

# CLIMATE CHANGE AND ITS IMPACT ON CHILDREN

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## Résumé

Le changement climatique a des implications majeures pour les enfants et pour leurs droits humains. La détérioration de l'environnement a largement affecté les personnes les plus vulnérables de par le monde, particulièrement les enfants, et continuera de le faire dans le futur. L'auteur analyse quatre catégories de droits de l'enfant affectées par le réchauffement climatique: les droits relatifs aux besoins primaires, les droits spécifiques aux enfants, les droits participatifs et les droits et libertés civiles. L'indivisibilité, l'interdépendance et la réciprocité des droits humains sont clairement démontrés dans l'impact des changements climatiques sur la vie et les droits des enfants. Par exemple, des phénomènes climatiques tels la fonte des glaces, les modèles de précipitations erratiques, l'accroissement des intempéries, la déforestation, l'augmentation des températures de surface et l'augmentation du niveau de la mer ont un impact direct sur les droits des enfants à l'eau, à l'alimentation, à la santé, à la propriété, à un logement, à un abri, à l'éducation, à l'information, à une nationalité, à une identité, à la vie privée, à la participation, aux jeux, loisirs et culture. L'auteur conclut que le changement climatique est une question de survie de l'humanité.

## Zusammenfassung

Der Klimawandel hat erhebliche Folgen für die Kinder und ihre Rechte. Die Zerstörung der Umwelt hat die schutzbedürftigsten Personen weltweit besonders getroffen, vor allem die Kinder, und dies wird sich auch in Zukunft nicht ändern. Die Autorin analysiert vier Kategorien der Kinderrechte, die durch die Klimaerwärmung betroffen sind: die Rechte bezüglich Grundbedürfnisse, die spezifischen Kinderrechte, die Rechte auf Teilhabe und die bürgerlichen Rechte und Freiheiten. Die Unteilbarkeit, die Verflechtung und die Gegenseitigkeit der Menschenrechte zeigen sich eindeutig im Einfluss der Klimaveränderungen auf das Leben und die Rechte der Kinder. Zum Beispiel haben Klimaereignisse wie die Eisschmelze, erratische Niederschlagsverteilung, die Zunahme von Unwettern, die Abholzung, die Zunahme der Oberflächentemperaturen und der Anstieg des Meeresspiegels einen direkten Einfluss auf die Rechte der Kinder auf Wasser, Nahrung, Gesundheit, Eigentum, Wohnen, Obdach, Bildung, Information, Staatsangehörigkeit, Identität, Privatleben, Beteiligung, Spiel, Freizeit und Kultur. Die Autorin schliesst mit der Feststellung, dass der Klimawandel eine Überlebensfrage der Menschheit ist.

## Resumen

El cambio climático tiene implicaciones importantes para los niños y para sus derechos. El deterioro del medio ambiente afectó ampliamente las personas más vulnerables en el mundo, especialmente los niños y continuará haciéndolo en el futuro. La autora analiza cuatro categorías de derechos del niño afectadas por el calentamiento climático: los derechos relativos a las necesidades primarias, los derechos específicos a los niños, los derechos participativos y los derechos y libertades civiles. La indivisibilidad, la interdependencia y la reciprocidad de los derechos humanos están demostrados claramente en el impacto de los cambios climáticos en la vida y los derechos de los niños. Por ejemplo, los fenómenos climáticos como el deshielo, los modelos de precipitaciones erráticas, el aumento de las inclemencias climáticas, la deforestación, el aumento de las temperaturas en la superficie terrestre y el aumento del nivel del mar tienen un impacto directo sobre los derechos de los niños al agua, a la alimentación, a la salud, a la propiedad, al alojamiento, a un refugio, a la educación, a la información, a una nacionalidad, a una identidad, a la vida privada, a la participación, a los juegos, ocios y cultura. La autora concluye que el cambio climático es una cuestión de supervivencia de la humanidad.

