



Provisional version

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Committee on Social Affairs, Health and Sustainable Development

Inaction on climate change – a violation of children’s rights

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Report¹

A. Draft resolution²

1. The climate crisis is threatening the future of humanity and is already hitting the most vulnerable particularly hard. As extreme climatic events become more frequent, intense and devastating, 2.2 billion children worldwide will increasingly be deprived of their fundamental rights, including to health, food, water, shelter and quality education. According to UNICEF, nearly one billion children live in areas exposed to an extremely high risk of impact from climate change and environmental degradation, which could kill 250,000 children additionally each year between now and 2100.
2. Lack of effective action to tackle climate change constitutes a violation of children’s rights as set out in the United Nations Convention on the Rights of the Child (UNCRC). This concerns, in particular, the right to life, development, health and medical care, care and education, a good standard of living, information, protection and assistance.
3. Whilst all Council of Europe member States have ratified both the UNCRC and the Paris Agreement on Climate Change, they face considerable implementation challenges. Air pollution, in particular, is an omnipresent, massive and constant threat to children’s health that stems largely from human activities and greenhouse gas emissions which also contribute to climate change. The world’s children are anxious about the prospect of deadly global warming and demand to be associated with action against climate change. They are concerned with the lack and slow pace of progress as regards the achievement of the Sustainable Development Goals (SDGs), including Goal 13 on the fight against climate change which requires wide-ranging changes in policies and society’s way of life.
4. The Parliamentary Assembly appreciates the readiness of the world’s children to be actors of change and transformation in society. In this context, it recalls its Recommendation 2211 (2021) and Resolution 2396 (2021) on “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe” and stresses the need for member States to shoulder their shared responsibility for acting in concert to advance the new generation of rights in order to better safeguard the wellbeing of both present and future generations. Unless they do so, member States will continue to be subjected to environmental litigation by today’s children and young people who seek climate justice, and rightly so.
5. The Assembly acknowledges a widespread and deep-seated existential angst – eco-anxiety – among children, driven by a sense of helplessness and disappointment with the adults’ failure to tackle climate change more decisively and earlier. It believes that society should listen to children more carefully and involve them in the elaboration of policies and measures to combat climate change at every level of governance. The Assembly underscores the special role schools and education systems play in informing children about ecological challenges and equipping them with tools for civic and pro-climate action. However, the responsibility to act to fight climate change lies with adults, not children.
6. The Assembly welcomes the decision of the United Nations Human Rights Council recognising the right to a safe, clean, healthy and sustainable environment as a fundamental human right. It also hails the ruling of the United Nations Child Rights Committee establishing that a State party to the UNCRC can be held responsible for the harmful effects of its carbon emissions on the rights of children on its territory and beyond,

¹ Reference to Committee: Reference no. 4472 of 30 September 2019.

² Draft resolution adopted unanimously by the Committee on 1 December 2021.

thus effectively highlighting States' individual and shared responsibility for climate action and better protection of children's best interest.

7. To meet children's desire for participation in decision-making, the Assembly commits to dialogue with children on climate action and protection of the environment, including via the outreach activities of its parliamentary network on the topic, which is being launched in early 2022. The Assembly shall also seek to foster children's participation in democratic debates on climate change at international and European level and via national, regional and local parliamentary activities. Our aim is to replace the current spirit of intergenerational distrust with a sense of co-operation that would open the door to including children in other debates of relevance to them in a meaningful way, as suggested also in Resolution ... (2021) on "The right to be heard: child participation, a foundation for democratic societies".

8. The Assembly is convinced that, in the fight against climate change, the challenge of preserving a viable environment must be combined with the need to uphold human rights of all generations. In order to ensure a sustainable future for the world's children, it therefore puts forward the following recommendations to member States, based on its own work and consultations with children, urging them to:

8.1. honour their international commitments to combat climate change and implement the rights of the child as set out in the SDGs (Sustainable Development Goals), the Paris Agreement and the UNCRC;

8.2. work together towards anchoring the human right to a safe, clean, healthy and sustainable environment through national, European and international legal instruments according to the proposals contained in the Assembly's Resolutions 2396 (2021) and 2399 (2021) and Recommendations 2211 (2021) and 2214 (2021) on, respectively, "Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe" and "The climate crisis and the rule of law", in order to establish transgenerational responsibility for the preservation of the environment and new remedies for children;

8.3. collaborate with a view to establishing an international legal status for environmental refugees and protecting the victims of forced migration due to climate change and environmental degradation, in particular children;

8.4. keep the promises of financial assistance and sharing of their knowledge (technical and technological) with regard to the poorest and most climate-vulnerable countries to help them adapt to climate change, reduce its adverse effects on children and cope with the ecological crisis;

8.5. strengthen international cooperation in the protection of the rights of the child and of future generations and encourage the contribution of civil society actors and businesses in order to mitigate the harmful effects of climate change on young populations;

8.6. take immediate action in the face of the climate crisis, according to national capacities, in the interest of the rights of the child and of future generations, including by systematically assessing the impact of relevant legislation and policies on children and future generations vis-à-vis the right to a safe, clean, healthy and sustainable environment;

8.7. give priority to climate change adaptation policies favouring the resilience of children to climate change and initiatives to improve the quality of life and health of children, notably via the development of resilient and green infrastructures in schools, a sustainable energy supply, the establishment of "zero emissions" zones around childcare centres and schools, the obligation to use short circuits for the supply of food products and the promotion of "good for the planet" meals in schools;

8.8. take strong measures to reduce the exposure of children to air pollution in accordance with Resolution 2286 (2019) on "Air pollution: a challenge for public health in Europe";

8.9. recognise children as agents of change in the climate crisis through a top-down and bottom-up approach by involving children in decision-making, promoting children's participation through the establishment of consultation mechanisms (advocacy, exchange platforms, etc.);

8.10. guarantee the right of children to be heard by promoting the lowering and alignment of the legal voting age;

8.11. strengthen children's right to information and education in environmental matters in order to enable them to understand the challenges of the ecological crisis and climate change and to equip them with tools, knowledge and skills enabling their participation in the ecological transition and making them sensitive to respect for nature, living creatures and the Earth;

8.12. continue this educational effort in ecological problem-solving in all higher education training courses (professional and university, all sectors combined) in order to equip young citizens with the know-how and "green conscience" allowing them to make enlightened and intelligent choices, especially in terms of consumption.

