

ENOC SYNTHESIS REPORT

# Children's Rights & Climate Justice

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European Network of Ombudspersons for Children



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## 1. Introduction

The right of children to enjoy the highest attainable standard of health, as well as a whole host of other rights of children, are intimately connected to the environment. In relation to the right to the highest attainable standard of health (article 24), the UN Convention on the Rights of the Child (CRC) highlights the crucial link with the right to a healthy environment:

### *Article 24*

*1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.*

*2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: ... (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and **environmental sanitation** and the prevention of accidents.<sup>1</sup>*

The right to a healthy environment was recently recognised via a resolution of the General Assembly of the United Nations – a ground breaking move which highlights the level of global attention on the current environmental and climate crises. A recent report of the Intergovernmental Panel on Climate Change outlined that the failure of humanity to curb global heating has already guaranteed irreversible damage.<sup>2</sup> Phenomena such as global heating, increasingly frequent and severe weather events, food and water shortages, increased transmission of vector-borne and infectious diseases, air pollution, rising sea levels have a disproportionate and devastating impact on the health and well-being of children.

Children and youth around the globe have expressed a deep level of anxiety about the environmental and climate crisis.<sup>3</sup> Because of the temporal nature of the climate crisis, children will be disproportionately affected – ‘the most significant threats to human rights will come in the future’.<sup>4</sup> Children have in recent years been highly engaged in climate activism; taking their own initiative to bring attention to this global threat, and seeking to influence those with the power to enact necessary changes.<sup>5</sup> Many have expressed distress and disappointment where they have perceived their efforts to be in vain.<sup>6</sup> It is in this context that the European

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<sup>1</sup> Emphasis added.

<sup>2</sup> Intergovernmental Panel on Climate Change (IPCC), ‘Climate Change 2022: Impact, Adaptation, Vulnerability, ‘Summary for Policymakers’ (IPCC, 2022) < <https://www.ipcc.ch/report/sixth-assessment-report-working-group-ii/>> accessed 1 April 2022.

<sup>3</sup> Aoife Daly, ‘Climate Competence: The impact of youth climate activism on international human rights law’ (2022) 22 Human Rights Law Review 1.

<sup>4</sup> Aoife Daly, ‘Intergenerational Rights Are Children’s Rights: Upholding the right to a healthy environment through the UN Convention on the Rights of the Child’ (2022) Available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4141475](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4141475) (forthcoming).

<sup>5</sup> See e.g. Aoife Daly, ‘Climate Competence: The impact of youth climate activism on international human rights law’ (2022); Nicole Rogers, ‘Victim, Litigant, Activist, Messiah: the Child in a Time of Climate Change’ (2020) 11 Journal of Human Rights and the Environment 103.

<sup>6</sup> See e.g. Aoife Daly, ‘Climate Competence: The impact of youth climate activism on international human rights law’ (2022) and Thew *et al.*, ‘“Youth is Not a Political Position”: Exploring justice claims-making in the UN Climate Change Negotiations’ (2020) 61 Global Environmental Change.

Network of Ombudspersons for Children (ENOC) seeks to examine the extent to which children can access climate justice, and how ENOC can contribute further in this area.

Children's rights and interests should be to the forefront of the creation of climate action plans and policies. Yet children as a group are in a particularly vulnerable position, as the right to vote is generally only enjoyed by those over the age of 18.<sup>7</sup> There is therefore a democratic deficit for children and youth which means that they struggle to exercise political agency which may influence policies and laws on the climate crisis and other environmental issues. Access to environmental justice is even more important therefore for this group than others.

Climate justice can be described as a 'flexible umbrella', and it can be understood to mean using law and human rights to tackle the climate crisis.<sup>8</sup> Children's rights are only just beginning to be given explicit consideration in the framework of climate justice, although children/youth have long been advocates for social justice, including in relation to environmental rights.<sup>9</sup> The 2020 resolution of the Human Rights Council on the right of children to a healthy environment includes a provision urging States to ensure access to justice for children.<sup>10</sup> **There are therefore a range of justice mechanisms which states are expected to facilitate to enable children and adults to enjoy their rights to a healthy environment. This involves mechanisms through which children can submit complaints, seek reparation of harm, seek means to prevent actions harming the environment, and seek compensation for harm suffered.**

Child and youth climate activism has involved petitions to courts and other justice mechanisms. The applicants in the *Saachi* petition – a climate petition to the UN committee on the rights of the child<sup>11</sup> – have now petitioned the UN Secretary General, calling for an announcement that the climate crisis constitutes a global level 3 emergency in the same way that the UN responded to the coronavirus pandemic.<sup>12</sup> There was also a 'People's Climate Case' at EU level – *Armando Ferrão Carvalho and Others*<sup>13</sup> was taken against the European Parliament and Council. The plaintiffs were ten families from eight nations, and they argued amongst other things that inadequate emissions reductions by the EU violated rights such as the rights to health, education, and equal treatment. As with the *Saachi* petition however, this application was found inadmissible in 2021.

It is crucial that justice is child friendly so that there can be a 'levelling' of the playing field – children should be placed centre-stage for decision-making about their interests not least because as a group they lack political

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<sup>7</sup> John Wall, *Give Children the Vote: On democratizing democracy* (Bloomsbury Publishing, 2021); Aoife Daly, *A Commentary on the UN Convention on the Rights of the Child, Article 15: The right to freedom of association and to freedom of peaceful assembly* (Brill, 2016).

<sup>8</sup> Zoi Aliozi, *Climate Justice and Human Rights, in a World in Climate Emergency* (Global Campus Europe – Policy Brief, 2021).

<sup>9</sup> See e.g., Aoife Daly, 'Climate Competence: The impact of youth climate activism on international human rights law' (2022) 22 *Human Rights Law Review* 1; Nicole Rogers, 'Victim, Litigant, Activist, Messiah: the Child in a Time of Climate Change' (2020) 11 *Journal of Human Rights and the Environment* 103.

<sup>10</sup> UN Human Rights Council (HRC), 'Rights of the Child: Realizing the Rights of the Child Through a Healthy Environment' (13 October 2020) UN Doc A/HRC/RES/45/30 <<https://undocs.org/A/HRC/RES/45/30>>.

<sup>11</sup> *Sacchi et al. v. Argentina et al.* No. CRC/C/88/D/104/2019 (Oct. 8, 2021). Please see further below.

<sup>12</sup> Miranda Bryant, 'Youth activists petition UN to declare "systemwide climate emergency"' *The Guardian* (10 November 2021) < <https://www.theguardian.com/environment/2021/nov/10/youth-activists-petition-un-to-declare-systemwide-climate-emergency> > accessed 3 December 2021.

<sup>13</sup> Case no. T-330/18 *Armando Ferrão Carvalho and Others v. The European Parliament and the Council* [2018] ECR II-324.

and other types of power.<sup>14</sup> Taking a children's rights approach requires recognising children's unique characteristics and recognising that they may require more support than adult litigants.<sup>15</sup>

Child friendly justice has been elaborated in detail in the past decade. Literature has been developed which outlines the various ways in which courts, lawyers and others can work to ensure that children's rights up are respected when children's interests are being determined in court.<sup>16</sup> This term 'child friendly justice' was coined by the Council of Europe in its Child Friendly Justice Guidelines. Published in 2010, this document is a collection of international principles and practical guidance which aims to adapt the legal process to children's needs and rights.<sup>17</sup> The framework of child friendly justice aims to 'place a strong emphasis on meaningful child participation by modifying structures and procedures'.<sup>18</sup> In brief, the Council of Europe defines child friendly justice as:

*Justice systems which guarantee the respect and the effective implementation of all children's rights at the highest attainable level .... 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.*<sup>19</sup>

Similarly, the Committee on the Rights of the Child also states that children's participation in proceedings must involve environments and working methods which have been adapted to children's capacities. Also, sufficient time and resources must be made available to ensure that children have the confidence and opportunity to contribute their views.<sup>20</sup> Training is also necessary for professionals involved so that they can support and facilitate children's participation effectively.<sup>21</sup>

There is therefore an important procedural element to child friendly justice. There is also a substantive issue, however. It is crucial that children's interests are a primary consideration in any substantive decision-making in courts or other justice mechanisms.<sup>22</sup> The UN Committee on the Rights of the Child outlines that the principle of the best interest of the child must be considered in *all* decisions,<sup>23</sup> and this would include decisions by courts as to whether children's rights are invoked and given due consideration in various government policies, including those relating to the environment.

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<sup>14</sup> Helen Stalford and Kathryn Hollingsworth, "'This Case is About You and Your Future": Towards Judgments for Children' (2020) 83 *The Modern Law Review* 1030.

<sup>15</sup> n 4.

<sup>16</sup> See e.g., Stalford and Hollingsworth; Aoife Daly, *Children, Autonomy and the Courts: Beyond the Right to be Heard* (Brill, 2018); Ton Liefaard and Ursula Kilkelly, 'Child-friendly justice' in Barry Goldson (ed) *Juvenile Justice in Europe: Past, present and future* (Routledge, 2018); Ton Liefaard, 'Child-Friendly Justice: Protection and participation of children in the justice system' (2015) 88 *Temple Law Review* 905.

<sup>17</sup> Council of Europe, '*Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*' (Committee of Ministers of the Council of Europe, 17 November 2010).

<sup>18</sup> Philip Jaffé, 'Child-Friendly Justice: A malleable catalyst for the promotion of child and human rights' in Ellen Marrus and Pamela Laufer-Ukeles (eds) *Global Reflections on Children's Rights and the Law* (Routledge, 2021).

<sup>19</sup> n 17

<sup>20</sup> UN Committee on the Rights of the Child, 'General Comment No. 12 (2009) Article 12: The Right of the Child to be Heard' (20 July 2009, UN Doc: CRC/C/GC/12) para 32.

<sup>21</sup> n 20, para 134.

<sup>22</sup> n 4.

<sup>23</sup> UN Committee on the Rights of the Child, 'General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para.1)' (29 May 2013, UN Doc: CRC/C/GC/14).



## **2. Methodology**

The aim of this study was to capture what was happening in relation to children's rights and climate justice across the ENOC membership. ENOC in 2022 consisted of 43 institutions in 34 countries within the Council of Europe, 22 of which are EU countries.<sup>24</sup> In some cases there is more than one institution to represent a country or region within a state. All ENOC states have ratified the UN Convention on the Rights of the Child. Most ENOC members are in states which have become members of the Aarhus Convention, which places obligations on states to facilitate access to information, public participation and justice in relation to the environment.<sup>25</sup>

Data was collected via a scoping survey which was distributed to the membership who were asked to complete it using either Google Forms or in a Word format. The survey is available in Appendix 1. Questions were devised to capture what was happening primarily from the perspective of children's human rights and opportunities for complaint and redress for breaches of human rights and climate injustice. The survey questions were drafted by the research team and revised in the light of feedback from the ENOC steering group on climate justice. Most questions required open-ended responses as the key objective was not to gather quantitative data but to gain insight into and gather examples of implementation. Given the very wide-ranging scope of the survey, members were advised that they could leave sections blank where information was not readily available but were encouraged to provide weblinks and to share examples of good practice from their jurisdictions where these were available.

In total, 29 responses were received from the ENOC members noted below in Appendix 1. Many respondents provided links to government websites. Not all were accessible to the research team in English. The information from members is reported below as it was provided. While the responses provide rich insights into the varying levels and forms of implementation of children's rights and climate justice across the ENOC membership – and a solid base upon which to base the associated ENOC statement - it must be noted that, due to limitations stemming from the methods used and language barriers and the lack of accessibility of some of the information sought, it should not be understood as definitive, complete or fully up to date at the time of compilation.

In the sections that follow, the findings of the scoping survey are presented under ten core themes. In each case, the section begins with a short analysis of relevant international human rights law, followed by a summary of the reported state of implementation across the membership and examples of good practice.

## **3. Upholding the Best Interests of Children via Public Assessment/diagnosis of the Impact of the Climate Crisis**

### **3.1 International children's rights framework**

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<sup>24</sup> European Network of Ombudspersons for Children, 'ENOC Members' (ENOC, 2015) [https://enoc.eu/?page\\_id=2469](https://enoc.eu/?page_id=2469) accessed 26 August 2022.

<sup>25</sup> See Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (adopted 25 June 1998, entered into force 30 October 2001) 447 UNTS 2161 (Aarhus Convention). Aarhus signatories are: Albania, Armenia, Azerbaijan, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Ireland, Latvia, Lithuania, Luxembourg, Malta, Moldova, Montenegro, Norway, Poland, Serbia, Slovakia, Slovenia, Spain, Sweden, The Netherlands, Ukraine, United Kingdom.

***In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration (Article 3 (1), CRC)***

The right of children to have their best interests considered as a primary consideration in matters affecting them is a crucial right in both the CRC and also in domestic law systems.<sup>26</sup> It is sufficiently important to be considered by the Committee to be a general principle of the CRC, that is, a principle of such importance that all other CRC rights must be interpreted bearing them in mind.<sup>27</sup>

A 2019 Lancet Report predicted that a child born today will be impacted by climate change in their lifetime in relation to everything from food security to disease to poverty.<sup>28</sup> As children will be worst affected by the climate crisis, their rights and interests should be to the forefront of the creation of climate action plans and policies. Article 3 of the CRC requires that the best interests of children are a primary consideration in all matters affecting them. In 2018 in his report on children's rights and the environment, the Special Rapporteur on Human Rights and the Environment emphasised that States have heightened obligations to protect children from environmental harm, including through regulation of private actors such as businesses.<sup>29</sup> Furthermore, the Special Rapporteur elaborates, states must take a precautionary approach to protect children against environmental harm – the precautionary principle derives from the 1992 *Rio Declaration on Environment and Development*, which states that: 'Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.'<sup>30</sup>

The right of children to have their best interests taken as a primary consideration in policy-making requires an even earlier step – research has to be undertaken to provide information and analysis of the scope of a particular problem affecting children's rights. The Committee on the Rights of the Child states that:

*Collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realization of rights, is an essential part of implementation.*<sup>31</sup>

The Committee also emphasises that data collection needs to extend across all ages, and throughout the jurisdiction. It must include qualitative as well as quantitative studies, and the views of children themselves are crucial. It is clear that given the devastating impact on the rights and well-being of children pointed out by research such as that of the IPCC, it is essential that every states party to the CRC is obliged to conduct specific research into the impact of the climate crisis of children in that particular jurisdiction. The Committee on the Rights of the Child has however identified a distinct lack of data on the impacts of environmental harm on

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<sup>26</sup> Laura Lundy *et al.*, *The UN Convention on the Rights of the Child: A Study of Legal Implementation in 12 Countries* (UNICEF, 2012), 4.

<sup>27</sup> UN Committee on the Rights of the Child, 'General Comment No. 5 (2003) (27 November 2003, UN Doc: CRC/GC/2003/5).

<sup>28</sup> Nick Watts *et al.* 'The 2019 report of The Lancet Countdown on health and climate change: ensuring that the health of a child born today is not defined by a changing climate.' (2019) 394, 10211 *The Lancet*. <[https://doi.org/10.1016/S0140-6736\(19\)32596-6](https://doi.org/10.1016/S0140-6736(19)32596-6)>

<sup>29</sup> UNCHR, 'Report of the Special Rapporteur on the Issue of Human Rights obligations relating to the enjoyment of a safe, clean healthy and stable environment' (2018) UN Doc: A/HRC/37/58, para 38.

