

Accelerating climate solutions through youth-focused litigation

Report and findings of roundtables held at King's College London
on 5 April 2024 and 6 December 2024



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The views and opinions expressed in this report are summarised from the roundtable conversation between participants and do not necessarily reflect the official position of any of the host institutions and organisations.



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1 Introduction

Recent years have marked a significant turning point in climate change litigation as young people around the world increasingly assert their rights by challenging institutional action and inaction on climate change. Pivotal moments have included Judge Kathy Seeley's groundbreaking 2023 decision in favour of sixteen young plaintiffs in *Held v. State of Montana* to affirm their constitutional rights to a clean and healthy environment, an action before the European Court of Human Rights in which six youths challenged Portugal and 32 other nations for failure to comply with the Paris Agreement (*Duarte Agostinho v. Portugal*), and a first-of-its-kind Settlement Agreement reached between 13 youth plaintiffs from Hawai'i and the State requiring Hawai'i's Department of Transportation to fully decarbonise by 2045 (*Navahine F. v. Hawai'i Department of Transportation*). Such cases seek not only to hold governments accountable but also to establish robust legal precedents and effective remedies regarding climate justice and the protection of fundamental human rights.

Yet, despite the increase and promise of youth-led actions, there is much more to learn about their common attributes and systemic implications. What is – and could be – their impact on climate change action, accountability, and the ethical role and legal rights of youth and future generations? These questions are crucial given that it is now well-established that youths are disproportionately harmed by the continuing destabilisation of the Earth's climate (UNICEF 2021). Young people are more vulnerable than adults to physical consequences of climate change (such as extreme heat, drought, and wildfires) as well as the social repercussions of living in pressurised conditions caused by such crises (such as harm to children's education or their economic well-being, and increased violence). Moreover, more youth are experiencing climate anxiety due to the prospect of adulthood in a world currently expected to experience 3.0°C warming by the end of this century (IPCC 2022; UNEP 2022).

The failure of governments and companies across the world to act decisively to address the climate crisis has exacerbated these unequal impacts. Yet, children sit outside most accountability processes such as democratic elections or international human rights complaints mechanisms. Nonetheless, they will be impacted more severely and for a longer duration than the adult politicians and decision-makers who are failing to protect them. As a result, for some, litigation is becoming a first line of defence rather than a last resort.

This outcome report summarises the discussions and main findings from a hybrid roundtable held on 5 April 2024 and a follow-up virtual roundtable held on 6 December 2024. Both events explored innovative strategies to advance the rights of children and future generations through litigation in response to the climate crisis. Co-convened by King's College London together with a multidisciplinary team of external collaborators from Our Children's Trust, the World Council of Churches, and Generations Together, the roundtables brought together advocates, academics, and specialist experts from around the world both in person and virtually.

In lively and candid discussions under the Chatham House Rule, roundtable participants debated legal approaches for advancing children's justice and identified important pathways for future litigation. In so doing, the events sought to assess the current landscape, identify strategic next steps for actions and remedies, and to grow the global community of academics and practitioners to enable expert collaboration.

This report covers litigation planned, underway, or completed as of the date of the second roundtable. Notable cases are considered briefly in Part 7 'Epilogue and next steps'. Together, these workshops are part of a broader project to:

- (a) situate intergenerational justice as a novel overarching frame of analysis in emerging climate-related jurisprudence; and
- (b) build and strengthen an emerging international community of experts focused on law, children's rights and sustainability.

Through these efforts we aim to facilitate a more coordinated and collaborative approach, offering a beacon of hope amid the ongoing climate crisis.

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2 Looking for patterns: analysis and evaluation of key cases to date

Strategic climate litigation has multiple objectives, including enforcing climate rights, improving climate change politics and legislation, protecting those in vulnerable situations, and raising public awareness. These objectives influence the scope and focus of legal arguments presented to courts. Child litigants hold a unique position in relation to climate change actions because they can assert rights for future generations without recourse to arguing for the rights of the yet unborn. What patterns, successes, and challenges in youth-focused climate change litigation have emerged to date?

Roundtable discussions focused on jurisdictional and legal bases of claims, the role of children as litigants, and the broader successes and limitations of climate change litigation more generally.

2.1 Potential significance of *Sacchi, et al. v. Argentina et al.*

Case summary

Sacchi, et al. v. Argentina, et al. (2020), United Nations Committee on the Rights of the Child, *decided*

Sixteen children petitioned the UN, claiming five countries violated their rights by inadequately addressing climate change. The Committee rejected the claim as inadmissible.

This case concerned a communication brought under the United Nations Convention on the Rights of the Child (UNCRC) Optional Protocol on a communications procedure (OP3). The sixteen child authors of the communication complained to the Committee on the Rights of the Child (the Committee) that five states which had ratified OP3 (Argentina, Brazil, France, Germany, and Turkey) had failed to uphold their obligations under the Convention to prevent and mitigate the impact of climate change. The children requested the Committee to declare that the States had violated the children's rights to life, health, and enjoyment of culture under the UNCRC and to recommend acceleration of mitigation and adaptation measures, enhanced international cooperation, and steps to ensure children's rights to be heard in response to the climate crisis. The Committee found the case inadmissible, because the plaintiffs had not exhausted domestic remedies.

Nevertheless, the case is groundbreaking for several reasons:

- It led to the drafting of *General Comment 26 on Children's Rights and the Environment*.
- Children participated in the oral hearing.
- Advocates raised innovative jurisdictional arguments which the Committee considered even though the case was ultimately deemed inadmissible. Drawing on the reasoning of the *Inter-American Court of Human Rights' Advisory Opinion OC 23/17*, the Committee agreed with youth plaintiffs' argument that individual states are legally responsible for harm inflicted on children in other states due to emissions originating within their borders and under their control, and found the threats to children's lives, health, and culture to be foreseeable.
- The youth plaintiffs' arguments have potential for replication in other cases involving extraterritorial jurisdiction, thus advancing the discussion on state accountability for transboundary environmental damage.