## Summary

Climate change has major implications for children and for their human rights. The deterioration of the environment has affected widespread the most vulnerable people in the world, especially children, and it will continue to affect them in the future. The author analyses four categories of children rights affected by global warming: the rights which satisfy basic needs, the particular children rights, the participation rights and the civil and political rights. The indivisibility, interdependence and interrelation of human rights are clearly demonstrated by the impact of climate change on children's life and rights. For instance, climatic phenomena as ice melting, erratic precipitation patterns, increasing weather, deforestation, rising surface temperature and rising sea level have a direct impact on the children's right to water, food, health, property, housing, shelter, education, information, nationality, identity, privacy, participation, playing, leisure and culture. The author concludes that climate change is all about the survival of mankind.

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I would like to start by saying that I feel very honoured to be here today. I would like to thank the International Institute for the Rights of the Child for its kind invitation to attend this important international seminar and very especially Mr. Jean Zermatten, the Director of this Institute and President of the Committee on the Rights of the Child. I feel very honoured to have the opportunity to address myself to such a distinguished auditory, as well.

The organizers of this international seminar asked me to speak about the impact that climate change has on children's rights. With that purpose in mind, I have used the articles of the Convention on the Rights of the Child as a vehicle for searching those rights which are more affected by global warming.

## INTRODUCTION

The first time I heard about climate change was maybe 25 years ago. At that moment, I did not appreciate how this phenomenon was affecting human rights and would continue to affect them in the future. Today my belief is that there is not a single right whose enjoyment is not directly or indirectly affected by global warming. As some authors have expressed, we may be facing the fifth horseman of the Apocalypse<sup>1</sup>. Climate change is one of the most serious threats for the enjoyment of human rights today.

The problem is that allocating the burden of responsibility for climate change harm is not so easy. The geographic impacts of global warming cannot easily be classified as human rights violations, not least because climate change-related harm often cannot be attributed to acts or omissions of specific States. Yet, addressing the harm remains a critical human rights concern and an obligation for States under International Law.

Climate change has major implications for children. Extreme weather conditions have the ability to undermine all the gains achieved until now in the children's rights field. According to the UN, climate change is already affecting the achievement of the Millennium Development Goals, and very especially those which have to do with children<sup>2</sup>. Simply put in Mary Robinson's words, climate change is about human suffering<sup>3</sup>. So, today we can declare: climate change leads to widespread serious human rights abuses. Who could have imagined this 25 years ago!

I remember the old West – East controversy about a supposed hierarchy of human rights, on whether civil and political rights had a preference over economic, social and cultural rights

<sup>1</sup> BROWN, O., HAMMILL, A. & McLEMAN, R.: "Climate change as the "new" security threat: Implications for Africa", in *International Affairs*, 2007, p. 1153.

<sup>2</sup> UNDP: *Human Development Report 2007/2008: Fighting climate change: Human solidarity in a divided world*, N.Y., 2008, pp. 25, 26 & 100.

<sup>3</sup> ROBINSON, M.: "Foreword", in *Climate change and human rights. A Rough Guide*, International Council on Human Rights Policy, 2008, p. iii.

or viceversa. Climate change has the bitter effect of demonstrating that all human rights are indivisible, interdependent and interrelated because it interferes with all internationally recognized human rights. Likewise, the deprivation of one right adversely affects the others.

Most of the core human rights treaties were concluded before mankind had a clear idea of what climate change was about. Therefore, these international hard law tools do not mention or address the question of human rights abuses provoked by climate change. The Convention on the Rights of the Child is probably the first universal treaty to include several references to the environment. In its Preamble, the convention states that the natural environment deserves protection for the growth and well-being of the members of society, and particularly children. In article 24, the convention addresses the right to health and sanitary services, and adds that information to help children stay healthy must be supplied. Another reference to the environment is contained in article 29, highlighting it as one of the aims of child education. As I read the rights included in the Convention on the Rights of the Child, I cannot help asking myself: whose of these rights is not affected by global warming? Children are human beings. As such, their rights are at least as affected by climate change as are those of adults. But children are more vulnerable and therefore climate change impacts more on them than on adults.

