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A GUIDE ON CLIMATE JUSTICE AND CHILDREN'S RIGHTS



by



Save the Children

ACRONYMS



ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
AU	African Union
CRC	UN Convention on the Rights of the Child
CSOs	Civil Society Organisations
DCT	Distributive Climate Justice
GHG	Green House Gas
IDP	Internally Displaced Persons
PACTA	Pan African Climate Justice Alliance
RECs	Regional Economic Communities
RM	Regional Mechanisms
SDGs	Sustainable Development Goals
TOR	Terms of Reference
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNEP	United Nations Education Programme
UNFCCC	United Nations Framework Convention on Climate Change
WG	Working Group
WHO	World Health Organization

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Foward

In an era where the repercussions of climate change are felt with increasing intensity and frequency, the urgency of addressing its impact has never been more pressing. As climate change disruption escalates globally, it's the most youngest and defenseless members of our society who bear the brunt of these changes. As we stand at the intersection of climate justice and child rights, the need for comprehensive guidance and action has never been more critical. It is with great admiration that I introduce PACJA's groundbreaking guide on Climate Justice and Child Rights.

The Pan African Climate Justice Alliance (PACJA) is committed to ensuring that the rights and well-being of children are integral to the climate justice agenda. Children are not just passive victims of climate change; they are active agents of change whose rights must be protected and whose voices must be amplified in shaping policies.

This guide offers a comprehensive framework that merges the principles of climate justice with the rights of the child. It serves as a point of reference on matters concerning child rights and climate justice for States Parties, United Nations agencies, Africa Union organs and departments, climate activists, educators, policy makers, the private sector, NGOs, CSOs and child-led organisations.

The guide comes at a pivotal moment when global efforts to combat climate change must be inclusive and just. Its a call to action for all stakeholders to recognize and address the unique vulnerabilities and potentials of children in the context of climate change. It challenges us to move beyond rhetoric and to implement practical solutions that secure a sustainable and equitable future for the next generation.

PACJA is deeply committed to both climate justice and the rights of children and we believe this guide will serve as an essential tool in our collective efforts to create a world where every child can live free from the threats of climate change and enjoy their right to a healthy, safe, and just environment.

Dr. Mithika Mwenda
PACJA Executive Director



ACKNOWLEDGEMENT

This guide on Climate Justice and Child Rights is a testament to the collaborative efforts of numerous individuals and organizations. We extend our sincere gratitude to all who contributed to its development.

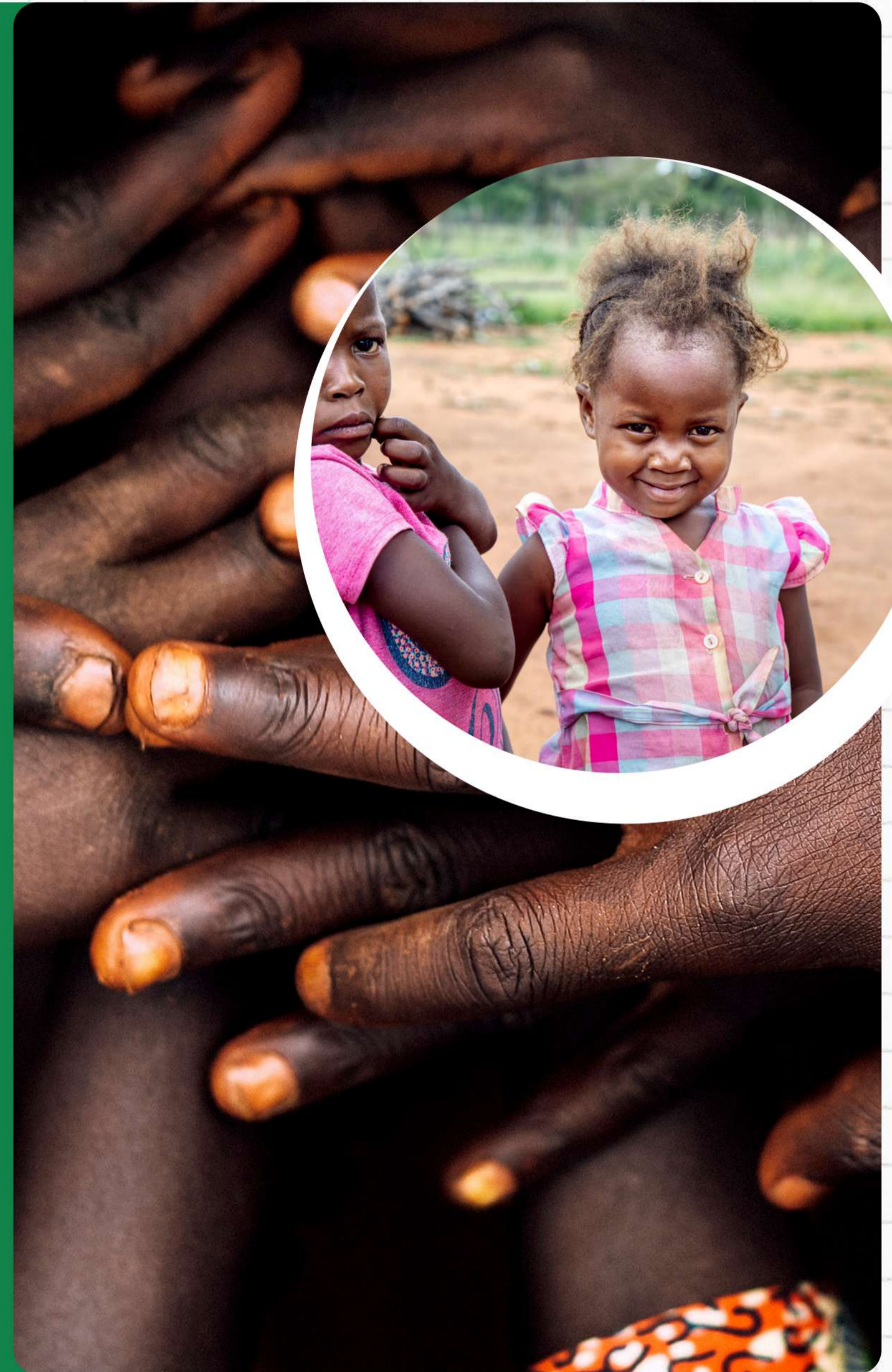
We are grateful to Save the Children for their generous support, which made the development of this guide possible. Their commitment to the well-being and rights of children has been instrumental in advancing our efforts to address the intersection of climate justice and child rights.

We express our deep appreciation to Professor Robert Doya Nanima, Associate Professor at the Faculty of Law at the University of the Western Cape, South Africa, for his invaluable contributions to this guide.

We thank the PACJA team, Charles Mwangi, Head of Programmes and Research, and Jessica Mwanzia, Climate Finance Lead, for their significant contributions in shaping this comprehensive resource.

We acknowledge the priceless insights and feedback from our partners and stakeholders, including policymakers, educators, and activists. Your collaboration has enriched the content of this guide and ensured it addresses the real needs and challenges faced by children in the context of climate change.

Special thanks are extended to the children and youth who shared their experiences and perspectives. Your voices are at the heart of this guide, and your courage and resilience inspire us to strive for a more just and sustainable world.



EXECUTIVE SUMMARY

This Guide on Climate Justice and Children Rights in Africa has been developed based on the current statistics on the effects of climate change on children. While approximately 3.6 billion people are living in areas prone to climate change, an estimated one billion children globally are at the frontier of the climate crisis- dubbing the catastrophe as a 'children's rights crisis'.¹ Statistical projections indicate that between 2030 and 2050, climate change will add another 250,000 deaths arising from malnutrition, malaria, diarrhoea and heat stress alone². The existence of weak health infrastructure especially in developing countries will amplify the problem.