Participants agreed that arguments based on children’s rights have been under-utilised in cases to date; but litigators could now leverage *General Comment 26*, to emphasize the expectations on States parties in the implementation of children’s rights to life, health, education, and participation in civil life, including the right to protest.

2.2 Domestic legal actions

To date, domestic cases across jurisdictions and continents have tended to focus on four claims (see table below):

Core area	Case	Issue
Insufficient efforts to reduce carbon emissions	<i>Do-Hyun Kim et al. v. South Korea</i> (2024), Constitutional Court, <i>decided</i>	South Korean youth activists sued the government, claiming inadequate climate action violates their rights. The Constitutional Court ruled the climate law unconstitutional, ordering amendments by 2026.
	<i>Neubauer, et al. v. Germany</i> (2021), Constitutional Court, <i>decided</i>	German youth challenged the Federal Climate Change Act, arguing 55% emissions reduction by 2030 violated rights. Court ruled law inadequate, and ordered stronger targets to protect future generations’ freedoms.
Inadequacy of and failure to implement climate change legislation	<i>Future Generations v. Ministry of the Environment, et al.</i> (2018), Supreme Court, <i>decided</i>	25 youth plaintiffs sued the Colombian government, municipalities, and corporations to enforce their fundamental rights. The Colombian Supreme Court recognized the Amazon as a ‘subject of rights’ and ordered the government to implement action plans to address deforestation, reversing a lower court’s dismissal of the case.
	<i>Jóvenes v. Government of Mexico</i> (2020), The Collegiate Court Mexico, <i>pending</i>	The lower court dismissed this case brought by youth for lack of standing. The case now awaits resolution by the Collegiate Court which has already stated: ‘Contrary to what was determined by the district judge, the Complainants do have a legitimate interest to file the ... lawsuit.’
Negative consequences of specific regulatory approvals	<i>PUSH Sweden, Nature and Youth Sweden, et al. v. Government of Sweden</i> (2016), Stockholm District Court, <i>decided</i>	Swedish state-owned energy firm’s sale of coal assets challenged in court as violating climate commitments. Court denied claims, citing lack of injury to plaintiffs.
	<i>Youth Verdict v. Waratah Coal</i> (2022), Land Court Queensland, Australia, <i>decided</i>	Youth Verdict objected to Galilee Coal Project, citing human rights violations. Queensland Land Court recommended rejecting the mine, considering climate change and rights infringement.
Government actions sustaining fossil fuel energy infringing on children’s constitutional rights	<i>Juliana v. United States</i> (2015), Supreme Court, <i>pending</i>	21 youth plaintiffs filed a lawsuit against the U.S. government, alleging that its policies promoting fossil fuel use violated their constitutional rights. In May 2024, the Ninth Circuit directed the district court to dismiss the case. In December 2024, the plaintiffs petitioned the U.S. Supreme Court.
	<i>Ali v. Federation of Pakistan</i> (2016), Lahore High Court, <i>pending</i>	Rabab Ali, a 7-year-old from Karachi, petitioned Pakistan’s Supreme Court against government actions, citing constitutional rights violations and environmental concerns related to coal development.

There is a clear jurisdictional divide between common and civil law in the arguments raised, which can have significant consequences for the scope of the claim, available remedies, and potential success. Indeed, the key challenge has been to define the scope of claims carefully, ensuring it neither weakens the cause of action nor limits the available remedies (see table right).

2.3 Principle of intergenerational equity

Courts are increasingly recognising and engaging with arguments based on the principle of intergenerational equity, which emphasises the rights and responsibilities of current generations to protect the environment for future generations (e.g. *Dejusticia*, *Neubauer*, *Greenpeace Nordic Association*). However, children’s rights are still underrepresented in both applications and judicial findings. Cases such as *Held v. Montana* show effective use of children’s rights arguments, but such examples are rare.

Moreover, there was debate amongst participants regarding the distinctions between child and youth litigants and their proximity to, or proxy for, future generations. For example:

- Some participants noted that intergenerational obligations are hardly ever specifically acknowledged or argued in court (with the exception of the *Montana* case). There was ensuing discussion about why this might be so: Perhaps a sense of legal/temporal limitations to such an argument, or a lack of knowledge by lawyers about the grounds for such arguments?
- The claim in the *Montana* case did not demarcate between generations, arguing instead that present generations would be harmed *in the future* as supported by medical, scientific, and psychological evidence, and therefore came within the framing of state (but not federal) constitutional law aimed to protect children’s rights.
- Participants in other jurisdictions (where no such law exists) noted the difficulty in separating the interests of future generations from those of current children in argumentation, opining that ‘future generations’ ought to be regarded as a class of their own, and that advocates should be asking courts to help define that class.

Scope of the claim

Too narrow

Austrian Fridays for Future case (G 123/2023) (2023)

In 2023, twelve Austrian children sued over inadequate climate protection. The Austrian Constitutional Court dismissed the application in case G 123/2023, arguing that the plaintiffs’ challenge was too narrowly focused. The Court noted that the plaintiffs contested only specific phrases within § 3 of the Climate Protection Act rather than addressing the provision in its entirety. The Court concluded that the application was too narrowly framed to effectively address the alleged unconstitutionality. Even if a violation had been found, the limited scope of the application meant that any remedy would have been insufficient to address the plaintiffs’ concerns regarding climate change.

Just right

Neubauer, et al. v. Germany (2021)

A group of young plaintiffs challenged the recently enacted Federal Climate Change Act, arguing that its target of a 55% reduction in GHGs by 2030 was inadequate and violated their fundamental rights under the German Basic Law. The Court ruled that the Act failed to ensure long-term reductions in greenhouse gas emissions, placing an unfair burden on future generations by deferring drastic cuts to a shorter timeframe, and ordered the government to revise the Act with clearer and more ambitious post-2030 targets.

Too broad

DUH cases (2022)

Eleven constitutional complaints, supported by the German NGO Deutsche Umwelthilfe, were filed against individual states, alleging that both federal and state governments failed to implement adequate climate protection measures. The Constitutional Court ruled that the complaints were overly broad and lacked the necessary specificity to substantiate claims of rights violations. The Court emphasized that the complainants did not adequately demonstrate how the absence of state-level climate legislation directly infringed upon their fundamental rights, particularly in light of existing federal climate regulations. This failure to establish a concrete link between the alleged omissions and specific rights violations led the Court to dismiss the complaints as inadmissible.

