknowledges that the effects of past and present emissions, vulnerabilities and policies impose costs and benefits for people in the future and of different age groups.

²⁰ *Ibid*, 811.

²¹ *Ibid*, 812.

Procedural equity

Equity in the process of decision-making including recognition and inclusiveness in participation, equal representation, bargaining power, voice and equitable access to knowledge and resources to participate.”²²

ECOCIDE

“‘Ecocide’ means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.”²³

ECOSYSTEM BASED ADAPTATION

“An approach that seeks to protect human systems from the effects of climate change, using ecosystem services. Ecosystem-based adaptation seeks to maintain and increase resilience, and to reduce the vulnerability of ecosystems.”²⁴

This makes it possible to address other problems that are exacerbated by climate change, such as the loss of biodiversity. Ecosystem-based adaptation also allows natural carbon sinks to be conserved, which means that implementing this type of adaptation helps mitigate greenhouse gas emissions.”²⁵

ENVIRONMENTAL (HEALTH) HAZARD

“Unsafe and insufficient water for drinking and washing, inadequate sanitation and hygiene, hazardous healthcare waste and climate related risks may cause work-related diseases and injuries among health workers.”²⁶

ENVIRONMENTAL JUSTICE

“The concept of environmental justice is primarily understood as the process of obtaining justice for those who have suffered injustice due to environmental abuses, including justice for non-humans such as animals and plants. The concept extends from taking action against environmental abuses, to participation in processes of development, implementation and enforcement of environmental laws, regulations, rules and policies. It also recognises that minority groups are at greater risk of suffering the impacts of environmental abuses and prioritises the participation of all people, including the most vulnerable.”²⁷

²² *Ibid*, 812.

²³ [Independent Expert Panel for the Legal Definition of Ecocide: Commentary and Core Text](#), Stop Ecocide Foundation, 2021.

²⁴ Lhumeau, A., and D. Cordero, *Adaptación basada en ecosistemas: una respuesta al cambio climático*, International Union for Conservation of Nature, Quito, 2012.

²⁵ [Climate glossary for young people](#), UNICEF, 2020, 14.

²⁶ [World Health Organization](#) website, 2024.

²⁷ [Legal Empowerment to Advance Climate and Environmental Justice for Children in East Asia and the Pacific](#), UNICEF, 2022, quoting Mohai Paul, David Pellow, and J. Timmons Roberts, ‘Environmental justice’ (2009) Annual review of environment and resources 34, 405-430; ‘EPA’s Role in Promoting International Human Rights, Rights of Indigenous Peoples, and Environmental Justice’ EPA (Blog Post).

FREE, PEACEFUL ASSEMBLY

Described in General Comment No. 37 (2020) on the Right of Peaceful Assembly by the UN Human Rights Committee (HRC) as “the non-violent gathering by persons for specific purposes, principally expressive ones [...] Everyone has the right of peaceful assembly: citizens and non-citizens alike. It may be exercised by, for example, foreign nationals, migrants (documented or undocumented), asylum seekers, refugees and stateless persons [...] wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs. They are protected [...] whether they are stationary, such as pickets, or mobile, such as processions or marches [...] A ‘peaceful’ assembly stands in contradistinction to one characterized by widespread and serious violence. [...] ‘Violence’ [...] typically entails the use by participants of physical force against others that is likely to result in injury or death, or serious damage to property. Mere pushing and shoving or disruption of vehicular or pedestrian movement or daily activities do not amount to ‘violence.’”²⁹

FLOOD

“The overflowing of the normal confines of a stream or other body of water, or the accumulation of water over areas that are not normally submerged. Floods include river (fluvial) floods, flash floods, urban floods, rain (pluvial) floods, sewer floods, coastal floods, and glacial lake outburst floods.”²⁹

GLOBAL WARMING

“An increase in global mean surface temperature (GMST) averaged over a 30-year period, or the 30-year period centred on a particular year or decade, expressed relative to pre-industrial levels unless otherwise specified. For 30-year periods that span past and future years, the current multi-decadal warming trend is assumed to continue.”³⁰

GREENHOUSE GASES

“Those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.”³¹

HEATWAVE OR EXTREME WEATHER EVENT

“A period of abnormally hot weather. Heatwaves and warm spells have various and, in some cases, overlapping definitions.”³²

²⁸ [General comment No. 37 \(2020\) on the right of peaceful assembly \(article 21\)](#), International Covenant on Civil and Political Rights, 2020.

²⁹ [Special Report on Climate Change and Land: Annex-I Glossary](#), IPCC, 2019, 813.

³⁰ *Ibid*, 814.

³¹ UNFCCC, 1992, 3.

³² [Special Report on Climate Change and Land: Annex-I Glossary](#), IPCC, 2019, 815.

IMPACTS

“The consequences of realised risks on natural and human systems, where risks result from the interactions of climate-related hazards (including extreme weather and climate events), exposure, and vulnerability. Impacts generally refer to effects on lives, livelihoods, health and well-being, ecosystems and species, economic, social and cultural assets, services (including ecosystem services), and infrastructure. Impacts may be referred to as consequences or outcomes and can be adverse or beneficial.”³³

LEGAL STANDING

“Refers to the right of an individual or an entity to bring a legal action before a court. In other words, it is the legal right to sue or be sued in a court of law. To have legal standing, a person or organization must have a direct and tangible interest in the outcome of the legal action, such as a personal injury or a financial loss. In justice actions, legal standing is important because it determines who has the right to bring a case before a court and seek a remedy for a violation of their rights or interests.”³⁴

“Standing criteria may pose a barrier to climate change litigation. For example, it may be difficult for an individual plaintiff to establish an adequate causal connection between a defendant’s allegedly unlawful actions or inaction and an injury that is linked to climate change impacts. This is a particular challenge in jurisdictions that require plaintiffs to establish a “particularized injury” for standing purposes. However, some jurisdictions allow individuals and groups to sue based on injuries that are general to the public, thus making it easier for plaintiffs to pursue climate-related claims.”³⁵

MIGRATION

“The movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, 818 Glossary Annex I displaced persons, economic migrants, and persons moving for other purposes, including family reunification’ (IOM, 2018).”

MIGRANT

“Any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is’ (IOM, 2018).”³⁶

³³ Ibid, 815.

³⁴ [Climate in-justice for children: How climate crisis affects access to justice and children's rights](#), Terre des hommes, 2023, 17.

³⁵ [The status of climate change litigation: a global review](#), UN Environment Programme, 2017, 28.

³⁶ [Special Report on Climate Change and Land: Annex-I Glossary](#), IPCC, 2019, 818.

PARIS AGREEMENT

The Paris agreement's main goal is 'Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels', recognising that this would significantly reduce the risks and impacts of climate change.³⁷

RESILIENCE

"The capacity of interconnected social, economic and ecological systems to cope with a hazardous event, trend or disturbance, responding or reorganising in ways that maintain their essential function, identity and structure. Resilience is a positive attribute when it maintains capacity for adaptation, learning and/ or transformation (adapted from the Arctic Council, 2013).³⁸ See also *Vulnerability*.

SUSTAINABLE DEVELOPMENT

"Development that meets the needs of the present without compromising the ability of future generations to meet their own needs³⁹ and balances social, economic and environmental concerns."⁴⁰ See also *2030 Agenda for Sustainable Development*.