Different climatic phenomena may have different effects on different human rights. I will mention several phenomena. I will mention several phenomena:

1. Ice melting and erratic precipitation patterns affect the access to drinking water and the possibility of irrigating lands. These impacts directly affect the right to water and the right to food. They also affect the right to health, especially among children. Families will have to flee from lands in danger and children's right to education and shelter will suffer from that. Changing rainfall patterns may produce floods. Children living in substandard housing on low flood plains are at high risk of drowning because children in these circumstances normally lack the ability to swim and depend on adults during emergencies. For instance, in Bangladesh, a survey established that drowning was the leading cause of infant death, having overtaken pneumonia and diarrhea.
2. Rising surface temperature increases the prevalence of water-borne diseases such as diarrhea or typhus and mosquito-borne diseases such as malaria or dengue fever. These hazards affect the right to life and the right to health. It goes without saying that children are the major group of victims of these diseases. The lack of development of their immune system and the immaturity of their organs and metabolism makes it easy for bacteria and viruses to fix in their bodies.
3. Increasing weather hazards clearly impact the right to life and many other rights. And most of the victims of these cataclysms are children, who often can't look for shelter during the phenomenon. Children are also victims of these cataclysms when their parents die and they become orphans.
4. Rising sea level causes the flooding and disappearance of territories, the salinisation of fresh water and the drop of arable land. These events force mass migration and affect

the right to water, the right to food, the right to education, the right to self-determination, the right to property, the right to housing and shelter, the right to work, the right not to be deprived of one's means of subsistence and even, in extreme cases, the right of the child to acquire a nationality. This can happen if the country is swallowed by water, as in the case of small islands and archipelagic states –as Tuvalu, Nauru or Kiribati will be soon- and families have to flee and establish in other countries. Children may find themselves in the unprecedented situation of being citizens of a State that no longer exists, not because of political reasons but because its territory does not exist anymore.

5. And last but not least, deforestation provokes forest degradation and impacts the indigenous peoples' rights to enjoy their culture, their traditional lands and their way of life.

All these different climatic phenomena also have secondary effects :

One of them has to do with the fact that climatic events always produce an increase in the trafficking of children, slavery, sexual violence and labor exploitation. Sometimes parents die from these events, or they migrate with the intention of working abroad and sending money to the family. Sometimes they just abandon or sell their children when they feel hopeless to face the future. The children left behind risk falling into the hands of gangs and organizations that traffic with human beings.

Another side effect of climatic events is the intensification of existing inequalities between boys and girls, as girls are more likely than boys to stay out of school in order to work at home and to bring water and wood from far distances. In some countries, they are less likely to be visited by a doctor and have access to health services, as it is the case of some Islamic States.

Another side effect of climate change has to do with the fact that extreme weather conditions lead to conflict, and wars not only pollute, but also suppose a multiplication of human rights abuses.

## **CHILDREN RIGHTS AFFECTED BY CLIMATE CHANGE**

I will now study one by one some of the rights affected by global warming. For this purpose, I will classify the rights in 4 categories :

- 1) Rights which satisfy basic needs
- 2) Particular children rights
- 3) Participation rights
- 4) Civil and political rights

However, I will not have the time to go through all the rights that are affected by global warming in each of these categories. Thus, I will give a sample of rights in each category.

### *Rights which Satisfy Basic Needs*

Climate change affects the very basic elements of life. Article 6 of the Convention on the Rights of the Child protects the right to life, survival and development of the child. And article 24 protects the right to water and the right to food as essential measures to combat disease and malnutrition. However, and with deep sorrow, I will not elaborate on them today and the reasons are twofold: on the one hand, I lack the time to delve into all children's rights affected by climate change. On the other hand, specific sessions on these rights have been scheduled in this international seminar and the conferences will be addressed by very high authorities in these subjects. So, I will not elaborate now on them now but we can speak about them in the debate. Therefore, I will concentrate now on the right to health and the right to housing.

