

**YOUTH VOICE MATTERS:
THE CRITICAL NATURE OF YOUTH PARTICIPATION IN
ACHIEVING THE RIGHT TO A HEALTHY ENVIRONMENT**

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INTRODUCTION

On July 28, 2022, the United Nations adopted a resolution that recognizes “the right to a clean, healthy and sustainable environment as a human right.”² Its call to action urges “[s]tates, international organizations, business enterprises and other relevant stakeholders to adopt policies, to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all.”³ Although governments and global corporations are clearly the primary targets of this call to action given their power to affect—and address—climate change, there is arguably no more central a stakeholder in humanity’s response to climate change than children.

Children and youth will be, and in many respects already are, the population most affected by climate change.⁴ Yet they are largely overlooked and relegated to the margins in many public and private sector efforts to address climate change and forge a clean, healthy, and sustainable environment for all. This essay calls for a mainstreaming of children and children’s rights in both public and private sector dialogues and action on climate change. Further, governments and civil society must not only make their spaces inclusive of young people, but they must also make space for and support children’s own vision and initiatives. In short, the true potential of the right to a healthy environment cannot be realized without meaningful input from young people or without mainstreaming young people’s rights and leadership.

I. IMPACT ON CHILDREN AS BASIS FOR INCLUDING CHILDREN

As the United Nations Children’s Fund (“UNICEF”) explains, children are the “least responsible” for climate change, yet they “are bearing the brunt” of its impact.⁵ Today’s children will live further into the future and thus experience more years in which our world is increasingly affected by climate change. Furthermore, children, by their very nature,

2 G.A. Res. 76/300, The Human Right to a Clean, Healthy and Sustainable Environment ¶ 1 (July 28, 2022).

3 *Id.* ¶ 4.

4 Press Release, UNICEF, One Billion Children at ‘Extremely High Risk’ of the Impacts of the Climate Crises (Aug. 19, 2021), <https://www.unicef.org/press-releases/one-billion-children-extremely-high-risk-impacts-climate-crisis-unicef>.

5 *Climate Change and Environment*, UNICEF, <https://www.unicef.org/environment-and-climate-change> (last visited Apr. 9, 2023).

are more vulnerable than adults.⁶ Disaster research has documented the heightened risk and disproportionate impact of disasters on children.⁷ Not only do disasters inflict physical and mental health consequences, but they also interrupt schooling, create or exacerbate food insecurity, destroy housing, and cause other disruptions that can affect the healthy development and life trajectory of children.⁸ Moreover, the consequences of climate change are not evenly distributed among children: children from underrepresented communities are, and will continue to be, the most adversely affected.⁹

The fact that children are often hardest hit by disasters¹⁰ and

6 GERALDINE VAN BUEREN, *THE INTERNATIONAL LAW ON THE RIGHTS OF THE CHILD* XX (1995); see also *Climate Change and Children's Health*, U.S. ENV'T PROT. AGENCY, <https://www.epa.gov/climate-change/climate-change-and-childrens-health> (last updated Dec. 13, 2022).

7 Jonathan Todres, *Children and Disasters: The Essential Role of Children's Rights Law*, in 2 YEARBOOK OF INTERNATIONAL DISASTER LAW 177, 179–85 (Giulio Bartolini et al. eds., Brill | Nijhoff 2021); Betty S. Lai & Annette La Greca, *Understanding the Impacts of Natural Disasters on Children*, SOC'Y FOR RSCH. IN CHILD DEV. (Aug. 13, 2022), <https://www.srcd.org/research/understanding-impacts-natural-disasters-children>.