<sup>30</sup> UNCHR, 'Rio Declaration on Environment and Development' (12 August 1992, UN Doc: A/CONF.151/26 Vol. I).

<sup>31</sup> n 27.

children, including the consequences to children of environmental harms in light of their vulnerabilities; long-term data on the impacts across different ages, and limited disaggregated data on children most at risk.<sup>32</sup>

### **3.2 Implementation**

Those surveyed were asked whether there had been a public assessment/diagnosis of the impact of the Climate Crisis on children in their jurisdiction. The vast majority responded that there had been no such assessment conducted. It appeared that there was however general acceptance by various countries in their policies that children are amongst the worst affected by the climate crisis. Georgia's Nationally Determined Contribution states that: 'The observation of the impacts of extreme weather events on Georgia's population, induced by the climate change during the last decades, reveals the following vulnerable groups requiring urgent adaptation measures: children and adolescents, women, elderly persons...'<sup>33</sup> There was rarely significant elaboration on children's rights however. Even in countries which produce research reports on the impacts of the climate crisis on the nation, these reports were found to lack specific focus on children as a group. It is reported in Iceland for example that it is the responsibility of the Minister of the Environment to ensure that scientific reports are published regularly on the effects of climate change on nature and the society, children however are not mentioned specifically.

### **3.3 Examples of good practice**

**Wales:** In April 2019, Wales declared a climate emergency. Public Health Wales commissioned a Health Impact Assessment to assess the potential impact of Climate Change on the population of Wales. The assessment is informing key strategic decisions on health impacts in Wales arising from climate change. This Health Impact Assessment on Climate Change considers impact on children's health and wellbeing. It involved a mixed-method assessment over a six-month period involving analysis of peer-reviewed evidence, grey literature and first hand interviews and surveys. Findings indicate significant potential impacts on health across population groups such as children and young people and older people; schools; hospitals/care homes and workplaces. It is argued that the work has demonstrated the value of this research approach for significant, complex policies by mobilising varied evidence through a transparent process.<sup>34</sup>

**Jersey:** In 2019, a States Assembly declared a climate emergency and suggested to the government that they create a Carbon Neutral Strategy to begin alleviating the impacts of climate change, this was actioned, and the Citizens' Assembly changed the name to the Carbon Neutral Roadmap for the long-term climate action plan. Children's rights have been prominent in this effort- see further section below.

## **4. Upholding the best interests of children through the development of national/regional climate action plans/policies**

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<sup>32</sup> UN Committee on the Rights of the Child (CRC), 'Report of the 2016 Day of General Discussion: Children's Rights and the Environment' (2016 Day of General Discussion, 23 September 2016) para. 16.

<sup>33</sup> UN Climate Change, 'Nationally Determined Contributions Registry' (UN Climate Change) <<https://bit.ly/3JAF2lc>>

<sup>34</sup> Liz Green, 'Assessing the public health impact of climate change in Wales.' (2020) 30/5 European Journal of Public Health.

## **4.1 International children's rights framework**

One important way for states to respect, protect and fulfil the right to a safe and healthy environment is to ensure that children's rights and best interests are explicitly considered as a primary consideration in policy and planning which have environmental implications. The Committee outlines that states must explain how the principle of the best interests of the child has been respected in a particular decision, 'that is, what has been considered to be in the child's best interests; what criteria it is based on; and how the child's interests have been weighed against other considerations' including in 'broad issues of policy'.<sup>35</sup> In 2017 the Office of the High Commissioner for Human Rights produced an analytical study on the relationship between climate change and children's rights; stating that children's rights, including their participation, must be built into climate and development strategies.<sup>36</sup> Another important development was that in 2021 in *Sacchi et al., v. Argentina et al.*, the Committee on the Rights of the Child found that a sufficient causal link exists between the harm due to climate change and the acts of the States. States are therefore legally responsible for the harmful effects of carbon emissions originating in their territory on children both inside and outside their territory – this further requires that states consider the rights and interests of children in any climate laws or policies.

Research indicates however that states frequently do not explicitly give primary consideration to children's rights and interests in climate policy-making. UNICEF found in 2020 that only 34% of 103 countries with new or revised climate plans (Nationally Determined Contributions, a requirement under the Paris Agreement) could be classed as 'child sensitive'.<sup>37</sup> Another crucial aspect of such planning is upholding the right under Article 12 of the CRC that children are heard in all matters affecting them. Also important is children's entitlement to seek, receive and impart information, protected in Articles 13 and 17.<sup>38</sup> It is also crucial to note that Article 12 of the CRC enshrines the right of children to have due weight given to their views in accordance with age and maturity. The Committee asserts that, 'simply listening to the child is insufficient; the views of the child have to be seriously considered when the child is capable of forming her or his own views.'<sup>39</sup> The Committee also emphasises the obligation to provide children with feedback and information on the position of their views in the outcome.<sup>40</sup>

In spite of these well-defined obligations to facilitate children's active participation in environmental policy-making, and the obligation to make clear the influence that their views had, UNICEF found in 2020 that only 12% of countries with new or revised climate plans were children actually consulted.<sup>41</sup> Recommendations by the Special Rapporteur for enhancing children's CRC article 12 participation rights have included youth parliaments and lowering the voting age so that they can better participate in the political system.<sup>42</sup> It has also

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<sup>35</sup> n 23, para 6.

<sup>36</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), 'Analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child: report of the Office of the United Nations High Commissioner for Human Rights' (4 May 2017) UN Doc A/HRC/35/13.

<sup>37</sup> UNICEF, 'Making Climate and Environment Policies for and with Children and Young People' (UNICEF, November 2021) 2.

<sup>38</sup> Natasha Blanchet-Cohen and Elliot Enid, 'Young Children and Educators Engagement and Learning Outdoors: A Basis for Rights-Based Programming' (2011) 22/5 Early Education & Development.

<sup>39</sup> n 20, para. 28.

<sup>40</sup> n 20, para. 45.

<sup>41</sup> n 37.

<sup>42</sup> See e.g. See UN Special Rapporteur on Human Rights and the Environment (SRHRE), Healthy and Sustainable Food: Good Practices: Supplementary information to the report of the Special Rapporteur, David R. Boyd, on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (13 October 2021) UN Doc Annex to A/76/179, para 142

been argued that ‘States should endeavour to legislate in order to enjoin public institutions and private organisations to design policies and action programmes which have children’s health and environmental protection as a priority.’<sup>43</sup>

An important element of determining the impact of policy and other decisions on the rights of children as a group is the conducting of children’s rights impact assessments. The Committee on the rights of the child states that conducting children’s rights impact assessments (CRIA) is an essential part of ensuring that children’s rights obligations are met:

*Ensuring that the best interests of the child are a primary consideration in all actions concerning children (art. 3 (1)), and that all the provisions of the Convention are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment (predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of implementation). This process needs to be built into government at all levels and as early as possible in the development of policy.*<sup>44</sup>

The Special Rapporteur on human rights and the environment has emphasised the importance of environmental assessment by any State of their projects, laws and policies to avoid any harm to human rights. He placed particular emphasis on the rights of children in this regard, stating that this should be done through a children’s rights impact assessment – this, he emphasises, will enable proper consideration of potential vulnerabilities of children, and consideration of how to facilitate children’s participation.<sup>45</sup>

The Committee on the Rights of the Child emphasises that to ensure good governance for children’s rights CRIA needs to be built into Government processes as early as possible, and at all levels, in the development of laws and policies. Different methodologies may be developed but at a minimum, CRIA must use the CRC as a framework. In particular assessments should be underpinned by the CRC general principles and be based on input from children and other stakeholders.<sup>46</sup>

There are now numerous elaborations of what child rights impact assessments (CRIA) should involve. These are regulatory tools used in an assessment process, the outcome of which is a report that analyses the impact of a policy/law on the rights of children. There is no single transferable CRIA model, but rather different countries develop models that fit their country’s own legal and institutional framework. The 2020 focus of ENOC resulted in the production of a *Common Framework of Reference for CRIA – A guide to carry out CRIA*.<sup>47</sup>

## **4.2 Implementation**

Those surveyed were asked whether their jurisdiction had a national/regional climate action plan/policy. The majority of those surveyed said that they did not. In a few jurisdictions, respondents stated that there were

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<sup>43</sup> Maria Antonia Tigre et al., ‘White Paper on the Rights of the Child to a Safe, Clean, Healthy and Sustainable Development’ (The Global Network for Human Rights and the Environment, 2022) < DOI:10.13140/RG.2.2.31385.29285 > 38.

<sup>44</sup> n 27, Section F.

<sup>45</sup> n29 para 46.

<sup>46</sup> n 23, para 99.

<sup>47</sup> See ENOC Common Framework of Reference for CRIA – A guide to carry out CRIA <http://enoc.eu/wp-content/uploads/2020/12/ENOC-Common-Framework-of-Reference-FV.pdf> ; See ENOC Position Statement 2020 on CRIA: <http://enoc.eu/wp-content/uploads/2020/11/ENOC-2020-Position-Statement-on-CRIA-FV-1.pdf>

references to children and youth in climate laws and policies. There was a sense however that these references are primarily rhetorical rather than involving practical commitments. The Belgian federal climate plan for example has one passing reference to ‘the young’, when they mention their flagship projects: ‘policy framework for all policy levels (national, regional, local...) and offers clear perspectives to all actors, including the young...’<sup>48</sup>

In some countries, such as France for example, it was reported that consultations had been held on the formation of climate plans and policies without the input of children and youth. In other countries however, extensive consultation with children in the formation of climate plans and policies were outlined. For example in Iceland, it was reported that in the National Action plan on Climate change, children were heard through a Children’s Forum, organised by the Ombudsman for children. The Plan cites some of the suggestions of the children such as the need to avoid food waste, and to educate children and adults on environmental issues.

### **4.3 Examples of good practice**

**Albania:** A piece of work by the Albanian Ombudsman aims to introduce for the first time a children’s rights impact assessment (CRIA) tool designated to assess the impact of policies and laws on children’s rights in relation to environmental policies and laws. It was initiated by the Office of the People’s Advocate (Ombudsman) in Albania and supported by Save the Children. It draws on the consultation with the Section of Protection and Promotion of the Rights of Children at the Ombudsman’s Office.<sup>49</sup> The CRIA model presented in this document is in line with Albanian legislation, as well as the aims of children’s rights and protection; prioritising the implementation of the principle of the best interest of the child.

**Cyprus:** The Unit of Education for Environment and Sustainable Development aims to create environmentally literate and democratic citizens. Regarding the climate crisis the Unit of EESD is developing a series of Environmental Education Programs as well as information campaigns. Recently they developed and implemented “The Climate calls “S.O.S.” in schools. More than 2000 children participated, developing animated films against climate change, which is used as information and education tool for the school community and the civil society. The Unit works to communicate such outcomes at national and international level.

**Republic of Ireland:** Ireland’s first Climate Action Plan in 2019 did not explicitly consider children’s rights (nor were children consulted). The follow-up Climate Action Plan in 2021 however (which sets a roadmap for halving emissions by 2030 and reaching net zero by 2050) refers to children in the actions it commits to taking in relation to education and participation. Plans include education modules that build climate literacy into the national education system at primary and secondary levels, and the establishment of a Youth Climate Assembly of those between 12 and 24 years of age. The Department of the Environment, Climate and Communications held a Climate Conversation consultation on the Climate Action Plan in 2021. The consultation was open to people aged over 16 years. Children under the age of 16 were consulted through the Comhairle na nÓg (local youth councils) network.

**Jersey:** Jersey conducted a Carbon Neutral Roadmap Impact Assessment based on the CRC in a bid to decarbonise Jersey’s economy to protect future generations in correlation with the instrument. Jersey’s Youth Parliament (JYP) consulted young people, aged 12 to 18 from across the Island about their thoughts on the environment, attended the Citizens’ Assembly for debate and provided recommendations evidenced from the findings of their survey. Every recommendation that the JYP suggested linked directly with CRC rights. Eco

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<sup>48</sup> Klimaat België, ‘Federaal Energie- en Klimaatplan 2021-2030’ (2021) < <https://klimaat.be/doc/fekp-voor-cmr-221119-v20-11-2019-nl.pdf> >

<sup>49</sup> Institution of the People’s Advocate in Albania / Zyhrada Kongoli, ‘Child Rights Impact Assessment of Environmental Policies and Law’ (Save the Children, Avokati i Popullit, Suedi Sverige, 2020).

Active Jersey (a programme run by the States of Jersey to promote and raise awareness of sustainable environmental practices in schools) put together a rights impact assessment (including children's rights) for each of the recommended policies prior to the debate.

## **5. Ombudspersons Upholding Children's Rights in the Climate Crisis**

### **5.1 International children's rights framework**

The Committee on the Rights of the Child outlines that: 'Children should have the possibility of addressing an ombudsman or a person of a comparable role in all children's institutions, inter alia, in schools and day-care centres, in order to voice their complaints. Children should know who these persons are and how to access them.'<sup>50</sup> The Committee also outlines that independent human rights institutions are complementary to effective state structures which work for the rights and wellbeing of children. It continues:

While this may require the institution to develop projects to enhance the promotion and protection of children's rights, it should not lead to the Government delegating its monitoring obligations to the national institution.<sup>51</sup>

Whilst Ombudspersons for children in Europe therefore should not be expected, nor try to, conduct the role which should be carried out by the government in protecting, promoting and fulfilling children's rights and interests, it is important that these institutions engage in initiatives which enhance the enjoyment of children of their rights in relation to the climate crisis. It is crucial that the national human rights institution aids in progressing children's rights across the full spectrum of the international human rights law framework:

*It is the view of the Committee that their mandate should include as broad a scope as possible for promoting and protecting human rights, incorporating the Convention on the Rights of the Child, its Optional Protocols and other relevant international human rights instruments - thus effectively covering children's human rights, in particular their civil, political, economic, social and cultural rights.*<sup>52</sup>

The Committee points out that it is also crucial that such institutions have extensive powers including the power to 'hear any person and obtain any information and document necessary for assessing the situations falling within their competence.' The powers of such institutions should also include protecting the rights of children in their jurisdiction 'in relation not only to the State but to all relevant public and private entities.'<sup>53</sup> Such institutions should also have 'the power to consider individual complaints and petitions and carry out investigations, including those submitted on behalf of or directly by children.'<sup>54</sup> States should ensure 'reasonable financial provision' for the operation of such institutions.<sup>55</sup>

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<sup>50</sup> n 20, 32.

<sup>51</sup> UN Committee on the Rights of the Child, 'General Comment No. 2 (2002), The role of independent national human rights institutions in the promotion and protection of the rights of the child' (15 November 2002, UN Doc: CRC/GC/2002/2).

<sup>52</sup> n 51, para 8.

<sup>53</sup> n 51, para 9.

<sup>54</sup> n 51, para 11.

<sup>55</sup> n 51, para 13.

## **5.2 Implementation**

Many offices reported that whilst they had not explicitly worked on the issue of climate change, they had been engaged at some point in work on children's rights in the context of the environment. Malta for example responded: 'Even though the Office of the Commissioner for children has made specific recommendations to Government regarding the environment and the impact of the climate crisis, for example on the need to improve air quality, we have not specifically worked on this issue.'