9. The Assembly asks national parliaments to use their existing child participation and consultation mechanisms or to set up new ones, as appropriate, in order to ensure that children can contribute meaningfully towards the elaboration of policies and legislation so as to mainstream climate change action throughout various sectors. It resolves to involve children in its work relating to climate change and environmental challenges, including through the committees concerned, in conformity with its Resolution ... (2021) on "The right to be heard: child participation, a foundation for democratic societies". It also welcomes the reflection initiated by the Committee on Political Affairs and Democracy on the participation of young people in the work of the Assembly. Finally, the Assembly encourages national parliaments to support and facilitate children's participation in the European Climate Pact, an initiative of the European Union.

B. Draft recommendation³

1. The Parliamentary Assembly refers to its Resolution ... (2021) on “Inaction on climate change – a violation of children's rights) and Resolution ... (2021) on “The right to be heard: child participation, a foundation for democratic societies”. It welcomes the growing attention of various Council of Europe bodies to challenges linked to climate change, environmental threats and the new generation of human rights, including the right to a safe, clean, healthy and sustainable environment, which call for comprehensive, coordinated and inclusive strategies at international, European and national levels.

2. The Assembly believes that the Council of Europe should support a cross-sector approach to dealing with climate change, environmental threats and the right to a healthy environment, and should involve children whenever possible in its work on these issues. It therefore recommends to the Committee of Ministers to ensure that:

2.1. the Council of Europe Strategy on the Rights of the Child 2022-2027 contains a reference to the impact of climate change and environmental threats on children's rights, and that the connected Action Plan promotes child participation in addressing these challenges at various levels of governance across Europe;

2.2. meaningful child participation is mainstreamed into all Council of Europe work on countering climate change and environmental threats, and on anchoring the right to a safe, clean, healthy and sustainable in Council of Europe instruments and action;

2.3. in the absence of a legally binding definition of climate or environmental refugees, member States collaborate towards establishing such a legal status at international and European levels and adequately protect the victims of forced migration due to climate change and environmental degradation, in particular children;

2.4. member States are reminded of their common but differentiated responsibilities in addressing climate change and seek ambitious action to honour their international commitments – including assistance to the poorest and most climate-vulnerable countries to help them adapt to climate change, reduce its adverse effects on children and cope with the ecological crisis – under the Sustainable Development Agenda 2030, the Paris Agreement and the United Nations Convention on the Rights of the Child.

³ Draft recommendation adopted unanimously by the Committee on 1 December 2021.

C. Explanatory memorandum by Ms Jennifer De Temmerman, rapporteur

1. Introduction

1. In July 2019, a group of parliamentarians led by our former colleague and now European Commissioner, Ms Stella Kyriakides (Cyprus, EPP/CD), tabled a motion for a resolution on “Inaction on climate change – a violation of children’s rights” (Doc. 14947)⁴ in order to alert the Assembly to the challenges of the climate crisis, its impact on the lives of our children and our shared responsibility to ensure a viable future for them. The situation of children – who account for 2.2 billion people, about a third of the world’s population – is both paradoxical and worrying. Children are no longer willing to be victims of climate change; they are taking action, organising major grassroots protest movements, and challenging us about the fate of future generations. As parents, we are prepared to make all kinds of sacrifices for our children. But as politicians, are we prepared to protect them from the catastrophic situations they will face if climate change intensifies? Are we prepared to preserve desirable living conditions?

2. We have reached a crossroads today. There is still time to act to avoid the devastating consequences climate change will have for the environment and for future generations. We must consider our responsibility towards children. It is a curious paradox that they are now seen as too “immature” or “not responsible enough” to make decisions about the future they will yet have to face. If children need to be protected because they are vulnerable, they are also key players in efforts to resolve the climate crisis through their mobilisation, proposals and actions to drive through change.

3. This report aims to give children a voice, including through their direct participation in the hearings on 1 December 2020 and 25 June 2021,⁵ and to defend their interests and fundamental rights from the threat posed by the inaction of States on tackling climate change. Europe must offer the right protection to children and future generations and take into account the demands of children as key players in the ecological transition.

4. The Assembly advocates “cleaner” and more sustainable development to accommodate the needs of present and future generations.⁶ Calling for strong national measures at all levels of governance, it considers that the implementation of the Paris Agreement should go hand in hand with the Sustainable Development Goals (SDGs) adopted by the international community. Following up on the reports on the right to a healthy environment⁷ and on the climate crisis and the rule of law,⁸ my report integrates a participatory aspect, and is combined with the consultation process initiated by Baroness Doreen E. Massey (United Kingdom, SOC) in preparation for the report “The right to be heard: child participation, a foundation for democratic societies”.

5. The fight against climate change requires both collective and individual efforts. The challenge is to preserve the environment while upholding human rights. Children have been tireless in their efforts to raise awareness of the environmental crisis: their opinions count. As fully-fledged citizens, they should be able to provide input to local, regional, national, European and international policies. It falls to us, as politicians, to listen to children and incorporate their proposals into our work.

2. The particular vulnerability of children and future generations to climate change

6. The latest IPCC (Intergovernmental Panel on Climate Change) report shows that we have emitted 1 trillion tonnes of CO₂ since its first report was published in 1990: in other words, in 30 years, we have generated half of the anthropogenic emissions produced since the industrial age began. The effects of climate change are already being felt and will only intensify in the future, as many studies, including the IPCC’s reports, have shown. In the future, natural disasters will be more frequent and more intense and although they will be spread unevenly around the world, there will be no avoiding them. Our children and future generations will therefore be those who will have to live with the consequences of global warming. This is why today’s decisions are crucial, and we cannot do without the views of those who will have to face our political choices.

⁴ The motion was referred to the Committee on Social Affairs, Health and Sustainable Development for report on 30 September 2019 and I was appointed rapporteur on 2 October 2019.

⁵ See documents [Asocpv09add2_2020](#) and [Asoc_child_pv02add_2021](#).