In Africa, the effects of climate change are evident in fragile states like the Central African Republic, Somalia and Sudan which have contributed less to climate change, yet they suffer from floods, droughts, storms, and other climate-related shocks than other countries. Children in 48 African countries are suffering from the impacts of climate change. This highlights that the climate crisis is also a children's right crisis


This guide explores the nexus between the climate justice and child rights, It examines relevant international frameworks, conventions, and agreements, highlighting responsibilities and opportunities for integrating child rights into climate justice efforts. The review emphasizes the significant physical, psychological, and social impacts of climate change on children. It underscores the importance of child involvement, protection, and resource availability in climate justice initiatives and provides recommendations for incorporating child rights into climate adaptation and mitigation strategies. The development of the Guide was punctuated by the use of a mixed methods approach with the use of data obtained from stakeholders on aspects of climate justice and child rights in selected countries. primary data was obtained through key informant interviews and questionnaires while secondary data was gathered through a review of available literature, policies and laws. . The qualitative data from the various stakeholders was instructive, and it informed the key principles of this guide.

The data was collected using a semi-structured tool with open-ended questions to obtain data concerning the normative, policy framework on climate justice and children's rights in Africa to engage with experts on the subject matter was used. The responses from the participants informed the principles that were underscored in this guide. The guide offers a basis for climate change and conceptual clarity, a conceptual framework that harnesses both a transformative and a child rights-based approach. It then explains the use of a realms of justice approach; and the child rights-based approach as critical pillars to the implementation of laws and policies without discrimination.

This guide offers eight principles as central pillars to climate justice and children's rights and these include distributive justice, procedural justice, recognition, non-discrimination, and the best interest of the child. The other guides include the right to life, survival and development, respect for the views of the children (or participation) and the need for a gender transformative approach.

Following the discussion of the legal norms and policy frameworks; the guide contemplates the roles of various stakeholders in the child rights space.



A photograph of two young African children, a boy and a girl, looking thoughtfully to the right. The boy on the left is wearing a blue and brown patterned sweater, and the girl on the right is wearing a white and blue patterned sweater. They are standing in front of a dense background of green foliage. The lighting is soft and natural, highlighting their profiles.

*"Young people
have done the
least to change
the climate and,
in Africa, are on
the receiving
end of its worst
effects."*

Rose Mwebaza,
Regional Director for
Africa for UNEP.

INTRODUCTION

Statistics indicate that the effects of climate change are more apparent in this generation than ever before. Globally an estimated one billion children are at the frontline of climate crisis. In Africa climate change is significantly exacerbating existing vulnerabilities, and threatening the very fabric of childhood development. The WHO, 2023 report estimates that 4.5 million children under five in sub-Saharan Africa could suffer from severe acute malnutrition due to climate-related disruptions by 2050. The economic costs are staggering, with climate-related events estimated to cause African countries up to 3% of their GDP annually by 2030, undermining efforts to improve child health and education.

According to the World Health Organisation the major signs of climate change, such as heatwaves, wildfires, floods, tropical storms, and hurricanes continue to exacerbate humanitarian emergencies in scale, frequency, and intensity, all of which have profound impacts on the enjoyment of children's rights. Approximately 113 million people in Africa could be displaced by climate change by 2050. This represents an increase from 1.5% to as many as 5% of Africa's population³

Africa is home to some of the most fragile states, such as the Central African Republic, Somalia, and Sudan. These countries, despite having contributed the least to climate change, suffer more from floods, droughts, storms, and other climate-related shocks than other nations⁴. There are three key points worthy noting concerning climate change in fragile states. First, people in these are more affected by natural disasters each year compared to those in other countries. Secondly, disasters in fragile states displace more than twice the share of the population compared to other countries. Thirdly, due to their geographical location, temperatures in fragile states are higher than in other countries⁵. According to Jihad and Abebe, fragile states will experience average temperatures exceeding 35 degrees Celsius for up to two months a year more than other countries.⁶ Conflict, political instability, humanitarian crisis and economic challenges undermine the capacity of fragile states to manage climate risks⁷

Children in 48 out of 55 African countries are at high risk of exposure to climate and environmental shocks, like cyclones and heatwaves. In some countries such as the Central African Republic, Chad, Nigeria, Guinea, Somalia and Guinea-Bissau, the limited access to essential services exacerbates the situation. In Mozambique and Malawi, children have been documented to be unable to physically withstand and survive hazards like cyclones, floods, and storms.⁸ Globally, over 2.2 billion children are exposed to at least two overlapping climate and environmental hazards, shocks, and stresses.

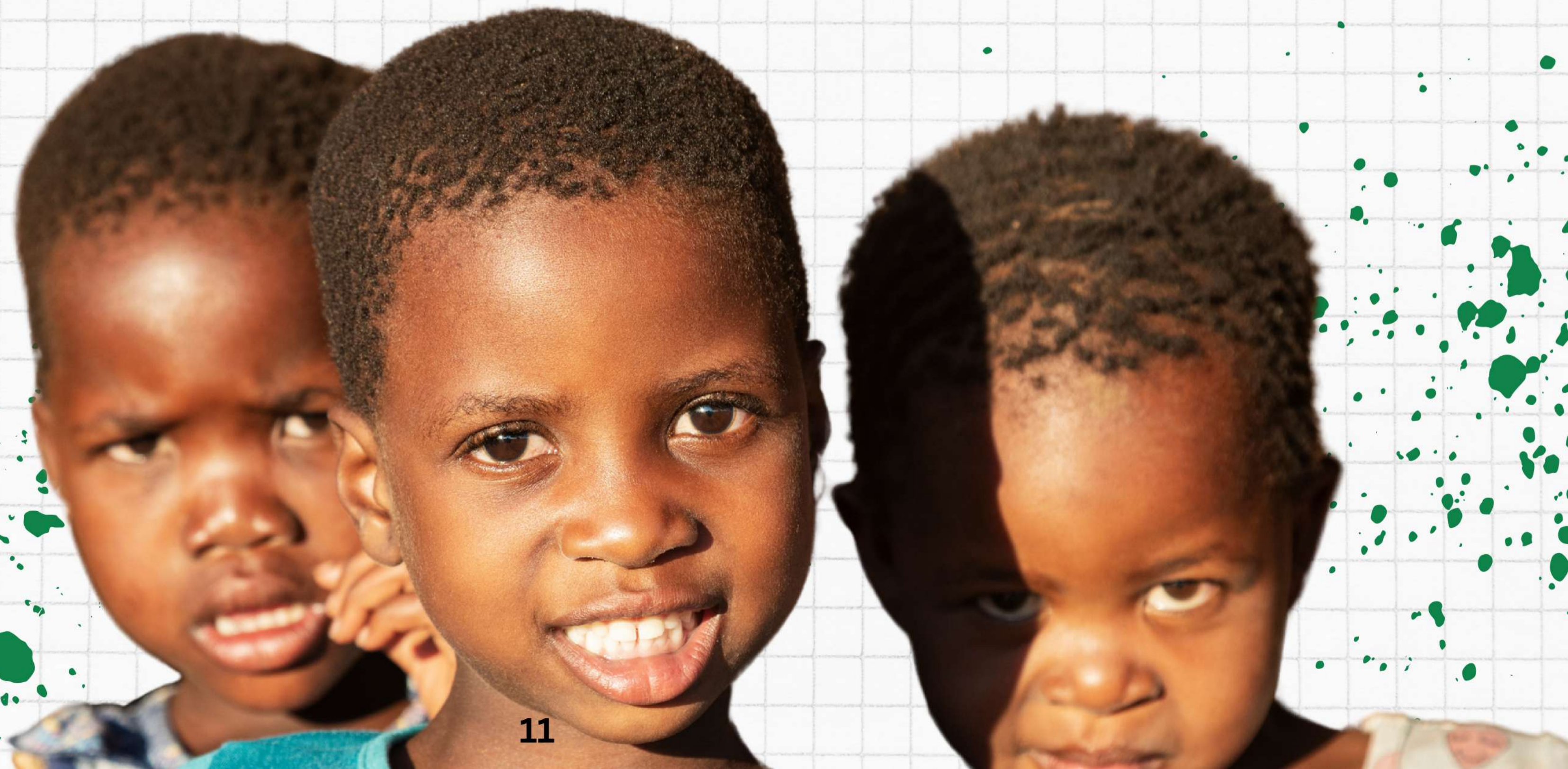
The most significant exposure is to air pollution, affecting over 2 billion children. Another 920 million children are exposed to water scarcity, 820 million to heatwaves, and 600 million to vector-borne diseases. In addition,