3 Promising new cases and emerging approaches

The roundtable sought to identify emerging cases and potential claims in youth-focused climate change litigation. It explored the development of new constitutional arguments for children's rights, the role of NGOs in strategic litigation, and the critical importance of ensuring access to justice not only for children but marginalised groups more broadly.

3.1 United States (US): A fertile jurisdiction?

Despite efforts such as *Juliana v. United States* or *Navahine F. v. Hawai'i Department of Transportation*, there is a significant gap in recognising children's equal protection rights concerning climate change. Historically, children have not been explicitly mentioned in constitutional protections such as the 14th Amendment, which were predominantly constructed in the post-Civil War era, focusing on the rights of formerly enslaved individuals rather than children.

Framing climate change litigation as a matter of children's rights could potentially transform this legal landscape. By focusing on how climate change disproportionately affects children, these cases can underscore the need for special legal considerations and protections. This approach not only strengthens the legal arguments of a case but also highlights the moral and ethical imperatives to safeguard the interests of future generations, thereby fostering a more just and equitable approach to environmental law.

3.2 Marginalised communities and Indigenous peoples

As part of a children's rights-based approach, participants expressed optimism about leveraging non-discrimination arguments to highlight the disproportionate impact of climate change on marginalised communities, particularly children. Non-discrimination and equality principles could provide a robust legal basis to compel governments and corporations to take more stringent actions against climate change. This conversation underscores the necessity of tailoring legal strategies to specific contexts, acknowledging that what works in one jurisdiction may not be as effective in another.

Moreover, in light of new cases, ongoing projects in countries such as Nigeria, Cameroon, Namibia, Uganda, and Kenya, Indigenous and minority groups encounter significant barriers to legal recourse. These barriers include limited access to courts, a lack of legal representation, and the complexities surrounding the implementation of favourable judgments. Addressing these obstacles to successful litigation requires a multifaceted approach that combines legal, social, and political interventions.



The legal bases and contexts relevant to these cases are distinct from those typically seen in predominantly European and American jurisdictions. These include state licensing laws, ancestral domain rights, and compensation mechanisms for land degradation. For example, in Nigeria, efforts are underway to hold companies accountable for environmental damage caused by oil spills, drawing on state licensure and ancestral domain claims. In Namibia, litigation focuses on securing reparations for land degraded by historical injustices such as the German genocide. In Uganda, cases are being brought against transnational companies that exploit natural resources and disproportionately harm local communities and future generations.



3.3. Potential non-state actor suits

Routes for holding non-state actors accountable were also identified. Participants highlighted the potential responsibility of companies and financial institutions that perpetuate and finance expansion of fossil fuels. Some argue that these projects and continuing ‘financed emissions’ are undermining the transition and efforts to mitigate the climate emergency, and thus compromise the right to life of children and future generations. In what ways are or could these non-state actors be held accountable in youth-focused litigation?

- New and emerging regulations that require firms and financial institutions to have transition plans, such as the 2023 EU *Corporate Sustainability Reporting Directive* (CSRD), or to exercise diligence regarding supply chain (scope 3) emissions and risks to human rights, such as the 2024 EU *Corporate Sustainability Due Diligence Directive* (CSDDD) could provide fertile ground for corporate accountability. The recent appeal decision of *Shell v. Milieudefensie* (The Hague Appeal Court, 2024), whilst unsuccessful on the remedy, affirmed that corporations like Shell have an individual responsibility – on top of any legislative requirements like the CSDDD – to reduce their emissions, across scope 1, 2 and 3 and that new investment in fossil fuel exploration would be justiciable due to a lack of alignment with Paris goals.
- Similarly, climate-related cases against financial institutions are increasing, with a recent example being *Notre Affaire à Tous Les Amis de la Terre & Ors v. BNP Paribas* (filed in 2023; pending in the Judicial Court of Paris). The plaintiffs claim that global bank BNP Paribas is breaching the French Vigilance Law 2017, French Civil Code and French Commercial Code due to inadequate transition planning and reduction of ‘financed emissions’ (scope 3 emissions resulting from financing activities); and demand, amongst other things, that the bank immediately terminate any financing to companies which develop new fossil projects, use its voting rights to influence investee companies to transition, and divest from any recalcitrant clients.
- There is a need for innovative legal strategies to scrutinise investments that undermine climate goals and youth-related rights. A handbook for youth and child-focused legal action vis-à-vis financial actors has been developed by WCC. This area is ripe for further exploration and increased collaboration among finance experts, NGOs, and legal advocates to develop litigation strategies.



Further discussion also highlighted that, theoretically, fossil fuel firms could be legally prosecuted for homicide in the USA. However, there are significant barriers to doing so, namely (a) political obstacles, given the powerful lobbying force of the industries concerned, and (b) practical obstacles, such as how best to identify ‘ideal’ victims and offenders to ensure that such litigation is successful and meets the required standard of proof. Moreover, participants noted that securities fraud, racketeering, and tort law all have criminal analogues that could be investigated and pursued.

4 Impacts of litigation: the good, the bad, and the unintended

4.1 Meanings and measurements of ‘success’

What are the indicia of ‘success’ in child-focused climate litigation? Participants agreed that a favourable court outcome can set valuable legal precedents and contribute to developing a robust legal framework for future litigation. Yet, they also acknowledged that even unfavourable decisions can instigate productive ripple out effects such as broader impacts on children’s rights, climate policy, and public awareness. Importantly, cases that fail on procedural grounds may still contribute significantly to the evolution of legal tools and strategies in climate litigation, as illustrated by the *Sacchi* case.

Indeed, such broader effects are signature indicia of ‘strategic’ climate change litigation, which seeks to take ‘a long view beyond the immediate success or failure of individual cases’ (Bouwer and Setzer 2020) to influence ambitious climate action more broadly by leveraging improved policy outcomes and corporate and societal behaviour (Peel et al. 2019). Thus, one aim of strategic child-focused litigation is to create a legal and cultural environment where climate justice can be more effectively pursued and achieved.