⁶ See [Resolution 2210 \(2018\) Climate change and implementation of the Paris Agreement](#).

⁷ [Recommendation 2211 \(2021\) and Resolution 2396 \(2021\) on Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe](#) (Rapporteur: Mr Simon Moutquin, Belgium, SOC).

⁸ [Recommendation 2214 \(2021\) and Resolution 2399 \(2021\) on Climate crisis and the rule of law](#) (Rapporteur: Ms Edite Estrela, Portugal, SOC).

7. Climate change affects the most vulnerable. According to UNICEF, almost every child on earth (more than 99% of children) is exposed to at least one major climate or environmental risk and 2.2 billion children are exposed to at least two such risks occurring simultaneously.⁹ Climate change is forecast to cause an additional 250 000 child deaths per year by 2100.¹⁰ In children under the age of five, more than one in every four deaths is directly or indirectly linked to environmental risks.¹¹ Failing to tackle today's climate crisis would mean endangering the lives of our children and future generations who are particularly vulnerable to natural disasters, air pollution and diseases exacerbated by climate change.

8. Developing physically and mentally, children are particularly vulnerable and will be among the first affected by the consequences of climate change, which poses a significant and growing threat to their well-being, development and (physical and mental) health. If today's society continues to ignore calls for change, the human rights of 2.2 billion children could be irreversibly altered within the next decade.¹²

2.1. Drought, water and heat stress

9. Droughts have multiple direct and indirect effects that are difficult to quantify but have particularly drastic consequences for children, especially in the poorest communities. They will generate water stress, compounded by consumption for agricultural, industrial and domestic needs and by evaporation caused by rising temperatures. Droughts and water shortages will lead to significant losses in income and food supplies, which will have a major impact on children's access to food and their cognitive and physical development. Exposed to nutritional deficiencies and malnutrition, children are developing severe diseases which are responsible for nearly half of the deaths of those under five. Higher temperatures also leave people increasingly exposed to heat stress, leading to more heat-related mortalities. Children are particularly vulnerable to extreme heat. According to UNICEF, 820 million children (one in three worldwide) are at high risk of experiencing heatwaves, while 2020 has gone down as the hottest year on record.

2.2. Floods and severe storms

10. 570 million children live in areas where (fluvial or coastal) flooding is extremely common, putting their survival and development under threat. Beyond the immediate risks of death and injury, floods affect children's environment and livelihoods by damaging the quality and supply of safe water and food, thereby increasing the chance of disease and malnutrition, especially among the youngest. They cause significant damage to infrastructure and thus deprive children of good living conditions. UNICEF warns that this situation is likely to worsen as glaciers melt, sea levels rise and violent storms become more frequent as a result of higher average temperatures.

2.3. Air pollution

11. Around 90% of the world's children are affected by air pollution. Climate change leads to higher concentrations of some pollutants in the atmosphere and is affecting air quality in all corners of the world – in urban and rural areas alike. High temperatures contribute to ozone formation and forest fires which combine with pollution from economic activities, causing emissions of fine particles¹³ and other pollutants. Children are at greater risk than adults from air pollution owing to a combination of behavioural, environmental and physiological factors.¹⁴ They breathe faster than adults, have smaller airways and live closer to the ground where there is a higher concentration of pollutants.¹⁵ Air pollution also has a detrimental effect on future generations, notably on foetal development and during the first years of life. As the Assembly noted in Resolution 2286 (2019) on "Air pollution: a challenge for public health in Europe", both present and future generations have the right to enjoy a healthy living environment. It also underlined that breathing clean air is a basic human right. Children, who are the prime victims of air pollution, should not be subjected to such a violation of their rights.

⁹ The Climate Crisis Is a Child Rights Crisis: Introducing the Children's Climate Risk Index. New York: United Nations Children's Fund (UNICEF), August 2021.

¹⁰ See <https://www.unicef.fr/dossier/climat-et-environnement> and <https://www.unicef.org/environment-and-climate-change> (as there are some differences between the two language versions).

¹¹ [WHO report on air pollution and child health](#) 2018

¹² Karen Savage, "Thunberg, 15 Kids Petition UN to Force Countries to Fight Climate Change", *The Climate Docket*, 23 September 2019 <https://www.climatedocket.com/2019/09/23/greta-thunberg-un-convention-child-rights/>

¹³ Particulate matter (PM) with a diameter of 2.5 microns or less (\leq PM_{2.5}) is very harmful to health in that it can penetrate the lung barrier and enter the bloodstream. <https://www.who.int/fr/news-room/fact-sheets/detail/ambient-%28outdoor%29-air-quality-and-health>.

¹⁴ [WHO report on air pollution and child health](#) 2018

¹⁵ Kendra Pierre-Louis, "Climate Change Poses Threats to Children's Health Worldwide", *The New York Times*, 13 November 2019 <https://www.nytimes.com/2019/11/13/climate/climate-change-child-health.html>

2.4. Heightened inequalities

12. As researchers have pointed out,¹⁶ some children are more exposed to climate change than others, as its effects tend to intensify inequalities. For example, the impact falls disproportionately on children living in poverty. Climate change also worsens gender inequality and geographical, social and cultural divides. Children in less developed countries will be harder hit than those living in developed countries, which have invested more in environmental protection and climate resilience. Many environmental justice studies have found that activities generating industrial pollution largely take place in areas near working-class and ethnic minority communities.

13. Global warming may deprive children of access to drinking water, food adequate for their needs, decent accommodation, and education. Many will be forced into migration and will suffer the perils that this entails (situations of hardship, insecurity and violence). Resolution 2295 (2019) “Stop violence against, and exploitation of, migrant children”, makes the point that children are already obliged to emigrate to escape from natural disasters, leaving them exposed to all kinds of violence along the way. Resolution 2307 (2019) on “A legal status for ‘climate refugees’” addresses the issue of environmentally induced migration, particularly the situation of the most vulnerable groups, including children.

14. Climate change reinforces gender inequality. 80% of climate refugees are women.¹⁷ Those who stay behind are responsible for crops, families and communities while the men are at work. Water scarcity or flooding ruins harvests, leaving them unable to feed their families properly. Girls must take on the same essential tasks as women. Left to look after their siblings, they are often forced to drop out of school to take care of household chores.