VULNERABILITY

In the context of climate change, it refers to "the propensity or predisposition to be adversely affected. Vulnerability encompasses a variety of concepts and elements including sensitivity or susceptibility to harm and lack of capacity to cope and adapt."⁴¹

YOUTH

As stated by the UN, "There is no universally agreed international definition of the youth age group. For statistical purposes, however, the United Nations—without prejudice to any other definitions made by Member States—defines 'youth' as those persons between the ages of 15 and 24 years."⁴²

2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

"A UN resolution in September 2015 adopting a plan of action for people, planet and prosperity in a new global development framework anchored in 17 Sustainable Development Goals."⁴³ See also *Sustainable Development*.

The SDGs provide a framework for addressing global challenges, including access to justice (Goal 16), climate action (Goal 13) and quality education (Goal 4), which are critical for ensuring children's rights in the context of climate change.

³⁷ Ibid, 820.

³⁸ Ibid, 822.

³⁹ [WCED](#), 1987

⁴⁰ [Special Report on Climate Change and Land: Annex-I Glossary](#), IPCC, 2019, 824.

⁴¹ Ibid, 826.

⁴² [Global Issues: Youth](#), United Nations.

⁴³ [A/RES/70/1, Transforming our world: the 2030 Agenda for Sustainable Development](#), UN, 2015; [Special Report on Climate Change and Land: Annex-I Glossary](#), IPCC, 2019, 804.

02

COMPILATION OF RESOURCES ON CLIMATE CHANGE'S IMPACT ON CHILDREN RIGHTS

The compilation below aims to provide the reader with useful tools and resources, in a unique and accessible format.

You will find publications produced by our members or to which they contributed to, as well as other key resources from other organisations or institutions. This compilation includes the following:



Briefs and Reports



Database, Map Viewers and Websites



Manuals, Guidelines, and Handbooks



Advocacy and Policy Documents



Briefs and Reports

TITLE	PROJECT	KEY WORDS	LEAD / AUTHOR(S)	DATE
Child Rights Strategic Litigation: Key Principles For Climate Justice Litigation		Climate Justice - Climate Change - Strategic Litigation - Justice Proceedings - Children's Rights - Legal Assistance	ACRISL	2023
Climate in-justice for children: How climate crisis affects access to justice and children's rights (2023)	<i>Climate in-justice for children</i>	Climate Justice - Strategic Litigation - Freedom of Assembly - Justice Proceedings - Right to be Heard - Children's Rights - Legal Assistance	Terre des hommes	2023
Ecocide Law and the Rights of The Child: How Legal Recognition of the Most Severe Harms to Nature Could Protect Children's Rights		Climate Justice - Environmental rights - Children's Health - Child Protection - Best Interests of the Child - Children's Rights	Youth for Ecocide Law	2023
Global Climate Change Litigation Report: 2023 Status Review		Strategic Litigation - Children's Rights - Climate Change - Environmental rights - Legal Assistance	United Nations Environment Programme	2023
The Climate-Changed Child: A children's climate risk index supplement		Climate Justice - Environmental rights - Right to Health - Child Protection - Best Interests of the Child - Children's Rights	UNICEF	2023
Youth Climate Justice Handbook: Legal Memorandum		Climate Justice - Environmental rights - Youth law	World's Youth for Climate Justice	2023
Youth Climate Justice Handbook: Summary for Policymakers		Climate Justice - Environmental rights - Youth law	World's Youth for Climate Justice	2023

<p>Children and Youth in Strategic Climate Litigation: Advancing Rights through Legal Argument and Legal Mobilization</p>	<p>Strategic Litigation - Climate Change - Child Participation - Youth Participation - Legal Assistance</p>	<p>Transnational Environmental Law</p>	<p>2022</p>
<p>Climate litigation in Europe: A summary report for the European Union Forum of Judges for the Environment</p>	<p>Climate Justice - Climate Change - Strategic Litigation - European Law - Child-Friendly Justice</p>	<p>LSE</p>	<p>2022</p>
<p>ENOC SYNTHESIS REPORT: Children's Rights & Climate Justice</p>	<p>Children's Health - Child Protection - Best Interests of the Child - Children's Rights - Climate Justice - Environmental rights - Child-Friendly Justice</p>	<p>European Network of Ombudspersons for Children</p>	<p>2022</p>
<p>The climate crisis and violence against children</p>	<p>Climate Justice - Environmental rights - Violence against children - Climate change</p>	<p>UN Special Representative of the Secretary-General on Violence Against Children</p>	<p>2022</p>
<p>Towards 'just resilience': leaving no one behind when adapting to climate change</p>	<p>Climate Change - Climate Justice - Environmental rights - Intergenerational Equity - Children's Health - Best Interests of the Child - Children's Rights</p>	<p>European Environment Agency</p>	<p>2022</p>
<p>WYCJ Legal report 2022: Human rights in the face of the climate crisis: a youth-led initiative to bring climate justice to the International Court of Justice</p>	<p>Intergenerational Equity - Child Participation - Right to be Heard - Youth law - Climate Justice</p>	<p>World's Youth for Climate Justice</p>	<p>2022</p>
<p>The climate crisis is a child right's crisis: Introducing the Children's Climate Risk Index. New York: United Nations Children's Fund</p>	<p>Climate Justice - Environmental rights - Children's Health - Child Protection - Best Interests of the Child - Children's Rights</p>	<p>UNICEF</p>	<p>2021</p>

Global Climate Litigation Report: 2020 Status Review	Legal Assistance - Child-Friendly Justice - Justice Proceedings - Children's Rights - Climate Justice - Climate Change - Strategic Litigation	United Nations Environment Programme, Sabin Center for Climate Change Law	2020
Just with children: Child-friendly justice for all children in Europe (2021-2024)	Child-friendly justice - Child Participation - Right to be Heard - Best Interests of the Child - Right to information	Terre des hommes	2020
Urban adaptation in Europe: how cities and towns respond to climate change	Climate Justice - Environmental rights - Intergenerational Equity - Climate Change	European Environment Agency	2020
Realizing the rights of the child through a healthy environment	Children's Health - Child Protection - Best Interests of the Child - Children's Rights - Climate Justice - Environmental rights	United Nations High Commissioner for Human Rights	2020
The Rights of Child Human Rights Defenders Implementation Guide	Child Rights Defenders - Child-Friendly Justice - Human Rights Defenders - Participation - Strategic litigation	Child Rights Connect	2020
Don't pollute my future! THE IMPACT OF THE ENVIRONMENT ON CHILDREN'S HEALTH	Children's Health - Child Protection - Best Interests of the Child - Children's Rights - Climate Change	World Health Organisation	2017
The status of climate change litigation: a global review	Children's Rights - Climate Justice - Environmental rights - European law - Strategic Litigation	UN Environment Programme; Columbia Law School	2017
Special Report: Special Report on Climate Change and Land: Annex I Glossary	Climate Justice - Climate Change - Environmental rights	Intergovernmental Panel on Climate Change	2007