Nonetheless, participants could not agree on the ‘right’ balance between the broader benefits of bringing cases to court versus the direct costs and risks to litigants. Some participants emphasised that the cost of an unfavourable decision, in terms of financial loss and also the morale of young litigants, is too high for litigation to be undertaken without a watertight case. They argued that weak cases drain limited and valuable resources, contribute to setting unhelpful legal precedents, thus shaping bad law, and make the courts more hesitant to engage with these cases or the arguments presented in them.

Other participants disagreed:

- Some argued that even unsuccessful cases could raise public awareness through significant media attention and pressure governments to ratchet ambitions on climate change. For example, *Duarte*, although unsuccessful on procedural grounds, attracted international attention and mobilised support. It prompted discussions surrounding states’ extraterritorial obligations and the intersection of human rights and environmental law.
- Some opined that going to court should now be considered the first line of defence rather than a last resort for young people who have so few democratic rights yet want to hold adult decision-makers to account.

In the words of one participant: ‘In the context of ongoing existential crisis, climate litigation can serve a powerful function as a relational healing space in which adults communicate to children that they care enough to take action regardless of the outcome in an individual case.’

4.2 Youth as key actors within the litigation ecosystem

Participants explored the diverse effects of climate change litigation on youth, emphasising the importance of safeguarding their well-being throughout the legal process, especially for those under the age of 18 years (i.e., children). The discussion centred on the personal experiences of young litigants, the mental health impacts of litigation more generally, and effective strategies to mitigate potential harms.

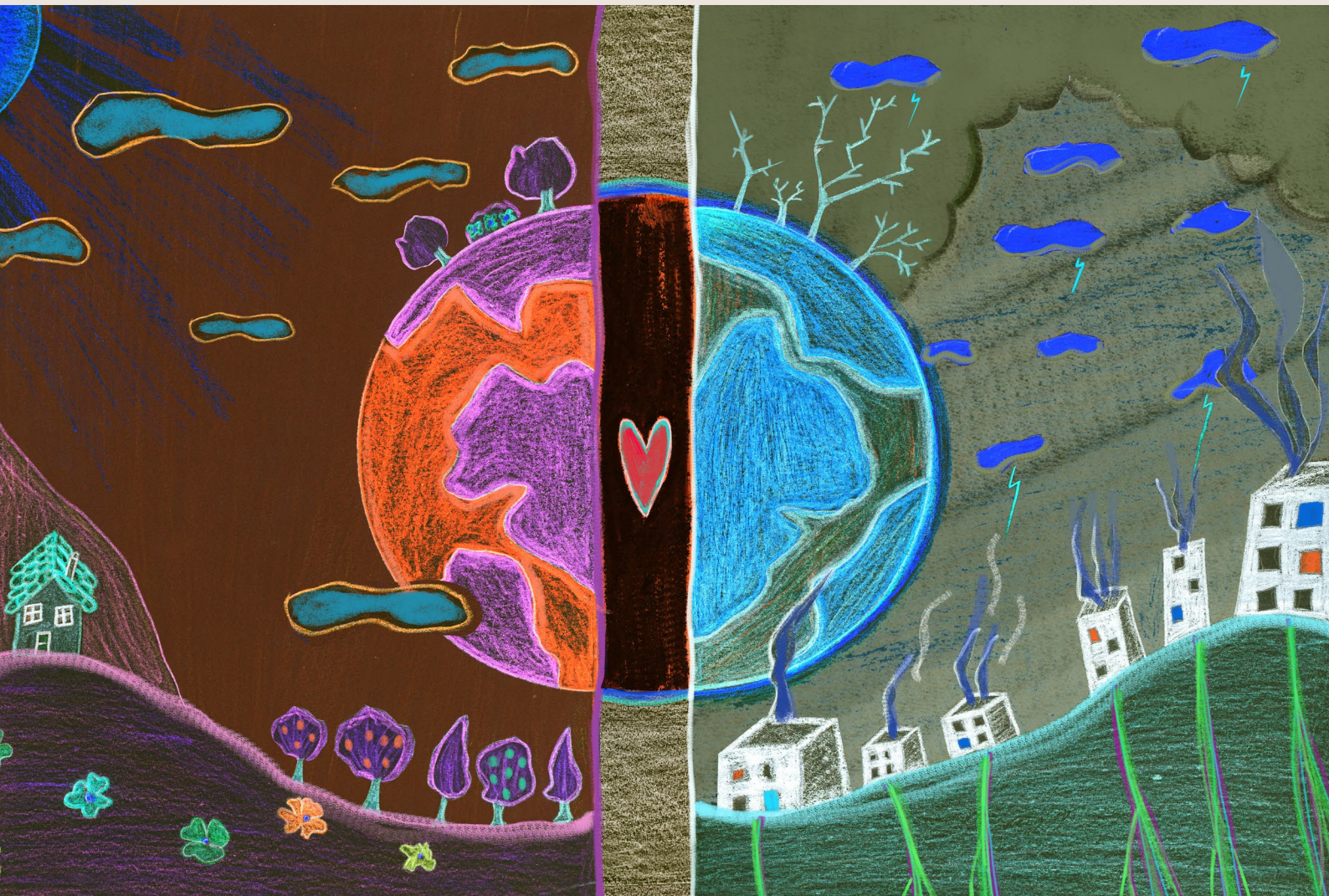
While the primary goal of strategic litigation is often to effect societal change more broadly and thus bring about systemic change, some participants opined that the aims of litigation in this space must be rooted in advancing and enhancing children’s rights. This, in turn, requires:

- A deep reflection on the methodologies used by litigators and advocates, particularly concerning their interactions with youth plaintiffs.
- Incorporating the perspectives and voices of children who are participating throughout the litigation process to ensure that their involvement is not just symbolic but also substantively meaningful.
- Ensuring that children understand the legal process and potential outcomes. Full and informed instructions are essential to maintain their empowerment and avoid disillusionment.