#### *Right to Health*

Children have the right to the enjoyment of the highest attainable standard of physical and mental health according to article 24 of the Convention on the Rights of the Child. This provision also stipulates that States parties must ensure that every child has access to all facilities and services for the treatment and restoration of their health.

According to the Committee on Economic, Social and Cultural Rights (CESCR), health is a fundamental right indispensable for the exercise of other human rights. In the case of children, the lack of health interferes with the right to education, the right to play, and many other rights.

The Committee on the Rights of the Child in its General Comment n. 4 on adolescent health expressed the need for States to provide health services that pay attention to the following characteristics: availability, accessibility, acceptability and quality<sup>4</sup>. It is noticeable that climate change interferes with these 4 requirements.

Children may be affected by unhealthy environments in many ways: they may die from environment-related epidemics and illness. Those weakened by disease are more susceptible to malnutrition and opportunistic infections. And also their mental development may suffer from unhealthy environments.

According to the World Health Organization, climate change is contributing to the burden of disease. Climate change is estimated to be responsible for approximately 2,4% of worldwide diarrhea and 6% of malaria cases<sup>5</sup>. 80% of malaria deaths target children under 5. Nearly 5000 children die every day from diarrhea alone. One third of all malnutrition deaths worldwide are of children under 5, too.

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<sup>4</sup> COMMITTEE ON THE RIGHTS OF THE CHILD: General comment n. 4 on adolescent health and development in the context of the Convention on the Rights of the Child, 1 July 2003, CRC/GC/2003/4.

<sup>5</sup> WHO: World Health Report 2002: Reducing risks, promoting healthy life, WHO, Geneva, 2002, p. 72.

Many of the main global illnesses of children in terms of prevalence are sensitive to climatic conditions. Factors that play a relevant role in global warming also harm children's health. This is the case of the emissions from vehicles and factories. The most common chronic disease amongst children, that is, asthma, is expected to increase by 20% by 2016. Allergies are also experiencing a spectacular rise. Heat waves also multiply the cases of cardiovascular disease both in adults and children. Thus, insect-borne, water-borne and cardio-respiratory diseases will intensify both in the number of cases and in their seriousness. But global warming is not only increasing the prevalence of existing diseases. Scientists warn us about the risk of the rebirth of forgotten and eradicated ones<sup>6</sup>.

And we shouldn't forget that climate change is also affecting children's mental stability. Scientists have showed evidence of how sudden climate change events such as hurricanes or floods but also climate change's gradual consequences such as forced migration or the lost of households and landscape often produce what has been named "environmental anxiety", another way to designate post-traumatic stress.

We have to keep in mind that sick, tired, skeletal, malnourished, traumatized children in today's world means, no doubt at all, weak, illiterate, undereducated future adults with deep emotional scars who will be unfit to work.

Global warming is increasingly making health infrastructures unavailable, as health facilities, hospitals, personnel, medical goods, drugs and services become insufficient in quantity. This is a real problem, because the health standard may decrease for the first time in centuries as a result of shortage in immunization programs and lack of medication and surgery tools<sup>7</sup>. According to UNICEF, the quality of a child's environment is a key determinant of whether a child survives the first year of his or her life<sup>8</sup>.

### *Right to Housing*

The Human Rights Council has expressed its view that the right to housing is a component of the right to an adequate standard of living<sup>9</sup>. In the Convention on the Rights of the Child itself, the right to adequate housing is enshrined within the right to an adequate standard of living, in art. 27. The CESCR has defined it as the right to live anywhere in security, peace and dignity. It has also said that the expression "adequate housing" is determined mainly by social, economic, cultural, climatic and ecological factors, as well as other elements.

<sup>6</sup> BACK, E. & CAMERON, C: UNICEF UK: Climate change report: Our climate, our children, our responsibility. The implications of climate change for the world's children, UNICEF UK, 2008, p. 16.

<sup>7</sup> RIEDEL, E.: "The right to life and the right to health, in particular the obligation to reduce child mortality", in The right to life, TOMUSCHAT, C. (ed.), Martinus Nijhoff, 2010, pp. 351 ff., p. 363.