Database, Map Viewers and Websites



TITLE	PROJECT	KEY WORDS	LEAD / AUTHOR(S)
Acrisl.org		Legal Assistance - Climate Justice - Climate Change - Strategic Litigation	University of Nottingham Human Rights Law Centre
Children's Access to Environmental Justice: Country Reports		Access to Justice - Child-Friendly Justice Climate Justice - Climate Change - Strategic Litigation	CRIN
Climate Change Knowledge Portal		Climate Justice - Climate Change	The World Bank
Climate Change Laws of the World		European Law - Global Law - Climate Justice - Climate Change	LSE
Climate Change Litigation Databases		Legal Assistance - Children's Rights - Climate Justice - Climate Change - Strategic Litigation	Sabin Center for Climate Change Law, Colombia Law School
Climate Litigation Database	CRRP	Legal Assistance- Children's Rights - Climate Justice - Climate Change - Strategic Litigation	University of Zurich
Climate Litigation Network		Legal Assistance - Children's Rights - Climate Justice - Climate Change - Strategic Litigation	Urgenda Foundation
Exposure of vulnerable groups and social infrastructure to climate-related risks		Non-discrimination - Children's Rights - Climate Change	European Climate and Health Observatory
IPCC.CH		Climate Justice - Climate Change - Environmental rights	The Intergovernmental Panel on Climate Change

Our Children's Trust	Youth - Climate change - Strategic litigation	Our Children's Trust
Sunrise movement	Climate change - Youth - Green New Deal	Sunrise
The Youth Climate Justice Project	<i>The Youth Climate Justice Project</i> Youth Participation - Climate Justice - Climate Change - Legal Assistance - Child-Friendly Justice - Children's Rights	University College Cork
Youth Climate Litigation Database	Youth Participation - Climate Justice - Climate Change - Legal Assistance - Child-Friendly Justice - Children's Rights - Strategic Litigation	climataalk
Youth for Climate	Youth - Climate Change - Activism - Protests - Freedom of Assembly	Youth for Climate

Manuals, Guidelines, and Handbooks



TITLE	KEY WORDS	LEAD / AUTHOR(S)	DATE
Global Trends in Youth Climate Litigation	Climate Justice - Climate Change - Strategic Litigation - Legal Assistance - Youth law	climataalk	2024
EU Policy Glossary Booklet	Climate Justice - Environmental rights	climataalk	2022
Manual on Human Rights and the Environment	Human Rights - Climate Justice - Environmental rights	CoE	2022
Environment and Human Rights: HELP (Human Rights Education for Legal Professionals) Online Course	European Law - Climate Justice - Environmental rights	CoE	2021
Climate glossary for young people	Climate Justice - Environmental rights	UNICEF	2020



Advocacy and Policy Documents

TITLE	KEY WORDS	LEAD / AUTHOR(S)	DATE
A/79/176: Access to information on climate change and human rights	Climate Change – Human Rights – Access to information	Special Rapporteur on the promotion and protection of human rights in the context of climate change	2024
Climate Justice Roundtable: RECAP AND REFLECTIONS An online discussion with activists and experts	Children's Rights - Climate Justice - Climate Change – Environmental rights	UNICEF	2022
A Guide for Action: Are climate change policies child-sensitive?	Children's Rights - Climate Justice - Climate Change – Environmental rights	UNICEF Office of Global Insight and Policy	2020

03

KEY LEGAL STANDARDS AND CASE LAW ON CLIMATE CHANGE & CHILD-FRIENDLY JUSTICE

3. Key Legal Standards and Case law on climate change & child-friendly justice

This section explores key legal standards, at the international and the European levels (agreements, bodies and commitments) and case law that address the intersection of climate change and child-friendly justice.

3.1. International framework

When mentioning the “international framework” we are mainly referring to rules, principles, standards developed by the United Nations bodies and agencies. In this section, we explore first the legislation focusing on climate and the environment, and in a second part, other relevant international resources.

3.1.1. Climate/Environment-Focused Legislation

- [Committee on the Rights of the Child, General comment No. 26 on children’s rights and the environment with a special focus on climate change \(CRC/C/GC/26\) \(2023\)](#)
 - This General Comment provides authoritative guidance on how states should fulfil their obligations to protect and promote children’s rights in the context of environmental degradation and climate change. It highlights the interdependence between children’s rights and a safe, clean, healthy, and sustainable environment.
 - The Comment addresses child rights-based approach to environmental protection, evolution of international law on human rights and the environment and Intergenerational equity and future generations.
 - The Committee specifies Objectives in the Comment: (a) Emphasise the urgent need to address the adverse effects of environmental degradation, with a special focus on climate change, on the enjoyment of children’s rights; (b) Promote a holistic understanding of children’s rights as they apply to environmental protection; (c) Clarify the obligations of States to the Convention and provide authoritative guidance on legislative, administrative and other appropriate measures to address environmental harm, with a special focus on climate change.

- The Comment recognises that children's rights are interdependent and interrelated, but that certain rights are particularly threatened by environmental degradation.
- The rights such as right to non-discrimination (art. 2), best interests of the child (art. 3), right to life, survival and development, right to be heard (art. 12), freedom of expression, association and peaceful assembly (arts. 13 and 15), access to information (arts. 13 and 17), right to freedom from all forms of violence (art. 19), right to the highest attainable standard of health (art. 24), right to social security and adequate standard of living (arts. 26 and 27), right to education (arts. 28 and 29(1)(e)), rights of Indigenous children and children belong to minority groups (art. 30) and the right to rest, play, leisure and recreation (art. 31) and right to a clean, healthy and sustainable environment are particularly threatened.
- The Comment also outlines General Measures of implementation (art. 4) including the obligation of States to respect, protect and fulfil children's rights, child rights impact assessments, children's rights and the business sector and access to justice and remedies and international cooperation.
- [Paris Agreement under the United Nations Framework Convention on Climate Change \("Paris Agreement"\) \(2015\)](#)
 - International treaty under the United Nations Framework Convention on Climate Change aimed at reducing global greenhouse gas emissions, acknowledging the importance of considering climate justice and the rights of the most vulnerable, including children.
 - While the Paris Agreement is primarily a framework for global climate action, its objectives and principles have implications for children's rights, emphasising the importance of integrating human rights considerations into climate policies and ensuring that climate action benefits all segments of society, including children.
- [The Task Force on Displacement under the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts \(2015\)](#)
 - This task force aims to avert, minimise and address displacement related to the adverse impacts of climate change.
- [The Sendai Framework for Disaster Risk Reduction 2015–2030](#)
 - Adopted by all 193 member states of the UN, this Framework aims to achieve the substantial reduction of disaster risk and losses in lives, livelihoods and health and in the economic, physical, social, cultural and environmental assets of persons, businesses, communities and countries over the next 15 years.

- [Committee on Economic, Social and Cultural Rights, General Comment No. 15 The right to water \(arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights\) \(2002\)](#)
 - References children: “Whereas the right to water applies to everyone [...] special attention to those individuals and groups who have traditionally faced difficulties in exercising this right, including women, **children**, minority groups, indigenous peoples, refugees, asylum seekers, internally displaced persons, migrant workers, prisoners and detainees.”
 - “Children are not prevented from enjoying their human rights due to the lack of adequate water in educational institutions and households or through the burden of collecting water. Provision of adequate water to educational institutions currently without adequate drinking water should be addressed as a matter of urgency”
- [Committee on Economic, Social and Cultural Rights, General Comment 12: the right to adequate food \(art. 11 of the International Covenant on Economic, Social and Cultural Rights\) \(1999\)](#)
 - “Physical accessibility implies that adequate food must be accessible to everyone, including physically vulnerable individuals, such as **infants and young children**, elderly people, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill. Victims of natural disasters, people living in disaster-prone areas and other specially disadvantaged groups may need special attention and sometimes priority consideration with respect to accessibility of food. A particular vulnerability is that of many indigenous population groups whose access to their ancestral lands may be threatened.”
- [Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters \(«Aarhus Convention»\) \(1998\)](#)
 - The Aarhus Convention, formally known as the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, is a multilateral environmental agreement that aims to promote transparency, public participation, and access to justice in environmental matters.
- [Kyoto Protocol to the United Nations Framework Convention on Climate Change \(“Kyoto Protocol”\) \(1997\)](#)
 - “The Kyoto Protocol is an international treaty adopted in December 1997 in Kyoto, Japan, at the Third Session of the Conference of the Parties (COP3) to the United Nations Framework Convention on Climate Change (UNFCCC).