Clear communication and realistic expectations are essential to help prevent such disillusionment; and transparency is crucial for fostering a sense of agency among young litigants.

Currently, there seems to be a disparity in practice among litigators regarding the involvement of children (Nolan and Skelton 2022). Effective practices identified include adapting communication to be child-friendly, such as avoiding overly technical legal jargon and using accessible language. Additionally, psychological support through workshops and counselling was highlighted as a vital component in helping children navigate the emotional complexities of being litigants. These practices ensure that children can make informed decisions and feel genuinely involved in the process, which is essential for their empowerment and well-being.

‘In the context of ongoing existential crisis, climate litigation can serve a powerful function as a relational healing space in which adults communicate to children that they care enough to take action regardless of the outcome in an individual case.’





Some participants noted that an over-reliance on parents as advocates can be problematic, often overshadowing or sidelining the voices and opinions of children in the strategic decision-making process. Furthermore, litigation can create additional pressures or conflicts within families and communities that may not fully support the legal actions. Litigators must be mindful of these dynamics and take steps to mitigate any negative impacts. It is essential to engage with communities to build broader support for the children's actions and ensure that the litigation process does not isolate or alienate the young plaintiffs from their support network.

A broader ecosystem surrounds child-focused litigation, extending beyond the litigators and litigants. For example, funders must be cognizant of the rights and vulnerabilities of child plaintiffs when supporting litigation. This includes being cautious about demanding that children share their personal stories publicly, which can be emotionally taxing and potentially harmful. Funders should integrate children's rights into their evaluation frameworks and support structures that prioritise the children's well-being. This also includes providing legal and emotional support, facilitating child-friendly communication, and helping children prepare for media exposure.

Effective communication strategies are necessary to manage public perceptions and mitigate the potential negative impacts of media exposure on young plaintiffs. Some litigators have modelled best practices by working closely with children to prepare them for public speaking and media interactions. This approach ensures that their stories are shared in ways that respect their dignity and agency.

Most – if not all – cases involving children rely heavily on NGO involvement, with NGOs either leading or supporting their efforts. This underscores their influential role and significant responsibility both towards children and developing global litigation. NGOs must act strategically and ethically, ensuring their actions do not disempower the communities they aim to support.

Participants also identified broader shortcomings within legal systems and the approaches courts may take regarding the treatment of child plaintiffs in climate litigation. Participants discussed three primary issues: treating children as adults, presenting inaccurate evidence, and relying on governments to represent children's best interests.

- Courts often fail to recognise children's unique needs and perspectives. For example, in the *Juliana* case, the Court ultimately

suggested the issue was for voters. This ignored the fact that children are excluded from the democratic process and therefore the Court, in effect, dismissed youth voices.

- Judicial attitudes towards scientific evidence can vary widely. Some courts have demonstrated a robust understanding of and willingness to engage with complex scientific data, recognising the validity and value. Other courts can be sceptical of data accuracy due to their inability to understand the science or engage with this evidence. Moreover, some participants viewed the 1.5°C temperature target enshrined in the Paris Agreement as a political rather than scientific benchmark, which is still too high for incoming generations (see misapplication of scientific evidence in *Duarte*).
- Courts and legal systems erroneously regard governments as adequate representatives of children's interests. This approach often excludes children from advocating for their rights in forums like the International Court of Justice (ICJ), where only State parties may present cases. A good example of involving stakeholders, which in these cases would be children, is the approach of the Inter-American Court of Human Rights, which included public hearings for all parties involved, providing a more inclusive platform.

4.3 Access to justice and redress for children

Participants examined how inadequate access to justice continues to hinder climate change litigation. The requirement to exhaust domestic remedies, as illustrated by the *Sacchi* case and *Duarte Agostinho v. Portugal*, often prevents timely international legal action and the inability to utilise international mechanisms. This procedural hurdle means that children must first exhaust all possible avenues within their own jurisdiction before approaching international bodies. While these domestic processes are theoretically designed to be accessible and somewhat timely, the reality is that processes are often lengthy, costly, and incredibly complex. This creates significant delays and undue obstacles that can discourage or even prevent children from pursuing future cases. The procedural requirements can be overwhelming, and the time it requires to exhaust all available domestic remedies can ultimately become prohibitive, especially given the urgent need for action regarding climate change and its impact on present and future generations. In *Sacchi*, the Committee declined to allow an exception under article 7e of OP3, where the 'application of the remedies is unreasonably prolonged or unlikely to bring effective relief'. The issue was considered in relation to Portugal in *Duarte*, but the European Court of Human Rights similarly found against the young people's

arguments, which included that the urgency and gravity of the situation and the novel and supranational nature of the issue as well as the inadequacy and ineffectiveness of available domestic remedies justified application of the exception. Moreover, barriers to access extend beyond the issues of timeliness and general procedural complexity. As discussed throughout the roundtable, domestic and international legal systems are often not equipped to meet the specific needs of children.

4.4 Child wellbeing and the broader role of litigation

Participants acknowledged broader well-being concerns associated with the climate crisis and debated how these related to litigation processes and outcomes.

By way of context, two reports from 2021 highlight the importance and urgency of addressing the detrimental effects of climate change on young people and children. UNICEF stated that almost half of the world's 2.2 billion children are already 'at extremely high risk' from the impacts of climate change and pollution (UNICEF 2021). A comprehensive global study published in the *Lancet* medical journal titled '[Climate Anxiety in Children and Young People and their Beliefs about Governmental Responses to Climate Change: A global survey](#)' (Hickman et al. 2021) found that 'climate anxiety and distress were correlated with perceived inadequate government response and associated feelings of betrayal' with the related publication '[Young People's Voices on Climate Anxiety, Government Betrayal and Moral Injury: A Global Phenomenon](#)' (Marks et al. 2021) specifying that nearly six out of ten of the young people surveyed aged between 16–25 were worried about the effects of climate change and four out of ten respondents felt that concerns about the climate emergency and their future has encouraged hesitancy about having children. Interestingly, these emotions were prevalent regardless of geography: children from both the global north and south are impacted cognitively and emotionally even though physical impacts of climate change may be more immediate in the global south. One participant noted that 'Climate anxiety is actually "politician anxiety" where the adults in control are failing to protect'.