400+M
children

are exposed to cyclones, 330 million to riverine flooding and 240 million to coastal flooding. These statistics show the climate crisis is a children's rights crisis.



From a child-rights perspective, the exposure of children to the vagaries of climate change calls for a child-rights approach that is informed by an urgency to guide the agenda of both their rights and child justice. It should be noted that climate change and climate justice are not synonymous. An appreciation of difference is important in ensuring that the nexus between child rights and climate justice is contextualised. The enjoyment of child rights is premised on four cardinal principles; non-discrimination,¹⁰ best interest,¹¹ right to life, survival and development,¹² and consideration of the views of the child.¹³ Climate justice as a concept goes beyond the climate change narrative, and it requires that equity and human rights are at the core of decision-making and action on climate change.¹⁴ In such instances where there is an assessment of the effects of climate change, the responsibility on countries for the climate crisis must have equal responsibility, too. Climate justice calls for a shift from the narrative on greenhouse gases and melting ice caps to a human rights movement that at its core seeks to proffer solutions for the most vulnerable persons to the effects of climate change.¹⁵



2. OBJECTIVES OF GUIDE



This guide emphasizes the nexus between climate justice and children's rights. Furthermore, it offers helpful recommendations and strategies for defending and advancing children's rights in the face of climate-related difficulties. It is informed by a literature review of current studies, reports and publications, international legal frameworks, conventions and global initiatives on climate change and child justice.

Specifically



Reviews the nexus between child rights and climate justice, and identifies the gaps and best practices in concluded studies, reports, and publications.



Examines international frameworks, conventions, and agreements, with specific regard to the responsibilities and opportunities for addressing child rights and climate justice.



Amplifies the physical, psychological, and social repercussions of climate change on children.



Highlights the specific vulnerabilities connected with the particular susceptibility of children to climate change.



Explores the connections between child rights and climate justice, putting a focus on the value of child involvement, protection, and av



Offers recommendations and methods to incorporate child rights into efforts to adapt to and mitigate climate change

It is intended that the guide serves as a point of reference on matters concerning child rights and climate justice for States Parties, UN agencies, AU organs and departments, climate activists, the private sector, NGOs, CSOs and child-led organisations.

3. RATIONALE OF GUIDE

Children in Africa are greatly exposed to the impacts of climate change. It is reported that 25 out of the 33 countries that have been ranked as “extremely high risk” for children in the world are in Africa.¹⁶ These statistics require a look at the climate crisis as a child rights crisis, first from available literature and perspectives of stakeholders across the continent.¹⁷ This is because the linkages between the demands for climate change children’s rights point to aspects of distributive and procedure justice and the recognition of children as rights holders to voice their concerns with the assurance that they will be considered. This speaks to the broader notions of economic and social justice

4. METHODOLOGY

4.1. The mixed methods approach.

A mixed method approach with the use of data obtained from stakeholders (duty bearers) regarding climate justice and child rights in selected countries, as primary data was used. A thorough review of the available literature, policies and laws provided secondary data. The qualitative data from the various stakeholders was instructive, and it informed the key principles of this guide.

4.2. Desk reviews

The desk review was used to evaluate both primary and secondary data on current studies, reports, and publications on child rights, climate justice, and the nexus between the two. Further, the desktop review analysed the international frameworks, conventions, and human rights instruments at the global and continental level, international initiatives such as Sustainable Development Goals (SDGs), the Paris Agreement, and the United Nations Convention on the Rights of the Child (UNCRC). Africa-based initiatives included a deliberate and targeted use of the AU Agenda 2063 and the ACERWC Agenda 2040.

4.3. Key Information reviews

A semi-structured tool with open-ended questions to obtain data concerning the normative, policy framework on climate justice and children’s rights in Africa to engage with experts on the subject matter was used. The interviews were carried out virtually in Google Forms. The tool had four components:

1. An information guide;
2. Section particulars of experience/expertise of the researcher;
3. A consent form; and
4. Interview questions.

The responses from the participants called for specific aspects to be included in the interview guide. These included the need to identify legal frameworks anchoring children rights and climate change, the various actors, and their responsibilities and response mechanisms. The participants also called for an inculcation of the child rights approach informed by the four principles of non-discrimination, best interest of the child, right to life, survival and development, and participation; on aspects of climate justice. There was a clarion call for a section on conceptual clarity, accountability in the context of climate justice, and the need to use education on climate change and climate justice in the curricula, creation of knowledge and skills for resilience. Another critical component was the need to have a principle that mainstream climate change impacts on children’s rights, policies and activities.

4.4. Purposive sampling

Purposive sampling was used to identify key stakeholders with information on climate justice and child rights. These included children, academics, policymakers and other technocrats who can give insights into climate change-child rights discourse.

A flexible method for primary data collection was used to gather insights from various stakeholders. To ensure a representative sample of respondents, a purposive sampling technique was used coupled with in-depth interviews. Purposive sampling was preferred where stakeholders were identified and engaged through the Google Form that had been developed for data collection. All the in-depth interviews. The respondent groups included child-led initiatives, AU accountability mechanisms, UN Agencies and International Organisations, CSOs/Regional Networks, members from RECs and RMs, academia and children.



5. BASIS OF CLIMATE CHANGE AND CONCEPTUAL CLARITY



The Climate Justice notion is linked to various justice principles as described below: -

- Climate justice recognizes the development paradox that those who contributed least to GHG emissions will be most affected by climate change. It draws on political theory of justice, antecedents in environmental and social justice, and linkages to ideas of developmental justice
- Environmental justice: equitably distributed environmental risk; recognition for people's diverse needs and experiences; and participation in the political processes that create and manage environmental policy
- Social justice is the socially just distribution of goods within a society, drawing on the principles of liberty and equality
- Development justice emphasizes the rights to exercise key activities and healthy life while focusing on what individuals value
- Climate justice recognizes the rights and needs of the climate vulnerable poor and equitable distribution of responsibilities and burdens for climate action.



Unbundling the climate justice concept requires an intersection to development so that it can respond to the development needs and priorities of different target groups. The right to development is one of the pillars of the UN Charter, an important principle of climate justice. It focuses on protecting the rights of the most prone groups and equitable responsibility sharing to combat climate change. The discourse of right to development and climate justice has means of implementation (finance, technology & capacity building) as a central aspect. However, the right to development should not be considered as a right to pollute, it should be centered to transitioning to low carbon economy.