8 Todres, *supra* note 6, at 180–85.

9 See Aneesh Patnaik et al., *Racial Disparities and Climate Change*, PRINCETON STUDENT CLIMATE INITIATIVE (Aug. 15, 2020), <https://psci.princeton.edu/tips/2020/8/15/racial-disparities-and-climate-change> (“Climate change disproportionately affects those who suffer from socioeconomic inequalities, including many people of color.”); Off. of Health Equity’s Climate Change & Health Equity Program, *Racism Increases Vulnerability to Health Impacts of Climate Change*, CAL. DEP’T OF HEALTH, https://www.cdph.ca.gov/Programs/OHE/Pages/CCHEP_CC_Racism.aspx (last updated Aug. 17, 2020) (“Climate change exacerbates the existing health inequities experienced by some communities of color. Indeed, the capacity for resilience in the face of climate change is significantly driven by living conditions and the forces that shape them (e.g., wealth, education, housing, transportation, and environmental quality), as well as access to resources and services (e.g., health care, healthy foods, and community safety and cohesion.”); Joe McCarthy, *Why Is Climate Change a Racial Justice Issue?*, GLOB. CITIZEN (Apr. 20, 2021), <https://www.globalcitizen.org/en/content/why-is-climate-change-a-racial-justice-issue/> (“Black people, Indigenous people, and people of color (BIPOC) are disproportionately experiencing the impacts of climate change: flooded homes, vanishing sources of drinking water, disrupted local economies, extreme heat waves.”); Peyman Hekmatpour & Carrie M. Leslie, *Ecologically Unequal Exchange and Disparate Death Rates Attributable to Air Pollution: A Comparative Study of 169 Countries from 1991 to 2017*, 212 ENV’T RSCH., no.113161, Sept. 2022, at 1, 7 (“The existence of ecologically unequal exchange burdens middle- and low-income countries with, in this case, more pollution, health costs, and threat to life.”).

10 In this essay, I use the term “disasters” rather than “natural disasters” because we know that many of these events are caused or exacerbated by human actions.

will bear the brunt of the burden of climate change has not, to date, led to meaningful inclusion of young people by governmental and corporate actors in response efforts. Even when the impact on children is recognized and highlighted—such as in reporting on disasters¹¹—that has rarely led to recognition of children’s agency. Instead of seeing children as rightsholders, governments and civil society too often view children only as passive objects in need of protection.¹² Children’s rights, and most notably their right to be heard on matters that affect their lives,¹³ have largely been overlooked or ignored. I argue, however, that this newly recognized “right to a clean, healthy and sustainable environment” cannot be fully realized without meaningful participation from children and youth.

II. THE RIGHT TO A HEALTHY ENVIRONMENT

Given the right to a clean, healthy, and sustainable environment has only recently been officially recognized, there is still work to be done to articulate the content and contours of the right. Some, like former

See Neil Smith, *There’s No Such Thing as a Natural Disaster*, SOC. SCI. RSCH. COUNCIL (June 11, 2006), <https://items.ssrc.org/understanding-katrina/theres-no-such-thing-as-a-natural-disaster/> (“It is generally accepted among environmental geographers that there is no such thing as a natural disaster.”); *What Is a Disaster?*, INT’L FED’N OF RED CROSS & RED CRESCENT SOCIETIES, <https://www.ifrc.org/our-work/disasters-climate-and-crisis/what-disaster> (last visited Nov. 6, 2022).

- 11 See, e.g., UNICEF, *THE CLIMATE CRISIS IS A CHILD RIGHTS CRISIS: INTRODUCING THE CHILDREN’S CLIMATE RISK INDEX* (2021), <https://www.unicef.org/media/105376/file/UNICEF-climate-crisis-child-rights-crisis.pdf> (describing the risks of disasters on the lives of children globally).
- 12 See Janet Currie & Olivier Deschênes, *Children and Climate Change: Introducing The Issue*, *THE FUTURE OF CHILD.*, Spring 2016, at 3, 4 (“Children are largely left out of discussions about appropriate responses to climate change”); see also JOHN WALL, *CHILDREN’S RIGHTS: TODAY’S GLOBAL CHALLENGE* 4 (2017) (critiquing the “child saving” approach which views children’s rights as “exist[ing] primarily as a means for children to be taken care of by adults: to be protected from various kinds of violence and harm”); Jonathan Todres, *Independent Children and the Legal Construction of Childhood*, 23 S. CAL. INTERDISC. L.J. 261, 270 (2014) (“[T]he dominant view of children today is that they are adults in the making—that is, dependent individuals who are not yet capable of mature and autonomous thought or action and who need to be socialized to conform to the world.”).
- 13 U.N. Convention on the Rights of the Child, art. 12(1), *opened for signature* Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990) [hereinafter CRC] (“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”).