It contains legally binding commitments, in addition to those included in the UNFCCC. Countries included in Annex B of the Protocol (mostly OECD countries and countries with economies in transition) agreed to reduce their anthropogenic greenhouse gas (GHG) emissions (carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulphur hexafluoride (SF₆) by at least 5% below 1990 levels in the first commitment period (2008–2012).⁴⁴

- [Report of the United Nations Conference on Environment and Development \(“Rio Declaration”\) \(1993\)](#)
 - The report has 27 universal principles.
 - Principle 22 refers to indigenous people.
 - Contains a section on strengthening the role of major groups including children and youth in sustainable development.
 - To create a focus in national development and budgets or investments in human capital, with special policies and programs directed at children.
 - Ensuring that children are considered in local, regional and national development that would eliminate poverty and reduce the inequalities between various population groups.
 - Recognising that large increase in the size and number of cities will occur in developing countries under any likely population scenario, greater attention should be given to preparing for the needs of children.
- [The United Nations Framework Convention on Climate Change \(“UNFCCC”\) \(1992\)](#)
 - The UNFCCC develops recommendations and strategies to prevent, minimise, and address displacement due to the adverse impacts of climate change, focusing on enhancing policies, data collection, and international cooperation.
- [United Nations Convention on Biological Diversity \(“CBD”\) \(1992\)](#)
 - The CBD has three main objectives: the conservation of biological diversity; the sustainable use of the components of biological diversity; and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources.
 - Recommending that States respect, preserve and maintain knowledge, innovation and practices of indigenous communities.

⁴⁴ Special Report on Climate Change and Land: Annex-I Glossary, IPCC, 816

- [United Nations Conference on Environment & Development, Rio de Janeiro, Brazil, 3-14 June 1992](#)
 - Objectives include:
 - ° To create a focus in national development plans and budgets on investment in human capital, with special policies and programmes directed at rural areas, the urban poor, women and **children**.
 - ° Implement, as a matter of urgency, in accordance with country-specific conditions and legal systems, measures to ensure that women and men have the same right to decide freely and responsibly on the number and spacing of their **children** and have access to the information, education and means, as appropriate, to enable them to exercise this right in keeping with their freedom, dignity and personally held values, taking into account ethical and cultural considerations.
 - Other notable references of children:
 - ° “Recognizing that large increases in the size and number of cities will occur in developing countries under any likely population scenario, greater attention should be given to preparing for the needs, in particular of women and **children**, for improved municipal management and local government.”
 - “Governments should take active steps to implement, as a matter of urgency, in accordance with country-specific conditions and legal systems, measures to ensure that women and men have the same right to decide freely and responsibly on the number and spacing of their children, to have access to the information, education and means, as appropriate, to enable them to exercise this right in keeping with their freedom, dignity and personally held values taking into account ethical and cultural considerations.”
 - “**Infants and children**. Approximately one third of the world’s population are children under 15 years old. At least 15 million of these children die annually from such preventable causes as birth trauma, birth asphyxia, acute respiratory infections, malnutrition, communicable diseases and diarrhoea. The health of children is affected more severely than other population groups by malnutrition and adverse environmental factors, and many children risk exploitation as cheap labour or in prostitution.”
 - “Youth. As has been the historical experience of all countries, youth are particularly vulnerable to the problems associated with economic development, which often weakens traditional forms of social support essential for the healthy development, of young people.”
 - “National Governments, in cooperation with local and non-governmental organizations, should initiate or enhance programmes in the following areas:

- **“Infants and children:** i. Strengthen basic health-care services for **children** in the context of primary healthcare delivery, including prenatal care, breast-feeding, immunization and nutrition programmes; ii. Undertake widespread adult education on the use of oral rehydration therapy for diarrhoea, treatment of respiratory infections and prevention of communicable diseases; iii. Promote the creation, amendment and enforcement of a legal framework protecting children from sexual and workplace exploitation; iv. Protect children from the effects of environmental and occupational toxic compounds.”
- “Youth: Strengthen services for youth in health, education and social sectors in order to provide better information, education, counselling and treatment for specific health problems, including drug abuse”.
- [Agenda 21, UNCED, 1992](#)
 - It is a comprehensive plan of action to be taken globally, nationally and locally by organisations of the United Nations System, Governments, and Major Groups in every area in which human impacts on the environment.
 - Agenda 21 has a chapter dedicated to children and youth in sustainable development (chapter 25). It institutionalised public participation of the major group of children and youth in sustainability/environment/climate change governance at the UN level. “It is imperative that youth from all parts of the world participate actively in all relevant levels of decision-making processes because it affects their lives today and has implications for their futures. In addition to their intellectual contribution and their ability to mobilize support, they bring unique perspectives that need to be taken into account.”

3.1.2. Other Relevant International Resources

Below are other international agreements that are particularly relevant in relation to access to justice for children in the context of climate change, as they are a reminder of which children’s rights are particularly relevant in this context. Also to be noted that in 2025, [General Comment No. 27 on children’s rights to access justice and effective remedies](#) will be released. This is a non-exhaustive list.

- The [United Nations Convention on the Rights of the Child](#) sets out the civil, political, economic, social, health and cultural rights of children. Some articles are particularly relevant for climate change:
 - Article 2 on non-discrimination
 - Article 3 on the best interests of the child
 - Article 4 on ensuring that children’s rights are respected, protected and fulfilled

- Article 6 concerning the right to life, survival, and development
 - Article 12 on respecting for the views of the child
 - Article 24 concerning the right to health
 - Article 24(2)(c) concerning the right to be free from harmful pollution
 - Article 27 concerning the right to an adequate standard of living
 - Article 28 concerning Right to education
 - Article 29 on the goals of education
 - Article 30 concerning children of minorities or indigenous populations
 - Article 31 concerning the right to leisure, play, and culture
 - Article 38 on protection of children in armed conflicts
 - Article 39 concerning reintegration and recovery of a child victim
 - Article 40 on the administration of child justice
- [Committee on the Rights of the Child \(1991\)](#)
 - The Committee is a body of independent experts that monitors the implementation of the Convention on the Rights of the Child (CRC) by its state parties. It reviews state reports, issues recommendations, and provides guidance on interpreting children's rights under the CRC.
 - [General comment No. 24 \(2019\) on children's rights in the child justice system \(CRC/GC/2019/24\)](#), replacing General Comment No. 10.
 - [Optional Protocol to the Convention on the Rights of the Child on a communication procedure \(2011\)](#)
 - This treaty complements the Convention on the Rights of the Child, putting children's rights on an equal footing with other human rights and allowed for more accountability of States. The recognition that children have the right to appeal to an international mechanism specific to them, if violations cannot be addressed effectively at national level, it puts children's right to be heard and participate into practice.
 - **The UN Standard Minimum Rules for the Treatment of Prisoners ("the Nelson Mandela Rules") (2015); the UN Rules for the Protection of Juveniles Deprived of their Liberty ("the Havana Rules") (1990); the UN Guidelines for the Prevention of Juvenile Delinquency ("the Riyadh Guidelines") (1990); and the UN Standard Minimum Rules for the Administration of Juvenile Justice ("the Beijing Rules") (1985).**
 - International instruments developed by the United Nations to provide guidance and standards for the treatment of prisoners, children deprived of their liberty, and the administration of juvenile justice.

