

Call for inputs: Access to information on climate change and human rights: Towards improved access to information for children in the context of climate change

Requested By Special Rapporteur on climate change
Deadline: Brussels, 02 June 2024

Composed of 36 members (organisations, individual experts and academia) across 21 European countries, the main objective of the Child Friendly Justice European Network (CFJ-EN), based in Brussels, Belgium, is to ensure that justice systems are adapted to children's needs, specificities and vulnerabilities. More specifically, it aims to empower children to have their rights respected in legal proceedings, to have their voices heard in a participatory manner and to strengthen their capacity to advocate for their own rights.

The below draws upon policy briefs about children as affected by climate change such as those published by Terre des hommes Foundation (Tdh) and Advancing Child Rights Strategic Litigation (ACRiSL)¹, as well as research from our members that is not directly focused on climate, which focuses on access to information of vulnerable children's groups. These resources provide a helpful starting point; however, more research is needed to investigate the link between children's rights and climate change.

Question 1. What kind of information should be collected and shared to identify and prevent negative impacts on human rights arising from climate change and climate change response measures? What kind of information can be particularly challenging to access and why?

Information should be collected about the direct and indirect impacts of climate change on vulnerable populations, especially children. Children, representing one third of the world's population, are the most affected by climate change. One billion children are exposed to climate change—from droughts to floods, heat waves and food scarcity—children have their rights violated daily.²

Strategic Litigation

*Research into **impact litigation and children's access to justice** would shed light on the obstacles children face that hinder their right to access justice. Children in **remote locations are particularly at risk**, and it is particularly challenging to access information about these communities due to limited access, resources and capacity for data collection.*

Tdh found that there are many barriers within the realm of child rights strategic climate litigation (CRSL) preventing children from accessing justice. These barriers include the limited legal and financial capacity of children, the limitation period, burden of proof and legal standing requirements and geographical

¹ [“Child Rights Strategic Litigation: Key Principles For Climate Justice Litigation,”](#) ACRiSL, 2023; [Climate in-justice for children: How climate crisis affects access to justice and children's rights,](#) Terre des hommes, 2023.

² [“The Climate Crisis and Violence Against Children”](#), Office of the Special Representative of the Secretary-General on Violence Against Children, 2022.

isolation and access to information. The rights at risk extend beyond the right to access justice to include the right to privacy and the right to be heard in so far as litigators grapple with the difficulty of striking a balance between qualified representation and meaningful participation of children, effective communication with children and protecting children from ongoing privacy and wellbeing concerns associated with litigation.

Further information is needed to understand the intricacies underlying children's rights deprivation pertaining to CRSL in order to effectively devise and implement solutions. A study cited by ACRiSL noted that efforts to overcome standing in climate change cases may result in the exclusion of children who are most affected by climate change from being selected as clients for CRSL (for example, children from urban environments or with preexisting connections to litigators might be given preference in a discriminatory manner³), thereby preventing children who are at the greatest risk of harm from shaping the landscape of CRSL.

Right to Free Assembly

*Information should be collected about how the children's **right to free assembly** is being compromised with regards to climate change.*

While children often choose public spaces to advocate for climate change, they are often excluded from exercising their right to peaceful assembly due to "a lack of information, adult permission, or guidance, simply because of their age and status as children."⁴ This exclusion not only jeopardizes children's right to be heard and to assemble, but it further excludes them from climate decision-making processes.

This deprivation of free assembly has reverberating consequences wherein children risk facing criminalization, abuse of power, harassment, hate speech, cyberbullying and violence. Moreover, these risks affect children's mental health and wellbeing. Information should be collected to better understand these risks and the effects they are having on children as well as to analyze the effectiveness of existing efforts to safeguard children's right to protest.⁵

Child Justice Systems

*Collecting information about the relationship between **climate change and child justice systems** is necessary, in particular for children deprived of liberty.*

Children in detention facilities are particularly vulnerable to the negative effects of natural hazards, extreme weather and climate change, according to Tdh. For example, these children are not as easily able to evacuate in the event of extreme weather conditions and their consequences (e.g. flooding, epidemics, etc.), and conditions of detention are also directly affected (e.g. extreme heat in facilities, no social distancing in case of disease, etc.).