These studies highlight the need for comprehensive mental health strategies that address the unique challenges posed by the climate crisis to children's well-being. Importantly, children experience climate-related mental health issues differently than adults. Indeed, a key observation is that children find the lack of political action particularly distressing, feeling betrayed by those in positions of power. This sense of abandonment can lead to severe emotional responses, including

despair and even suicidal thoughts. In the words of one participant: 'A child doesn't know how to live in a world that doesn't care'.

Participants highlighted two implications. First, climate anxiety is not a generic or typical mental health issue and, therefore, cannot be treated using 'old-school mental health paradigms'. Secondly, courtrooms may offer a place and space for generational healing. 'Children are more scared by *not* taking action rather than by a case being "unsuccessful" in court. As such, the act of litigation can be seen as positive because it is communicating to children that adults care'.



5 Findings



FINDING 1

Case law exegesis highlights the systemic deficiencies of domestic and international arrangements for children to seek justice

As discussed throughout the roundtable, both domestic and international legal systems fall short and are not equipped to address children's specific needs. States must ensure adequate access to justice for children. However, there is a growing opportunity to leverage international legal commentary to strengthen children's rights in environmental human rights cases, particularly cases concerning climate change. Attention was drawn to the forthcoming *General Comment 27 on Children's Right to Access to Justice and Effective Remedies* and delegates were encouraged to respond to the call for submissions on the draft.

FINDING 2

The need for legal innovation entails making full use of international jurisprudence to address domestic gaps while understanding jurisdictional challenges and the scope of claims in different legal systems

- Understanding how to navigate jurisdictional legal challenges and apply international frameworks in domestic contexts is essential for advancing climate change litigation.
- International legal instruments can be used to fill domestic gaps. This includes greater reliance on the Convention on the Rights of the Child and advisory opinions from bodies such as the Inter-American Court of Human Rights.

FINDING 3

The role and interests of children as plaintiffs in climate litigation are essential yet multifaceted

- Through direct participation, children contribute to stronger legal arguments and bring a moral urgency to climate change issues that can galvanise public support. This also ensures that youth perspectives and interests are adequately represented and that children are seen in their own right.
- Yet, concomitantly, the impact of legal proceedings and unfavourable judgements must be acknowledged and mitigated.

- Youth agency is important, but it is not synonymous with a responsibility to solve planetary crises that nascent generations did not create.

FINDING 4

An evolving concept of 'active engagement' of children in litigation

Climate change litigation serves as a tool to empower children and provides them with a platform to act. Their involvement recognises them as key stakeholders in the fight against climate change. Active engagement in litigation is one avenue to explore in response to the severe psychological consequences of children lacking agency and adults' inaction in response to climate change. It can ensure that children and youth are seen, their voices are heard, and their concerns and well-being are considered throughout the process.

This includes:

- Ensuring that children understand the process at all stages of litigation, feel they are continuously supported emotionally and psychologically, and feel confident in raising concerns throughout proceedings.
- Clear communication and setting realistic expectations to prevent disillusionment and maintain trust in the legal process. Lawyers and advocates must ensure that youths are fully aware of the potential outcomes and risks associated with litigation. This transparency is crucial for fostering a sense of agency and empowerment among young litigants.
- Effective child-friendly communication, such as avoiding overly technical legal jargon.
- Placing the best interests of the child at the heart of legal cases and also funding operations, including psychological support throughout proceedings.
- Working with communities of child litigants to ensure that no additional pressures or misconceptions arise to isolate or alienate young plaintiffs from their support networks.
- Collaboration not only between legal experts, NGOs, and policymakers but also psychologists, educators, and environmental scientists.

‘We are so short of time now that we need as many players on the field as possible, and they all need to be playing together. We need to talk to each other [about prior cases and litigation experiences] and allow each other to pass the ball.’





FINDING 5

Defining and measuring ‘success’

- It is important to strike a balance between the prospect of legal success and long-term impact outside of the court systems versus the costs and risks involved in bringing individual actions. Nonetheless, the notion of a ‘right’ balance is contested.
- Ultimately, measuring success will depend on the claim, but indicia of success can include enshrining climate rights as fundamental rights, bringing about substantive improvements in policy and governance, improving the welfare of children, and/or restoring the climate system to one that is safe.
- Looking forward, further attention to remedies will be useful. Were the remedies sought in past cases sufficient, and are the remedies that were awarded actually being implemented? This opens up a new area of interest, which is particularly important for defining and measuring ‘success’.

FINDING 6

Judicial engagement

The judicial attitudes towards these cases and the understanding and use of scientific evidence play a pivotal role in the outcomes of climate change litigation. Courts that are open to considering arguments related to intergenerational equity and broader human rights claims can significantly influence the legal landscape, fostering positive change. Understanding scientific evidence is fundamental to establishing causation and proving that the actions or inactions of government or private entities, as well as individuals, contribute to climate change and violate human rights. As it stands, judicial attitudes towards this scientific evidence can vary widely. The role of the litigator, as well as expert witnesses, is particularly important in communicating such data in a clear and compelling manner. This requires collaboration between legal experts and scientists. The role of attribution science is becoming more and more important in this area.

FINDING 7

While litigation is a powerful tool, it must be complemented by other forms of advocacy and support to create lasting change

By working together, legal practitioners, NGOs, and community groups can better navigate the complexities of climate justice and secure meaningful outcomes for those most affected by environmental degradation.

In the words of one participant: ‘We are so short of time now that we need as many players on the field as possible, and they all need to be playing together. We need to talk to each other [about prior cases and litigation experiences] and allow each other to pass the ball.’



6 Recommendations

RECOMMENDATION 1

Facilitating greater impact requires more interconnectedness and coordination amongst practitioners, academics, NGOs, and funders

Participants agreed that greater interconnectedness among practitioners, academics, NGOs, and funders is crucial to coordinate learnings and legal actions across jurisdictions and, therefore, to increase the efficient and effective use of resources.