- While these instruments do not directly address environmental issues or climate justice, they are relevant to ensuring the protection of children's rights, including in the context of environmental activism and climate-related protests.
- [United Nations Sustainable Development Goals \(SDGs\) \(2015\)](#)
 - The SDGs provide a framework for addressing global challenges, including access to justice (Goal 16), climate action (Goal 13) and quality education (Goal 4), which are critical for ensuring children's rights in the context of climate change.
- [Vienna Declaration and Programme of Action \(1993\)](#)
 - "The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. The World Conference on Human Rights recognizes that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone."
- [Vienna Convention on the Law of Treaties \("VCLT"\) \(1969\)](#)
 - As described in the Youth Climate Justice handbook (20): "In particular, we consider Article 31(3)(c) of the VCLT to be crucial to the interpretation of States' climate-related obligations under international law. Legal norms and standards relevant to climate change are spread out over a range of different international legal regimes, including public international law, international environmental law, international human rights law, and law of the sea. In this context, article 31(3)(c) requires that tribunals take into account "any relevant rules of international law applicable in the relations between the parties" when interpreting treaties. In other words, treaties should be interpreted in light of existing obligations emerging not only from that particular treaty regime, but from international law as a whole. This includes other treaties, customary international law and general principles of international law."
- [International Covenant on Civil and Political Rights \(1966\) \(Articles 21 and 22 are of particular relevance\)](#)
 - A key international human rights treaty adopted by the United Nations General Assembly with articles that are relevant to the topics of environmental rights and public participation in decision-making related to environmental matters.
 - Articles 21 and 22 of the ICCPR underscore the importance of ensuring the rights to peaceful assembly and freedom of association in the context of environmental activism and public engagement on environmental issues.

- [International Covenant on Economic, Social and Cultural Rights \(1966\)](#)
 - A covenant that covers economic, social and cultural rights, including the rights to adequate food, adequate housing, education, health, social security, water and sanitation, and work.
 - Of particular relevance are art. 11 (right of everyone to an adequate standard of living for himself and his family, including adequate food) and art. 12 (right to the highest attainable standard of physical and mental health).
- [Committee on Economic, Social and Cultural Rights, General Comment 14 \(2000\)](#): the right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights).
 - Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities.

3.2. European framework

The following section includes binding and non-binding instruments of the European Union and of the Council of Europe that are applicable to climate change as it affects children's rights. The listed legal instruments are not exhaustive but provide a snapshot of the sheer volume of legal instruments about the environment and climate change. It is noteworthy to mention that quite a number of these binding texts do not refer to children.

While the resources mentioned below may be specific or nonspecific to children's rights in the context of climate change, it is important to highlight that the provisions contained in other key European instruments relating to the rights of children in contact with the justice system—in particular, the [EU Victims' Rights Directive](#), the [EU Procedural Safeguards for Children Directive](#), the [Lanzarote Convention](#), and the [EU Anti-Trafficking Directive](#), among others—apply equally in the context of climate change. For more information about this legal framework, consult the [2023 Handbook Child-Friendly Justice in Europe](#), specifically the European Provisions section.

This section is divided between instruments of the European Union and the Council of Europe. Climate/environment-focused texts and other relevant resources are listing first binding and then non-binding instruments.

3.2.1. European Union

3.2.1.1. Climate/Environment-Focused Legislation

Binding Instruments

- [Regulation \(EU\) 2021/1119 establishing the framework for achieving climate neutrality and amending Regulations \(EC\) No 401/2009 and \(EU\) 2018/1999 \('European Climate Law'\)](#)
 - Sets binding targets for greenhouse gas emissions reduction and establishes a framework for climate action within the EU, indirectly impacting children's rights by addressing climate change.
- **EU Legislation on Environmental Regulation**
 - [Regulation \(EU\) 2024/573](#) of the European Parliament and of the Council of 7 February 2024 on **fluorinated greenhouse gasses**, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014.
 - [Regulation \(EU\) 2023/956](#) of the European Parliament and of the Council of 10 May 2023 establishing a **carbon border adjustment mechanism** (Text with EEA relevance).
 - [Regulation \(EU\) 2023/955](#) of the European Parliament and of the Council of 10 May 2023 establishing a **Social Climate Fund** and amending Regulation (EU) 2021/1060.
 - [Regulation \(EU\) 2021/1119](#) of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving **climate neutrality** and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law').
 - [Regulation \(EU\) 2021/947](#) of the European Parliament and of the Council of 9 June 2021 establishing the **Neighbourhood, Development and International Cooperation Instrument** – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009 (Text with EEA relevance).
 - [Directive \(EU\) 2019/904](#) on the reduction of the impact of certain **plastic products** on the environment.
 - [Directive \(EU\) 2019/1936](#) amending Directive 2004/37/EC on the protection of workers from the risks related to **exposure to carcinogens or mutagens at work**.
 - [Regulation \(EU\) 2018/1999](#) on the Governance of the **Energy Union and Climate Action**.

- [Directive 2018/2001/EU](#) on the promotion of the use of **energy from renewable sources** (recast) (Text with EEA relevance).
- [Regulation \(EU\) 2018/1999](#) of the European Parliament and of the Council of 11 December 2018 on the Governance of the **Energy Union and Climate Action**, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (Text with EEA relevance).
- [Regulation \(EU\) 2018/842](#) on binding annual **greenhouse gas emission reductions** by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement.
- [Directive 2014/52/EU](#) of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the **effects of certain public and private projects on the environment** (Text with EEA relevance).
- [Directive 2009/28/EC](#) on the promotion of the use of energy from renewable sources (**Renewable Energy Directive**).
- [Directive 2008/99/EC](#) on the **protection of the environment through criminal law**
- [Directive 2008/56/EC](#) establishing a framework for Community action in the field of marine environmental policy (**Marine Strategy Framework Directive**).
- [Directive 2001/42/EC](#) on the assessment of the **effects of certain plans and programmes on the environment**.
- [Directive 2000/60/EC](#) establishing a framework for Community action in the field of water policy (**Water Framework Directive**).
- **EU Legislation on Energy Efficiency**
 - [Directive \(EU\) 2023/1791](#) of the European Parliament and of the Council of 13 September 2023 on **energy efficiency** and amending Regulation (EU) 2023/955 (recast) (Text with EEA relevance).
 - [Directive 2012/27/EU](#) on **energy efficiency**.
- **EU Legislation on Climate Adaptation**
 - [Regulation \(EU\) 2021/1056](#) of the European Parliament and of the Council of 24 June 2021 establishing the **Just Transition Fund**.
 - [Regulation \(EU\) 2018/841](#) on the inclusion of greenhouse gas emissions and removals from land use, **land use change and forestry** into climate and energy targets.

