

EXECUTIVE SUMMARY:

Child Petitioners v. Argentina, Brazil, France, Germany, and Turkey

I. Introduction

The climate crisis is a child's rights crisis. The Convention on the Rights of the Child ("CRC") – the most ratified human rights treaty in the world – obligates states to protect, respect, and fulfill the child's inalienable right to life, and rights to health, culture, best interests and standards of living adequate for a child's development. In creating, enabling, and perpetuating the climate crisis, states violate children's rights and threaten the very existence of their lives.

In an effort to compel and inspire the urgent action needed to prevent further global heating and mitigate the crisis, sixteen children from around the world will file an official Complaint against Argentina, Brazil, France, Germany, and Turkey to the United Nations Committee on the Rights of the Child on Monday, September 23, 2019. These Petitioners come from Argentina, Brazil, France, Germany, India, Palau, Marshall Islands, Nigeria, South Africa, Sweden, Tunisia, and the United States.

The petition will demonstrate how the effects of climate change – such as hurricanes, droughts, sea-level rise, the collapse of food systems, and other threats – have violated and will violate each Petitioner's human rights by threatening their physical survival, impairing their physical and psychological development, and harming their health. The climate crisis was caused and is being perpetuated by the actions and inactions of all states, but without the leadership of the Respondents, the global effort to solve the climate crisis cannot succeed.

The UN Committee on the Rights of the Child is a body of experts that monitors compliance with the CRC. Forty-four countries have accepted the CRC's jurisdiction to hear individual complaints against them alleging a violation of the convention, of which only the Respondents are among major historical and current greenhouse gas emitters.

II. The climate crisis is a children's rights crisis.

At 1.1°C hotter than before the industrial revolution, the Earth is approaching a global warming tipping point of foreseeable and irreversible catastrophic consequences. The rise in global average temperature is already harming the Petitioners. Rising temperatures both on land and in the ocean, droughts, severe storms, sea level rise, warming oceans, wildfires, unhealthy air quality, and increased disease have all threatened their lives, health, livelihood, and sense of safety. Because children are among the most vulnerable physiologically and mentally to these life-threatening impacts, they bear and will bear the burden far greater and longer than adults.

The climate crisis that the Petitioners and other children throughout the world are confronting will only get worse. Projected global heating will lead to an increase in human

mortality, food shortages, malnutrition, water scarcity, local fish and species losses, coral reef disappearance, flooding, increased vector borne disease, and mass displacement and migration, among many other impacts. How severe these impacts become will depend on the extent of warming. Keeping heating under 1.5°C, in this century, would save hundreds of millions of people from premature deaths associated with extreme heat, air pollution, devastating storms, sea-level rise, severe drought, water stress, and increased disease, among other things.

Each Respondent country has failed to uphold their obligations under the CRC, and have specifically failed to adhere to four mutually reinforcing duties to: (i) use their maximum available resources to prevent the deadly and foreseeable consequences of domestic and transboundary climate damage; (ii) cooperate internationally in the face of the global climate emergency; (iii) apply the precautionary principle to protect life in the face of uncertainty; and (iv) to ensure intergenerational justice for children and posterity.

III. Each Respondent has knowingly caused and perpetuated the climate crisis.

Each Respondent has known about the harmful effects of its internal and cross-border contributions to climate change for decades: each has signed the 1992 U.N. Framework Convention on Climate Change, the 1997 Kyoto Protocol, and the 2016 Paris Agreement. Under these instruments, each Respondent has recognized that continued carbon emissions would add to the climate crisis that transcends all national boundaries and has acknowledged that the climate crisis is a “common concern of humankind.” But none of these efforts have curbed carbon emissions enough to avert further disaster.

For decades, the excuse that no harm can be traced to any particular emission or country, and thus, no State bears responsibility, has underpinned inadequate climate action and has turned the climate crisis into what economists call a “tragedy of the commons.” This is where a common resource, like Earth’s life-sustaining atmosphere, has been spoiled by states acting in their individual, short-term economic interests, ruining everyone’s long-term collective interest.

The climate crisis cannot be solved by states acting alone, pursuing their own self-interest or only protecting their own nationals. It can only be solved through collective international cooperation. That cooperation must be obligatory. While the commitments made under the Paris Agreement are voluntary, the obligations under the CRC are not. All states must cooperate internationally to respect, protect, and fulfill children’s rights. Respondents, as part of the world’s leading economies in the Group of Twenty (“G20”) – which make up 84% of all global emissions – must join in collective climate action to decarbonize the global economy and reach net-zero emissions as soon as possible.

As influential members of the G20, the Respondents must also lead by example, reducing emissions at the greatest possible rate and consistent with a scale that is scientifically established to protect life. But this is not enough. To fully ensure children’s rights, the Respondents must use

all available legal, diplomatic, and economic tools, pursuant to the UN Charter, to ensure that the major emitters (China, the U.S., the E.U., and India) are also decarbonizing at a rate and scale necessary to achieve the collective effort.

The Respondents, however, are failing on both fronts. First, each Respondent has failed to use its maximum available resources to prevent the life-threatening effects of climate change. Not one of the Respondents is on an emissions pathway to keep heating under 2.0°C much less under 1.5°C, a limit that would still subject millions to poor health and increased mortality. Each has set inadequate emission reduction targets in their Paris Agreement pledges – and then failed to meet even these inadequate goals. Argentina’s emissions are on a path leading to 3-4°C of global heating by 2100. Brazil was on a path to 2-3°C, *before* President Bolsonaro’s rollback of environmental protections that will likely make Brazil’s contribution even greater. France—in many ways a leader on international climate action—is still on a path to 3-4°C. Germany, also 3-4°C. Turkey’s rate of emissions is on a staggering path that would exceed 4°C, as it continues to invest in new coal-fired power plants. Each excess emission above current levels adds more dangerous carbon to the atmosphere, helps lock-in irreversible climate change, and exacerbates the foreseeable risks to the Petitioners’ human rights and future generations.