2.5. Multiplying health crises

15. The IPCC has warned of the risk of increased health crises caused by global warming. According to WHO, there are 50 million dengue fever infections around the world each year, including 500 000 cases of severe dengue, which primarily affects children.¹⁸ These figures are set to rise over the coming decade. Thawing permafrost is also bringing ancient bacteria back to life. In 2016, an outbreak of anthrax¹⁹ occurred in Russia after a herd of domestic reindeer became infected. No cases of the disease had been recorded in the region since 1941. A 12-year-old child, who had contact with the animals, lost his life. The 2021 report of the Lancet Countdown on health and climate change²⁰ confirms that climate change is affecting the environment and favours the spread of diseases such as dengue fever, malaria and cholera around the world, including in countries that were previously spared. The destruction of natural habitats, the growing proximity of wildlife to humans and intensive livestock farming are causing viruses and bacteria to evolve and increasing the risk of new strains emerging that are highly toxic and dangerous for humans, especially those such as children who are the most vulnerable.

2.6. Existential threats

16. The climate crisis has led to a resurgence of Malthusian attitudes and raises concerns of a renewed interest in eugenics. The “have one fewer child” movement²¹ is based on scientific opinions which discourage procreation. This could put replacement level fertility at risk, particularly in Europe where some member states already have a very low birth rate. In addition, scientific research seems to show a link between air pollution

¹⁶ Elizabeth D. Gibbons, “Climate Change, Children’s Rights, and the Pursuit of Intergenerational Climate Justice”, <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2469/2014/06/Gibbons1.pdf>

¹⁷ Mary Halton, “Climate change ‘impacts women more than men’”, *BBC News*, 8 March 2018 <https://www.bbc.com/news/science-environment-43294221>

¹⁸ Alexandre-Reza Kobabi, “Le changement climatique va stimuler les pandémies et autres menaces sur la santé”, *Reporterre*, 30 March 2020 <https://reporterre.net/Le-changement-climatique-va-stimuler-les-pandemies-et-autres-menaces-sur-la-sante>

¹⁹ Formerly known as charbon or splenic fever.

²⁰ “The Lancet Countdown on health and climate change”, 2021, <https://www.thelancet.com/countdown-health-climate>

²¹ Louise Wessbecher, “La meilleure solution contre le réchauffement climatique, c’est de faire moins d’enfants”, *France24*, 12 July 2017 <https://www.france24.com/fr/20170712-meilleure-solution-contre-le-rechauffement-climatique-est-faire-moins-enfants>

and fertility.²² The dystopian nightmare portrayed in Margaret Atwood's novel, *The Handmaid's Tale*,²³ might not seem so far-fetched.

17. Children are aware of global warming. One of the slogans on display at the climate marches – “Unicorns may not be real, but climate change is!”²⁴ – is testimony to this innocence lost too soon. A study published in 2020 of 2 000 children aged 8 to 16 in the United Kingdom found that 80% thought that the problem of climate change was important or very important. 73% said they were worried about the state of the planet; of these 22% said they were very worried. In addition, 58% of the children questioned said they were worried about global warming's impact on their lives.²⁵ This existential angst now has a name: “eco-anxiety”²⁶ or “eco-depression”. The mental health of children and young adults is being altered by a sense of helplessness and fatalism. Its impact on the stress of younger generations is underestimated and should be thoroughly analysed. It is the role of adults to find ways to discuss the situation with children.

18. The 1972 Stockholm Declaration stated that humanity “[...] bears solemn responsibility to protect and improve the environment, for present and future generations.” It establishes the responsibility of today's generations for today's decisions and the consequences further down the line. Numerous states recognise this responsibility through constitutional provisions which lay down an obligation to ensure ecological security for future generations. According to Hans Jonas, under no circumstances has mankind the right to commit suicide.²⁷ Nonetheless, children feel that the planet's destruction is under way. The worldwide movement “Fridays for future” states this loud and clear. The current generation, Generation Z (following on from Generations X and Y, also known as the Millennials), symbolises the end of humanity as the last letter of the alphabet has been reached.²⁸ This generation is up in arms over the lack of action since 1972.

3. Youth mobilisation for individual and collective responsibility

19. Every movement needs a spokesperson. When it comes to the environment, the world-famous figure is Greta Thunberg. Winner of Amnesty International's Ambassador of Conscience Award, she symbolises the ecological activism of the young generations. At the tender age of 15, she addressed the European Parliament,²⁹ gave a speech at the COP24 in December 2018³⁰ and at the COP25 in December 2019, as well as speaking to the United Nations General Assembly in September 2019. In 2018, she started the school strike for climate (*Skolstrejk för klimatet*) with her “Fridays for Future” movement and encouraged children around the world to join her. Through her speeches and actions, she has criticised the climate inaction of her elders. She is not alone in feeling this way because according to the BBC's survey, 41% of children do not trust adults to tackle the climate crisis.³¹

20. Adults tend to ignore children and their opinions on the pretext of their lack of knowledge or wisdom. 59% of children do not think their voices are being heard on climate change.³² Thousands of European schoolchildren call for political policies to be immediately aligned with scientific expertise. Owing to the lack of dialogue and reaction to the protests, they are challenging their governments before domestic and international courts. In September 2019, Greta Thunberg together with 15 children and adolescents submitted a complaint to the UN Committee on the Rights of the Child, seeking recognition that climate change endangers the rights of young generations. Five countries (Argentina, Brazil, France, Germany and Turkey) stood accused of having

²² Olivier Monod, “L'impact de la pollution et du réchauffement sur les hormones féminines”, *Libération*, 17 January 2020 https://www.liberation.fr/planete/2020/01/17/l-impact-de-la-pollution-et-du-rechauffement-sur-les-hormones-feminines_1772093

²³ Margaret Atwood, *The Handmaid's Tale*, first published in 1985.