- **EU Legislation on Air Quality**
 - [Directive 2008/50/EC](#) on **ambient air quality and cleaner air** for Europe.
- **EU Legislation on Waste Management**
 - [Directive 2008/98/EC](#) on **waste**.
- **EU Legislation on Consumer Protection**
 - [Regulation \(EU\) 2023/2631](#) of the European Parliament and of the Council of 22 November 2023 on **European Green Bonds** and optional disclosures for bonds marketed as environmentally sustainable and for sustainability-linked bonds.
 - [Regulation \(EU\) 2019/1020](#) on **market surveillance** and compliance of products.
- **EU Legislation on Chemicals Regulation**
 - [Regulation \(EC\) No 1907/2006](#) concerning the Registration, Evaluation, Authorisation, and Restriction of **Chemicals** (REACH).
- **EU Legislation on Biodiversity Conservation**
 - [Regulation \(EU\) 1143/2014](#) on the prevention and management of the introduction and spread of invasive **alien species**.
- **EU Legislation on Disaster Risk Reduction**
 - [Directive 2007/60/EC](#) on the assessment and management of **flood risks**.
- **EU Legislation on Freedom to Assemble**
 - [Directive \(EU\) 2024/1069](#) of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (**'Strategic lawsuits against public participation'**).
 - European Parliament resolution of 19 May 2021 on the **effects of climate change on human rights** and the role of **environmental defenders** on this matter ([2020/2134\(INI\)](#)).

Non-Binding Instruments

- [EU Biodiversity Strategy for 2030 \(2023\)](#)
 - The EU's biodiversity strategy for 2030 is a comprehensive, ambitious and long-term plan to protect nature and reverse the degradation of ecosystems.
- [EU Adaptation Strategy \(2021\)](#)
 - Strategy that sets out how the European Union can adapt to the unavoidable impacts of climate change and become climate resilient by 2050.

- [European Green Deal \(2020\)](#)
 - A package of policies adopted by the European Commission fit for reducing net greenhouse gas emissions by at least 55% by 2030.

3.2.1.2. Other Relevant Resources

Binding instruments

- [Charter of Fundamental Rights of the European Union](#)
 - Protects numerous rights which are relevant in the context of climate change, including Article 2 (right to life), Article 7 (right to private and family life), Article 12 (freedom of assembly and information), Article 17 (right to property), Article 21 (Non-discrimination), Article 24 (The rights of the child) and Article 37 (Environmental Protection). According to Article 37: “A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.”
- [Directive \(EU\) 2019/1937](#) on the protection of persons reporting on breaches of Union law

Non-Binding instruments

- [Communication From the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions \(“European Pillar of Social Rights Action Plan\) \(2021\)](#)
 - A framework designed to deliver new and more effective rights for European citizens.
 - References climate change under “1: A Strong Social Europe for Just Transitions and Recovery”:
 - “**Climate change and environmental challenges**, digitalisation, globalisation and demographic trends are fast changing our daily lives. COVID-19 has exposed Europe to further drastic changes in our jobs, education, economy, welfare systems and social life [...unity, coordination and solidarity will be needed...]. This will ensure that the transition to climate-neutrality, digitalisation and demographic change are socially fair and just, and making the European Green Deal and the upcoming 2030 Digital Decade successes for all Europeans.”
 - Also reference climate change under “**3.1: More and better jobs**”:
 - “Taxation should be shifted away from labour to other sources more supportive to employment and in line with **climate** and **environmental objectives**, while protecting revenue for adequate social protection.”

- “4: Joining forces to deliver”
 - “The Just Transition Fund will support skilling in regions facing higher socioeconomic challenges from **climate transition**.”
 - “The EU has been mobilising private investment in the transition to a **climate-neutral**, resource-efficient and circular EU.”
 - “In line with the call in the Council Conclusions on Human Rights and Decent Work in Global Supply Chains⁴⁵, the Commission will address the social dimension of international action in response to the pandemic, **climate change**, new technologies and the UN 2030 Agenda.⁴⁶ As a member of the G7 and G20 forums, the EU is promoting a sustainable and inclusive economic recovery that would benefit all people in all countries.”
- [EU Strategy on the Rights of the Child \(2021-2024\) \(2021\)](#)
 - This framework was adopted by the European Commission to ensure the protection of rights of all children, and secure access to basic services for vulnerable children.
 - Makes particular reference to climate under the first priority: **Participation in political and democratic life**
 - “The sight of young people lining the streets around the world to call for **climate action** or as child human rights defenders show us that children are active citizens and agents of change (3)”.
 - Also references climate under the sixth priority: **The Global Dimension**: an EU that supports, protects and empowers children globally, including during crisis and conflict
 - “Despite significant progress over the last decades, too many children worldwide still suffer from or are at risk of human rights violations, humanitarian crisis, **environment and climate crisis**, lack of access to education, malnutrition, poverty, inequalities and exclusion (18)”.

3.2.2. Council of Europe

3.2.2.1. Climate/Environment-Focused Legislation

Non-binding instruments

- [Recommendation CM/Rec\(2022\)20 of the Committee of Ministers to member States on human rights and the protection of the environment](#)
 - This recommendation calls on member States to reflect on the nature, content and implications of the right to a clean, healthy and sustainable

⁴⁵ Annexes to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Pillar of Social Rights Action Plan, European Commission, 2021.

⁴⁶ *Ibid.*

environment and to actively consider recognising this right at the national level, as well as to implement a series of recommendations, principles and guidance set out in appendix. The recommendation is accompanied by a detailed explanatory report.

- [Joint Declaration on human rights and the environment by the outgoing and incoming Presidencies of the Committee of Ministers \(15/05/2020\)](#)
 - The outgoing (Georgia) and incoming (Greece and Germany) presidencies of the Committee of Ministers called for the elaboration of a non-binding instrument on human rights and the environment for adoption at the latest by the end 2021.
- [CCPE Opinion No. 17 \(2022\) on the role of prosecutors in the protection of the environment](#)
 - The Opinion identifies and describes the conduct, expected from prosecutors in the prevention, detection, investigation and prosecution of environmental crimes. Such crimes are usually complex, committed in a sophisticated and well-organised manner, secretive in nature, and require a multidisciplinary approach.
 - The Consultative Council of European Prosecutors (CCPE) takes into account that the environmental crimes and related infringements increasingly become a source of global concern, and therefore gives a voice to prosecutors in order to stress their role as key actors in any strategy for the protection of the environment, public health and safety, and for the defence of individuals' rights to a clean, healthy and sustainable environment. The Opinion stresses that increased and sustained attention by prosecutors to environmental crime and law enforcement is essential to strengthen the rule of law on which the environmental governance is based.

3.2.2.2. Other Relevant Resources

Binding instruments

- [European Convention on Human Rights \("ECHR"\) \(1950\)](#)
 - International treaty developed within the framework of the Council of Europe.
 - Protects various rights, including the right to life and the right to freedom of speech, liberty and security, a fair trial, the right to property, human rights and the environment and health, which can be invoked in the context of climate change impacts.
- [European Social Charter](#)
 - Integrated set of international standards concerning social rights and a mechanism for monitoring their implementation within the States concerned.