³ [Child Rights Strategic Litigation: Key Principles For Climate Justice Litigation](#), ACRiSL, 2023, 4

⁴ "[Climate in-justice for children: How climate crisis affects access to justice and children's rights](#)," Terre des hommes, 2023, 23.

⁵ "Climate in-justice," 25: "In Germany, Scotland, Belgium, and Sweden, significant policy reforms have been implemented to support children's right to freedom of peaceful assembly in the context of climate activism. These reforms range from recognising student climate strikes as legitimate forms of peaceful assembly to ensuring legal protections for children's participation in peaceful protests and emphasising the importance of their voices in addressing environmental issues. These measures reflect a growing recognition of children's rights and their crucial role in shaping climate justice movements."

Data collection should purport to gain an understanding of the particular risks presented by the absence of adequate infrastructure. Additionally, information collected should address the increased prison mortality rate and consequent misclassification of deaths in prison which result as a consequence of climate change.⁶ A clearer understanding of the impact of climate change on child justice systems is therefore necessary for understanding the scope of the issue and preventing negative impacts on children's human rights.

Crimes Committed By and Affecting Children

*Information should be collected about the intersection of **climate change and crimes committed by or affecting children** in order to better implement preventative measures to protect children.*

There is evidence that climate change is a structural driver of violence against children and has the potential to increase the prevalence of criminal activity among young people.⁷

Information should identify the policy and procedural adaptations necessary to protect children's rights and the strategies most effective for youth crime prevention, "such as mediation or peer mediation, community-based services and programs, child and youth participation, preventive restorative measures to avoid re-offending, and others."⁸ Data needs to be collected and children should be listened to regarding the development, implementation and evaluation of policies to ensure children's voices remain at the center and child-friendly justice is respected as climate change alters the landscape of risks affecting children.

Question 3. Are there undue barriers to obtain access to information on human rights and climate change that is up to date? (e.g., language and technical accessibility, use of technology, grounds for non-disclosure, other?)

There are barriers to accessing up-to-date information on human rights and climate change, particularly for children. The barriers are exacerbated for marginalized groups such as children with disabilities, Roma children and children from low-income backgrounds. Language barriers, limited internet access and a lack of technical skills hinder access to information, especially in remote communities. Additionally, nondisclosure policies and a lack of transparency in corporate and government practices prevents the public from accessing climate related data.

Children involved in legal proceedings about their rights as related to climate change should feel comfortable and safe to participate effectively in legal proceedings that concern them, especially since decisions made can have a considerable impact on their lives. **In 2020, over 40 children and young people were consulted by members of the Child Friendly Justice European Network** to inform the 2021-2024 EU Strategy on the Rights of the Child.⁹ According to this study, when asked about the most important challenges they experienced in the justice system, children and young people identified the lack of understandable legal information provided to them.

- *"Children are not informed where to refer to when they have a problem, whom to talk to, who will believe them. I had a situation when I was offended and I did not know whom to address, what to*

⁶ "Climate in-justice," 30.

⁷ "Climate in-justice," 35.

⁸ "Climate in-justice," 34.

⁹ "Protecting the rights of child victims in Europe - A Holistic Approach," CFJ-EN, soon-to-be published

do, whom to talk to. I thought I would not be listened to and taken into consideration” (Quote from a Romanian 17-year-old consulted for the EU Strategy on the Rights of the Child 2021-2024).