²⁴ Annamaria Lammel, “Les jeunes face au changement climatique, ce qu'en dit la psychologie”, *The Conversation*, 24 May 2019, <https://theconversation.com/les-jeunes-face-au-changement-climatique-ce-que-dit-la-psychologie-117605>

²⁵ “Climate anxiety: Survey”, *BBC Newsround*, 3 March 2020 <https://www.bbc.co.uk/newsround/51451737>

²⁶ Marie-Adélaïde Scigacz, “Quand le changement climatique attaque la santé mentale : et si votre dépression était de l'éco-anxiété ?”, *FranceInfo*, 15 March 2020, https://www.francetvinfo.fr/sante/environnement-et-sante/quand-le-changement-climatique-attaque-la-sante-mentale-et-si-votre-depression-etait-de-l-eco-anxiete_3220571.html

²⁷ Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics for the Technological Age*, University of Chicago Press, 1985, page 37.

²⁸ Jamie Margolin, founder of “Zero Hour”, Congressional testimony, 2019

<https://docs.house.gov/meetings/FA/FA14/20190918/109951/HHRG-116-FA14-Wstate-MargolinJ-20190918.pdf>

²⁹ European Parliament, 2 March 2020, “Greta Thunberg to MEPs: ‘We will not allow you to surrender our future’” <https://www.europarl.europa.eu/news/en/press-room/20200304IPR73905/greta-thunberg-to-meps-we-will-not-allow-you-to-surrender-our-future>.

³⁰ A video of her COP24 speech is available here: https://youtu.be/CcQp_l7WqAk.

³¹ “Climate anxiety: Survey”, *BBC Newsround*, 3 March 2020 <https://www.bbc.co.uk/newsround/51451737>

³² Ibid.

recklessly used fossil fuels and failing to take measures to reduce greenhouse gases.³³ In its historic ruling of 11 October 2021, the committee found that a State party to the Convention may be held responsible for the negative impact of its emissions on the rights of children both within and outside its territory.³⁴ Another landmark case – that of a group of Portuguese children versus 33 European States filed before the European Court of Human Rights in autumn 2020 – raises the issue of these countries’ shared responsibility for breaching children’s human rights by failing to take proper action on climate change and was granted priority by the Court in recognition of its importance and urgency.³⁵

21. The ideas put forward by children are inspiring. As of December 2019, 1 142 cases had been filed in courts around the world.³⁶ The number of cases has risen over the past few years and they are often organised by youth movements³⁷ (such as “Fridays for future” in Germany,³⁸ *Natur og Ungdom* in Norway, the Netherlands, Ireland, Switzerland, Canada,³⁹ and the United States, among others). In 2019, the *Urgenda* case in the Netherlands culminated in a landmark verdict against the authorities for their inaction. Inspired by this legal precedent, in less than a fortnight, more than 2 million French people signed the petition in support of *L’affaire du siècle* [The Case of the Century], bringing it before the courts. The fact that environmental policy is now an issue that can be brought before the courts forces countries to take responsibility and opens up new avenues for citizen-led action to children.

22. Young people are more active on climate issues than adults care to admit. Stepping up their efforts, young people around the world are using modern technology to get together and organise online campaigns. Some have joined ambitious community-based advocacy groups, like the Zero Hour movement,⁴⁰ with the aim of achieving the goals set out in the Paris Agreement. Without any help from adults, they have triggered a wave of revolt calling for environmental action. Ready to sacrifice their own comfort to reduce their carbon footprint, these children are determined not to give up. It would be a wise move for adults to stand alongside them to work to achieve these ambitions together. Now is the time to grant them the most basic of democratic rights: the right to consultation and to participation. Their desire to participate is natural and should be taken on board.

23. Resolution 204 (2005) of the Congress of Local and Regional Authorities on “Youth education for sustainable development: the role of the regions” encourages dialogue with young people on environmental issues and promotes participatory schemes such as children’s parliaments or councils. To meet young people’s desire for participation, the Parliamentary Assembly of the Council of Europe must also commit to dialogue with children – this is the intention of Baroness Massey’s report as well as my own. The Assembly has also contributed to the debates on children’s role in the fight against climate change as part of the World Forum for Democracy which was held in Strasbourg from 8 to 10 November 2021. This event brought together political decision-makers, members of civil society and the general public and was an opportunity to exchange on good practices and to propose action to be taken to increase children’s participation in democratic debates on climate change.

³³ Karen Savage, “Thunberg, 15 Kids Petition UN to Force Countries to Fight Climate Change”, *The Climate Docket*, 23 September 2019 <https://www.climatedocket.com/2019/09/23/greta-thunberg-un-convention-child-rights/>.

³⁴ “UN Child Rights Committee rules that countries bear cross-border responsibility for harmful impact of climate change”, 11 October 2021, Office of the High Commissioner for Human Rights (OHCHR), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27644&LangID=E>.

³⁵ “NGOs stand in support of the Portuguese youth in their landmark case against 33 European countries”, 22 February 2021, Climate Action Network Europe, <https://caneurope.org/ngos-stand-in-support-of-the-portuguese-youth-in-their-landmark-case-against-33-european-countries/>.

³⁶ Enrique Dans, “The Netherlands Show The Way In Tackling The Climate Emergency”, *Forbes*, 10 January 2020 <https://www.forbes.com/sites/enriquedans/2020/01/10/the-netherlands-shows-the-way-in-tackling-the-climate-emergency/>.

³⁷ To follow liability litigation around the world, visit <https://www.climatedocket.com/>.

³⁸ For further details, see <https://fridaysforfuture.de/>.

³⁹ Dana Drugmand, “Kids File Climate Lawsuit Against Ontario Government for Backsliding on Emissions Cuts”, *The Climate Docket*, 27 November 2019 <https://www.climatedocket.com/2019/11/27/ontario-climate-lawsuit-doug-ford/>. In the case of *Matheur et. al v. Her Majesty in Right of Ontario*, seven young people aged 12 to 24 claimed that Canada’s environmental policy had violated their fundamental rights. Children are determined to do whatever it takes to be heard.

⁴⁰ The movement’s website includes a countdown timer to 2030. Further information can be found at: <http://thisiszerohour.org/>.