<sup>8</sup> UNICEF & INNOCENTI RESEARCH CENTRE: Climate change and children. A human security challenge. Policy Review Paper, UNICEF, Florence, 2008, *passim*.

<sup>9</sup> UN HUMAN RIGHTS COUNCIL: Resolution 7/23 Human rights and climate change, 41 meeting, 28 March 2008.

A vicious circle between climatic phenomena, precarious access to natural resources, poor physical infrastructure and weak housing begins to develop. Millions of children are forced to migrate, forced to live in precarious homes or forced to stay homeless due to climate change effects in their dwellings. They experience the drama of the destruction or the abandonment of their houses and of all their belongings, the rising price of both rentals and new lands, the inability to inherit their parents' possessions, the need of their families to build new dwellings in polluted or dangerous sites, the unsafe conditions of habitability of new houses (when they flee and resettle in temporary camps, slum areas of megacities or marginalized rural populations).

Growing numbers of families in search of a better livelihood are pushed and will be pushed in the future to migrate to urban centers. There, the newly arrived often end up settling their homes in locations where they lack the security of tenure, basic services and sanitation. Families experience the difficulties in accessing to private housing, because of xenophobia, uncertainty about their income or lack of legal documents. They live in overcrowded, unplanned, segregated unhealthy substandard settlements. They try to remain invisible to authorities due to the lack of documentation. They live under the looming threat of eviction and perpetuate the vicious circle of marginalization, exploitation and abuse. These precarious and weak shelters, built in hazardous areas, will risk new flooding, landslides and other tragedies. Eventually, these circumstances will expose families to new displacements and loss of shelter. In many cases, children living in these ghettoized areas risk becoming victims of trafficking and slavery-like conditions. Today, an estimated 1 billion people live in urban slums on fragile hillsides or flood prone riverbanks<sup>10</sup>.

Governments may be contributing to human rights abuses in facing climate change hazards when they do not enact disaster planning laws, or when they do not engage in the construction of more resilient but resistant housing, or when they do not fulfil their role as a sensible urban planner. Ensuring that homes are resistant to extreme weather conditions simply protects the right to life<sup>11</sup>. States contribute to the perpetuation of human rights abuses when they do not give assistance to ecological forced migrants to obtain personal documentation and to have affordable access to adequate housing.

The melting or collapse of ice sheets alone threatens the homes of 1 in every 20 people. To put some examples: The rising of the level of the sea in Ivory Coast this year has destroyed hundreds of homes. Thousands of families lost in august their houses in the capital, Abiyán. Meanwhile, Mauritania has suffered biblical floods and some estimate that 80% of the capital, the city of Nouakchott, will be under the sea by 2020. The same song goes for most of the countries in the Guinea Golf. Tuvalu is experiencing irreversible damage due to rising sea level with the subsequent consequence of the imminent loss of homes and lifestyles. And

<sup>10</sup> UNHCHR: Annual report of the United Nation High Commissioner on Human Rights, 15 January 2009, A/HRC/10/61, par. 13.

<sup>11</sup> HREOC, Australia: Background Paper: Human rights and climate change, 2008, Australia, p. 14.



Thailand is these days trying to save the capital of the country, Bangkok, from severe flooding. Homelessness may be the result for countless families and children alone.

### ***Particular Children Rights***

I will talk now about two particular children rights: the right to education and to play, leisure and culture.

#### *Right to Education*

According to article 29 of the Convention on the Rights of the Child, some of the aims of education are to promote, support and protect an enhanced sense of identity and affiliation of the child, his or her socialization and his or her interaction with the environment. The education has to be provided in a way that it reinforces specific values, such as the respect of the children's cultural identity and the respect for the natural environment. As far as the cultural identity is concerned, climate change may have the effect of eroding lands, lifestyles and cultures.

Education is equally important as health in the context of climate change: well educated children are better equipped to recognize threats in advance. Climate change affects the right to education in at least two ways. First, when children are forced to flee, alone or with their families, due to the inhabitable conditions of land, education in their new settlement may be interrupted. Second, for those who stay in their homeland, education may become impossible for different reasons I will soon mention.