- *“There is a lack of legal information between youth, but even population in general.” (Albania)*
- *“All our peers have few or no information about law, about obligations. Other children do not have this information as we have had during this year (in the [activities] run by [organisation]).” (Albania 17-year-old girl.)*
- According to a Dutch 15-year-old, *“No one prepared me for the session. I entered in the court room confused and insecure. I did not know anything.”*

Children and young people felt that the information shared with them was **not easily understandable, written in an inaccessible format**. Some children recommended to use videos or animations to reach out better to young people to inform them about their rights.¹⁰

- *“The brochure the police gives to children is terrible and not attractive at all. There are not enough pictures and there is too much text about the rights of underage suspects. This could also be presented in a video, drawing or animation. You can reach youth better this way. (Netherlands)”¹¹*

Overall, **access to information, and thus access to justice, for child in contact with justice systems across the European Union is not uniformly effective and safe**. All recent consultation highlight that children do not know where to find information, or that the way information is communicated to them is not accessible neither understandable. Oftentimes children report that they are not appropriately informed about the risks, the length of the process, and where to find support.

Climate justice cases are highly specialized and frequently very technical which creates barriers to access information on human rights and climate change.¹²

- Factors create a risk that child-adult power differential will be reinforced: “The specialized and technical nature of climate justice cases create a risk that the child-adult power differential which is an underlying feature of any CRSL effort will be reinforced, leading to adult-dominated agenda-setting and decision-making in relation to climate justice litigation that is not consistent with children’s rights and agency. The high-stakes nature and publicity associated with climate justice litigation, in addition to children’s anxiety about climate harms, can expose children involved in such litigation to particular risks.”¹³
- Child litigants are likely to be unfamiliar with the jargon and terminology used by litigators¹⁴: Breaking down of information, the provision of summaries, and the regular recapping of information.

¹⁰ “JUST with children Child-friendly justice for all children in Europe,” Tdh, 2020, <https://www.publications.cfjnetwork.eu/medias/22/just-with-children-policy-brief-ec-strategy-child-rights.pdf>

¹¹ Ibid.

¹² “Child Rights Strategic Litigation: Key Principles For Climate Justice Litigation,” ACRSL, <https://repository.gchumanrights.org/server/api/core/bitstreams/34344490-c73a-4467-b51c-37e37651fe36/content>, 2.

¹³ Ibid.

¹⁴ Ibid.

Question 6. Are there concrete examples of, or specific challenges in, collecting and sharing information on disproportionate levels of actual and potential harm from climate change and climate change response measures (disaggregated data on Indigenous Peoples, women, children, local communities, persons with disabilities, older persons, persons living in extreme poverty, others)?

Climate change impacts children in Europe in intersectional and disproportionate ways. Groups including “children deprived of family care; children with disabilities; children living in poverty or in rural areas; children in humanitarian and conflict settings; and those who rely on and have a close relationship with the natural environment and its resources, such as Indigenous children¹⁵” are particularly vulnerable. Therefore, it is particularly important that disaggregated data is collected to understand the actual and potential harm from climate change and to better support these marginalized groups.

The impact of the climate crisis falls “most heavily on children who are already the most disadvantaged,”¹⁶ and there are specific challenges to data collection faced by these disadvantaged groups, such as:

Children in migration:

Climate change results in “increased migration for security and survival reasons” and children consequently being displaced.¹⁷ Many children on the move who have experienced abuse face obstacles in reporting their experiences or seeking help due to the **lack of information, communication barriers, lack of awareness about available resources, fear of being returned, and the persistent stigma associated with abuse.** The **lack of social workers** further exacerbates these challenges: with insufficient personnel to address their needs, these children are left without the necessary information, support and guidance on how to report violence and abuse but also how to navigate this complex procedure.

Children victims of trafficking:

Child trafficking and its true extent **remains covered due to several critical issues.** Based on several readings, CFJ-EN identified some of these.¹⁸ **The lack of reliable data blocks our understanding of the phenomenon.** The complex nature of this crime, its increasingly transnational occurrence, and the alarming trend of online trafficking all contribute to this complexity. Victims themselves often hesitate to

¹⁵ “[The climate crisis and violence against children](#).” UN Special Representative of the Secretary-General on Violence Against Children.