Climate change impacts and response mechanisms put in place have a connotation to Human Rights and therefore climate justice should also be looked within the human rights lens. The consequences of climate change have adverse effects on the enjoyment of human rights. Climate policies can lead to infringements of local communities rights, in particular indigenous peoples. In the face of climate change, all three dimensions of human rights can be at risk; Civil and political rights; economic, social and cultural rights; collective rights e.g right to a clean and healthy environment

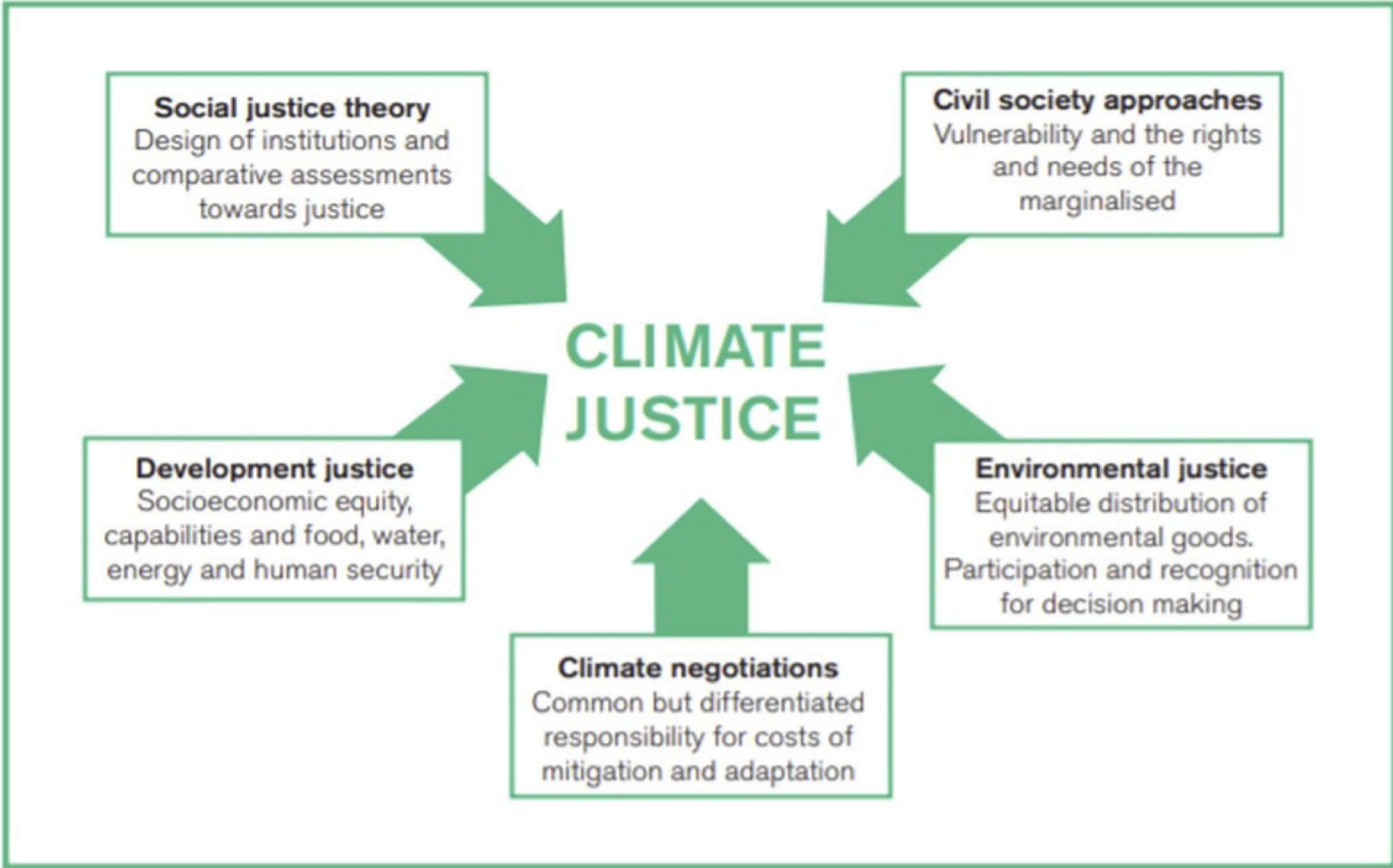


Figure 1: The different perspectives and lens on climate justice. Source: IIED

5.1. Adaptation

The process of adjustment to actual or expected climate and its effects. In human systems, adaptation seeks to moderate or avoid harm or exploit beneficial opportunities. In some natural systems, human intervention may facilitate adjustment to the expected climate and its effects.

5.2. Resilience

This is the ability of a society or community (concerning climate change) to anticipate, respond and recover from shocks and stresses, innovate and change its functioning.

5.3. Climate Justice

A conceptual approach that recognises that the demands for climate action are increasingly associated with children and linked to broader notions of economic and social justice, calling for the pursuit of distributive, retributive, and procedural justice, with the ultimate recognition of a child as a critical player in matters that affect them, and inheritor of future burdens for current climate inactions.

5.4. Climate Change

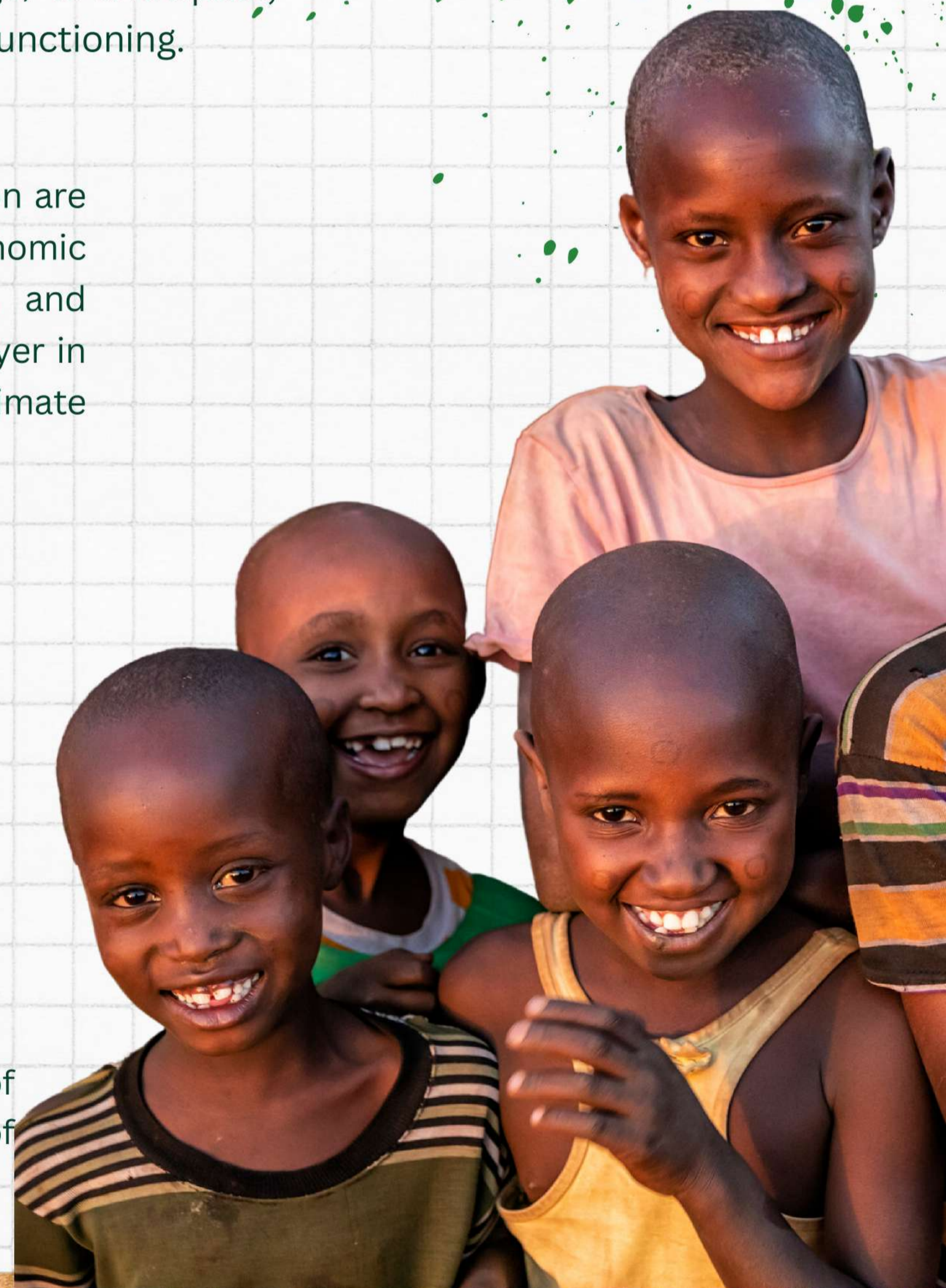
This refers to the long-term shifts in temperatures and weather patterns.²⁰

