



*Invitation*

# Climate Rights Conference by J&E



**15  
OCTOBER  
2024**

**COMMITTEE  
OF THE  
REGIONS**

**BRUSSELS**

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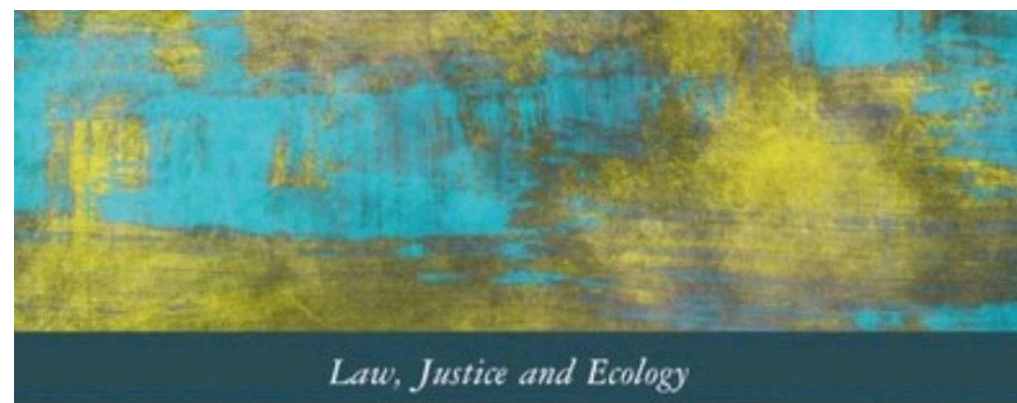
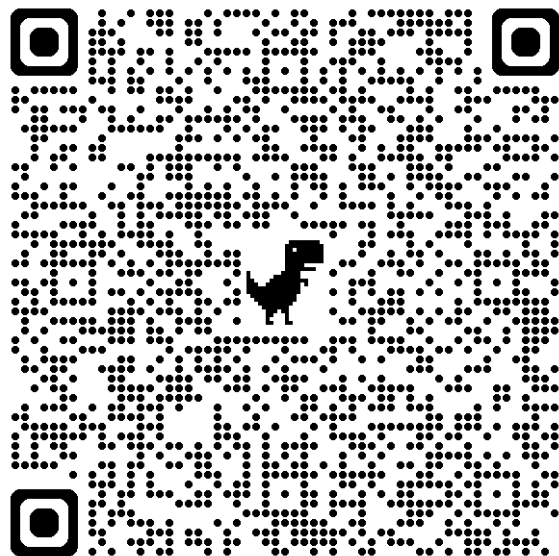


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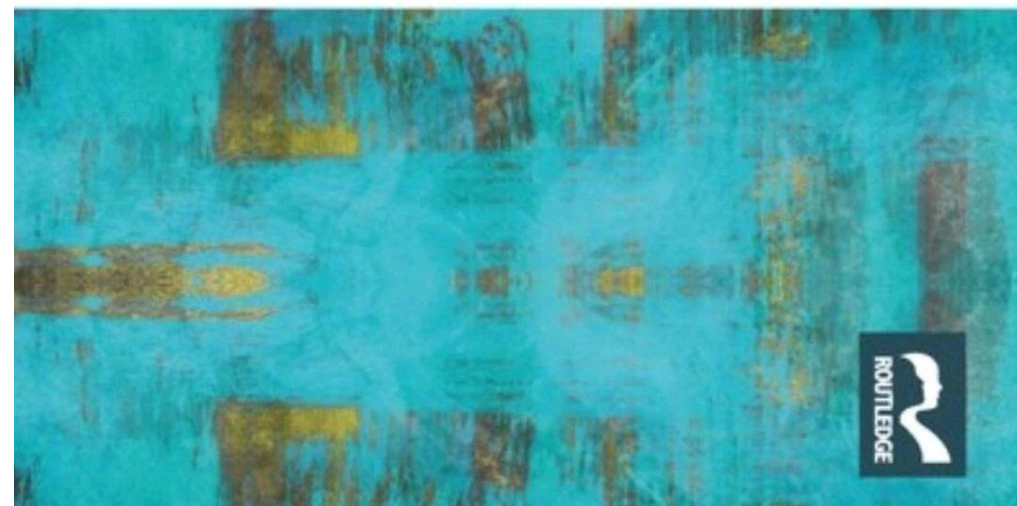