Non-binding instruments

- [Council of Europe Strategy for the Rights of the Child \(2022-2027\) \(2021\)](#)
 - This strategy was adopted by the Council of Europe to protect the rights of all children and ensure access to essential services for vulnerable groups.
 - References climate change in explaining the impetus for this strategy: “Other emerging issues requiring a response by the Council of Europe to provide guidance to member States have led to the inclusion of a sixth priority area on children’s rights in crisis and emergency situations to cover issues such as access to a healthy environment and taking action to fight **climate change**, the right to protection in conflict zones, migration or forced displacement or the impact of a public health crisis on the rights of the child.”
 - References climate in 2.2. Equal opportunities and social inclusion for all children
 - “The challenges faced [...] **Climate change**, environmental degradation, forced displacement, migration and conflicts are also causing inequalities and poverty among children.”
 - References climate in 2.6. Children’s rights in crisis and emergency situations
 - “The **environmental crisis** our world is facing also puts children at particular risk of harm, given both the short- and long-term consequences, **climate change** and environmental degradation will have on migration movements as well as on children’s enjoyment of the highest attainable standard of physical and mental health.”
 - Lists **UN SDG Goals** 1: End Poverty and 13: Combat Climate Change both of which mention climate change.
 - “The challenges faced [...] **Climate change** and natural disasters are hampering the ability of the child to enjoy a healthy environment, and environmental degradation is linked to severe health outcomes for children. Children are also highly exposed to toxicity.”
- [Report on the High-level Launching Conference for the new - Strategy for the Rights of the Child \(2022-2027\)](#)
 - The report makes reference to recognising and enforcing children’s environmental rights and includes insights from children and young people who were consulted on strengthening child protection systems in the face of crisis situations.

3.3. Selection of Case law relating to climate change and child-friendly justice

This section highlights significant case law on the subject of climate change as it affects children's rights at both the European and international levels. While the majority of the included cases involve European applicants, many pertain to different jurisdictions, including other regions in the world, for their comparative relevance. Similarly, not all the cases below involve children directly. For instance, the European Court of Human Rights (ECtHR) case of [Verein KlimaSeniorinnen Schweiz and Others v. Switzerland](#) (2024) involved older women as opposed to children, but it is relevant to children in underscoring the intergenerational equity aspect of climate change. Some cases are of particular importance in regards to access to justice and effective remedies, whether they were filed at the ECtHR, for instance [Duarte Agostinho and Others v. Portugal and 32 Other States](#) (2020), filed by six Portuguese youths, or filed at the UN Committee on the Rights of the Child, [Saachi et al. v. Argentina](#) (2019), by sixteen children. It is important to note that while the cases are categorised below, the categories are not mutually exclusive, as the cases are intersectional and relate to numerous rights. Additionally, the list of cases below is not exhaustive. Please refer to the **Compilation of Resources** section for databases to find further case law.

3.3.1. Decided Cases

3.3.1.1. Access to Justice

ECtHR

- Former mayor seeks judicial review of national climate policies, asserting that the insufficient government action constituted a violation of his right to life (Art. 2 ECHR) and his right to respect for his private and family life and his home (Art. 8 ECHR): ECtHR [Carême v. France](#) (2024). The court found the claim inadmissible because victim status under the Convention had not been met.
- Concerning a series of mudslides, the court found that the State authorities failed to take adequate measures and violated Art. 2 ECHR (right to life), for failure to take an adequate judicial inquiry and protection of property: ECtHR [Budayeva and others v. Russia](#) **App Nos 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02** (2008).
- Concerning noise from Heathrow airport, the Court found there had been a violation of Article 13 ECHR (right to an effective remedy): ECtHR [Hatton and others v. United Kingdom](#) **App No 36022/97** (2003).

National Courts

- The «climate case» in **Belgium**, [VZW Klimaatzaak v. Kingdom of Belgium & Others](#), was brought by an organisation of concerned citizens, arguing that Belgian law requires the Belgian government's approach to reducing greenhouse gas emissions to be more aggressive. The Court of Appeal of Brussels handed down its decision in 2023, confirming the finding of breaches established at first instance, and ordered the condemned authorities to reduce their GHG emissions. Children's rights (Arts. 6 & 24 CRC) were explicitly mentioned in the court ruling.
- Children applicants claim that climate change triggers a positive obligation per Article 1 of the Federal Constitutional Act on the Rights of Children, posing a danger to present and future generations in **Austria**: Austrian Constitutional [Court Children of Austria v. Austria](#) (2023). Applicants argued that the Federal Climate Protection Act violated the rights of best interest of the child and equality. The court rejected the application as inadmissible due to the narrow scope of the application and the impact of repeal.
- The Federal Constitutional Court of **Germany** declared the State's Climate Protection Act failed to protect their right to life, health and future constituent with human dignity, thereby violating their fundamental rights: Germany Federal Constitutional Court [Neubauer, et al. v. Germany](#) (2020).
- In a lawsuit brought by twenty-five youth plaintiffs, the court orders the government to protect the Amazon: Supreme Court of **Colombia** case [Future Generations v. Ministry of the Environment and Others](#) (2018) (finding that the environment is connected to fundamental rights of life, health, minimum subsistence, freedom, and human dignity and that future generations have rights protection).
- Court orders the government to cut emissions: Supreme Court of the **Netherlands** case [Urgenda Foundation v. The State of the Netherlands](#) (2015) (holding that the Netherlands' inadequate climate policies violated Article 2 (right to life) and Article 8 (right to private and family life) of the ECHR, underscoring that access to justice is essential in addressing state inaction on climate change).

3.3.1.2. Right to Private and Family Life

ECTHR

- Senior women argue climate change exacerbates health issues: ECTHR [KlimaSeniorinnen v. Switzerland](#) (2024) (the Court found that there was a violation of Article 8 (right to respect for private and family life) of the ECHR; and, unanimously, that there had been: a violation of Article 6(1) ECHR (access to court)).

- Concerning a waste treatment plant, the Court found there had been a violation of Article 8 ECHR (right to respect for private and family life): ECtHR [Giacomelli v. Italy](#) (App No 59909/00) (2007).
- Concerning emissions from a steel plant, the Court found there had been a violation of Article 8 ECHR (right to respect for private and family life): ECtHR [Fadeyeva v. Russia](#) (App No 55723/00) (2005).
- Concerning the State's failure to provide information about the risks pertaining to a chemical factory, the Court found the State violated Article 8 ECHR (right to respect for private and family life): ECtHR [Guerra and others v. Italy](#) (App No 116/1996/735/932) (1998).
- Concerning pollution caused by a waste treatment plant, the Court found a breach of Article 8 ECHR (right to respect for private and family life): ECtHR [López Ostra v. Spain](#) (App No 16798/90) (1994).

CJEU

Concerning greenhouse gas emission allowances under the EU Emissions Trading Scheme (ETS): EU General Court [Cementownia "Warta" S.A. v. Commission of the European Communities](#) (2008). The Court concluded that the Commission's decision did not directly and individually affect Cementownia "Warta." Thus, the Court found that the applicant's claims lacked the necessary direct concern required to bring an annulment action.

3.3.1.3. Right to Health

National Courts

- Nine girl applicants allege that gas flaring is unlawful and constitutes a violation of their rights to health, water, food sovereignty and to a healthy environment: **Ecuador** [Multicompetent Chamber of the Provincial Court of Justice of Sucumbíos Herrera Carrion et al. v. Ministry of the Environment et al. \(Caso Mecheros\)](#) (2020).
- Twenty-five youth plaintiffs from **Colombia** allege that the government's failure to reduce deforestation and to comply with climate agreements threatens their fundamental rights: Colombia Superior Tribunals [Future Generations v. Ministry of the Environment and Others](#) (2018). The Supreme Court recognised that the «fundamental rights of life, health, the minimum subsistence, freedom, and human dignity are substantially linked and determined by the environment and the ecosystem.»

3.3.1.4. Freedom of Assembly

National Court

Whether a permanent climate camp constitutes an assembly protected by Article 8 of the **German Basic Law**: Higher Administrative Court of Bavaria [*Fridays for Future v. Augsburg*](#) (2021).

