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UNFCCC Call for Input: Expert Dialogue on Children and Climate Change

ANU Institute for Climate, Energy & Disaster
Solutions

This submission is the collated perspective of independent researchers that work at The Australian National University. The views and opinions expressed in this submission reflect those of the authors and contributors.

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Informed, in part, by the Submission on the Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023 authored by:

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Dr Maryam Navi
United Nations Climate Change Secretariat
Haus Carstanjen Martin-Luther-King-Strasse 8
53175 Bonn
Germany

**Re: Call for Input -
Expert Dialogue on Children and Climate Change**

Dear Dr Maryam Navi,

Please find enclosed a submission by the ANU Institute for Climate, Energy and Disaster Solutions (ICEDS) for the Expert Dialogue on Children and Climate Change.

Based in the Australian Capital Territory, ICEDS connects industry, governments and communities with climate, energy and disaster-risk research from the Australian National University. Our goal is to advance innovative solutions to address climate change, energy system transitions and disasters. We facilitate integrated research, teaching and policy engagement across disciplines.

The enclosed submission contains contributions from experts in education and youth climate anxiety and representatives from the Australian Youth Climate Coalition. It builds upon contributions from experts in epidemiology, primary and special education, law and climate adaptation.

Our network of ANU researchers will gladly offer further consultation.

Sincerely,



Professor Mark Howden
Director, Institute for Climate, Energy and Disaster Solutions

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Executive Summary

The Australian National University (ANU) Institute for Climate, Energy and Disaster Solutions (ICEDS) welcomes the opportunity to provide input into the First Expert Dialogue on Children and Climate Change.

This submission is divided into two parts. Part 1 explores the moral, legal and human rights imperative for intergenerational justice in international and State decision-making by drawing on relevant human rights frameworks and norms. The submission establishes the duty of States to protect children from the adverse effects of climate change.

It also describes the unique vulnerabilities to climate change experienced by children, both directly and indirectly, and the role of marginalisation in exacerbating these vulnerabilities. The submission explores the relationship between children, their physiology, their reliance on adult caregivers and the changing climate. It is established that the health and wellbeing of children and future generations stands to be significantly compromised due to climate change.

Part 2 explores options for policy solutions that preserve the rights of children to a clean, healthy and sustainable environment. While it is established that any well-considered climate action will have positive impacts on children and future generations, specific areas of policy reform are explored, including embedding intergenerational justice in domestic law and educational initiatives aimed at empowering children and their educators to collaboratively address climate challenges.

Ultimately, the submission concludes that addressing climate change requires urgent and concerted action on a global scale, with failure to act decisively risking worsening existing inequalities and depriving children and future generations of fundamental rights.

Part 1. The Problem

Intergenerational Climate Justice: A Human Right

The Universal Declaration of Human Rights (UDHR) Article 1 states that "*all human beings are born free and equal in dignity and rights ... and should act towards one another in a spirit of brotherhood.*"¹ When a person is born does not impact their human right to a clean, healthy and sustainable environment.² This forms a moral obligation for the present generation to consider future generations when making decisions that could impact this right.

In 2013, the Secretary-General of the United Nations (UN) General Assembly released a report titled 'Intergenerational solidarity and the needs of future generations' as part of the UN Conference on Sustainable Development. The report describes humanity as an "*intergenerational community in which all members respect and care for one another, achieving the common goal of the survival of humankind.*"³

Finally, UN General Comment No. 26 (on children's rights and the environment with a special focus on climate change) states: "*Children are far more likely than adults to suffer serious harm, including irreversible and lifelong consequences and death, from environmental degradation. Given their heightened duty of care, States should therefore set and enforce environmental standards that protect children from such disproportionate and long-term effects.*"⁴

State intervention is necessary to prevent the worsening of environmental degradation and extreme conditions as a result of climate change, ensure that communities can adapt to current and future climate impacts, and conserve and restore the environment to allow children, young people and future generations the opportunity to thrive in safe and equitable conditions. Policy solutions must be developed that ensure children, young people and future generations have access to their fundamental human rights, ultimately supporting the pursuit of the survival of humankind.

Children Do Not Experience Climate Change Alone

The focus of the UNFCCC Expert Dialogue is children (defined by the UN as every human below eighteen years old),⁵ their unique experience of climate change, and policy solutions in that regard.

However, to understand the relationship between climate change and children, and policy solutions that may improve outcomes for children, an examination of other groups is required. The impact of climate change on adults of fertile age, pregnant people and foetuses, on adults with caring responsibilities, on young adults who have recently aged out of the category and on future generations will have bearing on the experience of children.