UNICEF warns us that a decline in a child's access to education is closely linked to the breakdown of family, social and economic structures such as the ones that encompass climate change. One very common reason for school non-attendance is the deterioration of child health and nutritional status because a hungry child is not able to follow any lesson at all. Another reason has to do with eventual financial problems of families who cannot afford school fees, stationery or school books.

Other reasons for school-non attendance are :

- The need to employ the children in the task of water-fetching the family, cattle herding and firewood collecting.
- The lack of latrines at school or the lack of separate sanitation facilities for girls.
- Family-induced child labour in order to supplement household income.
- Street children who are not cared either by their extended family or by institutions are also candidates for not going to school.
- The collapse of schools or school materials.
- The unaffordability of reconstruction and relocation costs for new schools.
- The departure of teachers due to global warming risks.
- Migration to new areas where families are left undocumented.
- Or xenophobia and social exclusion for newcomers.

### *Right to Play, Leisure and Culture*

Children enjoy the right to rest and leisure, to engage in recreational activities and to participate in the cultural life and the arts (according to article 31 of the Convention on the Rights of the Child). Unfortunately, climate change negatively affects these rights, too.

As a result of climate change, children often have to work to help increase the family income, missing their chances to play. They might also fall in the hands of sexual or labor exploitation networks where they lose their childhood and their opportunities for leisure and for playing. Climate change also prevents million of children of enjoying their leisure time because, as a result of desertification, droughts or floods, they have to walk for hours fetching clean water or looking after the cattle. These children spend their time away from home, from recreational and cultural activities and from their friends. And sometimes climate change simply destroys public recreational infrastructures that were available in parks, gardens and schools.

When a family's home is destroyed, children also lose many precious possessions, including toys or school supplies. And as sea level rises, the access to freely participate in the cultural life of your own community will sink together with the lands that will be swallowed by waters.

### *Participation or Empowerment Rights*

Participation human rights are equally affected by climate change but this kind of rights is not mentioned so often in the context of climate change<sup>12</sup>. They have to do with the idea of giving voice to climate change victims. By focusing on children as right-holders, responsibility is placed on the State to allow for participation. Proper information, consultation and participation with those affected are needed to minimize the impact of climate change. The Convention on the Rights of the Child grants some participation rights to children. I will talk about the freedom of information and the right to participate.

### *Freedom of Information*

Article 13 of the Convention on the Rights of the Child, which grants children the right of freedom of expression, says that this right shall include freedom to seek, receive and impart information and ideas of all kinds. And article 17 recognizes the important function performed by the mass media and ensures that the child has access to information, especially aimed at the promotion of his or her well-being and health.

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<sup>12</sup> PALLEMAERTS, M.: "Proceduralizing environmental rights: the Aarhus Convention on Access to information, public participation in decision-making and access to justice in environmental matters in a human rights context", in Human Rights and the environment. Proceedings of a Geneva Environment Network Roundtable, UNEP, Geneva, 2004, pp. 14 ff.

Access to information is a critical component of the fight against climate change, and I would say especially for children. States must promote and facilitate the flow of information, because well informed citizens and well informed children can cope better with the harmful consequences of climate change and can better address their risks. Well informed children will be careful with sun exposure for more than eight hours a day; they will learn basic lessons about how to behave in emergency situations or how to purify well water, etc.

There is a duty for States to disseminate information on climate change in a language and by means that children can reach and children can understand<sup>13</sup>. Children have the right to be informed accurately about climate change origins, symptoms, risks and consequences. Otherwise, they will not be able to adapt.

Information on how to handle and survive climate change is very seldom provided at school. This is as important as providing health. A well-informed child is better equipped to recognize in advance the threats posed by a changing climate and make preparations.

I should add that most of the times information on climate change is not only inaccurate but deliberately confusing or loose. This is because sometimes the information, data and statistics on the effects of the climate change or on the amount of produced emissions is provided by the same actors (be it States, companies, industries...) whose activities provoke climate change. This is a problem for the children's right to be informed. But children have the right to know.