U.N. Special Rapporteur on Human Rights and the Environment John Knox, have argued that “[a] healthy environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, housing, health, food, water[,] and sanitation.”¹⁴ While that is no doubt true, it does not tell us what more is secured through recognition of a right to a healthy environment than what is already provided through the rights to life, health, housing, food, water, and sanitation. In other words, what specific mandate does this new right impose on states and other stakeholders?¹⁵

As a foundation, or floor, it would seem to mean that every individual has a right to live in a community—both the local and global community—in which the environment allows for and promotes their healthy development and human dignity.¹⁶ This would encompass

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- 14 John H. Knox, Special Rapporteur on Hum. Rts. & the Env’t, Statement at the Sixth Meeting of the Parties to the Aarhus Convention I (Sept. 14, 2017), https://www.unece.org/fileadmin/DAM/env/pp/mop6/Statements_and_Comments/HLS_4_Thematic_OHCHR_SR_Knox_statement.pdf; see also Teresa Parejo Navajas & Nathan Lobel, *Framing the Global Pact for the Environment: Why It’s Needed, What It Does, and How It Does It*, 30 *FORDHAM ENV’T L. REV.* 32, 39 (2018) (reporting that the International Union for Conservation of Nature asserts that “states should approach environmental protection like they do other fundamental rights, arguing that environmental safety is a human right, essential to human welfare”).
- 15 John H. Knox, *Constructing the Human Right to a Healthy Environment*, 16 *ANN. REV. L. & SOC. SCI.* 79, 87 (2020) (noting that “the multiplicity of [national court] decisions [on the right to a health environment] may call into question exactly what the right would mean at the international level”); Martha Davis, *Annotated Bibliography on the Right to a Healthy Environment*, 15 *NE. U. L. REV.* (forthcoming 2023) (“Defining the right to a healthy environment will involve developing richer accounts of the nature of the right, the purpose of the right, the scope of the right, and the State obligations that flow from the right.”).
- 16 Scholars and human rights bodies and professionals have articulated various definitions. See, e.g., Louis E. Rodriguez-Rivera, *Is the Human Right to Environment Recognized Under International Law? It Depends on the Source* 12 *COLO. J. INT’L ENV’T L. & POL’Y* 1, 10 (2001) (defining the right as the “human right to live in an environment of such a minimum quality as to allow for the realization of a life of dignity and well-being”); Laura Horn, *The Implications of the Concept of Common Concern of a Human Kind on a Human Right to a Healthy Environment*, 1 *MACQUARIE J. INT’L & COMPAR. ENV’T L.* 233, 240 (2004) (defining the right as “the right to an ecologically balanced and sustainable environment which permits healthy living for all of its inhabitants”); The Environment and Human Rights (State Obligations in Relation to the Environment in the Context of the Protection and Guarantee of the Rights to Life and to Personal Integrity: Interpretation and Scope of Articles 4(1) and 5(1) in Relation to Articles 1(1) and 2 of the American Convention of Human Rights), Advisory Opinion OC-23/17, Inter-Am. Ct. H.R. (ser. A) No. 23, ¶ 62 (Nov. 15, 2017) (opining that the right “protects nature and the environment, not only because of the benefits they provide to humanity or the effects that their

a variety of elements including: access to safe potable water; environmental conditions that allow for sufficient food production; adequate preservation of key resources to enable the realization of groups' cultural rights and to allow everyone to enjoy the beauty of the natural environment; and more.¹⁷ It may also function as a coordinating right—that is, it brings together a host of related rights (*e.g.*, food, housing, health care, water) and imposes a mandate on states to move upstream to ensure a clean, healthy, and sustainable environment that can facilitate realization of these other rights.¹⁸ Finally, it may also go beyond an anthropocentric construct of rights and encompass an ecocentric right that ensures a healthy ecosystem for all living beings, not just humans.¹⁹

While delineating the contours and content of the substantive right to a clean, healthy, and sustainable environment is a critical task, I want to emphasize the procedural rights components of the right to a clean, healthy, and sustainable environment, and highlight, in particular, that the right requires the participation and inclusion of all stakeholders.²⁰ As articulated in Principle 10 of the 1992 Rio Declaration:²¹

degradation may have on other human rights, such as health, life or personal integrity, but because of their importance to the other living organisms with which we share the planet that also merit protection in their own right”).

