

**Decisions and Views of the
Committee on the Rights of the Child**

Climate Change and Children's Rights

**The case of:
Sacchi and others vs. Argentina and others**



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The original version of this work has been prepared by Mateo Chitha, Lauren O'Neill, Yaël Pelegrin, and Francesca Pisanu as part of their studies in the Master of Laws: Advanced Studies in International Children's Rights of Leiden University, Academic Year 2021/2022. The published version concerns an edited version published by the Leiden Children's Rights Observatory.



Sacchi and others vs. Argentina and others

In **2019**, **16 children** from Argentina, Brazil, France, Germany, India, Marshall Islands, Nigeria, Palau, South Africa, Sweden, Tunisia, and the United States of America, **complained to the Committee on the Rights of the Child**.

They said that their **rights to life, to health, to culture, and their best interests were being harmed** by the States of Argentina, Brazil, France, Germany, and Turkey because they knew that **climate change** had **harmful effects** but were not making enough efforts to act against it.

The Committee had to **check if rules were followed** for the Committee to be able to look at this case and they found that the **children didn't follow the rule that children should first try to find solutions to their problems in the countries**. So, the **Committee decided they could not look at the complaint** and would not be able to decide if their children's rights were respected or not.



Who are the children?

16 children from all over the world came together to complain to the [Committee on the Rights of the Child](#) about how [climate change](#) is affecting them. They complained against Argentina, Brazil, France, Germany, and Turkey.* Those children are: Chiara, Catarina, Iris, Raina, Ridhima, David, Ranton, Litokne, Deborah, Carlos, Ayakha, Greta, Ellen-Anne, Raslen, Carl, Alexandra.

What happened to the children?

The children are all suffering from the [harmful](#) effects of [climate change](#). This means that the planet is heating up because of human activities like driving cars and cutting down forests. These activities release gases into the atmosphere called [greenhouse gases](#), which slowly warm the planet and cause climate change.

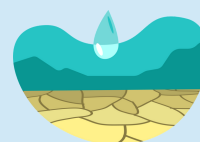
Effects of climate change on children



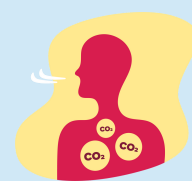
Earth is getting hotter and it is already causing terrible effects. If the Earth reaches 3-4°C of heating by 2100, which will happen if countries don't fight climate change, its impacts will harm the lives of over 2 billion children.



Heatwaves and wildfires



Droughts and floods



Bad air quality and more diseases



Sea levels rise and more violent storms



Loss of plant and animal species and indigenous food sources

What are the children saying?

[Children's rights](#) are promises that countries make to protect children. The [Convention on the Rights of the Child](#) is the world's biggest set of promises about children's rights. The children say that the countries are harming these rights:



All countries should do what is best for children. Not keeping the promise to fight climate change is not what is best for children.



Climate change harms children's lives by creating harmful events like storms and new illnesses.



Countries' actions that cause climate change leads to less clean water and food for children and harms their health.



Climate change harms indigenous children and their traditional food. So, their right to culture has been broken.

* Since each country has its own responsibility in fighting climate change, the Committee made a separate decision for each one. Here, they are presented together for clarity. The links to the original texts of the decisions can be found under 'Useful Resources'.



What do the children want?

The children ask that the Committee says:

- Climate change is a children's rights problem and countries are not doing enough to fight it.
- Countries should work together and make rules to fight climate change and measure if these are working.
- Countries should do what is in the **best interests of the child** and should ask children what they think about the actions they take.

Can the complaint be accepted and studied by the Committee?

For a **complaint** like this to be looked at by the Committee, there are rules that need to be followed to accept the complaint and study if there was a harm to children’s rights. This is called the **admissibility stage**.