### *Right to Participate*

The other side of the coin of the right of information is the right to active participation and consultation of affected people in decision-making on the policies that are going to shape their lives. Article 12 talks about the right of children to express their own views freely in all matters affecting the child and giving these views due weight in accordance with their age and maturity. It also provides children with the opportunity to be heard in judicial and administrative procedures affecting them.

In July 2009, the Committee on the Rights of the Child adopted its General Comment n. 12 on the effective implementation of article 12. It sets the basic requirements for the implementation of the children's right to be heard, providing a strong justification for children's participation in climate change decisions<sup>14</sup>.

Children have the right to participate, according to their maturity, in climate change talks, programs and decisions. They are the next generation of water users and environmental

<sup>13</sup> AMNESTY INTERNATIONAL: Upholding human rights while confronting climate change, 29 September 2009.

<sup>14</sup> COMMITTEE ON THE RIGHTS OF THE CHILD: General Comment n. 12 on the right to be heard, 20 July 2009, CRC/C/GC/12.

custodians of households and communities. They should not be treated as mere victims and spectators but as active participants<sup>15</sup>.

Child participation is both a process and a goal. Participation is a process in which children engage with other people around topics that concern their life conditions. But it is also an end in itself because it builds a feeling of ownership and a greater commitment among future adults on how to make a better and sustainable world<sup>16</sup>.

Environmentally aware and empowered children are potentially the greatest agents of change for the long-term protection of the earth. They are creative, enthusiastic, receptive, engaged, inquisitive and energetic as few adults can be. Besides, they are more concerned about the future of the environment.

However, this is hardly the case. Children's participation is not the rule at all<sup>17</sup>. Children are normally ostracized from decision-making processes and deliberations on how to reverse climate change. And sometimes, when they are invited to participate, they are manipulated by adults. This is a very challenging issue, one that faces obstacles such as cultural traditions on the role and place that children have in society. Children can help adults to challenge the status quo. But this is not only an opportunity we adults have to give them. It is more than that: it is their right. If we do not allow them to participate, we are ignoring their human rights.

### ***Civil and Political Rights***

Some civil and political rights have been addressed before but I did classify them as participation rights. Here, I will concentrate on the right to acquire and preserve a nationality and on the right to family life.

#### *Nationality, Birth Registration and Preservation of Identity*

Article 7 of the Convention on the Rights of the Child provides for the right of the child to be registered immediately after birth, the right to a name from birth and the right to acquire a nationality. Article 8 establishes the obligation for States to preserve the child's identity, including nationality, name and family relations as recognized by law without unlawful interference.

Unexpected climate disasters can have the effect of separating children from their parents. Many children may become orphans or lose any trace of their parents forever. In these situations, birth registration is critical to ensuring children's rights. Domestic law must ensure that property and inheritance rights of orphans are duly preserved<sup>18</sup>.

<sup>15</sup> UNICEF & INNOCENTI RESEARCH CENTRE, cit., p. 2.

<sup>16</sup> WALDEN, D.; HALL, N. & HAWRYLYSHYN, K.: Global warning: Children's right to be heard in global climate change negotiations, London, PLAN ed., 2009, p. 3.

<sup>17</sup> INSTITUTO MEXICANO DE TECNOLOGÍA DEL AGUA (CONAGUA): Children, water and education. Mexico 2006. 4th. World water forum, Mexico, 2006, p. 10.

<sup>18</sup> These risks are mentioned in the Committee on the Rights of the Child General Comment n. 3 on HIV/AIDS and the rights of the child (17 March 2003, CRC/GC/2003/3, pars. 32 and 33) but, in our opinion, they can be extrapolated to the situation of children victims of extreme climatic calamities.

Besides, when confronted to forced migration due to global warming, parents' personal documentation may get lost or left behind. They may enter another country without visa and they may fear eviction and expulsion. In these circumstances, newborns from these parents may not be registered after birth. The right of the child to acquire a nationality will be also at stake in this case.