5.5. Climate Finance

This refers to local, national or transnational financing drawn from public, private and alternative sources of financing that seeks to support mitigation and adaptation actions that will address climate change.²¹

5.6. Climate Finance

This refers to human interventions to reduce the sources or enhance the sinks of greenhouse gases (GHGs) [or] human interventions to reduce the sources of other substances having an indirect effect on climate.



6. CONCEPTUAL FRAMEWORK

The guide takes on a transformative approach and a child rights-based approach aimed at addressing the underlying challenges that perpetuate the non-optimal enjoyment of children's rights in the spaces of climate justice. This is an intertwined concept that cannot be engaged in silos. It is important to note that the guide takes on a gender lens that inculcates gender equality and an inclusive approach.

The transformative approach identified two critical hibernation spaces that harbour some of the structural challenges in the realisation of climate justice in the field of children's rights. First, inequalities/ societal stereotypes perpetuate the dismal enjoyment of climate justice by children. Secondly, the continued use of 'blind approaches' that exacerbate climate injustice. Thirdly, the use of sensitive approaches that acknowledge but do not address these challenges. Fourthly, a consideration of the use of specificities to acknowledge, engage and consider the needs of children in the climate justice discourse. A transformation in the enjoyment of climate for children requires one to look at the inequalities and recommend an objective/subjective approach to address the emerging challenges.

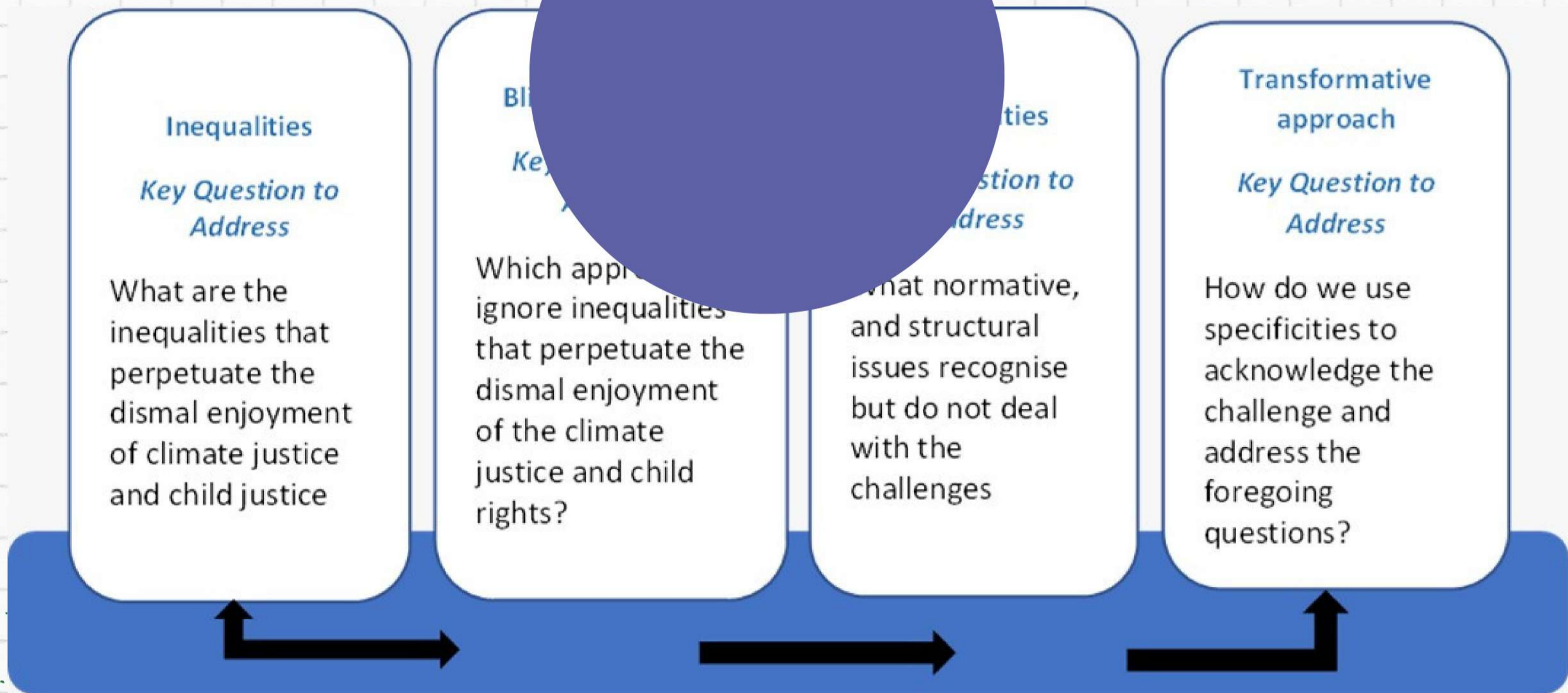


Figure 2: A transformative approach

7. GUIDING PRINCIPLES

The guide used a realms of justice approach; and the child rights-based approach. Both contextual principles guide the conversations around climate justice and children's rights and the need for the implementation of laws and policies without discrimination.

Realm of Justice	Key Questions	Why incorporate justice?
Distributive Justice	1. How much protection is owed to the child as a potential victim of climate change 2. How are the burdens (and benefits) involved in preventing dangerous climate change distributed?	The issue of the 'Just Target' conversation is brought to the fore. The 'Just Burden' conversation and how it infuses with the rights of the child come to the fore.
Procedural Justice	1. What procedures are available to ensure that a child friendly justice system is used where children conflict with the law or are victims	The child rights-based approach is infused to the end that the situation of the child takes the central stage in the justice system
Recognition	1. How do we inculcate a recognition to the status of the child, as a rights holder and not a mere extension of his/her family?	A deliberate approach that recognises the status of the child as a rights holder, with the urgency to participate in and make contributions to conversations that affect him or her.