*Law, Justice and Ecology*

# CHILDREN AS CLIMATE CITIZENS

A SOCIOLEGAL APPROACH TO PUBLIC  
PARTICIPATION

Kata Dozsa



# Sociolegal approach

- Interaction between law and practice
- Theory
- Legal framework
- Practice
  1. UN
  2. Grassroots movements
  3. Litigation



Credit: Francois Dvorak

- CHILD: below 18 years (Art. 1, UN CRC 1989)

- **ADOLESCENT: 10 – 18 years**  
(UN CRC Committee, GC 20)

- **YOUTH: (16) 18 – 25 (35) years**  
(UN system)



© François Dvorak

# Children as climate citizens

**Active > Long-term**

**Local > Global**

**Right(s)-based**  
(UN CRC and...)

**Pathways of  
public participation**



Brussels, 18 March 2019. Credit: Youth for Climate Belgium/Facebook

# Pathways of public participation



# ACCESS TO JUSTICE?

# Climate change litigation



Global: United Nations  
(2019 - 2021)

European:  
ECtHR (2020 - 2024)

Credit: Global Legal Action Network

Juliana v. US plaintiffs (2015-present). Credit: childrenvclimatecrisis.org  
2019

# Duarte Agostinho and others vs. Portugal and others ECTHR 2024

*“Bold and courageous” litigation strategy*

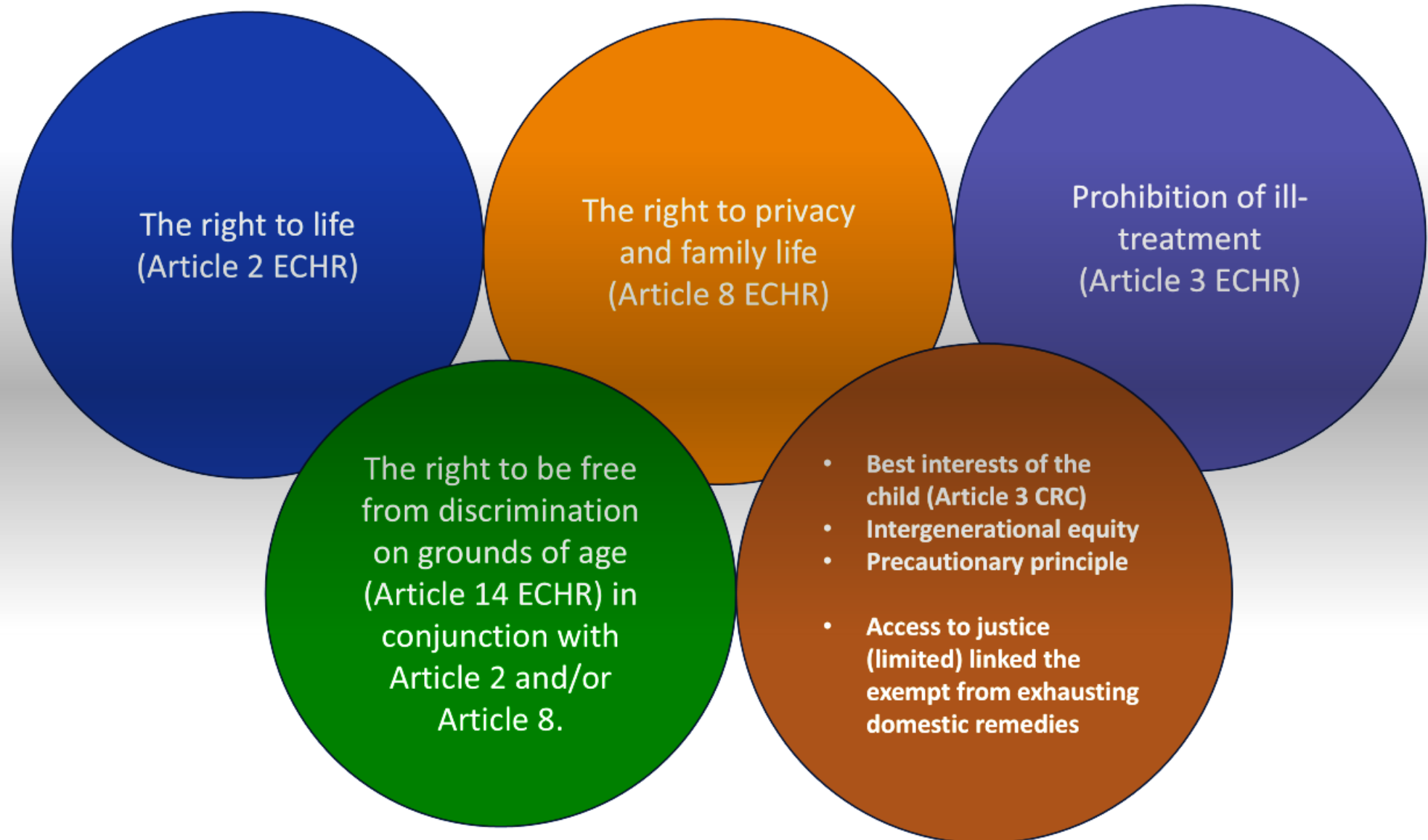
- Human rights
- Intergenerational implications
- Non-discrimination
- Extraterritoriality & jurisdiction
- Non-exhaustion of domestic remedies
- Temporality and urgency
- Participation, access to justice and ethics
- Potential impacts: paradigm shift?