Rules of the admissibility stage	What do the children say?	What do countries say?	What did the Committee decide?
1) Children who are complaining have to be under the responsibility of the country.	The children say countries are responsible because climate change harms children all over the world.	The countries say they are not responsible for children in other countries.	The Committee decided countries are responsible for releasing greenhouse gases which cause climate change in all countries in the world and cause problems for all children wherever they are. So, the Committee will look at complaints from children who are not under the responsibility of the country but are affected by their actions that cause climate change. ACCEPT
2) The harm to children’s rights needs to be explained enough to show that there is a real problem that affects children’s rights.	The children say they showed in detail how the climate change harmed each of them.	The countries say climate change is not a children’s rights problem under the Convention.	The Committee decided the explanation of how climate change harmed each child in specific ways is enough for the Committee to accept the complaint. ACCEPT

Rules of the admissibility stage	What do the children say?	What do countries say?	What did the Committee decide?
3) Children should first try to find solutions to their problems in the countries.	The children say they did not do this because it would take too long and climate change needs quick action. They also say that the solutions they would get from the countries would not be enough to reduce climate change. For example, one country could not find solutions to a problem that affects the whole world.	The countries say it was possible for the children to try to find solutions in the countries. For example, children have already complained about climate change to the courts of some countries.	The Committee decided: 1) the children did not show that the solutions of the countries would not be enough to reduce climate change; 2) the children did not even try to complain in the countries. So, the Committee could not accept the complaint. 

Conclusion:

The Committee took **children's complaints** very seriously. It said that **climate change** is a problem for children and **harms many children's rights** and all countries are **responsible** for it. So, the children's **complaint** followed the first two rules of the **admissibility stage**.

But, the third rule was not followed.

Because of this, the Committee decided they could not look at the **complaint** and would not be able to decide if their **children's rights** were respected or not.

Useful resources:

- The original texts of the decisions [CRC/C/88/D/104/2019](#); [CRC/C/88/D/105/2019](#); [CRC/C/88/D/106/2019](#); [CRC/C/88/D/107/2019](#); [CRC/C/88/D/108/2019](#).
- The [Committee's child friendly page](#).
- The [child friendly version](#) of the UN Convention on the Rights of the Child developed by UNICEF.
- An introduction to the Sami [indigenous people](#).

Glossary:

Article 3: Best Interests of the Child

When adults make decisions, they should think about how their decisions will affect children. All adults should do what is best for children. Governments should make sure children are protected and looked after by their parents, or by other people when this is needed. Governments should make sure that people and places responsible for looking after children are doing a good job.

Article 6: Life, Survival and Development

Every child has the right to be alive. Governments must make sure that children survive and develop in the best possible way.

Article 24: Health, Water, Food and Environment

Children have the right to the best health care possible, clean water to drink, healthy food and a clean and safe environment to live in. All adults and children should have information about how to stay safe and healthy.

Article 30: Minority Culture, Language and Religion

Children have the right to use their own language, culture and religion - even if these are not shared by most people in the country where they live.

[Admissibility/admissible](#) = Whenever the Committee receives a complaint, it has first to check if some rules were followed that allow it to accept the complaint and study if there was a violation or not. This stage is called "admissibility."

[Air quality](#) = How good the air we breathe is. When this gets worse, people can find it harder to breathe.

[Children](#) = Anyone younger than 18.

[Children's rights](#) = Promises that countries made so children can have a good life.

[Climate change](#) = The planet is getting hotter because of the actions of humans and countries.

Complaint = When you ask somebody to stop doing something you don't like because it is harming your rights.

Droughts = This is when it does not rain for a long period.

Et al = And others.

Floods = When water levels rise dangerously on land.

Greenhouse gases = Harmful gases which cause climate change.

Harmful = Creating harm.

Heat wave = A heat wave is a long period of extremely hot weather.

Indigenous people = People that lived in an area or country before any other people lived there.

Responsible = If you are responsible, you do the things you have to do. Countries are responsible for protecting children's rights.

Sea Level = The height the ocean usually is.

The Committee on the Rights of the Child = a team of people from all over the world that guide countries and make sure that countries keep promises to children. The children can complain to the Committee when they feel that a country has harmed their rights.

Wildfires = These are fires caused by hot temperatures and can spread across big areas of land.

This child-friendly version was developed using the model outlined in Child Rights Connect's template, "[How to Draft a Child-Friendly Version of an OPIC Case.](#)"

This is an edited version of the original student work, for which the Leiden Children's Rights Observatory assumes full editorial responsibility. This version does not reflect the views of the UN Committee on the Rights of the Child or any of its members, nor does it represent the views of Leiden University or any other entities with which the Leiden Children's Rights Observatory is currently or has previously been affiliated.

Note: To cite this publication, please use the following reference: Child-Friendly Version, Case No. 104/2019, 105/2019, 106/2019, 107/2019, 108/2019, Sacchi and others vs. Argentina and others, Leiden Children's Rights Observatory, February 2025.