Figure 3: Realms of Climate Justice Engagement

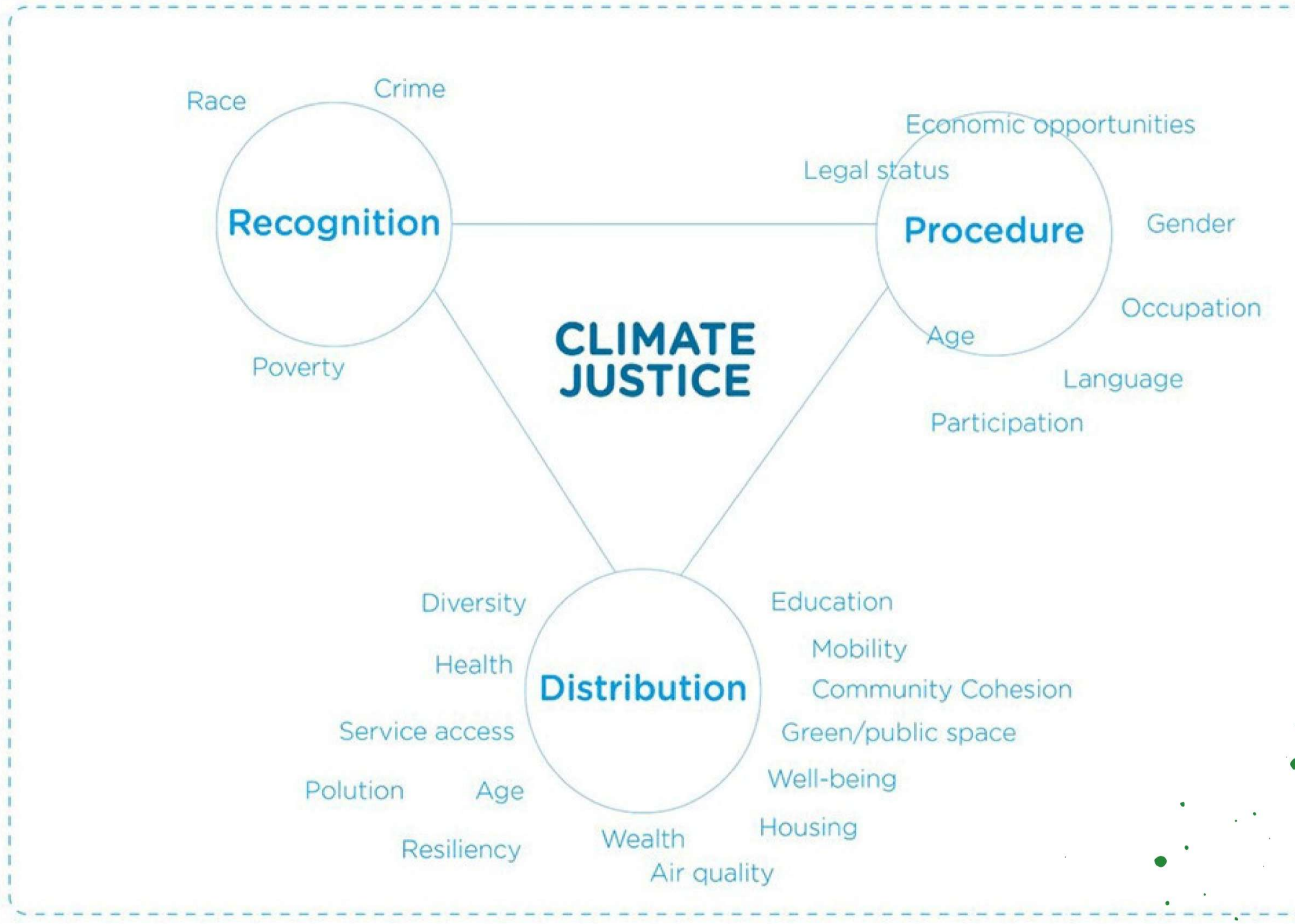


Figure 4: The detailed exposition of the realms of climate justice

7.1. Distributive Justice

Distributive justice informs the spatial and temporal distribution of burdens and benefits across countries (Babatunde 2020).²² Distributive climate justice addresses historically induced disadvantages and present/future disadvantages in vulnerable countries, and the skewed distribution of environmental burdens and benefits (McGinn & Isenhour 2021:385).²³ While there is a lot of traction on the need for both adaptation and mitigation, it is equally important that these climate responsibilities are not isolated from other ethical considerations such as ensuring the urgency of the child in the contexts with questions of climate justice arise. It is prudent that climatic responsibilities are integrated into the conversations on climate change. To this end, the determination of the burdens to be borne by countries and individuals should be informed by both international and intergenerational aspects of justice that have a backward- and forward-looking approach

Therefore, it is expected that a country will take on a larger climatic duty due to its historical responsibility for GHG emissions and greater wealth. This approach ensures and enforces resilience and adaptive capacities in vulnerable contexts (Meyer & Roser 2010; 229-36).²⁴ From a moral lens, distributive climate justice leads to the alleviation of climatic harms through distribution, accounts for past injustices and the well-being of future generations.

There are various misconceptions that often mar the application of distributive justice. Two specific misconceptions are engaged hereunder: First, it is a misconception that the distribution of burdens and costs is an act of charity. It is rather, correct to state that the use of distributive justice addresses existing inequalities and prevents them from being entrenched further.²⁵ The second misconception is the perception of distributive justice as a fault-based framework that seeks to fault the countries with higher GHG emissions. On the contrary, distributive justice offers a wide-encompassing recognition of contemporary injustices as a result of climate change and proposes ways of ensuring equity in dealing with the aspects of climate justice.

A child rights-based lens should question the extent of protection that is owed to a child as a potential victim of climate change in each state. Secondly, the answers emanating therefore should indicate how the burdens (and benefits) involved in preventing dangerous climate change are distributed.



7.2.Procedural Justice

This principle guides procedures from the perspective that if distributive justice is harnessed, then there should be procedures in place to guide the conversation on the translation of distributive justice to practical notions. Procedural justice then provides processes and pathways in which the most affected person receives a remedy through the invocation of procedures that are specific and deliberately tailored to ensure that climate justice is not only done but seen to be done. To this end, processes should be available first at the highest level on the international plane, to the continental, regional, national, and domestic plane. The processes should be deliberated to inculcate the participation of the child in all the major environments that (s)he finds themselves in. The foregoing statement finds value in the application of article 31 of the ACRWC which indicates that in their participation, a child has responsibilities at the family, community, national regional, continental and the international level.

It is expected that a child rights-based approach is infused to in all matters involving climate justice and that it takes centre stage in the entire value chain. A critical question to guide this approach should be concerning the procedures that are available to a child to ensure that a child friendly justice system is used where there are children in conflict or contact with the law.

7.3. Recognition

Recognition inculcates a deliberate approach that recognises specific rights holders in a given spectrum and the right for them to have avenues and to assert the realisation of their rights. In the realm of climate justice, the channels of distributive and procedural justice are informed by the recognition of a given entity [in this case, the child], to ensure that they are the centre of the interventions; where their agency is recognised, and due weight is accorded to climate issues that affect them. To this end, the child is looked at – not as a mere caricature or extension of his or her parents or caregivers; but as a rights holder with the ability to determine his or her course of action. The participation of the child becomes extremely critical in a continuum that ensures an opportunity is given to ensure that their views are heard and accorded due weight. The guiding question to be answered is – how the one inculcates the recognition of the child, as a rights holder and not a mere extension of his/her family.



7.4. Non-discrimination

This principle calls for recognition and implementation of the rights of all children without discrimination based on age, race, colour, sex and gender, language, religion, political or other opinions, national, ethnic, or social origin, property, disability, birth, or other status as encapsulated in Article 3 of the ACRWC. The trinity of distributive justice, procedural justice and recognition should be based on the principle of non-discrimination where the contextualisation of a child is only hinged on the definition as provided for in the ACRWC, and other additional definitions or descriptions that embrace the various vulnerabilities like disabilities, children in conflict situations etc. The principle of discrimination should be carefully applied such that where deferential treatment or positive discrimination is applied; it is to the end that a child is protected in all instances.