The current momentum of youth-focused climate change litigation needs to be maintained by building networks of support to provide ongoing assistance as well as resources to all participants in the litigation ecosystem. By creating a lasting infrastructure of support, the impact of individual cases can be extended and contribute to a sustained movement for climate justice that empowers future generations.

Some proposals included:

- Creating a network for academics and litigators to share updates and developments, seek to replicate successes and organise regular opportunities for these groups to come together.
- Widely sharing legal resources and knowledge, especially for young litigators, regardless of jurisdictional differences. Examples of successful collaboration and knowledge sharing include the involvement of Our Children's Trust in cases worldwide, demonstrating the importance of mutual learning, and the University of Cork's Youth Climate Justice Project, launched in November 2023, which aims to build a network and provide a database focused on child-related arguments.
- Increasing collaboration between universities to develop a comprehensive case database that builds on current work in this space. It was noted that: (1) various definitions of 'youth' exist in different jurisdictions around the world, with the UN having at least five different definitions, none of which are limited to individuals under 18; and (2) Very few cases to date have been led *in fact* by children; most have been led by adults representing child clients. Indeed, a comprehensive database should reflect intergenerational efforts to drive change: this would include litigants under and over 18 years old to capture the full scope of relevant jurisprudence (e.g. *KlimaSeniorinnen* case).
- Take a multi-perspective approach that may include a climate change focus and/or one that promotes children's agency.

RECOMMENDATION 2

Systemic change is required to integrate and embed youth rights into law and policy and to explicitly recognize and protect children's rights

Legal systems need to better accommodate the needs and capacities of young plaintiffs, ensuring that they are not merely symbolic participants but are meaningfully involved in proceedings. The goal is to make the legal system more accessible and less intimidating for young people, especially children, fostering an environment where their voices can be heard and valued. Children's unique vulnerabilities and perspectives require specialised approaches in legal proceedings.

In the words of a participant: 'We need to put the child at the heart of the matter.'

Some proposals:

- Advocating for international treaties and national laws that give children and youth a seat at the table in environmental decision-making processes.
- Embedding children's rights into core legislation so that societies can better safeguard the interests of future generations and create a more just and sustainable world.

As per Recommendation 1, this comprehensive approach requires collaboration among legal practitioners, policymakers, NGOs, and the broader community to drive meaningful change in how the intersection of children's rights and environmental justice is addressed. It also requires collaboration between psychologists, educators, and environmental scientists to develop comprehensive strategies that address both the legal and psychological needs of children.

‘We need to put the child
at the heart of the matter.’

‘We need creative boundary-pushing
rather than hubristic lawyering.’

‘...the possibilities [for creative remedies]
are as yet untapped in this space.’



RECOMMENDATION 3

There is an acute need for more targeted education and awareness

This ranges from raising public awareness about the opportunities of climate litigation to the training of the judiciary to engage with scientific evidence more directly.

Educational programmes should provide affected communities with knowledge about legal tools available for combating climate change. Furthermore, integrating scientific literacy into legal training can improve the judiciary's ability to interpret and apply complex environmental data.

RECOMMENDATION 4

Lawyers can (and should) be more 'creative' in the remedies they seek

We are beginning to see creative remedies emerging in recent litigation and claims before the UNHRC and ICJ. Analogues also exist in other areas of law that can be considered in youth-focused climate litigation.

One participant noted that: 'the possibilities [for creative remedies] are as yet untapped in this space.'

Some proposals for types of remedies included:

A. Against governments:

- Preventive measures such as revising legislation in line with the latest science.
- Provisional measures to ensure that a current situation does not get worse.
- Guarantees of non-recurrence.
- Punitive damages that are used to fund disaster relief.
- Declarations of incompatibility with the UDHR and/or UNCRC.
- Direct monetary compensation to victims.
- Broader concepts of 'compensation' that include paying for beneficial activities for affected communities such as education, upskilling, counselling, health insurance, etc.

B. Against companies:

- Tithing a percentage of profits to go to affected communities for adaptation and/or clean-up costs.
- Punitive damages to fund disaster relief.
- Remedies of restorative justice mechanisms in criminal proceedings against company boards.
- Direct monetary compensation to victims.
- Broader concepts of 'compensation' including paying for beneficial activities for affected communities such as education, upskilling, counselling, health insurance, etc.



7 Epilogue and next steps

Just days after the first roundtable, two landmark ‘age-related’ climate cases were decided by the European Court of Human Rights (ECtHR) on 9 April 2024. Several participants in these landmark cases were also participants in the youth litigation roundtable at King’s College London and thus substantive merits and processual challenges were discussed at our roundtable on 5 April. In the case of *Duarte Agostinho, et al. v. Portugal and 32 Other States*, a group of Portuguese children and young adults filed a complaint before the ECtHR. They alleged that 33 governments, including their own, are failing to take sufficient action against climate change, which poses significant risks to their lives and well-being. Claimants had relied on right to life and health arguments and the Court itself had raised questions in relation to right to property and the prohibition against ill-treatment. Frustratingly, however, the substantive merits of the case were not heard because the ECtHR held the case to be inadmissible on procedural grounds regarding the need to first exhaust domestic remedies.

Nonetheless, the contemporaneous case of *Verein KlimaSeniorinnen Schweiz, et al. v. Switzerland* brought by a group of elderly Swiss women did proceed to a judgment on the merits. The ECtHR held that the Swiss government’s failure to rapidly cut greenhouse gas emissions is a violation of human rights. The judgment has now set a benchmark for all European countries to urgently align national mitigation efforts with the ‘constantly developing scientific evidence on the necessity of combatting climate change and the urgency of addressing its adverse effects’ (Judgment, *Verein KlimaSeniorinnen Schweiz, et al. v. Switzerland*); an outcome that will have implications for children’s rights and youth-led litigation. Indeed, impacts on youth and future generations were acknowledged explicitly by the ECtHR in the *KlimaSeniorinnen* case: it found, amongst other things, that ‘a disproportionate blame on future generations’ must be avoided so measures must be implemented in ‘good time and in an appropriate and consistent manner’. Not surprisingly, the *KlimaSeniorinnen* decision has been described by the Global Legal Action Network (GLAN), which supported the Duarte youth case, as ‘a massive win for all generations!’