17 See Special Rapporteur on the Iss. of Human Rts. Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Env't, *Right to a Healthy Environment: Good Practices*, ¶¶ 38–112, U.N. Doc. A/HRC/43/53 (Dec. 30, 2019) [hereinafter *Good Practices Report*] (providing a detailed discussion of the content of the right to a clean, healthy, and sustainable environment).

18 In this regard, it might operate like the right to education, which has been recognized as foundational to recognition of other rights. See, *e.g.*, KATARINA TOMASEVSKI, HUMAN RIGHTS OBLIGATIONS IN EDUCATION: THE 4-A SCHEME 7 (2006) (describing how education has a multiplier effect, positioning children to realize a host of other rights throughout their lives).

19 See Davis, *supra* note 14.

20 *Good Practices Report*, *supra* note 16, ¶¶ 14–37 (stating that the right contains three procedural components: “[a]ccess to environmental information”; “[e]nsuring broad, inclusive and gender-sensitive public participation”; and “access to justice and effective remedies”).

21 The Rio Declaration came out of the United Nations Conference on Environment and Development, held in 1992. GÜNTHER HANDL, DECLARATION OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT (STOCKHOLM DECLARATION) 1972 AND THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT, 1992, at 1 (U.N. Audiovisual Libr. of Int'l L. 2012), https://legal.un.org/avl/pdf/ha/dunche/dunche_e.pdf (calling the Rio Declaration a “major environmental legal landmark”); Scott N. Carlson, *The Montreal Protocol's Environmental Subsidies and GATT: A Needed Reconciliation*, 29 TEX. INT'L L.J. 211, 224 (1994) (“The Rio Declaration . . . represented a landmark in the international

Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes.²²

The Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environment Matters further established that to secure “the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters.”²³ In other words, inclusive processes are essential to securing all peoples’ right to live in a healthy environment.

Therefore, when the U.N. resolution calls on *all* “stakeholders to adopt policies, to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all,”²⁴ public and private sector actors should understand that children

environmental movement. For the first time since the 1972 Declaration of the United Nations Conference on the Human Environment, the international environmental community issued a comprehensive statement of principles.”); Nadia Sánchez Castillo-Winckels, *Observer Participation in International Climate Change Decision Making: A Complementary Role for Human Rights?*, 31 COLO. NAT. RES., ENERGY & ENV’T L. REV. 351, 353 n.4 (2020) (“[T]he Rio Declaration and Agenda 21 were not the first international instruments to address public participation in environmental matters; however, they were the first to have significant impact on international law and policy likely because of their timing.”).

22 U.N. Conference on Environment and Development, *Rio Declaration on Environment and Development*, Principle 10, U.N. Doc. A/CONF.151/26/Rev.1 (Vol. I), annex I (Aug. 12, 1992); see also Knox, *supra* note 14, at 86.

23 Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environment Matters, art. 1, *opened for signature* June 25, 1998, <https://unece.org/DAM/env/pp/documents/cep43e.pdf> [hereinafter Aarhus Convention]. See *Introduction*, UNECE, <https://unece.org/environment-policy/public-participation/aarhus-convention/introduction> (last visited Apr. 10, 2023) (“Together with its Protocol on Pollutant Release and Transfer Registers, [the Aarhus Convention] protects every person’s right to live in an environment adequate to his or her health and well-being. They are the only global legally binding global instruments on environmental democracy that put Principle 10 of the Rio Declaration on Environment and Development in practice.”).