The Continental study on child rights and climate change by the ACERWC recognises that climate change often harms the “most vulnerable children first, hardest, and longest”, yet the former are often impacted disproportionately. There is a need for this principle to gain closer scrutiny in the wake of egregious so-called “sacrifice zones” –regions which are dangerous and uninhabitable because of environmental degradation.

7.5. The best interest of the child

This principle requires the absolute prioritization of the interests of children both collectively as a group and individually following Article 4 of the ACRWC and Article 3 of the UNCRC. By design, this guide adopts the position in the ACRWC that calls for the use of the best interest as the paramount consideration in all matters affecting a child. This guide recognises that the best interest principle is incapable of definition but is a descriptive principle that is applied in matters affecting children on a case-by-case basis.

7.6. The best interest of the child Life, Survival and Development

This principle affirms the fact that children deserve the best start in life from conception and upholds their inherent right to survival, well-being, and the highest attainable standards of social, moral, physical, emotional, and cognitive development. The starting point in the application of this principle is that children are not homogenous and they require different interventions on account of age and environment that they are in. For instance, a male teenager in an area affected by conflict and climate change requires different policies, administrative, judicial and other measures to speak to his situation. This calls for a holistic approach to issues affecting children such as in the climate change spaces.

7.7. Respect for the views of young people

The principle recognizes children's potential to contribute to decision-making processes and associations following the child's age, disability, and maturity. Children have a right to be allowed to seek, receive and share information in age and disability-appropriate manner and their evolving capacities, as well as to express their opinions and be listened to, particularly in matters concerning them. Further, children have the right to association in the way they consider viable.



7.8. Gender Transformative Approach

This approach fosters climate actions that recognise and strengthen positive social norms, structures and policies meant to accelerate equality and an enabling environment for all children to better adapt and build resilience to climate impacts. Climate justice will be better advanced with equal engagement from boys and girls especially the most vulnerable as actors with agency to bring about transformative change.



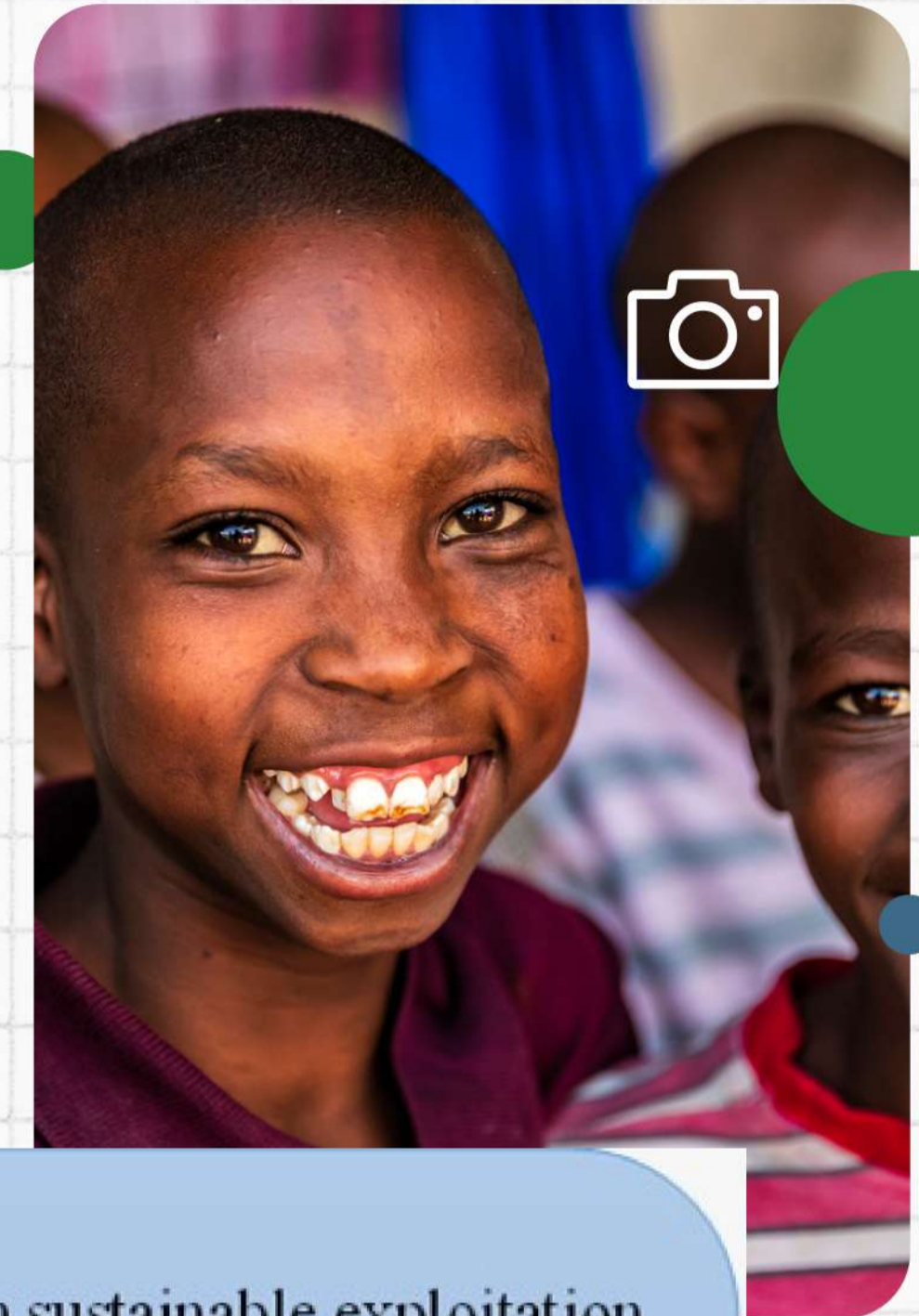


8. LEGAL NORMS AND STANDARDS FOR CHILD RIGHTS AND CLIMATE JUSTICE

There are various international frameworks, conventions, and agreements, with specific regard to the responsibilities and opportunities for addressing child rights and climate justice. Various principles concerning children and climate change can be identified.

Child rights within the precedents of Climate Justice to Africa and Paris Agreement

Africa in its pursuit for climate justice explores different aspects and its important to incorporate child rights in the broad focus issues below which are at the centre of Africa's pursuit for climate justice: -



- **Sustainable Development:** Safeguard Africa's right to development through sustainable exploitation of resources.
- **Adaptation:** Prioritizing Adaptation, ensure that the adaptation Gap is closed. Loss and damage has become so rampant
- **Support:** For climate action, not so much as right, but an enabler for meaningful participation in collective global response to climate change.
- **Mitigation:** re-engineering our economic systems to low carbon, not so much for current levels of emissions but for future economic models.
- **Response Measures:** Africa needs style its negotiations on stranded assets through response measure.

Figure 2: A transformative approach

The Paris Agreement: acknowledges the importance of the principles of climate justice in the climate change policy and governance. The Paris Agreement focuses on the application of equity and CBDR-RC in light of different national circumstances. The inception of Paris Agreement has been observed as a historic moment not only to the present world but for the future generations (Stern, 2015).

The challenge with Paris Agreement is lack of accountability in the determination of national circumstances from where NDC emerge. Intergenerational equity need to be championed in the climate change negotiations from a child rights angle but this will need deliberate engagement with African actors to inform advocacy and policy engagements that will culteput key actions and influence in various policy processes at national, regional and international levels.