Other respondents expressed that they had been inspired to be more active in this field during 2022, as it is the ENOC's 2022 priority theme. Respondents to the survey also frequently relayed that in their annual reports, the right of children to a healthy environment featured strongly. In Croatia for example it was outlined that in annual reports, Croatia's Ombudsman for Children highlights problems relating to the right of children to a healthy environment. Respondents also emphasised several instances where their offices have dealt with complaints relating to the environment. They also reported lobbying work whereby advocacy was conducted in attempts to convince state governments to enhance the enjoyment of children's right to a healthy environment.

Some institutions reported a broad variety of activities relating to climate crisis. For example, Wales' Commissioner for Children reported numerous activities. The Commissioner had worked with young people to inform the ENOC work. Wales also has a Future Generations Commissioner. Together with the Children's Commissioner for Wales, the two offices made a joint statement supporting the children and youth taking part in the school climate strikes. Wales' Commissioner also supported the Youth Parliament in Wales with their work on reducing single use plastics. Their young people's advisory panel had input into this work. More broadly the office reported making a commitment to promoting environmentally friendly internal policy with examples such as encouraging train/public transport usage and becoming a paper-free office.

The Northern Ireland Commissioner for Children and Young People reported that:

*[W]e have started work on children's rights and environmental matters generally as well as climate justice specifically, both through our advice to government (in relation to the Environment Strategy) and working with young people to support their engagement with government. This has included supporting young people (our Youth Panel) to develop messages for government during the COP-26 conference, linking the global priorities to local action, and providing advice to Government on its Green Growth Strategy. We are also engaging our Youth Panel to participate in the ENYA process, and inputting to the UNCRC General Comment process. While we provided advice to Government after the 2016 Day of General Discussion on Children's Rights and the Environment, we have dedicated more resources to this over the past 12 months. We have also engaged with CYP in relation to Children as Human Rights Defenders, for example, through supporting their engagement with the UN Committee on the Rights of the Child's day of discussion on this matter, and running a day of activities for CYP across NI where more than 1000 learned about rights and their roles as Human Rights Defenders in 2019.*

A strong theme amongst those surveyed was consultation with children and young people on the climate crisis, and the transmission of these views to various fora. The Children's Ombudsman in Greece established in 2022 a youth advisory board that is focused on climate justice, and in particular on social inequalities emerging from the energy crisis; as well as children's participation in policy making. Iceland stated that in its work with children, the issues of the climate crisis are frequently discussed. They are currently working on a report based on consultations where the children worked among other issues on the climate crisis, and these suggestions will be presented to Government and followed-up in terms of ensuring action is taken.



### **5.3 Examples of good practice**

**Croatia:** The Office of the Ombudsman for Children of the Republic of Croatia deals with this important topic in the framework of complaints of violations of children's rights to grow up in a healthy and safe environment. The complaints that the office has dealt with related to children's exposure to poor air quality, exceeding noise levels in places where children live, the impact of harmful electromagnetic radiation, setting up base stations near children's homes, disposal of hazardous waste and environmental pollution due to inadequate disposal waste.

**Estonia:** The Estonian office organised a 'photo hunt' for children and young people in 2021 to collect children's observations of problems in their local communities. Some of the photos related to environmental issues for example garbage and urban decay, resulting in some very expressive photography bringing attention to these issues.<sup>56</sup>

**Flanders:** In November 2021 the Office of the Flemish Commissioner for Children's Rights organised a big children's participation event in cooperation with the Flemish Parliament. Young people between 12 and 18 years old agreed on resolutions on 6 different topics (including "Climate") and presented and discussed them with the members of the Parliament. They also organised preliminary preparatory sessions for the youngsters with scientific experts and civil society organisations active in the environment and climate field.

**Republic of Ireland:** In 2019, ahead of a UNGA meeting to mark the 30th anniversary of the UN Convention on the Rights of the Child (UNCRC), the OCO together with UNICEF committed to supporting the Government to achieve its commitment to consult young people on climate and called for a structured and sustainable channel to be identified, through which young people can influence decision-making at the highest level. This resulted in the Irish Government liaising with UNICEF, leading to a Youth Assembly on Climate being convened by Ireland's National Television and Radio Broadcaster, RTÉ, in conjunction with the Irish Parliament. This assembly brought 157 young people between 10 and 17 years old from all over the Republic of Ireland together to discuss the climate crisis.

## **6. Human Rights Education**

### **6.1 International legal framework**

*States Parties agree that the education of the child shall be directed to... (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations (Article 29(1)(b), CRC)*

The development of respect for human rights through education has a long history in the international and regional human rights treaties.<sup>57</sup> The UN Declaration on Human Rights Education (2011)<sup>58</sup> provides further

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<sup>56</sup> Õiguskantsler Chancellor of Justice, 'The Voice of Children and Young People in Organisation of Local Life in 2021' (Estonian Chancellor of Justice, 2021) <https://www.oiguskantsler.ee/et/laste-ja-noorte-h%C3%A4%C3%A4i-kohaliku-elu-korraldamisel-2021>

<sup>57</sup> International Covenant on Civil and Political Rights (Adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS (ICCPR), Article 13; Charter of Fundamental Rights of the European Union (2007/C/303/01) (14 December 2007) Article 14.

<sup>58</sup> United Nations Declaration on Human Rights Education and Training, UNGA Resolution 66/137 (19 December 2011, UN Doc: A/RES/66/137)

guidance on the implementation of the right to human rights education (HRE) and defines its purposes as follows:

*(a) Education about human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection; (b) Education through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners; (c) Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.*

The term ‘human rights’ incorporates ‘children’s rights’ and, read alongside article 42 of the CRC, there is an obligation to ensure that children’s education should promote knowledge and respect for the rights in the CRC itself.<sup>59</sup> Children should not just find out what rights they have but should be equipped with the attitudes and skills that enable transformational learning and/ or empowerment of children to assert and claim their rights and those of others.<sup>60</sup> The right is particularly important for children who wish to take action for climate change since they will need to learn: (a) about the right to a healthy environment (b) how climate change impacts the enjoyment of children’s rights and (c) how children can exercise their civil and political rights including, in particular, the rights to freedom of information, assembly and association. All of this should be provided by schools, at age- appropriate levels across levels of education.

## **6.2 Implementation**

Most members reported that children are receiving education about human rights, including children’s rights in school, with the majority receiving it at the primary level. For example, in the Basque country, the value, defence and respect for human rights runs through the curriculum at all stages: early childhood education, basic education (primary and secondary) and senior high school but the rights of children and adolescents are, however, explicitly referred to only in the primary stage (compulsory education 6-12 years). Jersey has adopted a new law (The Children (Convention Rights) (Jersey) Law 2022) and as a result schools within the Island are currently updating their policies/ procedures and how they link the curriculum alongside children’s rights. One only response (Northern Ireland) indicated that children’s rights education was not compulsory.

Few reported that children’s rights education covered the right to a healthy environment, which may be expected given that this is a relatively new international development. With the exception of Wales (see below), few countries also appear to address children’s civil and political rights in the context of the environment and climate action explicitly. However, several members reported that the curriculum contains broader goals that include skills for social action and democratic participation. For example, in England the Citizenship curriculum (at secondary level) includes content about the law, law-making and democracy. This should “foster pupils’ keen awareness and understanding of democracy, government and how laws are made and upheld. Teaching should equip pupils with the skills and knowledge to explore political and social issues critically, to weigh evidence, debate and make reasoned arguments”. In Denmark, the Primary School Act states that the primary school must prepare the students for participation, co-responsibility, rights and duties in a society with freedom and democracy, and that the work of the school must therefore be characterized by intellectual freedom, equality and democracy.

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<sup>59</sup> Laura Lundy, ‘Art. 29 The Aims of Education’ in Tobin J (ed) *The UN Convention on the Rights of the Child: A Commentary* (Oxford University Press, 2019).

<sup>60</sup> Laura Lundy and Gabriela Martínez Sainz, ‘The role of law and legal knowledge for a transformative human rights education: addressing violations of children’s rights in formal education’ (2018) 1/2 Human Rights Education Review.

### **6.3 Examples of good practice**

Wales is introducing a new national curriculum, Curriculum for Wales 2022 which will become statutory in September 2022.<sup>61</sup> Learning outcomes in the national curriculum specifically relate to the environment and climate emergency and human rights and includes learning that enables children to take considered and ethical action.

## **7. The Right to Learn about Respect for the Natural Environment**

### **7.1 International legal framework**

*States Parties agree that the education of the child shall be directed to... (e) The development of respect for the natural environment (Article 29(1)(e), CRC)*

*Each Party shall promote environmental education and environmental awareness among the public, especially on how to obtain access to information, to participate in decision-making and to obtain access to justice in environmental matters. Article 3 (3), Aarhus Convention*

Article 29(1)(e) of the CRC was the first formal and express recognition in a UN human rights treaty of the importance of respect for the natural environment. The term ‘natural environment’ is not defined but the Committee on the Rights of the Child has suggested that the sub-paragraph requires that education ‘link issues of environment and sustainable development with socio-economic, sociocultural and demographic issues.’<sup>62</sup> The need for children to be educated to respect the natural environment is important for climate change action in a number of respects. One of the main ways of ensuring a safe and healthy environment is to develop children’s understanding and respect for this as an entitlement, not least because that learning can then cascade among their wider families and communities.<sup>63</sup> Article 29(1)(e) supports this by making understanding and knowledge of environmental issues, including climate change, an entitlement for every child.<sup>64</sup> At the regional level, the European Commission’s Strategy on the Rights of the Child contains a number of commitments to environmental education including: creating space for children to become active participants of the European Climate Pact through pledges or by becoming Pact Ambassadors; and the Education for Climate Coalition that will help children to become agents of change in the implementation of the Climate Pact and the European Green Deal.<sup>65</sup>

One of the main ways of ensuring implementation is to ensure that it is a core element of any national curricula and that teachers are trained and resourced to address it in ways that are relevant and engaging to children. Moreover, since the objective is to develop in the child a respect for the ‘natural’ environment, it is wrong to equate ‘education’ with formal, school-based education and limit activities to these venues. The Committee on the Rights of the Child has said that respect for the natural environment should be learnt by children at

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<sup>61</sup> Welsh Government, ‘Curriculum for Wales’ (Hwb, 2022) < <https://hwb.gov.wales/curriculum-for-wales> >

<sup>62</sup> n 20.

<sup>63</sup> Agenda 21: United Nations Conference on Environment and Development (United Nations Sustainable Development, 1992) para 25.1 describes children as ‘highly aware supporters of the environment.’

<sup>64</sup> Roger A. Hart, *Children’s Participation: The Theory and Practice of Involving Young Citizens in Community Development and Environmental Care* (Routledge, 2013)

<sup>65</sup> European Commission, ‘EU Strategy on the Rights of the Child’ (2022) <[https://ec.europa.eu/info/sites/default/files/child\\_rights\\_strategy\\_version\\_with\\_visuals3.pdf](https://ec.europa.eu/info/sites/default/files/child_rights_strategy_version_with_visuals3.pdf) >

home, in school and within the community, encompass both national and international problems, and actively involve children in local, regional or global environmental projects.<sup>66</sup> Outdoor education in nature is recognized as an important way of delivering this, as is respect for the child's right to play. While there are concerns that outdoor and nature-based activities are being unduly restricted by over-cautious assessments of the risk to children's safety,<sup>67</sup> there is also a growing body of evidence to support its use in formal and informal education.<sup>68</sup> The UN Special Rapporteur on human rights and the environment emphasises that many children, particularly children living in poverty, face hazardous conditions when they play. This may be due to polluted water, toxic substances and the lack of safe green spaces. Children cannot fully enjoy their right to play and recreation in these circumstances.<sup>69</sup>

## **7.2 Implementation**

Almost all members reported that children receive education in relation to environmental issues, with the majority reporting that it was included in some respects across all stages of education. However, some reported that it was only a requirement in early childhood and primary education (Moldova) or primary and secondary education (France, Andalusia) or just in secondary education (Greece). Many responses suggested that content is often discretionary and/ or focused within certain topics in science and that climate change was not a required component. In Slovakia, for example, environmental education is an optional subject or part of other subjects.<sup>70</sup> In Ireland, the Parliamentary Joint Committee on Climate Action expressed the view that there are insufficient opportunities in the current formal education system to learn about or to act on climate change.<sup>71</sup> It recommended that the Department of Education should review the curricula for primary and secondary education for coverage and accuracy to ensure that students are fully literate on climate change and its potential impact.

All respondents gave examples of a range of environmental initiatives undertaken by environmental NGOs, often working with schools (such as the ECO schools programme widely adopted across the UK) to deliver education on the environment and climate change.

## **7.3 Examples of good practice**

**Albania:** One of the seven key competencies in the new curriculum is: Competence for life, environment, and entrepreneurship. This requires that the school 'confronts the students with ecological problems, in order to make them aware of their role in the protection of the environment and sustainable development.'

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<sup>66</sup> UN Committee on the Rights of the Child, 'General Comment No. 1 (2001) Article 29(1): The Aims of Education' (17 April 2001, UN Doc: CRC/GC/2001/1) para. 13.

<sup>67</sup> Sue Palmer, *Toxic childhood: How the modern world is damaging our children and what we can do about it*. (Hachette UK, 2010).

<sup>68</sup> Ingunn Fjørtoft, 'The natural environment as a playground for children: The impact of outdoor play activities in pre-primary school children' (2001) 29/2 Early Childhood Education Journal.

<sup>69</sup> n 29, para 36.

<sup>70</sup> Ministry of the Environment of the Slovak Republic, 'Analysis of the Status of Formal Environmental Education in Slovakia' (Institute for Environmental Policy on Environmental Education, Report on the Limitation in the Slovakian School System, April 2021) < [https://www.minzp.sk/files/iep/2021\\_03\\_co\\_vas\\_v\\_tej\\_skole\\_ucia.pdf](https://www.minzp.sk/files/iep/2021_03_co_vas_v_tej_skole_ucia.pdf) >

<sup>71</sup> Houses of the Oireachtas, 'Documents Committee on Climate Action (32nd Dáil) (Irish Government, 2021) < <https://www.oireachtas.ie/en/committees/32/climate-action/documents/> >

**Basque Country:** The Ingurugela centres are a network of public support facilities for teachers and schools, which coordinate environmental education plans and programmes in the non-university education system. The School Agenda 21 in the Basque Country has been recognised by UNESCO as one of the 25 best practices in education for sustainability worldwide. It is based on the participation of the community and intervenes and collaborates with the sustainable development of the municipality. As an Environmental Education programme, its aim is to develop knowledge, skills, attitudes, motivation and commitment to take part in solving environmental problems.

**Cyprus:** The new National Curriculum (NC) for Environmental Education (EE)/ Educational Sustainable Development (ESD) constitutes a hallmark in Cyprus since it highlights the transition from the marginalised and occasional study of environmental issues in schools to the holistic approach of these issues as a fundamental part of the educational vision and policy of each school in the country. Each school is flexible and free to develop its own policy so as to integrate local environmental and SD issues, sensitive to its own needs and objectives (MoEC 2009a: 5–6). ESD is allocated time within the timetable of primary education (stages 1–4: two teaching periods per week [2 times 40 min] within the interdisciplinary area of “Life Education”; stages 5–6: one teaching period per week [1 times 40 min]). This time is to be used over and above the time used for activities within other curriculum lessons so as to facilitate additional actions. There are compulsory education and training courses which focus on primary teachers’ training for the implementation of the National Curriculum of EE / ESD. In these courses teachers are introduced to planning their school’s EE/ESD School plan, to develop EE/ESD lessons using the interdisciplinary approach, to use various ESD pedagogical techniques such as concept maps, moral dilemma, simulations. Optional EE/ESD courses of various types, forms and duration are also offered. The Ministry of Education and Culture has also developed an innovative public initiative for integrating EE outside the school hours through the Governmental Network of Environmental Education Centers (GNEECs) under the auspices of the Unit of Education for Environment and Sustainable Development providing an extensive, organized, and systematic structure / policy of non-formal education for EE / ESD. The GNEECs incorporates seven Environmental Education Centers (EECs) which “are connected to schools and are integrated in the official educational process”.