24 G.A. Res. 76/300, *supra* note 1, ¶ 4.

and youth are key stakeholders. Scaling up efforts to secure this right can only occur when the group that constitutes approximately thirty percent of the world's population—children²⁵—are meaningfully included in the process.

III. MAINSTREAMING CHILDREN AND THEIR RIGHTS

To include young people in this process, we must mainstream children's rights and children's voices.²⁶ Mainstreaming children's rights and voices involves three critical elements. First, it means taking into account children's rights, needs, and views across all sectors of society. Too often, children's interests are acknowledged only in sectors that directly serve young people such as education and child welfare.²⁷ The reality is that all sectors of society impact young people's lives, and decisions made in all sectors implicate climate change and the environment.²⁸ For example, the transportation sector undoubtedly

25 UNICEF, THE STATE OF THE WORLD'S CHILDREN 2021: ON MY MIND – PROMOTING, PROTECTING AND CARING FOR CHILDREN'S MENTAL HEALTH 191 (2021), <https://www.unicef.org/media/114636/file/SOWC-2021-full-report-English.pdf> (reporting that there are 2.35 billion children under age 18 in the world, constituting approximately 30 percent of the world's population).

26 CHILD RTS. CONNECT, MAINSTREAMING CHILD RIGHTS: A CALL FOR A UN-WIDE STRATEGY ON CHILD RIGHTS IN RESPONSE TO OUR COMMON AGENDA (2021), https://www.childrightsconnect.org/wp-content/uploads/2021/09/positionpaperourcommonagenda_crcnct_final.pdf; Jonathan Todres, *Mainstreaming Children's Rights in Post-Disaster Settings*, 25 EMORY INT'L L. REV. 1233, 1255–61 (2011).

27 In some cases, children's views and interests are overlooked even in child-focused sectors such as education. Juwaeriah Siddiqui, *Children's Concerns and Feelings Are Ignored in Back-to-School Planning*, THE CONVERSATION (Sept. 6, 2021), <https://theconversation.com/childrens-concerns-and-feelings-are-ignored-in-back-to-school-planning-164823> (discussing how, during the pandemic, society ignored children's wellbeing, made decisions about their education “without addressing their concerns or recognizing their agency” and “force[d] them to adjust to a system of education that has not been built to truly serve children's interests.”); Tammy Chang & Jonathan Todres, *Listening to Young People Could Help Reduce Pandemic-Related Harms to Children*, THE CONVERSATION (June 2, 2022), <https://theconversation.com/listening-to-young-people-could-help-reduce-pandemic-related-harms-to-children-179745> (“Young people have seldom been consulted on public health policy changes that affect them directly, from schools to transportation to public parks.”). In contrast, there are models for how cities and other locales can ensure children's interests are accounted for across all sectors. See, e.g., UNICEF CHILD FRIENDLY CITIES INITIATIVE, CHILD FRIENDLY CITIES AND COMMUNITIES HANDBOOK (2018), <https://s25924.pcdn.co/wp-content/uploads/2018/05/CFCI-handbook-NewDigital-May-2018.pdf>.

28 See, e.g., Eva H. Telzer et al., *Social Influence on Positive Youth Development: A*

has environmental impacts, and decisions made about transportation systems can have an impact on children's access to a range of services that affect their healthy development.²⁹

Second, it means accounting for children's rights and views at each stage in the process of developing law, policy, and programs to address climate change and/or support children and their families. Children's commissioners, ombudspersons, and other child-centered entities can help ensure adequate attention to children's rights and interests, as well as forge pathways for young people to contribute directly to policy developments.³⁰ However, developing new law and policy and merely running it by a "child rights advisor" at the end of the process is tokenistic and will fail to meaningfully integrate children's