¹ UN General Assembly (1948)

² UN General Assembly (2021)

³ UN General Assembly (2013)

⁴ UNCRC (2023)

⁵ UNCRC (1989)

Children and the Adult Experience of Climate Change

Before children are born, they are already susceptible to the impacts of climate change. While many climate hazards have been found to impact fertility, this section focuses on increased exposure to heatwaves, which are more frequent and severe due to climate change.

Many species (including humans) experience changes in fertility in response to thermal change. Exposure to multiple instances of heat stress impacts proteins in human spermatozoa, which can deteriorate at temperatures much lower than the lethal limit.⁶ Additionally, a 1°C increase in the mean maximum temperature during the 90 days before ovarian reserve testing was associated with a lower antral follicle count (an indicator of fewer available eggs).

While children are *in utero*, they are also vulnerable to climate change. Pregnant people are particularly vulnerable to temperature changes due to physiological factors (including higher metabolism and mass to surface area ratios). Research shows that with each 1°C increase in temperature, the instance of pre-term delivery and stillbirth increases by 1.05 times.^{7,8}

In addition to the direct effects of climate change, the health risks of residing close to fossil fuel projects are increasingly recognised. The findings of a synthesis report on the impacts of oil and gas developments on human health are particularly relevant to understanding how these projects affect pregnant people, as well foetuses and infants. The report found that, despite each oil or gas development having different geography, hydrogeology, weather and airflow characteristics, as well as different legislative regimes, regulatory compliance and social and cultural contexts, exposure to oil and gas operations and infrastructure is related to higher incidence of negative birth outcomes, severe birth defects in infants and higher incidence of antenatal depression and anxiety, hypertension and pre-eclampsia in pregnant people.⁹

Similarly, the increase in intensity and frequency of disasters, including bushfires, flooding and cyclones, have been found to negatively impact pregnancy outcomes.^{10,11,12}

Once they are born, children will experience the impacts of climate change as a combination of increased risk factors and decreased protective factors.¹³ Their dependence on adults to provide protective factors and limit risk factors mean that examining the impact of climate change on parents or adults with caring responsibilities is also necessary to understand how children will experience climate change. The impacts of food shortages, intergroup conflict and domestic violence, economic dislocation and migration, impacts on parents' physical, emotional and social wellbeing, family functioning and economic status will all contribute to eroding a child's protection against the more direct impacts of climate change.¹⁴

⁶ Walsh et al. (2019)

⁷ Segal and Giudice (2022)

⁸ Chersich (2020)

⁹ Haswell et al. (2023) p 64

¹⁰ Mallett and Etzel (2018)

¹¹ Davis et al. (2023)

¹² Parayiwa et al. (2022)

¹³ Sanson and Burke (2020)

¹⁴ Ibid.

The Direct Impacts of Climate Change on Children

Climate change impacts on children and young people disproportionately. Chronic, slow onset and acute climate stressors can impact the mental and physical health of children and young people, impede access to education, cause homelessness and displacement, and trigger increased domestic violence towards children and young people.¹⁵

Children are likely to experience direct health effects of climate change due to their immature physiology. Exposure to extreme heat, drought and natural disasters as a consequence of climate change leaves children vulnerable to injury, environmental toxins, infections and gastrointestinal and parasitic diseases.¹⁶ Further, repeated exposure to disasters results in increased incidence of post-traumatic stress disorder, depression, panic, sleep and anxiety disorders, cognitive deficits, learning problems and impaired language development.¹⁷ These issues, carried into adulthood, have the potential to reduce the capacity of entire generations to care for their children, creating a cycle that may impact humanity at the population level.¹⁸

There is an established connection between climate change and mental health and wellbeing, with children and adolescents especially vulnerable to adverse psychological impacts due to their rapid rate of mental development.¹⁹ Children's concerns about what climate change will mean for their future, combined with their sense of limited agency to address the problems, serve to undermine emotional wellbeing.²⁰ Vicarious experience and awareness of the threat of climate change (even in high-income communities that are well-insulated from climate impacts) causes fear, sadness and anger in children and young people, who report a perceived inability to invest in the future.²¹

Marginalised Young People are Disproportionately Impacted by Climate Change

Not all children will be impacted by climate change to the same degree. For communities where social inequality is entrenched and successive generations will experience increased exposures, there is increased susceptibility to damage from, and reduced ability to recover from, climate change impacts.