**Denmark:** In day-care centres, one of the six overall themes that have to be worked with is nature, outdoor life and natural phenomena.<sup>72</sup> Within this theme, the legislation requires that the pedagogical learning environment must support all children to gain concrete experiences with nature, which develop their curiosity and desire to explore nature, which give children the opportunity to experience man's connection with nature, and which give children an incipient understanding of the importance of sustainable development.

**England:** A series of initiatives developed in the wake of COP26 include a National Education Nature Park will encourage nurseries, schools, colleges, and universities to think of this land as one whole ‘park’ with vast potential to help halt the decline of biodiversity in this country.<sup>73</sup> As their work starts to have an impact, young people involved will upload their progress on the park’s digital mapping services. They will be able to see how the Park is ‘growing’ while increasing their knowledge of species and developing important skills, such as biodiversity mapping, data collection and analysis. The park will be developed in collaboration with children and young people and the many excellent stakeholders that work in this area.

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<sup>72</sup> Ministry of Children and Education Denmark, ‘The Strengthened Pedagogical Curriculum - Framework and Content’ (Ministry of Children and Education, 2018) < <https://emu.dk/dagtilbud/forskning-og-viden/den-styrkede-paedagogiske-laereplan/den-styrkede-paedagogiske> >

<sup>73</sup> The Education Hub, ‘COP 26: Everything you need to know about the department’s question to put climate change at the heart of education’ (Gov.UK Department for Education, 9 November 2021) < <https://educationhub.blog.gov.uk/2021/11/09/cop-26-everything-you-need-to-know-about-the-departments-quest-to-put-climate-change-at-the-heart-of-education/> >

**Flanders:** ‘MOS’ is a well-known and resourced project, financed by the Flemish government administration on Environmental policies, to make schools more environmentally friendly for early, basic and secondary education.<sup>74</sup>

**France:** In France, every school must have a long-term project to promote biodiversity.

**Greece:** The Observatory for Sustainable Development, has collected 717 further initiatives and good practices submitted by 383 schools.<sup>75</sup> The educational programme “Open schools to the climate protection and energy saving 2017-2019, Berlin-Athens”, implemented by the Athens Municipality, German institutions (UfU) is supported by the Ministry of Education and sponsored by the European Climate Initiative (EUKI). It was implemented in 72 primary and secondary education schools, engaging 200 teachers and 2.807 pupils with the aim to raise awareness and draft specific recommendations addressed to the City of Athens on energy saving and the reduce of the environmental footprint of the school buildings.<sup>76</sup>

**Italy:** The Ministerial Circular n. 86 of 27 October 2010, reaffirming the integrated and transversal dimension of teaching “Citizenship and Constitution”, recalls the importance of issues of legality and environmental sensitivity and education to sustainable development, with particular regard to the development of social and civic competences such as energy actions, the protection and enhancement of the artistic, cultural and environmental heritage. In particular, for the first cycle of education, it refers to what is expressly stated in the National Indications to spread awareness that the great problems of the current human condition (environmental degradation, climate chaos, energy crises, unequal distribution of resources, health and disease, the encounter and confrontation of cultures and religions, bioethical dilemmas, the search for a new quality of life) can be addressed and resolved through close collaboration not only between nations, but also between disciplines and cultures. In 2014, guidelines for environmental education and sustainable development elaborated by an inter-ministerial working group composed of the Ministry of Education, Universities and Research and the Ministry of Environment and Protection of Land and Sea, were published.

**Ireland:** The Climate Action Plan 2021 commits to supporting the development and delivery of education modules that build climate literacy into the national education system at primary and secondary levels.<sup>77</sup>

**Poland:** The Minister of Education and Science and the Minister of Climate and Environment signed a letter of intent expressing willingness to cooperate on environmental and climate education.

**Norway:** The 2020 Framework for Kindergartens contains the following statement: “The children shall learn to look after themselves, each other and nature. Sustainable development covers the natural environment, economics and social issues and is key to preserving life on Earth as we know it.<sup>78</sup> Kindergartens therefore play an important role in promoting values, attitudes and practices for more sustainable communities. Sustainable development is about how people who are alive today can have their basic needs met without denying future generations the opportunity to fulfil theirs. It is about thinking and acting locally, nationally and globally. Kindergartens shall help make the children understand that their actions today have consequences for the future. Kindergartens shall foster the children’s ability to think critically, act ethically and show solidarity. Children shall be given opportunities to give care and to look after their surroundings and the natural environment. For Sami children, this means living in harmony with, making use of and reaping the land. The

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<sup>74</sup> MOS Vlaanderen, ‘MOS Duurzame Scholen Straffe Scholen’ < <https://www.mosvlaanderen.be/> >

<sup>75</sup>General Secretariat of Government Greece, ‘Good Practices: 717 Actions of Schools’ < <https://observatory.sustainablegreece2020.com/gr/initiatives-by-school.1.html> >

<sup>76</sup> Athens Eco Schools, ‘Action Plan’ < <http://athensecoschools.gr/action-plan/> >

<sup>77</sup> Government of Ireland, ‘Climate Action Plan 2021 - Securing Our Future’ (2021) < <https://www.gov.ie/en/publication/6223e-climate-action-plan-2021/> >

<sup>78</sup> Norwegian Directorate for Education and Training, ‘Framework Plan for Kindergarten’ (1 August 2017) < <https://www.udir.no/globalassets/filer/barnehage/rammeplan/framework-plan-for-kindergartens2-2017.pdf> >

children shall be given outdoor experiences and discover the diversity of the natural world, and kindergartens shall help the children to feel connectedness with nature.”

## **8. The Right to Seek, Receive and Impart Information**

### **8.1 The international children’s rights framework**

*1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.*

*2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; or (b) For the protection of national security or of public order (ordre public), or of public health or morals. (Article 13, CRC)*

*Each Party shall ensure that, subject to the following paragraphs of this article, public authorities, in response to a request for environmental information, make such information available to the public... (Article 4, Aarhus Convention)*

*Each Party shall ensure that: (a) Public authorities possess and update environmental information which is relevant to their functions; (b) Mandatory systems are established so that there is an adequate flow of information to public authorities about proposed and existing activities which may significantly affect the environment; (c) In the event of any imminent threat to human health or the environment, whether caused by human activities or due to natural causes, all information which could enable the public to take measures to prevent or mitigate harm arising from the threat and is held by a public authority is disseminated immediately and without delay to members of the public who may be affected.... (Article 5, Aarhus Convention)*

Children’s right to seek, receive and impart information is crucial for children who are acting for climate change. Children have a right to both get information on the issues that is comprehensible to them and be in a position to express their own views and share information freely. States have an obligation to ensure that children have access to environmental information which is of importance to their lives. Access to environmental information is categorised under two headings: (i) the obligation of the state to ensure that environmental information which is held by public agencies is collected and disseminated in a way which is affordable, timely and accessible, so that children can make informed decisions; and (ii) states must provide information where there is imminent threat/danger of environmental harm.<sup>79</sup>

The UN Special Rapporteur on Freedom of Opinion and Expression has suggested that ‘the possible risks that children face as a consequence of their young age and relative immaturity are overstated and used as an excuse for unduly restricting the rights of both adults and children to freedom of expression’.<sup>80</sup> Article 13 covers expression in a range of formats that might be particularly appropriate for children, including art and media of the child’s choice. The inclusion of the phrase ‘regardless of frontiers’ in Article 13(1) is highly relevant to the work of environmental activists many of whom are working on transnational and global issues, including climate change. Read alongside Article 13 of the CRC, Articles 6 and 7 of the Declaration on Human Rights

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<sup>79</sup> UNHRC, ‘Report of the Special Rapporteur on the Issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment’ (2018) UN Doc: A/HRC/37/59<<https://undocs.org/A/HRC/37/59>>

<sup>80</sup> UNHCR, ‘Report by Special Rapporteur Fran La Rue on the Promotion and Protection of the Right to Freedom of Opinion and Expression’ (2010, UN Doc: A/HRC/14/23)

Defenders reinforce the fact that the child has a right to seek, receive and impart information about human rights and freedoms, and to develop and discuss new human rights ideas (such as the right to a healthy environment) and advocate for their acceptance.<sup>81</sup>

Children who are engaged in action for climate change may not have access to the information they need in language or formats that they can easily access or understand. Information about the environment or climate change might be technical and difficult to understand or hard to find: the obligation should be on government to make it readily available in child-friendly language. Children who are undertaking action for climate change will obtain most of the information they need online. The Committee on the Rights of the child has said that ‘states parties should provide and support the creation of age-appropriate and empowering digital content for children in accordance with children’s evolving capacities and ensure that children have access to a wide diversity of information.’<sup>82</sup> It has also said that ‘Content controls, school filtering systems and other safety-oriented technologies should not be used to restrict children’s access to information in the digital environment; they should be used only to prevent the flow of harmful material to children. Content moderation and content controls should be balanced with the right to protection against violations of children’s other rights, notably their rights to freedom of expression and privacy.’<sup>83</sup>

The ability of children to communicate information to others is also crucial for climate action – one of the ways that children have been successful in educating children and adults about climate change. They often face additional hurdles due to having to get the permission or help of adults and are sometimes restricted from speaking out by adults who have concerns about their safety. Moreover, many children who work for climate change use social media as part of their action. They should be able to do this safely and without being subject to abuse. The Committee on the Rights of the Child has said that ‘when children express their political or other views and identities in the digital environment, they may attract criticism, hostility, threats or punishment’ and that ‘states parties should protect children from cyberaggression and threats, censorship, data breaches and digital surveillance.’<sup>84</sup>

Article 13(2) sets out the permissible restrictions to the right. The UN Special Rapporteur on the Promotion and Protection of the Rights to Freedom of Opinion and Expression has established a set of principles to be followed when decisions are made about restrictions within the context of the right.<sup>85</sup> While all of these apply to children’s exercise of their civil and political rights, some of the principles may have particular significance when considered in relation to children taking action on environmental issues and climate change. Any such restriction should comply with the principles proposed by the Special Rapporteur on freedom of opinion and expressions: they should not undermine or jeopardise the essence of the right; they should not be arbitrary or unreasonable; they should be proportionate and kept under review. Moreover, ‘restrictions must be accessible, concrete, clear and unambiguous, such that they can be understood by everyone and be applied to anyone’<sup>86</sup>The Committee on the Rights of the Child has advised that any restrictions on children’s right to freedom of expression in the digital environment, ‘such as filters, including safety measures, should be lawful, necessary

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<sup>81</sup> Laura Lundy, ‘The Rights of Child Human Rights Defenders Implementation Guide (Child Rights Connect, 2021) <<https://www.childrightsconnect.org/wp-content/uploads/2020/12/final-implementation-guide-the-rights-of-child-human-rights-defenders-forweb.pdf>>

<sup>82</sup> UN Committee on the Rights of the Child, ‘General Comment No. 25 (2021) on Children’s Rights in Relation to the Digital Environment’ (02 March 2021, UN Doc: CRC/C/GC/25) para 51.

<sup>83</sup> *Ibid.* para 56.

<sup>84</sup> n 82, para 59.

<sup>85</sup> n 80, para 79.

<sup>86</sup> n 80.



and proportionate’ and that ‘States parties should provide children with information and training opportunities on how to effectively exercise that right, in particular how to create and share digital content safely.’<sup>87</sup>

## **8.2 Implementation**

Many states have provided children with child-friendly information about the environment, although usually that is through formal education and/or in partnership with environmental NGOs. In Northern Ireland, for example, the government (DAERA and local councils) fund Eco-schools and provides funding to community organisations through Live Here Love Here.<sup>88</sup> The latter has links to videos with a ‘litter-loathing puppet’ that is designed to appeal ‘to all ages’. However, most respondents indicated that general public information on the environment/ climate change is not routinely available in ways that are child-friendly or accessible. In Belgium and Jersey, for example, it was reported that information that is provided to the public tends to not be child-friendly, accessible to those with disabilities or age appropriate. Likewise in the Basque Country, it was reported that there is no evidence that information is age-appropriate or adapted for children with disabilities. This is in spite of the fact that the Basque Law 3/2005 on the Care and Protection of Children and Adolescents recognises children's right to information, requiring the Basque public administrations to encourage the production and dissemination of information materials aimed at children and adolescents.

All respondents indicated that children were able to share information freely and provided examples of how this was happening in school and communities as well as at the national level. The major restrictions reported were those set by social media companies which generally require children to be 13. It was noted, however, that while the age restrictions allow for children to use social media from the age of 13, research highlights that many below this age are also using these platforms regularly. Respondents were not asked whether children were receiving abuse or trolling online in response to environmental/climate change activism, and it was not mentioned in any of the general responses. There is evidence however that youth activists, and particularly girls, receive extensive online abuse for their activism.<sup>89</sup>

## **8.3 Examples of good practice**

### **8.3.1. Children seeking and receiving information:**

**Norway:** Norway has legislation which gives everyone the right to information about the environment and provides a mechanism for complaint.<sup>90</sup> There are no age restrictions in the legislation. The legislation does not specifically require material to be provided in child-friendly formats but provides that information must be ‘comprehensive and comprehensible in relation to the information need’.

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<sup>87</sup> n 82.

<sup>88</sup> Live Here Love Here, ‘Northern Ireland’s Largest Civic Pride Programme’ <<https://www.livehereandlovehere.org/cgi-bin/greeting?instanceID=1>>

<sup>89</sup> See e.g., Zahra Hirji, ‘Teenage Girls Are Leading The Climate Movement: And Getting Attacked For It. A new movement of teenage climate activists — most of whom are girls — are getting dragged, doxed, hacked, and harassed online’ (September 25, 2019) Available at: <https://www.buzzfeednews.com/article/zahrahirji/greta-thunberg-climate-teen-activist-harassment>. And more generally, Lundy and Templeton: *The views and experiences of Children Human Rights Defenders*, Child Rights Connect, 2018.

<sup>90</sup> Government Norway, ‘Environment Information Act’ (Act of 9 May 2003 No. 31) <<https://www.regjeringen.no/en/dokumenter/environmental-information-act/id173247/>>

**Albania:** Albania has a new law on Climate Change (155 / 2020).<sup>91</sup> The purpose of this law is: a) to contribute to the reduction of greenhouse gas emissions; b) accelerate adaptation to climate change, with a view to mitigating the harmful effects of climate change; c) to contribute to the global efforts to climate change through the fulfilment of the obligations of the Republic of Albania to the Convention; d) establish a comprehensive legal and inter-institutional framework for climate action at national level in line with EU climate change legislation. d) to join the states that recognize the climate emergency, according to the decision of the European Parliament of 28 November 2019. It was reported that awareness of the high risk of climate change has gradually increased, materializing in new strengthening awareness-raising capacities and activities and community involvement.