Developmental Neuroscience Perspective, 54 *ADV. CHILD DEV. BEHAV.* 215, 247–48 (2018) (describing how social influence, including from peers and family, can have positive impacts on youth development and futures); Ann Hagell et al., *The Social Determinants of Young People's Health* (Health Found./AYPH, Working Paper 01, 2018), https://www.health.org.uk/sites/default/files/The-social-determinants-of%20young-peoples-health_0.pdf (describing the effects social factors such as financial resources, education, living conditions, and family have on the health of young people); *Causes and Effects of Climate Change*, U.N. CLIMATE ACTION, <https://www.un.org/en/climatechange/science/causes-effects-climate-change> (last visited Nov. 9, 2022) (detailing the numerous causes and effects of climate change); Kat Kerlin, *How Politics, Society and Tech Shape the Path of Climate Change: The Social and Political Determinants of Global Warming in the 21st Century* (Feb. 16, 2022), [https://www.ucdavis.edu/climate/news/how-politics-society-and-tech-shape-path-climate-change_\(discussing_a_recent_study_that_“indicates_that_public_perceptions_of_climate_change,_the_future_cost_and_effectiveness_of_climate_mitigation_and_technologies,_and_how_political_institutions_respond_to_public_pressure_are_all_important_determinants_of_the_degree_to_which_the_climate_will_change_over_the_21st_century”\)](https://www.ucdavis.edu/climate/news/how-politics-society-and-tech-shape-path-climate-change_(discussing_a_recent_study_that_“indicates_that_public_perceptions_of_climate_change,_the_future_cost_and_effectiveness_of_climate_mitigation_and_technologies,_and_how_political_institutions_respond_to_public_pressure_are_all_important_determinants_of_the_degree_to_which_the_climate_will_change_over_the_21st_century”)).

29 See, e.g., Vickie L. Boothe & Richard W. Baldauf, *Traffic Emission Impacts on Child Health and Well-being*, in *TRANSPORT AND CHILDREN'S WELLBEING* 119 (E. Owen Wygood et al., eds., 2020); Kaitlyn E. Coomes et al., *Assessment of the Health Benefits to Children of a Transportation Policy in New York City*, 215 *ENV'T RSCH.*, no. 114165, Dec. 2022, at 1, 10 (2022); Leigh Hopper, *Traffic-Related Pollution Linked to Early Markers for Cardiovascular Disease in Children*, *USC NEWS* (Apr. 29, 2021), <https://news.usc.edu/185647/auto-emissions-pollution-children-cardiovascular-disease-usc-research/>; Diane Alexander & Hannes Schwandt, *The Impact of Car Pollution on Infant and Child Health: Evidence from Emissions Cheating*, *IZA INST. OF LAB. ECON. DISCUSSION PAPER SERIES*, no. 12427, June 2019, at 33; Julien Vincelot & Patrin Watanatada, *The Effects of Transportation on Early Childhood Development*, *BARNARD VAN LEER FOUND.* (Jan. 30, 2019), <https://bernardvanleer.org/blog/the-effects-of-transportation-on-early-childhood-development/>.

30 See Miriam Abaya et al., *US High-Level Office for Children Is Critical for Children's Rights*, *HEALTH & HUM. RTS. J.*, *VIEWPOINTS* (Mar. 10, 2022), <https://www.hhrjournal.org/2022/03/us-high-level-office-for-children-is-critical-for-childrens-rights/>.

rights.³¹ In other words, children's rights and well-being must be a central consideration in the design, implementation, monitoring, and evaluation stages of all law, policy, and programs.³²

In taking action to mainstream children's rights in all sectors and at all stages in the development of law and policy on climate change, the principle of non-discrimination³³ must be at the forefront to ensure that the rights of all children, and in particular underrepresented children, are fully accounted for.³⁴ This also means recognizing and addressing the disparate impact of long-standing harmful policies and practices on under-represented communities.³⁵

Third, mainstreaming children's rights also means mainstreaming children's voices, because the right to be heard on matters that affect their lives is a core tenet of children's rights law.³⁶ Moreover the inclusion of children's voices and viewpoints must be done without discrimination of any kind, which means accounting for structural racism and other

31 Prior work on gender mainstreaming demonstrates the importance of more comprehensive and meaningful integration of such perspectives. See OFF. OF THE SPECIAL ADVISER ON GENDER ISSUES & ADVANCEMENT OF WOMEN, GENDER MAINSTREAMING: AN OVERVIEW 2, 9–11, 13–14 (2002), <https://www.un.org/womenwatch/osagi/pdf/e65237.pdf> (“[W]hat is common to mainstreaming in all sectors ... is that a concern for gender equality is brought into the ‘mainstream’ of activities rather than dealt with as an ‘add-on’.”); see also OECD, OECD TOOLKIT FOR MAINSTREAMING AND IMPLEMENTING GENDER EQUALITY 15–17 (2015), <https://www.oecd.org/gov/toolkit-for-mainstreaming-and-implementing-gender-equality.pdf> (detailing good practices and potential pitfalls in gender mainstreaming initiatives).