8.1. The African Charter on Human and People's Rights (ACHPR)

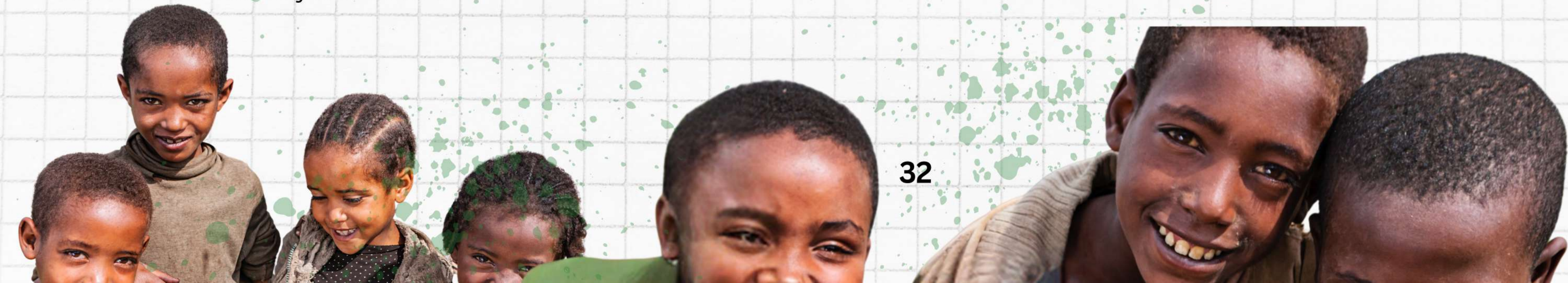
The African Charter on Human and Peoples' Rights (ACHPR) is a comprehensive continental human rights instrument that provides a framework for the promotion and protection of the rights of persons across Africa. From a human and climate justice discourse, it is imperative to look at the main instrument that propels a human rights-based approach in Africa. The ACHPR is the first and binding treaty that recognises the people's right to a generally satisfactory environment favourable to their development.²⁶ Under the promotional and protectional arm of the African Commission that monitors the implementation of the Charter, it has adopted various resolutions on aspects of climate change and human rights.²⁷ From a normative perspective, Articles 22 and 24 recognise the right to a favourable and satisfactory environment. The African Commission has also received and considered various complaints relating to allegations of violation of rights relating to an enabling environment for the provision of the highest attainable standard of health.²⁸

8.2. African Children's Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child (ACRWC) recognised various effects of climate change such as earthquakes and floods on the enjoyment of children's rights. From its preamble, the ACRWC notes with concern that “the situation of most African children, remains critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger, and on account of the child's physical and mental immaturity he/she needs special safeguards and care.” Furthermore, under Article 1(2), any provisions that are more conducive to the realization of the rights and welfare of the child contained in the law of a State Party or in any other international Convention or agreement in force in that State, are applicable. Therefore, conducive approaches that drive the child rights agenda, despite their inclusion in the ACRWC are preferred. The African Children's Charter on the Rights and Welfare of the Child (ACRWC) provides in Article 11(2)(g) that the provision of the right to education shall inculcate the development of respect for the environment and natural resources. Various provisions in the ACRWC allow for the enjoyment of the child's right to the environment and natural resources.²⁹

8.3. Continental Policy Initiatives

There are international frameworks such as Agenda 2063 which seeks to have a prosperous Africa as a result of inclusive growth and sustainable development,³⁰ the AU Climate Change and Resilient Development Strategy and Action Plan (2022–2032)³¹ and the African Union Green Recovery Action Plan 2021-2027 which seeks to strengthen collaboration to lead to its sustainable and green recovery.³² Various Regional Economic Communities (RECs) and Regional Mechanisms (RMs) like the Economic Community of West African States (ECOWAS), the Common Market for Eastern and Southern Africa (COMESA), the Intergovernmental Authority on Development (IGAD), and the Southern African Development Community (SADC) have adopted adaptation and mitigation frameworks. However, despite the existence of great normative and institutional frameworks, there is a disconnect between the continental and the national perspectives. It is to this end that the successes of the various RECs and RMs frameworks are yet to be seen.



9. ROLE OF STAKEHOLDERS

9.1. The AU Organs and initiatives (ACERWC, ACHPR, AfCourt, DPAPS)

The various AU organs should mainstream climate justice in the various working methods. This should include requiring that States Parties report on steps being taken to ensure that climate justice forms parts of the givens to be reported on. This should be followed with concrete steps in concluding observations and follow-up visits to states to ensure the realisation of climate justice initiatives.

9.2. States Parties

State Parties should mainstream climate resilient into national and subnational plans, and processes and ensure implementation mechanisms to advance children's rights. Children should be part of the processes leading to decisions on climate justice.

9.3. Civil Society Organisations(CSOs)

Civil Societies should facilitate longer-term transformative change activities and ensure that excluded groups become effective drivers of their change by defending their interests increasing accountability on children's rights and promoting their participation as part of the climate justice policy influencing and decision-making processes.

9.4. RECs and RMs

Regional Economic Communities and Regional Mechanisms play a critical role in pushing the agenda at the national and continental levels. They should act as the crucial bridge between the African Union and States Parties. The various AU organs should mainstream climate justice in the various working methods. This should include requiring that States Parties report on steps being taken to ensure that climate justice forms parts of the givens to be reported on. This should be followed with concrete steps in concluding observations and follow-up visits to states to ensure the realisation of climate justice initiatives.

9.5. Academia

Academia and research-invested entities should conduct evidence-based climate-related research and data to inform and raise the profile of climate impacts on children.

9.6. Media

The media is a critical driver of change through perceptions and branding. It should shape perceptions and drive positive change by promoting climate justice and children's rights reporting.

9.7. Community

Community-led climate action approaches must promote access to justice and ensure children's representation and engagement.

9.8. African Ministerial Conference on the Environment

The African Ministerial Conference on the Environment (AMCEN) should reiterate and /or extend its advocacy for environmental protection in Africa to aspects of climate justice. This will be critical in enhancing the climate justice agenda as a critical pillar in ensuring that children's rights and needs as part of the grand scheme of basic human needs are met adequately and in a sustainable manner. Climate justice- if contextualised well, will ensure that social and economic development is realized at all levels.

9.9. Children in Climate Action

As the most central stakeholder, children can play their rightful role in safeguarding their rights and advancing climate justice through:

- i. Education and Capacity Building through art, drama, debates, and other outreach approaches in mobilizing both children and the wider public to take action on environmental issues
- ii. Activism and Advocacy by engaging with policymakers for policies that prioritize climate justice and address their needs. They can write letters, petitions, art and poster exhibitions or emails to government officials, participate in curated public hearings, or even serve as youth representatives in climate-related forums. Other avenues for activism include safeguarded protests, marches, and rallies to demand action on climate change from governments and policymakers.
- ii. Children led strategic litigation actions to demand action on climate change including protection against infringements on rights by state and corporate actors, reparative and restitutive actions .

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[why#:~:text=Climate%20justice%20means%20putting%20equity,relation%20to%20the%20climate%20crisis](https://climatepromise.undp.org/news-and-stories/climate-change-matter-justice-heres-why#:~:text=Climate%20justice%20means%20putting%20equity,relation%20to%20the%20climate%20crisis) (accessed 13 October 2023).

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""A world where climate justice prevails is a world where human rights are fully respected. Climate change is not just an environmental issue; it is a profound challenge to our fundamental rights to life, health, and security. We must act now to protect our planet and ensure that every individual can live with dignity and opportunity.".