4. An intergenerational pact is key to fighting climate change

24. Not all children are fortunate enough to be aware of the climate issues at stake. It is the State's role to raise awareness through compulsory education. Some municipalities already provide educational resources to change behaviour from an early age. Encouraging bike use makes children accustomed to alternatives to cars. Under a new law introduced in 2018,⁴¹ school canteens in France are obliged to offer vegetarian meals once a week to encourage "flexitarian" eating habits and reduce the consumption of meat, which has a high carbon footprint. Schools are setting up vegetable gardens in playgrounds to foster a closer affinity with nature and instil sustainable attitudes in children. It is crucial to teach children to adopt an environmentally friendly lifestyle. Resolution 204 (2005) "Educating young people for sustainable development: the role of regions" of the Congress of Local and Regional Authorities encourages promoting ecological commitment among all children regardless of their social class. It is now time to assess the results. The initiatives are still rather few and far between but should be encouraged by the Assembly in national parliaments.

25. The fact that some children have no opportunity to express their opinion does not justify indifference. The right to a healthy environment is a universal and solidarity-based right. Our decisions affect children not only in Europe, but also around the world. Adults and governments must shoulder their responsibilities. On social networks, the widely used expression "OK boomer"⁴² reveals young people's exasperation and lack of trust in their elders. Information technology has provided Generation Z with powerful communication tools which remain unfamiliar to some of the older generation. It is vital to rebuild trust to avoid the emergence of a serious intergenerational rift. The Covid-19 crisis offers an opportunity to reinvent the world we live in. A group of French members of parliament created a participatory website called *Le jour d'après* [The Day After]⁴³ which gives the public an opportunity to participate in the reconstruction of French society. This is an online participatory initiative and those that wish to contribute do not have to be of voting age. Adults must ensure that children and young people are consulted and can participate at local, national and European level. The Council of Europe must support initiatives that give weight to young people's opinions.

26. Children's participation in the development of this report and in the Parliamentary Assembly's subsequent debate during the 2022 January part-session as part of the consultation process set up by Baroness Massey could form the first step towards resolving the crisis of intergenerational trust that threatens to limit the usefulness of the debate on inaction on climate change. This debate provides a unique opportunity to prove that children – who are both the main victims of climate change and informed stakeholders – can make relevant contributions to the Assembly's work, thereby serving as a model for the member states' own parliaments. The shared goodwill of all participants could help replace the current climate of intergenerational distrust with a sense of co-operation that would open the door to including children in other debates of relevance to them.

5. Strengthening State action on climate change: a requirement for safeguarding children's human rights

5.1. *Revisiting the international Convention on the Rights of the Child (UNCRC) in relation to inaction on climate change*

27. In 1989, the United Nations General Assembly decided to enshrine children's rights by unanimously adopting the international Convention on the Rights of the Child (UNCRC), which went on to become the most widely ratified human rights treaty in history.⁴⁴ Its signatory States are legally bound to safeguard the rights of all children. UNICEF has identified the four core principles of the Convention: non-discrimination, the best interests of the child, the right to life, survival and development, and respect for the views of the child.

28. State inaction on climate change breaches many of the rights recognised in the UNCRC, however. Considering the direct and indirect consequences of the ecological crisis and climate change on children, I consider that the States Parties to the Convention are not affording adequate protection of the rights provided for in Articles 2 (right to equality and non-discrimination), 3 (best interests of the child), 4 (exercise of rights), 6 (right to survival and development), 16 (protection of privacy), 24 (right to health and access to health care), 26 (right to social security), and 27 (right to an adequate standard of living).

⁴¹ 2018 French law to balance commercial relations in the agriculture and food sector

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000037547946&categorieLien=id>.

⁴² Mathéo Malik, "Ok virus", *Le Grand Continent*, 30 March 2020, <https://legrandcontinent.eu/fr/2020/03/30/ok-virus-coronavirus-generations/>.

⁴³ Further information is available at <https://lejourdapres.parlement-ouvert.fr/>.

⁴⁴ The United States is the only country not to have ratified the Convention.

29. I am also convinced that climate change inaction particularly impinges on the rights of indigenous peoples and children. Article 30 of the UNCRC stresses the importance of respecting the cultural values of the child's community. With many children living in ecosystems that are highly sensitive to climate variations, they are often the most vulnerable to the adverse effects of climate change on biodiversity, their territory and their environment. On top of this, they are often marginalised and may be dispossessed of their land. As a result, indigenous peoples, especially children, are undergoing a drastic transformation in their way of life and cultural practices, which violates their right to identity.

30. The Parliamentary Assembly also notes that children will increasingly be forced into migration by the current ecological crisis and natural disasters, leaving them exposed to the perils that this entails (situations of hardship, insecurity and violence).⁴⁵ The right to refugee status enshrined in Article 22 of the UNCRC should imperatively be applied to all children forced to move for environmental reasons and a climate refugee status must be introduced so as to afford them effective protection.

5.2. *International climate agreements*

31. To tackle climate change, States adopted the United Nations Framework Convention on Climate Change (UNFCCC) as early as 1992 (at the Rio Earth Summit).⁴⁶ It aims to prevent human activities that harm the climate system and stresses the increased responsibility of the so-called developed countries. The Kyoto Protocol to the Convention (which was concluded in 1997 but did not enter into force until 2005) aimed to reduce emissions of six greenhouse gases (carbon dioxide, methane, nitrous oxide and three substitutes for chlorofluorocarbons) by at least 5% by 2012 compared with the level of 1990.

32. In 2015, States adopted the 2030 Agenda, including the 17 Sustainable Development Goals (SDGs) and more specifically Goal 13 on taking action to combat climate change, and concluded the Paris Agreement on climate. This agreement, unlike the Kyoto Protocol, does not distinguish between developed and developing countries – it requires them all to draw up emission reduction plans to keep global warming below 2°C compared to pre-industrial levels and to aim for no more than a 1.5°C increase through Nationally Determined Contributions (NDCs). Since Turkey's ratification of the Paris Agreement on 6 October 2021, all Council of Europe countries have been bound by this Treaty.