**Georgia:** The Legal Entity of Public Law - Environmental Information and Education Centre under the Ministry of Environmental Protection and Agriculture of Georgia (EIEC) promotes sustainable development through encouraging education related to environmental components and by access to comprehensive information. There is no age restriction, and the Child's Rights Code emphasizes participation and access to necessary information.

**Ireland:** The Climate Action Plan 2021 is also published in an infographic which, although not specifically child-friendly, would be accessible to older children.<sup>92</sup> AskAboutIreland.ie (an initiative of public libraries together with local museums and archives) provides links to child-friendly resources, including for example Kids 4 Change and ENFO Kids.<sup>93 94 95</sup>

**Scotland:** The Children's Commissioner's office has produced child-friendly information about children's rights when taking part in a protest.<sup>96</sup>

### 8.3.2. Children imparting information:

**Wales:** Children have been involved in writing the 'Reduce, Reuse, Recycle' report through their involvement in the Welsh Youth Parliament.<sup>97</sup> Some schools have enabled children to create their own materials and campaign resources about climate change as part of their learning and shared these with their school community. Some schools and colleges have also used the Welsh Baccalaureate Qualification to do this. An aspect of this qualification includes a 'Global Citizenship Challenge' which aims to develop students' understanding of global issues such as climate change. Young people are able to produce content which can be shared on a variety of online platforms. Through involvement with organisations, children's blogs have

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<sup>91</sup>Republic of Albania Assembly, 'Law No. 155/2020 on Climate Changes' (2020) < [https://turizmi.gov.al/wp-content/uploads/2021/10/1.-Ligji-nr.-155-dt.-17.12.2020\\_PER-NDRYSHIMET-KLIMATIKE-1.pdf](https://turizmi.gov.al/wp-content/uploads/2021/10/1.-Ligji-nr.-155-dt.-17.12.2020_PER-NDRYSHIMET-KLIMATIKE-1.pdf) >

<sup>92</sup>[n 77.](#)

<sup>93</sup>Ask About Ireland (AskAboutIreland and the Cultural Heritage Project) < <https://www.askaboutireland.ie/> >

<sup>94</sup> Kids 4 Change, 'Kids 4 Change Teaches children that even small contributions can make a big change' < <http://www.kids4change.org/> >

<sup>95</sup>Ask About Ireland, 'Primary Students - ENFO Kids' < <https://www.askaboutireland.ie/learning-zone/primary-students/enfo-kids/> >

<sup>96</sup> Children and Young People's Commissioner Scotland, 'Under 18? Your Human Rights at Protests' < [https://www.cypcs.org.uk/human\\_rights\\_protest/](https://www.cypcs.org.uk/human_rights_protest/) >

<sup>97</sup> Welsh Government, 'New stats show Wales upholds world class recycling, despite pandemic' (Welsh Government, 18 November 2021) <<https://gov.wales/new-stats-show-wales-upholds-world-class-recycling-rates-despite-pandemic>>

been published on external websites, with examples including the Welsh Government Blog, Institute of Welsh Affairs and Welsh Youth Parliament.<sup>98 99 100</sup>

**Ireland:** The initiative Youth Voices led by ECO-UNESCO gives young people the opportunity to have their thoughts, quotes, survey responses and videos about climate change and the environment published on the organisation's website.<sup>101</sup>

**Moldova:** In Moldova, the Environmental Investment Centre is organising a video competition called 'Mini negavatt' for children to offer solutions to environmental problems. The NGO Mondo organises a youth competition on climate change inviting different artistic expressions and there is also a competition of young scientists looking for environmental solutions.

## **9. The Right to Have Views Given due Weight on Issues of Climate Justice**

### **9.1 International Human Rights Framework**

*States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. Art. 12 (1) CRC.*

*States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right. Art.7, CRPD*

*Each Party shall make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public. Aarhus, Articles 6-8.*

Article 12(1) is a right that is unique to children, requiring those making decisions that affect children to seek their views and give them due weight in accordance with their age and maturity. Article 12(1) covers all matters affecting the child including issues related to the environment and climate justice. This is underscored by the general obligation to enable the public to participate in environmental programmes in the Aarhus Convention. The Committee on the Rights of the Child has encouraged States to lower the voting age which is one way in

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<sup>98</sup> Welsh Government, 'Meet the Young Welsh voice leading Wales' climate talks' (Welsh Government, 25 November 2021)

<https://welshgovernment.blog.gov.wales/2021/11/25/meet-the-young-welsh-voice-leading-wales-climate-talks/> and Poppy Stowell-Evans, 'Small but Mighty: Climate Activism Against Eco-Anxiety' (The Welsh Agenda, 19th January 2022)

<https://www.iwa.wales/agenda/2022/01/small-but-mighty-climate-activism-against-eco-anxiety/> and Youth Parliament Wales, 'Earth Hour' (Youth Parliament, 23 March 2022) <https://youthparliament.senedd.wales/blog/earth-hour/>

<sup>99</sup>Institute of Welsh Affairs < <https://www.iwa.wales/> >

<sup>100</sup>Welsh Youth Parliament, 'Your Voice is Powerful' (Welsh Youth Parliament, 2022) <<https://youthparliament.senedd.wales/>>

<sup>101</sup>ECO-UNESCO, 'Conserving the Environment, Empowering Young People' (ECO-UNESCO, 2022) < <https://ecounesco.ie/> >

which children's views on the environment might be heard on these issues.<sup>102</sup> However, governments should also actively create opportunities for the involvement of children in public decision-making such as local, regional and national child and youth parliaments, climate summits etc. and should proactively consult children when making environmental and climate change policy, using accessible material and methods. Article 12 applies to all children and efforts must be made to ensure that groups of children who are often marginalized, silenced and ignored are included. States are also required to ensure that children with disabilities enjoy the right to be heard on an 'equal basis with other children' and receive 'disability and age-appropriate assistance' to realize their rights (Article 7(3), CRPD).

In all cases, whether individual or collective, and across all decisions, there is an obligation to give children's views 'due weight' in accordance with age and maturity. This right exists as an acknowledgement that children are less likely to be in a position to influence these decisions and that the ability to impact decisions made about oneself is at the heart of a human-rights based approach – underscoring dignity, equality and respect for the worth of the individual human. Children's right to be involved in public decision-making in relation to issues of the environment/ climate change demands a distinctive and additional response to that of adults from States in recognition of the disadvantage: states are under a specific obligation to both seek the views of children and take them seriously (by giving them due weight in accordance with age and maturity).<sup>103</sup>

## **9.2 Implementation**

Most respondents indicated that children had not been consulted or involved directly by government and many also provided examples of consultations/ policy initiatives that did not involve children. Some examples of direct engagement by government are set out below. Many provided examples of NGOs and other working with children to lobby government on issues related to the environment and climate change. For example, in Norway there is a children's climate panel established through the organization 'Miljøagentene'.<sup>104</sup> They represent children and lobby government, producing a children's climate report every year.

Certain groups of children were identified as not being included in participation initiatives. Some observed that opportunities were given to older children (those over 12 or 16) or those over 18. For example, the Danish Ministry of Climate, Energy and Utilities for instance facilitates a Youth Climate Council who are to bring new thinking into Danish climate policy and provide input to the Minister on future climate solutions. This council is, however, only for young people that are between 18 and 29 years old.

Thus, in spite of increasing good practices, the right is not implemented consistently or routinely for children by governments in the context of environmental/ climate change policy and decision-making. In the Netherlands, children have not been involved to date but a recent position paper has set out a commitment to public consultation that will involve children and young people.<sup>105</sup> In Scotland, children were not initially invited to be part of consultations on the climate change legislation and the Children's Parliament responded

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<sup>102</sup> UN Committee on the Rights of the Child, 'General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence' (6 December 2016, UN Doc: CRC/C/GC/20) para 42.

<sup>103</sup> n 81.

<sup>104</sup> Children's Climate Panel 2019 and 2020, 'The Children's Climate Rebellion - Pandemic shows that we can!' (Eco-Agents Children's Environmental Organisation and Children's Panel on Climate Change, 2020) <<https://miljoagentene.no/getfile.php/1351097-1645779117/barnas%20klimapanel%20rapport%20engelsk%20versjon%202020.pdf>>

<sup>105</sup> Ministerie van Buitenlandse Zaken, 'Jongeren over Klimaatverandering: we missen actie' (Ministerie van Buitenlandse Zaken, 5 November 2021) <<https://www.rijksoverheid.nl/ministeries/ministerie-van-buitenlandse-zaken/het-werk-van-bz-in-de-praktijk/weblogs/2021/vn-jongerenvertegenwoordigers-bij-cop26>>

by setting up a process for them to be heard.<sup>106</sup> Some respondents also identified the fact that it was not clear what impact children's views has on the content. For example, in Northern Ireland there was a pre-consultation with children and young people through the Education Authority to inform the Green Growth Strategy.<sup>107</sup> However, it was not clear how this was taken into account in the development of the Strategy.

### **9.3 Examples of good practice**

**Jersey:** In response to the highlighted challenge of mitigating the impacts of climate change, a Carbon Neutral Roadmap Impact Assessment: United Nations Convention of the Rights of the Child was undertaken in a bid to decarbonise Jersey's economy to protect future generations in correlation with the UNCRC.<sup>108</sup> Jersey's Youth Parliament (JYP) consulted young people aged 12 to 18 from across the Island about their thoughts on the environment. JYP attended the Citizens' Assembly for debate and provided recommendations evidenced from the findings of their survey. Every recommendation that the JYP suggested linked directly with Children's Rights from the UNCRC, it aimed to meet the rights for the children in the jurisdiction in terms of encouraging a positive impact on children and their rights due to the 'climate crisis', whilst assisting with the challenge of mitigating the impacts of climate change in Jersey. Eco Active Jersey put together an impact rights assessment for each of the recommended policies prior to the debate. The impact assessment looked specifically at the impact the policies would have if they were passed on children's rights.

**Iceland:** Representatives of young people, who have organized climate strikes in Iceland, were invited to a meeting with the Prime Minister, the Minister of the Environment, the Minister of Finance, and the Minister of Communication in 2019. The same group of young people also met with the project management group, responsible for the Action Plan and had meetings with the Prime Minister, Minister of Finance and Minister of the Environment. Further, the action plan states that the Government met with the Youth Council of the Sustainable Development Goals, where the issue of climate change was discussed among other issues.<sup>109</sup>

**Italy:** In 2021, from 28 to 30 September, Italy, which co-chairs COP 26 with the United Kingdom -hosted the "Youth4Climate - Driving Ambition" event in Milan, bringing together 400 young people from all over the world.<sup>110</sup> A process has been facilitated for young people across the country to share their views and contribute to a draft of a Youth Climate Declaration. The declaration includes four key themes: national and local policymakers, sustainable recovery, innovation and fashion, and a climate-conscious society. The results of the youth consultations "Reimagine the Future" were also reflected in the process of collecting the contributions of young people during the preparations for the event in Milan. At the end of October 2021, the

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<sup>106</sup>Children's Parliament, 'Climate Change Makers' (Children's Parliament Scotland, 2022) < <https://www.childrensparliament.org.uk/climate-changemakers/#:~:text=From%20October%202020%20%E2%80%93%20March%202021,under%20the%20age%20of%2016> >

<sup>107</sup> Department of Agriculture, Environment and Rural Affairs, 'Consultation on the Draft Green Growth Strategy for Northern Ireland' (DAERA Northern Ireland Executive, 21 December 2021) < <https://www.daera-ni.gov.uk/consultations/consultation-draft-green-growth-strategy-northern-ireland> >

<sup>108</sup> Climate Emergency Jersey, 'Carbon Neutral Roadmap Impact Assessment: United Nations Convention of the Rights of the Child' (Sustainability and Climate Change Engagement Manager, 6 May 2022) < <https://www.gov.je/SiteCollectionDocuments/Environment%20and%20greener%20living/R%20Carbon%20Neutral%20Roadmap%20Impact%20Assessment%20-%20United%20Nations%20Convention%20on%20the%20Rights%20of%20the%20Child.pdf> >

<sup>109</sup> Icelandic Government, 'Climate Action Plan - Actions by the Icelandic Government to Promote a Reduction in Greenhouse Gas Emissions until 2030' (Icelandic Government, 2022) < [stjornarradid.is](http://stjornarradid.is) >

<sup>110</sup> United Nations, 'Youth4Climate: Driving Ambition' (Office of the Secretary-General's Envoy on Youth, 2022) < <https://www.un.org/youthenvoy/youth4climate-driving-ambition/> >

first "Youth4Climate Manifesto" was also published. This brings together the ideas and proposals that emerged in Milan, at the end of September, during "Youth4Climate Driving Ambition".

**Ireland:** The Department of the Environment, Climate and Communications held a Climate Conversation consultation on the Climate Action Plan in 2021. The consultation was open to people aged over 16 years. Children under the age of 16 were consulted through the Comhairle na nÓg (local youth councils) network. It reported that more than 500 young people between 12 and 24 years of age were involved in the Conversations. The Climate Action Plan 2021 also established a Youth Climate Assembly which includes children and young people between 12 and 24 years of age. The Youth Climate Assembly will be represented on the National Climate Stakeholder Forum, along with a broad range of stakeholders, including politicians, government departments and local authorities. In 2020, the Irish Government also launched the Youth Climate Justice Fund).<sup>111</sup> The purpose of the Youth Climate Justice fund was to empower young people via national youth organisations to lead climate justice action at community, regional and national level.

**Scotland:** On October 29, 2021, ahead of the UN climate change talks in Glasgow (COP-26), the Scottish Children's Parliament and the Scottish Youth Parliament hosted a nationwide event called The Moment.<sup>112</sup> Hundreds of children and young people across Scotland hosted climate surgeries with their elected representatives about their climate calls to action ahead of COP-26. In preparation for The Moment, resources were developed for children and young people to engage with the priority issues surrounding the climate emergency. The results of this event were subsequently presented on Friday 5th November at the GLOBE legislators' summit, sharing children and young people's calls to action to leaders on tackling the climate emergency. Scotland has also led the way in establishing an innovative parallel Citizens Assembly for children. From October 2020 to March 2021, while the adult Assembly was in progress, over 100 children aged 7 to 14 from across Scotland engaged with expert evidence, discussed what they had learnt, communicated directly with Assembly members, and – led by a core group of 12 'investigators' – developed a set of 42 Calls to Action for tackling the climate emergency. The Scottish government provided feedback to children on how their views were taken into account.<sup>113</sup>

**Netherlands:** The municipality of Velsen organised a Children Climate Summit which resulted in a National Children's Climate Agreement. Twenty-three groups of primary schools (7<sup>th</sup> and 8<sup>th</sup> grade) throughout the Netherlands came up with ideas which agreements they consider to be the most important to prevent further climate change. The agreements recorded in this agreement, also known as the 'Velsen Treaty', were subsequently presented to Ed Nijpels (chairman of the Climate Agreement progress meeting) and members of parliament, Christine Teunissen (Party for the Animals) and Kouthar Bouchallikht (GroenLinks). Teunissen subsequently asked parliamentary questions in response to the Children's Climate Agreement.<sup>114</sup>

## **10. Freedom of Association**

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<sup>111</sup> Climate Action Regional Offices, 'Funding for Youth Climate Justice' (CARO, 5 June 2021) < <https://www.caro.ie/news/funding-for-youth-climate-justice-projects> >

<sup>112</sup> The Scottish Parliament, 'New Initiative Launched to Bring Children and Young People together with Politicians to tackle the Climate Emergency' (The Scottish Parliament, 13 September 2021) < <https://archive2021.parliament.scot/newsandmediacentre/117483.aspx> >

<sup>113</sup> Scottish Government, 'Scotland's Climate Assembly - Recommendations for Action: SG Response (Scottish Government, 16 December 2021) < <https://www.gov.scot/publications/scottish-government-response-scotlands-climate-assembly-recommendations-action/pages/2/#:~:text=Scotland's%20Climate%20Assembly%20published%20their,order%20to%20address%20their%20recommendations.> >

<sup>114</sup> <https://klimaatverbond.nl/project/kinderklimaattop/> (Klimaatverbond Nederland, 2022)

*1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.*

*2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. (Art. 15 CRC)*

## **10.1 The International Human Rights Framework**

Freedom of association is a crucial aspect of the work of children engaged in environmental and climate action. Many children work on environmental issues under the umbrella of established NGOs, youth groups, associations or parliaments. However, Article 15 recognises their right to work with others to form their own associations and thus underscores the ability to form child and youth led movements, including, for example, Fridays for the Future. The Committee has advised that: ‘Legal recognition must be afforded to adolescents to establish their own associations, clubs, parliaments and forums, both in and out of school, form online networks, join political parties, and join or form their own trade unions’.<sup>115</sup> States are under an obligation to ensure that States and non-State actors do not interfere with the right and are also under a positive obligation to ensure that children are able to enjoy these rights.