Second, each Respondent has failed to use all available legal, diplomatic, and economic means to protect children from the life-threatening carbon pollution of the major emitters and other G20 members. For example, while the U.S. has embarked on an unprecedented rollback of environmental regulations under the Trump Administration, none of the Respondents has availed itself of international or domestic legal mechanisms or used trade, aid, or robust diplomacy to address transboundary environmental damage.

IV. The Respondents’ actions perpetuating the climate crisis are violating Petitioners’ human rights.

The Respondents’ failures undermine the collective effort to mitigate climate change. Respondents, thereby, are causing, contributing to, and accelerating the climate crisis, knowing the deadly consequences will catch up with today’s children and future generations. The Respondents have violated and continue to violate multiple rights that the Convention guarantees to the Petitioners and the children: the right to life (Article 6), the right to health (Article 24), the right to culture (Article 30), and the best interests of the child (Article 3). Under the Convention, states must “limit ongoing and future damage” to these rights, including those caused by environmental threats.

Under the right to life, the Respondents’ acts and omissions perpetuating the climate crisis have already exposed the Petitioners throughout their childhood to the foreseeable, life-threatening risks of human-caused climate change, be it heat, floods, storms, droughts, disease, or polluted air. A scientific consensus shows that the life-threatening risks confronting the Petitioners will increase

throughout their lives as the world heats up to 1.5 degrees and beyond. If the Respondents continue their current emissions pathways, the world would warm enough to threaten the lives of billions of children worldwide. By recklessly perpetuating life-threatening climate change, the Respondents have failed to take necessary preventive and precautionary measures to guarantee the Petitioners' right to life under Article 6(1) of the CRC.

Under the right to health, Respondents' acts and omissions perpetuate the climate crisis and have already caused indivisible injuries to the Petitioners' mental and physical health—from asthma to emotional trauma. These injuries will escalate as the world continues to warm. By recklessly perpetuating life-threatening climate change, the Respondents are violating the right to health under Article 24 of the CRC.

Under the right to culture, the Respondents' contributions to the climate crisis have already jeopardized millennia-old subsistence practices of the indigenous Petitioners from Alaska, the Marshall Islands, and the Sapmi (the cultural region inhabited by the Sami people). These practices are not just the main source of these children's livelihoods, but directly relate to a specific way of being, seeing, and acting in the world that are essential to their cultural identity. If Respondents continue their current emissions pathways, the world would warm enough to decimate indigenous cultures throughout the world, including those of the indigenous Petitioners here. Respondents have thus failed to take necessary preventive and precautionary measures to guarantee the Indigenous Petitioners' right to their culture provided for in Article 30 of the CRC.

Under the best interests of the child, by supporting climate policies that delay decarbonization, the Respondents are shifting the enormous burden and costs of climate change onto children and future generations. Every day of delay depletes the remaining "carbon budget"—the amount of carbon that can still be emitted before the climate reaches irreversible tipping points. Respondents are creating an imminent risk. It will be impossible to "make up" for lost mitigation opportunities and impossible to ensure the sustainable and safe livelihood of future generations. In doing so, Respondents have breached their specific duties to respect, protect, and fulfill intergenerational equity and ensure the enjoyment of children's rights for posterity. No State acting rationally in the best interests of the child would ever choose such delay. As such, the Respondents have each violated the Petitioners' right under Article 3 to have children's best interests be made a primary consideration.

If the Respondents, acting in concert with all other states, do not immediately take all available measures to stop the climate crisis, the devastating effects of climate change will nullify the ability of the Convention to protect the rights of any child, anywhere.

PETITIONERS' REQUESTED RELIEF

The Petitioners are not seeking any economic compensation; there is no price that could compensate for the harm children are and will be suffering. Instead, the Petitioners respectfully request that the Committee adopt the following recommendations for relief:

- The Committee finds that climate change is a child's rights crisis.
- The Committee finds that each of the Respondents is, jointly with other States, causing, contributing to, and perpetuating the climate crisis by knowingly acting in disregard of the available scientific evidence regarding the measures needed to prevent and mitigate the climate crisis.
- The Committee finds that by recklessly perpetuating life-threatening climate change, the Respondents are violating the Petitioners' rights to life, survival, development, health, and the prioritization of the child's best interests, as well as the cultural rights of the Petitioners from indigenous communities.
- The Committee recommends that the Respondents review their laws and policies regarding the climate crisis, and where necessary amend such laws and policies to ensure that mitigation and adaptation efforts are being sufficiently accelerated to the maximum extent of available resources and on the basis of the best available scientific evidence to (i) protect the Petitioners' rights; (ii) ensure that the best interests of the child are being made a primary consideration, and (iii) the costs and burdens of climate change mitigation and adaption are equitably distributes with respect to children and posterity.
- The Committee recommends that the Respondents immediately engage with other States in binding international cooperation to mitigate the climate crisis, prevent further harm to the Petitioners and other children, and secure their inalienable rights.
- The Committee recommends that pursuant to Article 12, the Respondents shall ensure the child's right to be heard and to express their views freely, in all international, national, and subnational efforts to mitigate or adapt to the climate crisis.¹

¹ The Petitioners reserve the right to request interim measures.