Climate change will have disproportionate impacts on the health and wellbeing of young people depending on their socioeconomic and/or geographic circumstances. Intersectional issues, including race, gender, poverty, disability and other forms of social oppression, can compound vulnerability to climate change and should be considered as enhancing the duty of care in government decision-making. Climate change has been described as a chronic stressor, worsening health and psychological

¹⁵ Deloitte Access Economics and UNICEF (2024) p15

¹⁶ Sanson and Burke (2020)

¹⁷ Garcia and Sheehan (2015)

¹⁸ Sanson and Burke (2020)

¹⁹ Lawrance et al. (2022)

²⁰ Crandon et al. (2022)

²¹ Sanson and Burke (2020)

disparities already affecting individuals of marginalised identities.²² Data suggests that, in Australia, children from households with higher incomes experience fewer acute disaster events driven by climate change. Similarly, those living in major cities experienced fewer disasters, with disasters experienced every year increasing relative to remoteness.²³

With high income as a key factor in avoiding some of the acute effects of climate change, it should be noted that the current generation of young people is the first in living memory that face the prospect of being less financially secure than their parents.²⁴ Climate change will compound cost of living pressures, including increased food prices, higher insurance premiums and damage to property and infrastructure. Even relatively affluent populations are likely to feel its impact in some capacity.

First Nations young people living in remote areas are likely to face disproportionate impacts due in part to the combined effects of remoteness and socioeconomic factors. However, First Nations young people also face unique cultural risks from climate change. In the Australian context, there is a strong connection between First Nations culture, customs, language, laws and traditional lands. As such, the consequences of a changing climate for First Nations youth are complex. Climate change will cause changes to seasons, flora and fauna, extreme events and potentially unbearable living conditions due to heat, poor water quality and supply, forcing Indigenous communities to leave their Country.²⁵ In many cases, access to land allows access to culture and tradition,²⁶ which means that displacement would have significant impacts on the ability of First Nations communities to freely pursue economic, social and cultural development (granted as human rights under the UN Declaration of the Rights of Indigenous Peoples).²⁷

In September 2022, the United Nations Human Rights Committee (UNHRC) found that Australia had violated the rights of indigenous Torres Strait Islanders to enjoy their culture and be free from arbitrary interferences with private life, family and home, by failing to adequately protect them against adverse climate change impacts.²⁸

As observed in the U.N. General Comment No. 26 on children's rights and the environment with a special focus on climate change:

“As rights holders, children are entitled to protection from infringements of their rights stemming from environmental harm and to be recognized and fully respected as environmental actors. In taking such an approach, particular attention is paid to the multiple barriers faced by children in disadvantaged situations in enjoying and claiming their rights.”²⁹

Given the established disproportionate impact of climate change on young people of marginalised identities, particular attention should be given to ensuring climate interventions are geared towards addressing, rather than exacerbating, the nuanced challenges faced by these communities.

²² Versey (2021)

²³ Deloitte Access Economics and UNICEF Australia (2024)

²⁴ Australian Broadcasting Corporation (2024)

²⁵ Janke et al. (2021)

²⁶ Askland et al. (2022)

²⁷ UNDRIP (2007)

²⁸ United Nations Human Rights Office of the High Commissioner (2022)

²⁹ UNCRC (2023)

Part 2. Policy Solutions

The policy decisions made by governments around the world today on mitigating and adapting to climate change will determine the scale and severity of climate impacts that future generations will inherit. It is therefore vital that policy makers consider the interests of children, especially because they do not have a say in electing the government that makes these decisions.

The main available policy solution, globally, is rapid reduction in greenhouse gas emissions. The international community must demonstrate that it is serious about meeting its commitments under the Paris Agreement by ensuring their collective emissions peak no later than 2025.

Further, any policies that encourage emissions reduction, environmental conservation or climate adaptation will inherently improve the wellbeing of children and future generations by slowing climate change, preserving the natural environment and ecosystem services, and reducing vulnerability to existing climate impacts. The IPCC has shown that there are many co-benefits possible across all Sustainable Development Goals from well-designed and implemented adaptation and mitigation actions.

Embedding Intergenerational Justice in Law

Legal protections for the rights of children in the context of climate change are critical as the impacts of climate change on current and future generations worsen. Legislation is currently before the Australian Parliament that would ensure governments consider the health and wellbeing of young people when making decisions that could worsen climate change. The Duty of Care Bill introduced an administrative duty for a relevant Minister to use the best available scientific evidence to evaluate a project's contribution to further climate change and the resulting health risks. This duty is enlivened if the relevant project would emit more than 100,000 tonnes of CO₂e over its lifetime, in line with evidence supporting the material contribution that these projects would have on further climate change.