3.3.2. Adjudged, Pending and Settled Cases

3.3.2.1. Access to Justice

ECtHR

- In regard to global warming's effect on the applicants' living conditions and mental health and relying on Articles 2 ECHR (right to life), 8 ECHR (private and family life), 13 ECHR (right to an effective remedy), 14 ECHR (non-discrimination): ECtHR [*Uricchio v. Italy and 31 other States*](#) (application no. 14615/21) (2021) and ECtHR [*De Conto v. Italy and 32 other States*](#) (no. 14620/21) (2021).
- State failed to meet international and national targets, violating Articles 8 ECHR (right to private and family life) and 13 ECHR (right to an effective remedy): ECtHR [*Müllner v. Austria*](#) (no. 18859/21) (2021).
- Judicial review-proceedings: ECtHR [*Greenpeace Nordic and Others v. Norway*](#) (alleging violations of Articles 2 ECHR (right to life) and 8 ECHR (right to private and family life) (no. 34068/21) (2021); [*The Norwegian Grandparents' Climate Campaign and Others v. Norway*](#) (no. 19026/21) (relying on Articles 2 ECHR (right to life), 3 ECHR (prohibition of torture and inhumane or degrading treatment), 8 ECHR (private and family life) and 13 ECHR (right to an effective remedy)) (2021).
- Treaty inhabits compliance with the Paris Agreement: ECtHR [*Soubeste and 4 other applications v. Austria and 11 other States*](#) (nos. 31925/22, 31932/22, 31938/22, 31943/22, and 31947/22) (2022) (young European applicants from France, Cyprus, Belgium, Germany and Switzerland argue that States' participation in the Energy Charter Treaty violates Articles 2 ECHR (right to life), 3 ECHR (prohibition of torture and inhumane or degrading treatment), 8 ECHR (private and family life) and 14 ECHR (non-discrimination)). [*Engels v. Germany*](#) (no. 46906/22) (2022).

3.3.2.2. General Environmental Protection

CJEU

- Whether the State infringed a Directive of the European Parliament and Council by extending the license for lignite mining without carrying out the environmental impact assessment: CJEU [Czech Republic v Poland \(Mine de Turów\)](#) (2020). The Czech Republic informed the CJEU that as a result of the settlement reached with Poland on the dispute, it waived all claims.

National Court

- Plaintiffs, including German children, challenge the State's climate act, alleging that the emissions reduction path is insufficient given the State's constitutional and international obligations: **Germany** Federal Constitutional Court [Steinmetz, et al. v. Germany](#) (2022).

3.3.2.3. Right to Health and Healthy Environment

National Court

- Indigenous community alleges that environmental degradation from mining operations in their territory violates their right to a healthy environment, health and cultural preservation: **Colombia** Administrative Tribunals [Wayúu Indigenous community and others v. Ministry of Environment and others](#) (2019). The case is pending.

2.3.3. Dismissed Cases

3.3.3.1. Access to Justice

ECtHR

- Filed by six Portuguese youths between 11 and 24 years of age, the ECtHR dismissed the case citing the lack of jurisdiction over the respondent states other than Portugal and the failure of the applicants to exhaust domestic remedies, [Duarte Agostinho and Others v. Portugal and 32 Other States](#) (2020). The case concerned the greenhouse gas emissions from 33 member States including all 27 European Union member states, the UK, Turkey, Russia, and Norway, which in the applicants' view contribute to the phenomenon of global warming resulting in heatwaves affecting the applicants' living conditions and health. This case is particularly relevant as it involved child plaintiffs and the issue of access to justice and the exhaustion of domestic remedies, in the context of the urgency of the climate crisis. The ECtHR fast-tracked the case due to this argument.

- State failed to take reasonable steps to safeguard against environmental risk:
 - ECtHR *Humane Being and Others v. the United Kingdom* (no. 36959/22) (2022)
 - ECtHR *Plan B. Earth and Others v. the United Kingdom* (no. 35057/22) (2022). Applicants included an NGO and individuals and relied on Articles 2 ECHR (right to life), 3 ECHR (prohibition of torture and inhumane or degrading treatment), 8 ECHR (private and family life) and 14 ECHR (non-discrimination), asserting that the UK had failed to take measures to combat extreme heat from climate change. Applicants complained that they were denied a full hearing, violating Articles 6 ECHR (right to a fair trial) and 13 ECHR (right to an effective remedy).

Committee on the Rights of the Child

- Sixteen children claimed that climate change led to violations of their rights to life, health, prioritisation of child's best interest and the cultural rights of indigenous communities. The United Nations Committee on the Rights of the Child. *Saachi et al. v. Argentina* (2019). The case was dismissed for failure to exhaust domestic remedies.

3.3.3.2. Failure to implement climate protection law

EU General Court

- Youth plaintiffs challenged the **European Union's** climate action plan for inadequately addressing climate change with insufficient GHG emissions reductions. *Armando Carvalho and Others v. European Parliament and Council of the European Union* (2021). Ten families, including children, from Portugal, Germany, France, Italy, Romania, Kenya, Fiji, and the Swedish Sami Youth Association Sáminuorra, brought an action in the EU General Court seeking to compel the EU to take more stringent greenhouse gas (GHG) emissions reductions. Plaintiffs alleged that the EU's existing target to reduce domestic GHG emissions by 40% by 2030, as compared to 1990 levels, is insufficient to avoid dangerous climate change and threatens plaintiffs' fundamental rights of life, health, occupation, and property. The European General Court did not rule on the merits, but dismissed the case on procedural grounds, finding that the plaintiffs could not bring the case since they are not sufficiently and directly affected by these policies. The Court concluded that the plaintiffs did not have standing to bring the case because climate change affects every individual in one manner or another and case law requires that plaintiffs are affected by the contested act in a manner that is "peculiar to them or by reason of circumstances in which they are differentiated from all other persons, and by virtue of these factors distinguishes them individually."

National Courts

- Youth plaintiffs bring a claim against the State for failure to adopt climate protection law in **Germany** Federal Constitutional Court, invoking articles from the German Constitution such as Article 2(2) (the right to life and physical integrity and freedom of the person), in combination with Article 20a of the Constitution (protection of the natural foundations of life and of animals): [Luca Salis, et al. v. State of Sachsen-Anhalt](#) (2022); [Tristan Runge, et al. v. State of Saxony](#) (2021); [Leonie Frank, et al. v. State of Saarland](#) (2021); [Otis Hoffman, et al. v. State of Mecklenburg-Vorpommern](#) (2021).
- German youth challenge state's failure to adopt climate protection law and thereby failed to protect personal freedoms and rights to property: **Germany** Federal Constitutional Court [Emma Johanna Kiehm, et al. v State of Brandenburg](#) (2021). Case was dismissed due to jurisdictional limits and the allocation of responsibilities between federal and state governments.
- Youth plaintiffs brought a claim against state for inadequacy of climate change law: **Germany** Federal Constitutional Court [Marlene Lemme, et al. v. State of Bayern](#) (2021); Germany Federal Constitutional Court [Alena Hochstadt, et al. v. State of Hessen](#) (2021).
- Youth plaintiffs seek government action to prevent climate change: **United States** Court of Appeals for the Ninth Circuit [Juliana v. United States](#) (2020). Plaintiffs under 21 argue that the US government violated their rights under the Fifth and Ninth Amendments to a stable climate system and the Public Trust Doctrine. The case was dismissed due to standing issues.

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