33. COP26, the Conference of the Parties held in Glasgow, United Kingdom, from 31 October to 12 November 2021, was expected to raise climate ambition (including NDCs), operationalise mechanisms for trading emission reductions between countries (as laid down in the Paris Agreement), mobilise US\$100 billion for developing countries (per annum for the period 2020-2025) and strengthen co-operation with non-state actors.⁴⁷ However, even though there has been progress in achieving all three of the four goals (the big gap is in funding), serious discussions on ending fossil fuels and an agreement to stop deforestation has been reached, we are still far from a massive leap that is necessary in the face of the climate emergency. Young activists are disappointed with the "Glasgow Pact" which rings hollow and do not believe the promises of the leaders. Indeed, as Barack Obama, former President of the United States has underlined, young people are right to be angry, even though the transition to a cleaner world should not be rushed at the risk of leaving some behind.

5.3. *The right to live in a safe, clean, healthy and sustainable environment*

34. As David Boyd, United Nations Special Rapporteur on Human Rights and the Environment, noted, "[w]e can and we must fulfil our commitment to the world's children and provide them with a just and sustainable future. If we recognise it and implement it, the right to a healthy environment could be one of the most important human rights of the 21st century". He also proposed that "[i]f we are genuinely committed to serving the best interests of children, then let us respond to their calls for action".⁴⁸

⁴⁵ See Resolution 2295 (2019) entitled "Stop violence against, and exploitation of, migrant children" and Resolution 2307 (2019) on "A legal status for 'climate refugees'".

⁴⁶ Two "sister" conventions were adopted at the same time: the Convention on Biological Diversity (CBD) and the Convention to Combat Desertification (UNCCD).

⁴⁷ More information is available at: <https://www.ecologie.gouv.fr/5-questions-comprendre-cop26#:~:text=La%20COP26%20doit%20%C3%A9pondre%20%C3%A0.long%20terme%20%C3%A0%20horizon%202020%20050>

⁴⁸ "Realising children's rights through a healthy environment", 7 July 2020, Office of the United Nations High Commissioner for Human Rights (OHCHR).

36. Our Parliamentary Assembly took a huge step in this direction by unanimously adopting Recommendation 2211 (2021) and Resolution 2396 (2021) on “Anchoring the right to a healthy environment: the need for enhanced action by the Council of Europe”⁴⁹ on 29 September 2021. A few days later, the UN Human Rights Council recognised for the first time that having a healthy, clean, safe and sustainable environment is a human right, in its resolution 48/13, while highlighting the major human rights impacts of climate change through a second resolution (48/14).⁵⁰ Lastly, the UN Committee on the Rights of the Child (in its ruling of 11 October 2021) clearly pointed to the responsibility of States to safeguard children’s rights from the harmful impact of greenhouse gas emissions.⁵¹ It is now for us to implement the right to a healthy environment through our laws and policies to tackle climate change more effectively.

6. Involving children in climate issues: towards intergenerational dialogue

37. As part of the World Forum for Democracy, the Sub-Committee on Children (of the Committee on Social Affairs, Health and Sustainable Development) held a hearing on 25 June 2021 about the present report on “Inaction on climate change – a violation of children’s rights”. Many children spoke of their frustration with governments’ failure to act on the climate crisis, providing a long list of the issues that they were concerned about. These included forest fires, diseases (such as Covid-19), climate disruption, pollution, the use of chemicals in agriculture, species extinction, floods, toxic fumes and lack of clean air. Some of the children decried overconsumption that depletes the Earth’s resources but contributes so little to human happiness and prosperity. They were very concerned about their own future and that of future generations, highlighting what they expect from leaders, but also the initiatives that young people had already put in place to address the crisis.

38. The children, especially those in their teenage years, underlined how climate change was harmful for their mental health. They described their worries about the future and global warming’s impact on their lives as an existential angst which has been termed “eco-anxiety”. For example, in the report published by *Foróige* (Youth Development Organisation, Ireland) in April 2021, children warned that eco-anxiety had serious effects, including depression in young people, which could even lead to suicide.⁵² Environmental degradation is therefore holding people back from getting on with their lives.

39. In response, child and teenage climate activists have developed the same defence mechanisms as those under permanent threat, including resilience. This concept was made popular by the psychiatrist Boris Cyrulnik, who used it to describe the ability of individuals or groups to overcome great adversity and continue to plan for the future, nevertheless. Children’s growing concern about the ecological crisis has led to their collective awareness of what is at stake and a shared commitment to act on behalf of the younger generations, future generations and life on Earth. The environmental activism of the younger generation is particularly reflected in the Fridays for Future school strike movement against the lack of political action to tackle the climate crisis that now unites millions of young people in over 125 countries.

40. The younger generations are calling for political measures to be immediately aligned with scientific expertise. Under Article 12 of the UNCRC, children have the right to express their views freely in all matters and proceedings affecting them and to have those views taken into account. They also have the right (under Article 13) to express their views, seek information and impart ideas and information, regardless of frontiers. Children’s participation in combating climate change is vital and their voices must be heard. As those most affected by the current ecological crisis and the decisions being made today, children must be treated as key contributors. Policy makers must also invest more in education and continue to develop initiatives introducing children to the political decision-making process. This would help young people to better understand the issues behind the term “inaction” by learning about disagreements and compromises, which are part and parcel of politics, while making decision-makers aware that what they call compromise is sometimes just giving up.

41. I would further point out that not all children are fortunate enough to be made aware of the climate issues at stake. A young girl heard by the Sub-Committee on Children highlighted that schools have a real power to inform: they should teach young people about the origins of the ecological crisis and its consequences for the planet. It is indeed the State’s role to raise awareness through compulsory education. Some

⁴⁹ See also the report by Mr Simon Moutquin (Belgium, SOC), [Doc. 15367](#).

⁵⁰ “Bachelet hails landmark recognition that having a healthy environment is a human right”, 8 October 2021, OHCHR, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27635&LangID=E>.

⁵¹ “UN Child Rights Committee rules that countries bear cross-border responsibility for harmful impact of climate change”, 11 October 2021, Office of the High Commissioner for Human Rights (OHCHR), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27644&LangID=E>.

⁵² This phenomenon is fully in line with the concept of *atmoterorism* coined by German philosopher Peter Sloterdijk in his book “Terror from the air”.

municipalities are already providing educational materials to change behaviour from an early age and schools are implementing initiatives to encourage children to respect all life on Earth.