Credit: AFP/Getty images



# Duarte Agostinho and others vs. Portugal and others ECtHR, 2024



# Disappointment or...?

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## 1. Inadmissibility: non-exhaustion of domestic remedies

## 2. The dismissal of extraterritoriality

<-> **IACtHR (AO 2017)**: States must prevent the production of environmental harm extraterritorially, provided the source of that harm lies on their territory (bridging the gap between source and victim)

<-> **CRC Committee** (Sacchi et al. case)

## 3. Discrimination and victim status: “difficult” to justify (vulnerability of children as a generational group)

## 4. Intergenerational considerations

- **Not adjudicated in Duarte Agostinho...**

<-> **KlimaSeniorinnen**:

- A “springboard”? (indirect considerations taken from the Duarte case?)
- Impact on children’s rights?

# Other children's rights considerations

## Strategic climate litigation and moral elements

**Including the marginalised and the 'voiceless':** building on non-discrimination.

**Recognising children as agents** (of change): 'action is better than non-action'

**Framing time:** *'now, future, emergency, throughout their lifetime...'*

### **Children and future generations**

- Complexity and confusion
- The intergenerational burden?

**Social change:** intergenerational justice is as a moral imperative.

## Risks and ethics

### **Courts as empowered spaces for children?**

Instrumentalisation v. participation

Child-friendly approach and implementation

Child safety measures

Psychological impacts of procedure and rulings on children

Media exposure

## Positive impact / potentials:

**More litigation** on intergenerational justice

Courts acknowledging **children's rights at risk**

**Strengthening** children's rights, e.g. **CRC Committee – GC No. 26 and 27**

**More research**

**More discourse**

Documentary film (2023) by Pieter Van Eecke



## TRENDS

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- Ageing
- Burn-out/fatigue
- Dutiful, disruptive and dangerous dissent: COP; courts; citizen assemblies; petitions; protests...
- Systems change: intersectionality
- Participation > representation
- Litigation trends (intergenerational; criminal; international courts & judicial activism; vs. corporations...)
- - - - -
- Extremism/radicalism
- Victimization
- Criminalisation
- Justice systems fail
- Access to justice (CRC GC 27)