The right to acquire a nationality can also be at risk when a country is swallowed by water. This is in the case of small islands where families are already fleeing to other countries. Children may find themselves in the situation of being citizens of a State that does not exist anymore. If the new reception State does not provide its own nationality for the sons and daughters of eco-migrants, those children may become stateless. As stated by the High Commissioner on Human Rights, the disappearance of a State for climate change-related reasons gives rise to a range of legal questions, including concerning the status of people inhabiting such disappearing territories and International Law does provide clear answers<sup>19</sup>.

### *Right to Privacy and Family Life*

Although the objective of the right to privacy, home and family life of article 16 of the Convention on the Rights of the Child is essentially that of protecting the child from arbitrary interferences from public authorities, it may also imply in certain circumstances the positive obligation for States to adopt measures designed to secure the rights enshrined in this article.

At a regional level the European Court of Human Rights has recognized that the right to family life can be violated because of environmental harms that are so severe that they hinder the enjoyment of family life (see case *López Ostra* about a sewage treatment plant built beside a family home<sup>20</sup>). The obligations in this case does not only apply in cases where the harm is directly caused by State activities but also when it has its origin in private sector activities, because the State has the obligation to prevent and to guarantee that human rights are implemented within their jurisdiction.

The inviolability of the home can be also at risk in the aftermath of catastrophic events.

### *Other Rights Affected by Climate Change*

Climate change acts both as a multiplier and an accelerator. By leading to internal displacement or migration overseas, temporary or in a permanent basis, global warming provokes harm to other rights such as land rights, inheritance, access to land, culture and traditions, identity rights (replacement of identity documentation), economic rights such a the right to work, right to personal integrity, right to shelter, rights associated with migration, displacement and

<sup>19</sup> UNHCHR : Annual report of the UNHCHR, 15 January 2009, A/HRC/10/61, par. 41 & 60.

<sup>20</sup> ECHR: case *López Ostra v. Spain*, application n. 16798/90, 9 December 1994.

resettlement, right to self-determination, to leave your country, to return to your own country, freedom of movement (as eco-migrants normally do not have the right to enter the reception State), to preserve your identity and nationality, rights of indigenous children, right not to be separated from parents, the right to be cared by your parents, family reunification, right to protection against all forms of violence, injury, abuse, neglect, maltreatment, exploitation, right to social security, right to special assistance when deprived of family environment, involuntary return or resettlement, denial of property restitution, rehabilitation of child victims, etc.

One might even think whether climate change consequences can amount to inhuman or degrading treatment. The Australian Human Rights and Equal Opportunity Commission considers that as the definition of degrading treatment is evolving, there is potential for the concept to include situations where the child is left without basic elements of subsistence, in an environment that is not habitable anymore.

Climate change leads to poverty. Poverty, when it could have been avoided, is a human rights' violation. The third generation right to peace is also at risk as mass environmental displacement, loss of livelihoods, rising hunger and water shortages have the potential to unleash security threats. If governments turn a blind-eye on climate change consequences, feelings of resentment and anger may rise and political upraising, instability, extremism and wars may result. I would like to add that according to the UN Environment Program the conflict of Darfur was partly due to natural resources scarcity and competition<sup>21</sup>.

## CONCLUSIONS

Climate change threatens our life, health, family life, safety and environment. And the accelerating deterioration of the environment has its most profound effect on children. Childhood is in itself a right and a good to be protected. Almost any action taken that is environmentally friendly, also meets the basic needs of children, because what is good for children (providing education, sanitary services and health and protecting water supplies and biodiversity) is also good for the environment.

Earth is losing its ability to support life. And this reduced capacity will trigger armed conflicts over scarce resources. The most vulnerable are suffering earliest and most. Climate change should be addressed in a fair way, taking especially into account its impact on the most vulnerable. This is a question of mankind survival. If we do not succeed, we will have the honour of leaving a world not fit for life.

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<sup>21</sup> UNEP: Sudan. Post-conflict environmental assessment, Geneva, 2007, p. 77.

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