The nature of the restrictions in Article 15(2) has received limited attention. It is difficult to see how restrictions on the right of children to form or join associations that work on environmental issues/ climate change can be justified on the basis that it falls within any of the grounds provided in Article 15(2) simply because they are under the age of 18. If so, any restrictions on the exercise of the right have to be justified with reference to a balancing exercise with the child’s other rights (e.g., to be protected from harm, right to education) or the rights of others (e.g., the enjoyment of the rights of other children in the context of a school). In such instances, the default position should not be to assume that education or safety will always prevail. Moreover, as in all such instances, the restriction must be lawful, pursuing a legitimate aim, necessary and proportionate. States are under a positive obligation to foster a safe and enabling environment for child/youth human rights defenders<sup>116</sup> to come together and form associations, including by removing age-based discriminatory practices that restrict participation of child/youth human rights defenders in public decision-making, as well as by providing resources for the work of child and youth-led organisations.

## **10.2 Implementation**

Minimum age restriction on forming associations are, in practice, one of the most significant barriers for children in this area, since many laws and regulations around the world ask for a legal personality and the age for legal personality usually coincides with the age for legal capacity/maturity which is often 18 (or 21 in some countries).<sup>117</sup> In some countries, legislation and other regulations have introduced barriers to the registration of civil society organizations, such as the need for authorization to operate or to gain legal personality or drawn-out costly registration procedures and/or the criminalisation of the activities of non-registered

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<sup>115</sup> n 102, para 45.

<sup>116</sup> Laura Lundy and Michelle Templeton, ‘Children Human Rights Defenders: The Views, Perspectives and Recommendations of Children Across the World’ (Child Rights Connect, 2018). [https://www.childrightsconnect.org/wp-content/uploads/2018/09/DGD-REPORT\\_WEB\\_en\\_def\\_web.pdf](https://www.childrightsconnect.org/wp-content/uploads/2018/09/DGD-REPORT_WEB_en_def_web.pdf)

<sup>117</sup> n 81.

associations.<sup>118</sup> Another practical obstacle could be bank account and other financial implications for children led associations. In practice, children will often need the support of adults or a partnership with adults to function as a formal association.

There was significant diversity reported across the membership. In some countries children cannot form associations (Jersey, Poland, Moldova) while in others they can, although usually with some conditions, for example that an adult is also involved (Croatia) or they have the consent of adults (e.g., Basque Country). Membership of associations, or children's ability to operate, within them, can also be restricted. For example, in Poland, minors between the ages of 16 and 18 who have limited legal capacity may belong to associations and exercise the active and passive right to vote, however, in the composition of the board of an association the majority must be persons with full legal capacity to act. Minors under the age of 16 may, with the consent of their legal representatives, belong to associations according to the rules set out in their statutes, without the right to participate in the right to vote at general meetings of members, and without the right to active and passive right of election to the authorities of the association. However, if the organizational unit of the association associates only minors, they may elect and be elected to the authorities of this unit.

### **10.3 Examples of good practice**

**Croatia:** According to the Associations Act (OG 74/14, 70/17, 98/19), with the certified consent of the legal representative or guardian, the founder of the association may also be a minor over 14 years of age. At the time of founding an association, at least one founder must be an adult, legally capable person whose legal capacity has not been taken away in the part of concluding legal transactions. Any natural or legal person may become a member of the association, in accordance with the law and the statute. For persons under 14 years of age, a written statement on joining the association shall be given by the legal representative or guardian, and for a minor over 14 years of age, the legal representative or guardian shall give written consent.

**Basque Country:** The Organic Law on the Legal Protection of Minors includes the right to participation, association and assembly. Basque Law 3/2005, of 18 February, on Care and Protection of Children and Adolescents includes (Article 14) the right to participation, association and assembly: 2. Children and adolescents have the right to association, which includes, in particular, the right to form part of associations and youth organisations of political parties and trade unions and the right to promote children's and youth associations and to register them under the terms provided for in the legal system in force. The Organic Law on the Legal Protection of Minors regulates the right to form and register children's and youth associations. In order for them to be civilly obliged, they must have appointed a legal representative with full capacity. According to the Basque Law 7/2007 on Associations, (general) associations may be set up by persons of legal age (18+) or emancipated persons. Minors over 14 years of age will need the documented consent of their legal representatives.

## **11. Freedom of Peaceful Assembly**

*1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.*

*2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety,*

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<sup>118</sup> n 81.



*public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. (Art. 15 CRC)*

## **11.1 The International Human Rights Framework**

The right to peaceful assembly is particularly important for children as they often lack political power and are not represented in traditional structures. Gathering with others in person or online for a common purpose provides an important way in which children can come together to be heard. As with the right to freedom of association, States should take positive steps to ensure that all children can enjoy the right safely. For example, children with disabilities have a specific right to ‘enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community’ (Article 23, CRC).

Effective implementation of Article 15 would ensure that national laws and policies guidance do not impose arbitrary age limits prohibiting children from taking part in peaceful assembly. States should also remove legislative obstacles to children’s enjoyment of their rights, such as laws setting an age limit for organising or participating in peaceful assemblies, those requiring parental consent to join an association or an assembly, and those which allow the police to remove children who assemble peacefully in groups. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association acknowledges that, while there may be safety concerns when young people participate in some public demonstrations, ‘a blanket ban on individuals of a certain age eliminates the right to participate in peaceful public assemblies for an entire portion of the population, without exception, contrary to article 15.’<sup>119</sup>

Schools can support children through education about their rights and how to exercise them safely (see section 3). States should provide guidance to schools as to what constitutes a rights-respecting response to children who choose to take part in peaceful assemblies either in school or elsewhere. Educational authorities and institutions should consult with students to develop policies on participation in peaceful assemblies. States have a positive duty to actively protect assemblies that are peaceful, including protecting the participants against persons or groups that attempt to disrupt an assembly or carry out violent acts against the participants. This obligation also applies to children, but the Convention places additional obligations on States to ensure that children are protected from harm, whether they are taking part in an assembly of children or in an assembly among adults.<sup>120</sup>

In practice, concern about children’s safety often has the effect of overriding their rights to get involved in peaceful assemblies. Article 15 needs to be read in the context of other rights in the CRC and, in particular Article 5 (parents’ right to advise and guide in line with children’s evolving capacities); Article 3(1) (best interests as a primary consideration); Article 6 (life, survival and development) and Article 19 (protection from harm). In all such instances, the interference with the child’s right under Article 15 must be lawful, necessary and proportionate. When there are concerns about safety, a default response by States actors might be to prevent children taking part whereas a rights-based response would be to see what could be done to ensure that children are able to exercise their civil and political rights and to make sure that children are safe when they do so (for example by taking part in an assembly). Moreover, when children are taking part, the police response should, for example, refrain from the use of methods of dispersal or containment that might endanger or have a disproportionately adverse impact on children (high frequency ultrasound devices, plastic bullets, teargas,

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<sup>119</sup> UNHCR, ‘Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Mainé Kiai’ (2014, UN Doc: A/HRC/26/29) para 24.

<sup>120</sup> n 80, para 79.

tasers etc. any forceful methods of crowd control should be strictly regulated and considered to be at the far end of a continuum).<sup>121</sup>

## **11.2 Implementation**

Respondents reported that children had been actively involved in climate protests, with most identifying the fact that children had been involved in the Fridays for the Future movement. While there were generally no formal restrictions on children taking part in assemblies, many noted that children would need the permission of their families (e.g. Andalusia, Bulgaria) and could not organise the protests themselves. For example, in Georgia, Article 5(3) of the Law of Georgia on Assemblies and Demonstrations states that persons responsible for organizing and conducting an assembly or demonstrations may not be under 18. Similarly in Estonia, while there are no age limits, the Law Enforcement Act division 2 sets the requirements for organising and holding a meeting and requires that the organiser of the meeting is an adult or a legal entity.<sup>122</sup> There are no age limits set on participants of the meeting.

Ten respondents noted that children had been involved in school strikes and most reported that some schools were supportive, and some were not. In Northern Ireland, for example, some schools supported children to attend including providing transport and accompanying them on protests while others did not permit children to join. Likewise, in Ireland, at first some school leaders came out against the strike. This led to a reaction, from school leaders' organisations, politicians, and others, in support of the strike action. Some schools brought their students to take part in the strikes while others did not actively encourage students to attend but allowed it where there was written permission from parents. Some schools ran workshops on how to engage in non-violent protest, banner production and leading of protests.

In Norway, some schools registered the absence of pupils as irregular absence, but it was arbitrary, as it depended on whether the schools registered the strike as undocumented absence or not. In the Basque country missing class due to strike (even if there is parental authorisation) is considered an 'unexcused absence.' There is a special report for strikes and stoppages, which is activated when there is a public and notorious strike call to which students are also called, in which case the Department of Education urges all schools to fill in the report, even if no one in the school has taken part in the stoppage. The aim of the report in this case is to find out how the strike was followed or the impact of the strike, not so much to monitor absenteeism. In contrast, in Italy in 2019 the then Minister of Education expressed support for the climate strike. The Minister sent a circular to all schools in Italy stating that the absence of students participating in the event organized by Friday for future should be considered a justified absence. He announced that the participants of the Fridays for Future were required to bring to school the normal justification for the absence, but that the hours lost did not affect the maximum limit of absence at school.

Many respondents discussed a range of non-statutory restrictions on children, for example the best interests principle or safety was mentioned as being used as a limit that justified a prohibition on participation. Few were aware of specific measures for keeping children safe and for the policing of protests involving children. Jersey reported that, while there is no legal requirement within the jurisdiction, police adopt approved professional practices from the College of Policing in respect of policing protest and events. Planned police operations for these matters assess the threat and risk to develop a working strategy that identifies vulnerabilities (e.g., children) and seek to minimise the risks to them through various tactics. In Ireland it was

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<sup>121</sup> Office for Democratic Institutions and Human Rights, 'Report Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States' (OSCE, 19 September 2019) < <https://www.osce.org/files/f/documents/7/b/430793.pdf> > para 245.

<sup>122</sup>Law Enforcement Act Estonia (Adopted 23 February 2011, Entered into Force 1 July 2014) < <https://www.riigiteataja.ee/en/eli/526082022003/consolide> >

reported that there was strong constitutional protection of the right to freedom of assembly. The Irish police force on the one hand reported ‘that it respects the right for anyone to exercise their right to protest and facilitates such protests as long as they do not create a public hazard or a health and safety risk’. On the other hand, the Irish police did not support the February 2019 youth climate protest and stated that anyone bringing a school student into Dublin City Centre for the protest could face criminal charges if the protest ‘got out of hand’.<sup>123</sup>

### **11.3 Examples of good practice**

**The Basque Country:** The Decree on the rights and duties of students provides for the right to assembly during school hours. It is established that this right will be regulated in the Organisation and Operation Regulations of each centre: they have to have an internal procedure defined when there are calls (stoppage, strike) that may affect school hours. Each centre establishes whether there must be a minimum number of students to request it, whether it must be the delegates who call the strike, how information must be provided to all students, criteria for the decision, etc. The Basque police has a Protocol for police actions with minors, which states that in the event of disorder in public spaces, they will act with the rigour that the regulations allow. The Spanish National Police’s Protocol for police actions with minors mentions the best interests of the child when acting to restore public safety.

**Albania:** Law 18/2017 "On the rights and protection of the child" Article 16 Freedom of organization and peaceful assembly 1. The child is guaranteed freedom of organization and peaceful assembly. It is forbidden to force a child to gather against his will. 2. The exercise of this freedom is done in accordance with the legal procedures in force. 3. Child protection structures at local self-government bodies, educational institutions and any other public or private institution supervise whether this right is guaranteed by the responsible institutions, according to this law and, in case of non-compliance, notify the police bodies to take concrete measures., according to the legislation in force, keeping in mind the safety of the child during the exercise of this right. 4. Non-compliance with the obligation provided in points 1 and 2 of this article, constitutes an administrative contravention and is punishable by a fine, according to article 69 of this law.

**Ireland:** The secondary teachers union (ASTI), primary teachers’ union (INTO) and the National Association of Principals and Deputy Principals (NAPD) actively supported the school strikes for climate while the Department of Education gave schools freedom to make their own arrangements on the day.<sup>124</sup>

**Cyprus:** The police make special arrangements regarding the security of children and regulates the traffic circulation. If young protestors take the bus or use cars to reach the place of the protest, the police conduct a security check in the vehicles for the safety of the children.

## **12. The Right of Children to Access Justice Mechanisms**

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<sup>123</sup> See e.g. Aoife Daly (2020) 'It is time to accept that children have a right to be political' *Discover Society* available at <https://archive.discoversociety.org/2020/03/04/it-is-time-to-accept-that-children-have-a-right-to-be-political/> and ‘Gardaí refuse to sanction school student climate strike in Dublin’ *Newstalk* 6 Feb 2020 <https://www.newstalk.com/news/gardai-refuse-climate-strike-963167>

<sup>124</sup> Caroline O’Doherty, ‘Teachers Declare Support for Climate Strikes as Pupils to Leave Classrooms’ (Independent.ie, 19 September 2019) < <https://www.independent.ie/irish-news/teachers-declare-support-for-climate-strikes-as-pupils-to-leave-classrooms-38513024.html> >

## **12.1 International children's rights framework**

*... [T]he child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law. (Article 12 (2) CRC)*

*In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention (Aarhus Convention, Article 1).*

### 12.1.1 Child friendly justice

Several international human rights instruments, for example the Universal Declaration of Human Rights (art. 8) and the International Covenant on Civil and Political Rights (art. 2 (3)) provide that States have obligations to provide for effective remedies for violations of human rights. It is implicit in CRC article 12 that effective remedies are required to redress violations of that instrument.<sup>125</sup> To this end, States should ensure that children have access to procedures that meet basic requirements, such as impartiality, independence, affordability, transparency, and fairness. Decisions should be made public and should be enforced promptly and effectively. Guidance should be provided about how access to justice can be sought, and children should be assisted to overcome obstacles to accessing justice such as language, poor literacy, expense and geographical distance.<sup>126</sup>

The right of children to access judicial and administrative proceedings is a key element of the article 12 right of children to be heard and to have their views given due weight in accordance with age and maturity.<sup>127</sup> Climate litigation and other justice activities through a human rights framework is a clear route for environmental activism. Children should be able to be heard through taking applications to national, regional and international courts. Other routes for accessing climate justice will involve complaints mechanisms at domestic level such as via ombudspersons for children and other national human rights institutions. The Committee on the rights of the child elaborates on the important access to justice issues inherent in article 12 (2). The Committee emphasizes that this provision applies to all judicial proceedings affecting the child, without limitation. Administrative proceedings may include decisions about children's health, environment, living conditions, or protection.<sup>128</sup> The Aarhus Convention (1998) is another important instrument which places obligations on Parties and public authorities around access to information and public participation in relation to the environment. Amongst other things, the Convention enshrines the right to review procedures (access to justice) to challenge public decisions that have been made without respecting the Convention or environmental law in general.