42. It is crucial to teach children to adopt an environmentally friendly lifestyle. Resolution 204 (2005) of the Congress of Local and Regional Authorities encourages promoting ecological commitment among all children. The school has the power of information; without information it is difficult to act. Ecology and sustainable living should continue to be included in all school curricula so that later as young adults they are equipped to better understand scientific information on climate issues and make informed choices as a result.

43. There are plenty of inspiring initiatives at national level. Fridays for Future activists are urging young people in their countries to denounce overconsumption, excessive use of fossil fuels and intensive farming at the expense of the planet and its limited resources. They are asking policymakers for “strong actions and clear strategies that allowed for more sustainable agriculture and a carbon-neutral society” which would better ensure respect for the environment and human rights. “Everyone is welcome to join the movement, their help is needed” because we can still make a difference, as Adélaïde Charlier, an activist at Youth for Climate, said at the hearing on 25 June 2021.

44. In the same way, everyone can adapt by adopting good lifestyle habits such as sorting and recycling waste, swapping and reusing items (e.g., books, clothes, etc.), sharing tips on sustainable consumption, how to save water and paper, switching to green mobility solutions and recipes for healthy meals (with less meat). They can also plant trees as pupils in several establishments are already doing – with schools acting as real-life “laboratories for green innovation”. To foster co-operation between policymakers and children, “it is important to develop democracy in schools around projects on sustainable development”, for example by electing eco-delegates and holding eco-debates in schools and municipal councils and using social media to facilitate discussion and work on environmental issues. “Governments could reform relevant policies, ban harmful practices, support [...] renovation, [...] clamp down on] “fast fashion”, invest more in green energy” and parliaments should adopt “strong, effective and fair legislation” on action against climate change and for better protection of the environment and of the right to a healthy environment.

45. The parliamentarians also put forward their ideas for children and young people. For example, they suggested that children help their parents to reduce food waste and encourage them to buy more local products from short supply chains, introduce water and electricity saving devices in homes and reduce the use of plastic. They could urge local authorities to introduce more green technologies in waste processing, cut plastic pollution, reduce the use of chemicals (including antibiotics) in agriculture and offer free public transport. To better enforce children’s rights under climate change, children could even ask policy makers to review some international trade agreements, for example to end widespread deforestation to grow animal feed. “Democracy schools” (like those in Austria) could help children and policymakers engage more with each other and exchange ideas that are good for the climate and the environment.

46. The UN-supported Young Activists Summit took place on November 18 in Geneva. In connection with climate action and COP26, young people (including children) from 140 countries discussed ideas to advance children's rights, demanded climate justice and offered concrete solutions aimed at restoring coral reefs, planting trees (notably via the “One Right, One Action, One Tree” initiative) and promoting sustainable agriculture.⁵³ These proposals constitute an urgent transgenerational call to act in favour of climate, the protection of our environment and the reduction of our negative environmental footprint.

7. Taking more effective action against climate change to defend the rights of generations to come

47. Global warming risks depriving children of adequate and affordable access to essential elements for their well-being, including health, food, shelter and quality education. It is high time that States listen to what children have to say and take action through protective, inclusive and empowering approaches. Following discussions and consultations with children during the hearings, I would like to take on board a number of proposals that our Parliamentary Assembly could address to the States. These would be for governments to:

- honour their international commitments on tackling climate change and on children’s rights (SDGs, Paris Agreement, UNCRC) and work together to enshrine the right to a healthy, clean, safe and sustainable environment as a human right in legal instruments at the national (constitutions, law), European (notably the European Convention on Human Rights and the Revised European Social Charter) and international level (i.e. at UN level) – as proposed in Resolutions 2396 (2021) and 2399

⁵³ See the websites of SWI Swissinfo, <https://www.swissinfo.ch/fre/que-cherchent-les-jeunes-%C3%A0-l-onu-/47116798> and of the UN News <https://news.un.org/en/story/2021/11/1106112>

(2021)⁵⁴ and Recommendations 2211 (2021) and 2214 (2021) – in order to introduce transgenerational responsibility and new remedies for children;

- work together to define and recognise an international legal status to protect victims of forced migration caused by climate change, including children, and ensure that the Council of Europe Strategy on the Rights of the Child 2022-2027 contains a reference to the impact of climate change and environmental threats on children's rights and that the related action plan promotes child participation in addressing these challenges at different levels of governance across Europe;
- deliver on promises to provide financial assistance to and share (technical and technological) knowledge with the countries which are the poorest and most vulnerable to climate change to help them to adapt, reduce the harmful effects on children and tackle the ecological crisis;
- strengthen international co-operation on protecting the rights of children and future generations and encourage civil society stakeholders and businesses with a view to mitigating the harmful effects of climate change on young people;
- take action to tackle the climate crisis, according to their means, in the interest of the rights of the child and future generations, ensuring that these are never harmed, and promote a better understanding of climate change's effects on children and generations to come;
- prioritise climate change adaptation policies that promote children's resilience to climate change and initiatives that improve their quality of life and health: building resilient and green infrastructure in schools, using sustainable energy, setting up "zero emission" zones around childcare facilities, requiring the use of short food supply chains and promoting 'planet-friendly' meals in schools, etc.;
- take far-reaching measures to reduce as far as possible children's exposure to air pollution;
- recognise children as a driving force for change in the climate crisis by adopting top-down and bottom-up approaches: including children in decision-making, promoting children's participation by introducing mechanisms for consultation (e.g., advocacy activities, discussion forums, etc.);
- guarantee the right of children to be heard by promoting the lowering and alignment of the legal voting age in Council of Europe member States;
- safeguard children's right to information and education on environmental issues so that they may grasp the challenges brought about by the ecological crisis and climate change; provide them with the tools, knowledge and skills to participate in ecological transition and raise their awareness of the importance of respecting the environment, all forms of life and Earth itself;
- continue the drive for education on ecological issues in all higher education courses so that tomorrow's citizens have the knowledge and the "ecological awareness" to make informed and intelligent consumer choices.

⁵⁴ ["The climate crisis and the rule of law"](#).