Climate litigation is becoming increasingly prevalent. During 2022 alone, there were 2,180 climate-related cases filed in 65 jurisdictions.³⁰ Governments could support the interests expressed by young plaintiffs in climate litigation and consider how legislation can better safeguard the human rights of children and young people. Policymakers can be proactive in crafting legislation that draws upon international examples where climate change and intergenerational justice has been embedded into law through litigation. This would avoid drawing young plaintiffs into lengthy, complex and resource-intensive legal battles. For example, Wales passed the *Wellbeing of Future Generation Act 2015*, compelling government to consider children and young people in any and all decisions. Additionally, the *Act* includes the appointment of a Future Generations Commissioner, whose role is to act as a guardian for the interests

³⁰ United Nations Environment Programme (2023)

of future generations in Wales. The role includes advisory, research, review, recommendation and reporting functions.³¹

Recent legal challenges based on intergenerational climate justice

Basic Law for the Federal Republic of Germany, Article 20a

German law specifies that, mindful of its responsibility to future generations, the State will protect the natural foundations of life and animals as part of its constitution. In February 2020, a group of German youth alleged that Germany's Federal Climate Protection Act violated the Basic Law by mandating insufficient short and medium greenhouse gas reduction targets, placing an unfair burden on young people to achieve the required reductions to meet the Paris Agreement obligations. The legal challenge was successful.³² Following the ruling, federal legislators enacted a bill modifying the Federal Climate Protection Act, mandating a higher minimum reduction in greenhouse gas emissions from 1990 levels by 2030. This legislation has been in force since August 31, 2021.³³

U.S. State of Montana Environmental Policy Act

In August 2023, a group of young plaintiffs won a case alleging that the Montana Environmental Policy Act (MEPA) was unconstitutional as it violated their State constitutional rights to a clean and healthy environment.³⁴ The plaintiffs challenged a provision of MEPA that prohibited the consideration of greenhouse gas emissions and climate change impacts in environmental assessments. The court's decision was founded on comprehensive evidence presented during a seven-day trial, featuring expert testimony on climate science, the effects of greenhouse gas emissions in Montana and the consequences of climate change on the State's children. The court's findings highlighted the severe threat that climate change posed to public health, underscoring that the plaintiffs suffered harm due to the State's inadequate response to greenhouse gas pollution and climate change. The court acknowledged the global ramifications of climate change, emphasizing the MEPA provision has consequences for fossil fuel energy systems, CO₂ emissions and global warming. The court determined that the State's allowance of fossil fuel activities without assessing their environmental impact exacerbated climate change and harmed Montana's environment, particularly its youth. The State of Montana filed for appeal against the ruling in January 2024.³⁵

Empowering Children through Education

In addition to legislative safeguards, the role of education in equipping children and young people to face the challenges of climate change cannot be underestimated. Educational institutions can provide young people with a supportive environment in which to develop the cognitive, emotional and practical capabilities needed to respond

³¹ Well-being of Future Generations Act (2015)

³² BVerfG, (2021)

³³ Neubauer, et al. v. Germany (2022)

³⁴ Held v. state (2023)

³⁵ Held v. state (2024)

to climate change, whilst offering a network of peer and student-teacher relationships to underpin social learning.

The Paris Agreement documented the commitment of signatories to ‘enhance climate change education’³⁶ in order to meet climate goals, yet a subsequent review has shown international implementation to be lacklustre, with climate change absent from more than half of the national curriculum documents analysed.³⁷ This is a disappointing situation, given that increasing climate engagement and education have been identified as an important social element to achieving decarbonisation by 2050.³⁸ Importantly, these educational shortcomings can lead to a sense of being ill-equipped to meet climate challenges³⁹ and feelings of disempowerment which remain into adulthood.⁴⁰ Such findings illustrate the critical need to provide policy support aimed at improving climate education in a way that fosters the agency of young people to meaningfully contribute to climate solutions.

Conclusion

Intergenerational climate justice is not just a moral imperative but a legal and human rights imperative as well. The impacts of climate change extend far beyond the present, affecting the health, wellbeing and opportunities of children and future generations. Addressing climate change requires urgent and concerted action on a global scale, with policies and interventions aimed at mitigating emissions, protecting vulnerable communities and empowering youth through education and legal safeguards. Failure to act decisively risks exacerbating existing inequalities and depriving future generations of their fundamental rights to a clean, healthy and sustainable environment. It is incumbent upon the international community and State governments to prioritise intergenerational equity and ensure a liveable planet for all, regardless of their date of birth.

³⁶ UNFCCC (2018) p15

³⁷ UNESCO (2021)

³⁸ Otto et al. (2020)

³⁹ Russell (2024)

⁴⁰ Jones and Davidson (2021)

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