In particular, climate litigation has increased greatly around the world. The exact data has not yet been gathered in relation to exactly how many cases involve children. Parker *et al.*<sup>129</sup> note however that by May 2021 a total

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<sup>125</sup> n 29, para 51.

<sup>126</sup> n 79.

<sup>127</sup> n 23, paras 91 and 134.

<sup>128</sup> n 20, para 32.

<sup>129</sup> Larissa Parker *et al.*, 'When the Kids Put Climate Change on Trial: Youth-Focused Rights-Based Climate Litigation around the World' (2021) 13 *Journal of Human Rights and Environment* 64.

of 32 cases had been taken in 14 countries cases where children/youth were parties/applicants. Of course there will be many other ways through which children access justice, such as via local authority mechanisms.

As noted above, justice must be child friendly to ensure fairness for children. It must for example uphold the implementation of all children's rights, and it must be '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.'<sup>130</sup> Children and youth have made unique efforts to access justice in the climate crisis. This presents a sea change in the exercise by children of their civil and political rights. This is one of the reasons why it is crucial to reflect on the avenues available to children in terms of accessing justice mechanisms on environmental issues. Daly (2022) suggests that child friendly justice in the climate crisis will involve four concepts revolving around the CRC:

*Children should have access to justice, for example to have their applications heard on their merits wherever possible. Children should enjoy participation rights such as information and support. Children's interests should be properly considered both by their adult representatives as well as by judges. Finally, it should be ensured that judgments take account of the children's rights framework, and that they are delivered in a child friendly way.<sup>131</sup>*

Here we also structure the findings from the survey of ENOC members in accordance with principles of justice such as accessibility, as well as CRC articles such as article 2, the right to be free from discrimination.

### 12.1.2 Accessibility

The first matter in relation to children's climate justice concerns how difficult accessing courts and other complaints mechanisms can be for children and youth as compared with adults. Many states will not have enshrined the right to a healthy environment at domestic level.<sup>132</sup> The ability to invoke one's CRC rights at domestic level therefore will be crucial (as one can invoke article 24). Yet in 2016 research found that only 94 countries had fully incorporated the CRC into domestic law, with a further 29 incorporating the CRC with significant limitations. It was found that less than half of all countries permitted the CRC to be directly enforced in courts.<sup>133</sup> Another crucial issue is that limitation of children's legal status is likely to amount to a significant barrier to access to climate justice for children. It is common for there to exist severe limitations to the ability of children to engage with the legal system themselves. Those under 18 years may be required for example to approach the courts through a litigation guardian, which often must be parents, with whom children may have a legal conflict of interest.<sup>134</sup> It has been noted that as environmental issues are different than the types of issues that children usually litigate (which tend to be in family law, immigration law and so on), the risk of conflict of interest with parents is much diminished however. There is yet to be an instance reported whereby the child wished to pursue a justice avenue on an environmental issue against the wishes of their parents.<sup>135</sup> Nevertheless, it may well arise in the future that limitations to children's legal standing pose a threat to their ability to access environmental justice. Children in the care of the state for example are a group which

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<sup>130</sup> n 17 and n 4.

<sup>131</sup> n 4.

<sup>132</sup> See John Knox, 'Constructing the Human Right to a Healthy Environment' (2020) 16 Annual Review of Law and Social Science 79.

<sup>133</sup> Children's Rights International Network (CRIN), *Rights, Remedies, Representation: Global report on access to justice for children* (CRIN, 2016), 4.

<sup>134</sup> CRIN, *ibid.*

<sup>135</sup> n 4.

frequently meet with barriers posed by obstacles to their legal standing. This is just one example of a group of children disadvantaged by such rules. States should ensure that rules requiring under 18s to have a litigant guardian do not result in undue obstacles to children accessing environmental justice mechanisms.

### 12.1.3 Speedy justice

The Council of Europe guidelines emphasise that justice for children must be ‘speedy’.<sup>136</sup> The Committee on the Rights of the Child also emphasises that mechanisms should take into account that ‘children can be more vulnerable to the effects of abuse of their rights than adults and that the effects can be irreversible and result in lifelong damage’. The evolving nature of children’s development and capacities means that it is extremely important that reparation should be timely. This may be important to limit ongoing and future damage to the child or children affected.<sup>137</sup> The 2022 IPCC report outlines how urgently change is needed – a few years will make a great difference.

It has been pointed out that some of the *Saachi* applicants, particularly those from island States, may have fewer than 15 years before they lose their homes to climate change.<sup>138</sup> It is also notable that the European Court of Human Rights has fast-tracked its process in relation to the Duarte application.<sup>139</sup> Speed is also linked to the issue of admissibility. Difficulties around admissibility are proving particularly problematic in relation to children’s climate cases. Where a petition is deemed inadmissible, it will not proceed to be heard on its merits. The Committee on the Rights of the Child in *Saachi* decided not to rely upon the exceptions clause in OPIC3 which would permit it to hear the petition on its merits where the requirement to exhaust domestic remedies would be ineffective. Parker *et al.* identify a trend in youth climate cases whereby applications are dismissed at a procedural stage due to a lack of justiciability or standing.<sup>140</sup> They cite several domestic examples such as PUSH Sweden, Nature and Youth Sweden and Others v. Government of Sweden (filing date 2016). In this case, the Stockholm District Court determined that there had been no injury to the youth applicants where the government had sold several coal-fired power plants to a company. Parker *et al.* argue that this trend whereby youth climate applications are found inadmissible undermines the agency of children and youth and is a denial of their right to redress for rights violations.<sup>141</sup>

### 12.1.4 Justice for particular groups of children

The principle of non-discrimination (CRC article 2) requires consideration of the access to justice of children and youth from various backgrounds. Some groups with disabilities, those in poverty, and indigenous children, for example, may have even greater difficulty accessing justice compared to other children, and yet will likely be even worse affected by the climate crisis than the average child.

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<sup>136</sup> n 17.

<sup>137</sup> UN Committee on the Rights of the Child, ‘General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children’s rights’ (17 April 2013, UN Doc: CRC/C/GC/16) para 31.

<sup>138</sup> Margaretha Wewerinke-Singh, ‘Case Note 2021/10 on Communication 104/2019 Chiara Sacchi et al v. Argentina et al.’ (*Leiden Children’s Rights Observatory*, 28 October 2021) <<https://childrensrightsobservatory.nl/case-notes/casenote2021-10>> accessed 31 February 2022.

<sup>139</sup> Julie Fraser and Laura Henderson, ‘The Human Rights Turn in Climate Change Litigation and Responsibilities of Legal Professionals’ (2022) 40 *Netherlands Quarterly of Human Rights* 3.

<sup>140</sup> n 129.

<sup>141</sup> n 129.

Children with disabilities will often have greater difficulty accessing effective remedies for damages caused by pollution and other environmental harm.<sup>142</sup> This is the case despite the fact that children with disabilities will inevitably be worse affected by environmental harm such as pollution, global heating and so on. Laws and policies must therefore be adopted with children with disabilities in mind.

The Committee on the Rights of the Child has highlighted that it is particularly concerned about Indigenous communities' forced eviction from their land as a result of the actions of ranchers. It is also concerned about the development of extractive industries, illegal logging and other industrial projects. These can severely undermine the right of Indigenous children to a healthy environment.<sup>143</sup> The UN Special Rapporteur on human rights and the environment also highlights Indigenous children as amongst the most at-risk populations for environmental harm.<sup>144</sup> The *Saachi* application focused strongly on the rights of children from Indigenous backgrounds.<sup>145</sup> The petition included reliance on the right of Indigenous children to their own culture (article 30). A number of the applicants were themselves from Indigenous communities.

It should be noted that the principle of non-discrimination might also be considered to apply to children as a group as opposed to adults. In the *Duarte* application to the European Court of Human Rights (ECHR) for example the applicants emphasise that their right to freedom from discrimination is being breached by the failure of states to adequately mitigate climate change.<sup>146</sup> This is because of the disproportionate impact of the climate crisis on children and youth, as opposed to older persons. This is for a number of reasons such as the effects on children's education, and the fact that children and youth will have to live with the consequences of the climate crisis for decades to come.<sup>147</sup>

## **12.2 Implementation**

The primary finding in relation to climate justice arising from this survey is that offices generally have a lack of knowledge of the area. They generally were unaware of justice mechanisms available to children, whether legal aid is available, and whether there have been climate cases in their country. The Denmark office was typical of respondents in saying:

*We have not answered the questions in [relation to this] as we are not familiar with any cases of children having made complaints to administrative bodies regarding the climate, and as we are not sufficiently aware of the specifics regarding complaints mechanisms in environmental law.*

Similarly, the Armenian respondent noted that '[o]ur office never received a complaint regarding climate change or environment', and therefore, it was reported, they did not have good knowledge of the area. This is perhaps to be expected considering the modest means of many offices, many of whom emphasised their interest

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<sup>142</sup> Human Rights Watch, 'Children's Right to a Healthy Environment: Submission by Human Rights Watch to the Office of the High Commissioner for Human Rights' (8 October 2019) <[www.hrw.org/news/2019/10/08/childrens-right-healthy-environment](http://www.hrw.org/news/2019/10/08/childrens-right-healthy-environment)>

<sup>143</sup> Committee on the Rights of the Child, 'Concluding Observations on the Combined Second to Fourth Periodic Reports of Brazil' (30 October 2015, UN Doc CRC/C/BRA/CO/2-4) <<https://undocs.org/CRC/C/BRA/CO/2-4>>.

<sup>144</sup> UNHCR, 'Indigenous Peoples and Coronavirus disease (COVID-19) recovery - Report of the Special Rapporteur on the Rights of Indigenous Peoples' (2021) UN Doc: A/HRC/48/54

<sup>145</sup> See Aoife Daly, 'Climate Competence: The impact of youth climate activism on international human rights law' (2022) 22 Human Rights Law Review 1.

<sup>146</sup> See the petition at Global Legal Action Network (GLAN) website <<https://youth4climatejustice.org/>> accessed 3 June 2021.

<sup>147</sup> n 4.

and concern in relation to environmental issues. In Bulgaria for example respondents noted a ‘human resources deficit’ but indicated their interest and eagerness in working on environmental and climate issues soon. Respondents in Malta noted that to date they had not specifically worked on the climate crisis, but as the work of ENOC is in 2022 focusing on climate justice the office has taken the opportunity to start discussions to address this concern. They reported that they are also discussing this issue with their ENYA advisors and aim to be strong advocates in relation to ENYA’s recommendations. It is very positive that offices are being made increasingly aware of the need to work on environmental children’s rights issues.

There was some insightful information provided from a number of offices. Almost all respondents indicated that in their jurisdiction there were complaints mechanisms and public institutions responsible for the defence of children’s rights that children can access directly, such as Ombudspersons, Public Prosecutor Office, and other administrative bodies. Others indicated that there were no such mechanisms – Norway for example. In Norway, however, it was also noted (see also above) that legislation is in place which gives everyone the right to information about the environment and provides a mechanism for complaint. Under the Norwegian Constitution (section 112), citizens are entitled to information on the state of the natural environment and on the effects of plans to encroach on nature. Act of 9 May 2003 No.31 relating to the right to environmental information and public participation in decision-making processes also entitles every person the right to environmental information from a public authority on request, and places consultation obligations on authorities (see further below on complaints).

Those surveyed were asked to give details of the environmental justice mechanisms available to children in their jurisdiction. Few respondents went into detail on this. The Basque country respondents usefully outlined the various options for children and youth at various levels:

- **At local authority level.** They can report pollution to their own local or regional administration. They can call an emergency telephone number so that the environmental inspection and police services can take action. - They can go to the police station and report it. - They can file a complaint with the local or regional administration for a possible breach of environmental regulations. - They can go to the regional ombudsman in case of lack of response from the local administration.
- **At the national level.** They can complain to the Public Prosecutor's Office or to the judge for a possible environmental crime.
- **Other level.** European Union: They can ask the European Commission to intervene in the case of pollution resulting from non-compliance with the law of the European Union's obligations. In no case does it appear that accessible and child-friendly information is provided, nor are there any assistance funds or legal aid available for children. Complaints and claims can be submitted electronically, but require an electronic signature enabled in the electronic ID card.

In the Republic of Ireland, the office outlined that members of the public can make an environmental complaint in relation to actors falling under the remit of the Environmental Protection Agency (EPA), or alternatively local authorities. They can do so via the National Environmental Complaints Line, a “See It? Say It!” mobile phone application or by contacting the local authority directly. There do not appear to be any direct limitations on children making complaints themselves to relevant bodies (e.g. there are no specifications as to the age a person must be in order to make a complaint). However, no specific child-friendly procedures are in place to facilitate children to do so. The office has not sourced information that clarifies the extent to which mechanisms of complaint and redress relating to the environment are accessible to children.

Respondents outlined the types of environmental actions which children are taking. Some responses related to climate litigation and national courts. Norway for example pointed out that:



Children as a group can raise cases for the courts regarding climate rights. Two NGOs brought a case all the way to the Supreme Court in 2020 to assess whether the exploration of new oil fields is in breach with the Norwegian Constitution § 112 and the right to a safe environment. The Supreme Court ruled that this Constitutional Right gives room for political room for manoeuvre and therefore cannot be used to limit the activities in the oil business. This case is now to be considered by the ECHR.

The Italian office also noted that there was a national climate case before the Italian courts, invoking amongst other things the European Convention on human rights.<sup>148</sup> There have been numerous cases around Europe relating to climate and the environment which have been taken by children and youth. Significantly the *Duarte* petition before the ECHR involves most of the member states of ENOC, yet most responses did not indicate awareness of this. It was very typical that climate and other environmental cases involving youth were not known to respondents, with some exceptions. The French office noted that France was a respondent in the *Saachi* complaint. The office in Iceland also noted that there was a climate petition ongoing in their jurisdiction.

### 12.2.1 Ombudspersons receiving complaints

The majority of respondents outlined that they have the power to accept direct complaints from children, however some cannot, such as Norway. Many respondents outlined that they had had no complaints relating to the environment. Even in Georgia, where it is possible for a child to file a complaint at any level, according to the Child's Rights Code of Georgia, the respondents had not received any such complaints, nor were they aware of any such complaints to other bodies.