Recent developments in two high-profile U.S. cases, supported by Our Children’s Trust, highlight both the ongoing challenges and the great potential of youth-led climate litigation. In December 2024, the plaintiffs in *Juliana v. United States* petitioned the Supreme Court after the Ninth Circuit dismissed it in May 2024. This highlights the procedural obstacles young plaintiffs encounter in federal courts. Conversely, the settlement achieved in June 2024 in *Navahine F. v. Hawai’i Department*

of Transportation represents a significant victory. The agreement requires Hawai’i to decarbonise its transportation system by 2045.

Another significant development occurred in the High Court of South Africa on 4 December 2024. The Court delivered a key judgment in the case of *African Climate Alliance et al. v. The Minister of Mineral Resources and Energy et al.* The Court ruled that the government’s plan to procure an additional 1500 megawatts of coal-fired power capacity was unconstitutional. This decision was based on the government’s failure to consider the environmental and health impacts on the nation, particularly on children and future generations. The Court highlighted the constitutional rights to a healthy environment and children’s best interests. The judgment sets an essential precedent for climate litigation in South Africa and beyond, paving the way for more cases challenging government policies that fail to address climate change and protect constitutional rights adequately.

In summary

The rise of youth-focused climate change litigation underscores a significant shift towards recognising the rights and agency of children and youth in relation to environmental policy, law, and the climate crisis. By taking legal action, these young plaintiffs are not only advocating to protect their own futures, but also setting precedents that could reshape climate change and environmental law and policy globally to the benefit of future generations. Their involvement demonstrates the urgency with which the climate change movement should be approached, highlighting the intergenerational impacts of climate change policies and the need for immediate action. This area is ripe for further research and collaboration to consolidate and expand the growing global community of practice that seeks to identify an action plan for youth strategic litigation in relation to climate change.

8 Roundtable 2: maximising the impact of litigation

The second roundtable, building on discussions from the first, was held on 6 December 2024. It addressed two core themes: new approaches to liability, covering corporate, and criminal accountability and the responsibilities of financial institutions, and enforcing judgments and implementing remedies, including fostering youth participation and safeguarding young litigants' well-being.

KEY DISCUSSION POINTS

Expanding accountability for climate litigation

Financial institutions emerged as key targets of civil and criminal accountability. Participants highlighted banks' and investors' influential relationships with fossil fuel companies by providing financing and advisory services. Cases such as *Notre Affaire à Tous, Les Amis de la Terre*, and *Oxfam France v. BNP Paribas* show how banks' enabling roles can be utilised in litigation to compel them to adopt more science-aligned transition plans. By challenging not only the financing of harmful projects but also banks' failure to drive change among their clients, such cases can embody a network-oriented approach to accountability. Banks presenting themselves as sustainability partners for clients moving toward net zero may face legal and reputational risks if they fail to meet their own claims.

Ensuring remedies translate into impact

Effective remedies are central to climate litigation, as successful judgments will not drive change unless they result in tangible outcomes. Often, this requires systemic changes, such as corporate restructuring, policy amendments, or compliance with emissions reduction targets. The workshop agreed that implementation can be challenging due to the need for multi-stakeholder coordination and robust monitoring mechanisms. Participants also highlighted the long-term nature of implementation, and the necessity of sustained funding and oversight to achieve results. For example, NGOs need to be proactive in holding states accountable for implementation of judgements made by the ECtHR, where supervision by the committee of ministers lacks transparency. Models such as settlement agreements with detailed implementation plans, as seen in cases like *Navahine F. v. Hawai'i Department of Transportation*, were noted as potential frameworks to ensure compliance.

Youth participation in climate litigation

The growing reliance on children and youth as central figures in climate litigation brings moral weight to the fight against climate change.

Participants were concerned about the ethical and psychological impacts of placing such burdens on younger generations. They discussed the risks of over-reliance on youth, which may inadvertently seem to absolve adults, governments, and corporations of responsibility. While the involvement of young people is both necessary and powerfully symbolic, it is important that adults (a) manage and support young people's understanding of process and remedies and (b) take the lead in seeking solutions and enforcing implementation. This approach acknowledges the expertise and agency of younger generations while safeguarding them from undue pressure.

Key takeaways

Broadening accountability for financial institutions

Litigation will likely increasingly target financial institutions not only for their financing practices but also for their roles as relationship advisors that can drive corporate change.

Strengthening remedies

To ensure court rulings can translate into actual change, remedies must integrate innovative enforcement mechanisms. These might take the form of detailed settlement agreements and/or establishing judicial commissions with diverse representation that include youth and marginalised communities.

Balancing youth involvement

Children participating in litigation must be protected to safeguard their well-being and prevent overburdening. This requires not only psychological support but also reframing their role as part of a collective, multigenerational effort.

Indigenous and global south perspectives

Including Indigenous knowledge systems and Global South voices enriches legal strategies and highlights the diverse impacts of climate justice. Collaborative efforts with Indigenous communities, as seen in Brazil, offer ways forward for more inclusive litigation.

The ripple-out effects of youth-focused litigation

Such litigation is important for protecting and promoting climate rights and justice generally; and all climate-related litigation has the potential to benefit youth and future generations. Identifying synergies and coordinating strategies is crucial.

9 Appendices

Appendix 1: Participant organisations

25 Bedford Row
Centre for Child Law at the University of Pretoria
Child Rights Connect
ClientEarth
Child Rights International Network
DA Vienna
Doughty Street Chambers
Garden Court Chambers
Good Law Project
King's College London
Minority Rights Group International
Our Children's Trust
Public Citizen's Climate Program
Sturm College of Law
UN Committee on the Rights of the Child
University College Cork
University of Antwerp
University of Bath
University of Nottingham
University of Pretoria
University of the Western Cape
Vrije Universiteit Brussels
World Council of Churches

Appendix 2: Key case citations

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Held v. State of Montana, No. CDV-2020-307 / No. DA 23-0575, Montana (2023)
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General Comment No. 26, UN Committee on the Rights of the Child (2023)

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