¹⁶ Ibid, 3.

¹⁷ “Climate in-justice,” 35.

¹⁸ See several sources: Report on the progress made in the fight against trafficking in human beings Fourth Report, 2022 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022DC0736>; european-parliament-strike-deal-to-strengthen-<https://www.consilium.europa.eu/en/press/press-releases/2024/01/23/fight-against-human-trafficking-council-and-rules/#:~:text=However%2C%20begging%20or%20organ%20removal,in%20the%20EU%20in%202020.>; CoE: <https://edoc.coe.int/en/trafficking-in-human-beings/8038-trafficking-in-children.html>; European level focus on migrant children: <https://www.coe.int/en/web/anti-human-trafficking/-/european-anti-trafficking-day-council-of-europe-expert-group-calls-for-preventing-human-trafficking-risks-exacerbated-in-the-context-of-migration>.

report their ordeal, further masking the true scale of the crisis. The impact of crises—such as the COVID-19 pandemic, the war in Ukraine, and **climate change**—exacerbates vulnerabilities.

Children from Roma Communities:

As an already disadvantaged community, children from Roma communities are particularly vulnerable to risks posed by the climate crisis. Children from the Roma community have developed a **lack of trust** in the justice system and the police, a **fear for repressive actions from institutions**, and a feeling of helplessness and hopelessness. Poverty often adds another layer working as a barrier to access to information and services. In 2023, SAPI conducted an Action Participatory Research¹⁹ with parents and children in contact with the law (both child victims of crime and child suspects and/or accused) from Roma community in **Bulgaria**. Interviews and focus groups with professionals and institutional representatives showed that Roma children have **no access to child-friendly information** regarding their rights as victims, nor information about free legal support and advice.

Children in institutional settings:

Children in the justice system are especially affected by climate change, as it “exacerbates environmental disasters, economic disparities, and social upheaval, further jeopardizing their rights and overall well-being.”²⁰ Children living in all kinds of institutional settings face heightened vulnerability to violence, as highlighted by the [UN Global Study on Children Deprived of their liberty](#). Their vulnerabilities are increased by a **lack of monitoring and data collection systems**, which does not allow to develop target prevention and response strategies.

Globally, an estimated **261,200 children** were **in detention in 2020**, with over **10,000 in Europe** alone.²¹ Ensuring the safety of these children is paramount, yet comprehensive data on violence within youth detention facilities and the broader criminal justice context remain scarce at both European and global levels.

CFJ-EN Recommendations to the UN Special Rapporteur on Climate Change to strengthen children’s access to information in the context of climate change

Governments need to look into how climate change and environmental hazards impact children and to ensure a real space for children to advise on how to best respect children's rights in the context of climate change. The CFJ-EN proposes the following 9 recommendations to strengthen the right of children to access information in the context of climate change through:

- (1) ensuring a **child-centered approach** when addressing the impact of climate change on children
- (2) ensuring that conditions are in place so that children affected by climate change have **effective access to justice and legal remedies**
- (3) developing **child-friendly information** material about climate change
- (4) ensuring that all children, without discrimination, have **effective and easy access to information** about their rights and climate change

¹⁹ See Report from Participatory Action Research

²⁰ “Climate in-justice,” 4.

²¹ Unicef, [Estimating the number of children deprived of liberty in the administration of justice](#), 2021.

- (5) reinforcing **integrated support systems** and **free legal assistance** for children affected by climate change
- (6) ensuring that the **views and opinions of children** affected by climate change are effectively sought and heard
- (7) ensuring continuous and effective **training programs for practitioners** working with children affected by climate change
- (8) developing **awareness raising initiatives for policy makers** on children's rights and climate change
- (9) **collecting disaggregated data** to understand the actual and potential harm from climate change and better support marginalized groups of children.

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