Some offices outlined that they had had many complaints about the environment, though few or none on the climate crisis. In the Basque Country, the Ombudsman has processed 530 complaints in the last five years about the environment that have been submitted by associations and interested persons, though specific complaints on climate change have not been received directly. Although they affect the health and rights of children, the usual practice is that it is not children who submit the complaints. In Croatia, the office has received 57 complaints related to environmental harm. Complaints were submitted by adults (mostly parents), sometimes environmental associations, and the complaint stated that children were at risk of adverse environmental influences. The office actively monitors the actions of authorities at the state, regional and local level in relation to environmental protection. They have dealt with cases of pollution in specific towns and also monitor the issue of installing base stations of teleoperators.

In the Republic of Ireland, respondents indicated that they had had two complaints relating to the environment which were directed to the appropriate authorities. In Northern Ireland it was reported that the office had received a complaint in relation to fracking, and worked on the issue of pollution levels, relating to testing of emissions from diesel vehicles. Their approach was to discuss the situation with the young person and advise them on further action. In Wales it was reported that the office had received a number of concerns regarding the environment on behalf of children. The issues raised included incinerator developments, change of use for green spaces and air pollution.

### 12.2.2 The legal standing of children

In many jurisdictions there appeared to be some uncertainty about the ability of children to take cases related to environmental damage, due to the fact that this was something which had not yet been done. Iceland reported for example that children would probably have to prove that they had been personally affected, however this

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<sup>148</sup> See further *A Sud et al. v. Italy* < <http://climatecasechart.com/non-us-case/a-sud-et-al-v-italy/> >

had not yet been tested in court. The potential obstacle of needing parental permission also arose. For example, in the Basque Country it was outlined that although the right to be heard can be exercised by the child himself/herself when he/she is sufficiently mature (in any case when he/she has reached the age of 12), the need to seek parental authorisation may arise.

In Croatia it was reported that children can directly file complaints to the competent institutions. For certain activities, cases before courts or administrative bodies for example, there might be a requirement to be represented by their parents/guardians, however. In Estonia it was reported that there are age limits as to how old children must be to file complaints independently (without parental representation). A minor of at least 15 years of age is deemed to have active legal capacity for the purposes of administrative court procedure.<sup>149</sup>

### 12.2.3 Child friendly justice

A lack of child friendly information on justice mechanisms also appeared to be an obstacle in many countries. In the Basque country for example, it was reported that accessible and child-friendly information does not appear to be provided to facilitate children and youth about justice proceedings. The Office of the Ombudsperson for Children in Croatia has adapted accessible complaint forms, as well as an email to which a complaint can be sent.<sup>150</sup> They also report that their staff visit schools, kindergartens and other institutions for children, to ensure that they are in direct contact with children. In Armenia, it was reported that UNICEF have done significant work on child friendly versions of materials relating to justice.

The availability of legal aid for children is also a significant potential barrier. In Northern Ireland it was reported that there is a project (PILS) that funds strategic litigation that can support legal action on these matters. Friends of the Earth may in fact have initiated legal proceedings in relation to pollution, it is reported. The Office discussed with them how this relates to children's rights and suggested this is included in the arguments in the submission.

The ability to submit complaints online will likely make access to climate justice easier for children. In the Basque country it is reported that complaints and claims can be submitted electronically, but require an electronic signature enabled in the electronic ID card.

In many states, Ombudspersons did not have access to data about the frequency of child cases, the extent to which justice is child-friendly etc. Croatia respondents for example outlined: 'We have no data. There are certainly no child-friendly and accessible information available. It would depend on the engagement and support of adults (parent, teacher....).'

Respondents were asked what types of redress were available to children in their jurisdictions where complaints relating to environmental damage successful. In the Basque country, respondents said that complaints can lead to restitution of affected environmental resources and reparation or compensation for environmental damage. For example, in the case of fish kills, restocking measures for the affected species may be required. In Norway it was noted that a complaint might lead to Municipalities withdrawing decisions that lead to pollution. In Estonia it was pointed out that the State Liability Act provides for numerous types of redress, for example the repealing of an administrative act, or termination of a continuing measure. Remedies of damage caused to the environment are provided for by the Environmental Liability Act.<sup>151</sup> In civil court

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<sup>149</sup> Code of Administrative Court Procedure Estonia (Adopted 27 January 2011, Entered into Force 1 January 2012) < <https://www.riigiteataja.ee/en/eli/527122021008/consolide> >

<sup>150</sup> Ombudsman for Children Croatian, 'When and How to Contact the Ombudsman for Children' (Republic of Croatia, 2022) < <https://dijete.hr/hr/kada-i-kako-se-obratiti-pravobraniteljici-za-djecu> >

<sup>151</sup> Environmental Liability Act Estonia (Adopted 14 November 2007, Entered into Force 16 December 2007) < <https://www.riigiteataja.ee/en/eli/507122020002/consolide> . >

proceedings, compensation may be claimed. In Bulgaria it was pointed out that only ‘apologies’ could be achieved on the recommendation of the Ombudsman, which are not binding. It was also noted however that financial compensation could be sought through legal means.

### **12.3 Examples of good practice**

**Basque country:** The environmental legislation of the Basque Country recognises the right of all persons to exercise public action to demand that the Basque public administrations comply with the obligations established by environmental legislation. It is not necessary to allege any individual damage in order to denounce non-compliance with environmental obligations.

**Estonia:** Complaints against private entities can be addressed to the civil court under the Law of Obligations Act, asking for compensation for unlawfully caused damage (art 1043), and/or for damage to health (art 1045).<sup>152</sup> The Environmental Board has a hotline for informing about environmental breaches.<sup>153</sup> Child-friendly information is available on procedures.<sup>154</sup>

**Norway:** Norway has established a system of administrative complaints in accordance with its the Public Administration Act, though there is no special complaints mechanism specifically for the environmental field. Complaints concerning particular decisions by authorities may be submitted to a higher authority. Complaints concerning decisions taken by a Ministry will be decided upon by the King in Council. An action against a decision taken by public authorities may also be brought before the courts.<sup>155</sup>

**Georgia:** It is possible for a child to file a complaint at any level, according to the Child’s Rights Code of Georgia. According to the Child’s Rights Code, in order to enable the exercise of the right of the child to justice, the State provides procedures and mechanisms adapted for children, including communication means and adapted forms for applying to the Public Defender of Georgia and for filing administrative complaints and applications, appeals and applications on administrative and civil disputes to be submitted to a court.

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<sup>152</sup> Law of Obligations Act Estonia (Adopted 26 September 2001, Entered into Force 1 July 2002) < <https://www.riigiteataja.ee/en/eli/501042022002/consolide> >

<sup>153</sup> Republic of Estonia Environmental Board, ‘Inform us of Breaches’ (2021) < <https://keskkonnaamet.ee/en/supervision-helpline-1247/informing/informing-board-breaches> >

<sup>154</sup> Lapsesõbralik Menetlus, ‘Child Friendly Procedure’ (Lapsesõbralik Menetlus, 2022) < <https://lapsesobralikmenetlus.just.ee/et> >

<sup>155</sup> See input from Norway to the thematic report focusing on good practices in the implementation of the right to a safe, clean, healthy and sustainable environment from the special rapporteur on human rights and the environment.

## **Appendix 1: List of participating Ombudspersons for Children's offices**

1. Albania
2. Andalusia (Spain)
3. Armenia
4. Basque country (Spain)
5. Belgium Flanders
6. Bulgaria
7. Croatia
8. Cyprus
9. Denmark
10. England
11. Estonia
12. Finland
13. France
14. Georgia
15. Greece
16. Iceland
17. Italy
18. Jersey
19. Lithuania
20. Malta
21. Moldova
22. Netherlands
23. Northern Ireland
24. Norway
25. Poland
26. Republic of Ireland
27. Scotland
28. Slovakia
29. Wales

## **Appendix 2: Survey of ENOC Members on Climate Justice**

### **Children's Rights and Climate Action: ENOC Scoping Survey**

**The aim of this questionnaire is to find out what is happening in terms of children's rights and climate action across the membership.**

#### *Some points to note:*

- Please add links to resources etc online for us to follow up on.
- Examples of best practice in your country are of particular interest.
- There is no need to answer every question. Complete whatever you can.

Organisation Information

Member's name and website:

Email of contact person (for further information)

### **Section 1: National/regional context**

**1.1. Has there been a public assessment/diagnosis considering Climate Crisis' impact on children in your jurisdiction?**

**1.2. Has your government developed a national/regional climate action plan/policy?**

If yes:

- Does it specifically consider children?
- Does it include reference to children's rights?
- Were children consulted on the plan?

Please provide further information: \_\_\_\_\_

**1.3. Has your institution started working on the climate crisis? If so, please outline how:**

### **Section 2: Right to education (Arts. 28 and 29)**

**2.1. Does your national/regional curriculum provide children's rights education? Yes/No**

**If yes, does it include:**

- Education about the environment
- Education about children's civil and political rights

Please provide further information: \_\_\_\_\_

**2.2. Does your national/regional curriculum include environmental education in:**

- Early childhood settings
- Primary level
- Secondary level.

If so, please provide details/ links \_\_\_\_\_

**2.3. On top of what is set in the national /regional curriculum, can you give us examples of good practices in schools and other measures taken to promote environmental education?**

Please provide details/ links \_\_\_\_\_

**2.4. Are there other public initiatives, outside school hours, to promote environmental education for children?**

If so, please provide details/ links \_\_\_\_\_

**2.5. Have children been involved in the school strikes for climate change?**

If yes, what has been the reaction of schools? Have they:

- Supported children who are striking
- Disciplined children who are striking
- Some are supportive and some are not
- Other

Please give details/links to examples of good/ bad practice: \_\_\_\_\_

**Section 3: Right to seek, receive and impart information (Art. 13)**

**3.1. Does your government provide information on climate change to the public? Yes/No**

**a) Is it proactive (public campaigns)**

Please provide details/ links: \_\_\_\_\_

**b) Is it reactive (gives information upon request)?**

Please provide details/ links: \_\_\_\_\_

**Is the information provided in ways that are (please tick all that apply)?**

- Age appropriate
- Accessible to children with disabilities

**If so, please give details of any examples of good/bad practice: \_\_\_\_\_**

**3.2. Are children able to produce/ publish their own information on climate change? Yes/NO**

Please provide further information/examples: \_\_\_\_\_

**3.3. Are children able to use social media for climate action? Yes/No**

If yes, is that limited by age (age drop down)

Please provide further detail/ examples: \_\_\_\_\_

## **Section 4: Children's participation (Art. 12)**

**4.1. Have national consultations been held with children in your country on the climate crisis? Yes/No**

If so, please provide further information: \_\_\_\_\_

**4.2. Have there been examples of initiatives such as 'citizens assemblies' on environmental or climate issues in your country Yes/No (if so, please describe here):** \_\_\_\_\_

If yes, did any involve children? Yes/No

If so, please provide further information: \_\_\_\_\_

**4.3. Are there other ways in which the government is seeking children's views on climate change and taking them into account?**

If so, please provide further information: \_\_\_\_\_

**4.4. Can children participate in the planning of climate strategies or in the actions to be implemented by the administration to be dealt with climate change?**

How? Is participation individual or through school groups / child rights associations?

**4.5. Can children participate in the evaluation of the results of these action measures against climate change?**

If so, please provide further information: \_\_\_\_\_

**4.6. If consulted, have they been given feedback on how their inputs and opinions have influenced policy or decisions affecting Climate Justice?**

If so, please provide further information: \_\_\_\_\_

**4.7. Are there mechanisms and ways to monitor compliance with climate commitments, including financial commitments?**



If so, please provide further information: \_\_\_\_\_

## **Section 5: Children's right to freedom of association and assembly (Art. 15)**

**5.1. Are children permitted by law to form their own associations that work (either exclusively or partly) on climate change? Yes/No**

If yes, can you tell us if there are any restrictions (e.g., minimum age) on that?

What is the main child led groups/initiatives in your context?

Please provide links \_\_\_\_\_

**5.2. Have children been active in climate protest action in your country? Yes/No (If yes, please provide examples):** \_\_\_\_\_

**5.3. Regarding laws in your country relating to assembly/protest, do they** (please tick all that apply):

- prohibit child organisers
- prohibit children's presence at protests
- adopt measures for children's protection which restrict their involvement
- Require burdensome preparation (e.g., have notification requirements about the exact number of people permitted to gather in one place?)
- actively support children to take part in assemblies/ protests

Please explain further: \_\_\_\_\_

**5.4. Do the police adopt special measures intended keep children who protest safe?**

Please provide further information: \_\_\_\_\_

**5.5. Do the police consult with children/ children's organisations when protests are planned?**

Please provide further information: \_\_\_\_\_

## **Section 6: Children and access to complaints mechanisms**

**6.1.. Are there complaints mechanisms and public institutions responsible for the defence of children's rights that children can access directly** (Ombudspersons, Public Prosecutor Office, other administrative bodies)? Yes/No

If so, please provide further information: \_\_\_\_\_

**6.2. Are there obstacles for children to directly file complaints? Do children need to be affected themselves by environmental damage for the complaints to be admissible? Or may they introduce admissible claims based on environmental damage/law breaches?**

If so, please provide further information: \_\_\_\_\_

**6.3. Can you please outline ways in which mechanisms of complaints and redress on environmental issues are accessible to children?** If for example, the local authority/local business was polluting a river are their options for children to seek redress at (please tick all that apply):

- At local authority level
- At national level
- Other level

Please give details (including, for example, if there is child-friendly, accessible information provided, whether there is funding (legal assistance/ aid) available to children etc)

**6.4. What kind of redress can be achieved through the existing complaint mechanisms by children? Financial compensation, apologies, rehabilitation, restitution in integrum...**

If so, please provide further information: \_\_\_\_\_

**6.5. Is your office able to accept direct complaints from children?** Yes/No

If so:

- How many complaints (if any) have you received relating to the environment generally? Last 5 years
- How many complaints (if any) have you received relating specifically to climate change? Last 5 years
- What age were the children involved (if this can be shared)?

**6.6. Are there adapted complaint forms and procedures?**

If so, please provide further information: \_\_\_\_\_

**6.7. Are you accessible to children?**

a) Reactively: Regarding office hours, trained professionals, adequate spaces

b) Proactively: Do you reach out to children, visit schools, youth centres, etc.

**6.8. If you received environment/climate change related complaints by children, what action was taken by your office? \_**

\_\_\_\_\_

**6.9. Are the mechanisms of complaint and redress accessible to all children (including, for example, children with disabilities, children who do not speak the national language)?**

Please give details (including, for example, if there is child-friendly information provided etc) -

\_\_\_\_\_

**6.10. Have you any examples in your own jurisdiction of good practices of children being involved in legal cases challenging climate action?**

Please provide information/link to case/s:

\_\_\_\_\_

**6.11. Have children from your country been involved in international ‘climate case/s’? If so, please provide information/link to case/s: \_\_\_\_\_**

**6.12. Are there instances in your country of children taking judicial review proceedings (or applying to the Compliance Committee, or other action under the Aarhus Convention)? If so, please provide details: \_\_\_\_\_**

If so, what costs apply? \_\_\_\_\_

**6.13. Is there any other information about enabling children to take climate action through realisation of their human rights** (particularly instances of good practice) that you would like to provide?: -

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