32 Todres, *supra* note 25, at 1255.

33 For an example of the non-discrimination principle under human rights law, see CRC, *supra* note 12, art. 2.

34 Indeed, affirmative steps will be required to counteract the impact of discriminatory treatment, and underlying systemic racism, that have pushed underrepresented populations into more precarious situations that are more vulnerable to climate change related events. See, e.g., Off. of Health Equity's Climate Change and Health Equity Program, *Racism Increases Vulnerability to Health Impacts of Climate Change*, CAL. DEP'T OF HEALTH, https://www.cdph.ca.gov/Programs/OHE/Pages/CCHPEP_CC_Racism.aspx (last visited on Nov. 9, 2022) (“For example, due to racial discrimination affecting economic assets, housing and lending, and municipal services, communities of color are more likely to reside in high risk areas with greater climate threats, such as more impervious surfaces and less tree canopy.”).

35 See, e.g., *Resolution: Environmental Racism and Climate Change*, NAACP (2016), <https://naacp.org/resources/environmental-racism-and-climate-change> (noting that “researchers have recently concluded a landmark examination of [thirty] years of demographic data and have unambiguously established that the nation's super polluters tend to be concentrated in minority communities”).

36 CRC, *supra* note 12, art. 12.

factors that have marginalized underrepresented youth and their communities.³⁷ Mainstreaming children's voices means meaningful implementation of their right to be heard for all young people. The Lundy Model³⁸ offers a framework for what this means in practice.

The Lundy Model of children's right to be heard includes four elements: space, voice, audience, and influence. The right to express a view requires the first two elements, space and voice. Space requires that young people "must be given the opportunity to express a view."³⁹ Voice means that the expression of young people's views must be facilitated in a medium of their choice.⁴⁰ The right to have these views given due weight, as mandated by Article 12 of the Convention on the Rights of the Child,⁴¹ requires the latter two elements—audience and influence.⁴² The concept of audience captures the idea that young people's views "must be listened to."⁴³ Finally, the influence element requires that "[t]he view must be acted upon, as appropriate."⁴⁴ Fulfilling all four elements can ensure meaningful participation by young people in decisions on issues that affect their lives, including the breadth of policies that implicate climate change and the right to a clean, healthy, and sustainable environment.

By mainstreaming children's rights and children's voices, we can ensure that the U.N. resolution's call for all stakeholders to be involved in securing a clean, healthy, sustainable environment will include children and youth who not only are feeling the effects of climate change but also have important, innovative ideas that can help forge solutions to climate change related challenges.

37 See, e.g., Kenya Evelyn, 'Like I Wasn't There': Climate Activist Vanessa Nakate on Being Erased from a Movement, THE GUARDIAN (Jan. 29, 2020) <https://www.theguardian.com/world/2020/jan/29/vanessa-nakate-interview-climate-activism-cropped-photo-davos> ("[The] exclusion of activists of color was part of a culture of silencing marginalized communities disproportionately affected by the climate crisis.")

38 The Lundy Model was developed by Professor Laura Lundy. See Laura Lundy, 'Voice' Is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child, 33 BRITISH EDUC. RSCH. J. 927 (2007) (setting forth a framework for implementing children's right to be heard, which later became known as the Lundy Model).

39 *Id.* at 933.

40 *Id.*

41 CRC, *supra* note 12, art. 12.

42 Lundy, *supra* note 37, at 933.

43 *Id.*

44 *Id.*

IV. MAINSTREAMING IS ONLY THE FIRST STEP

Mainstreaming of children's rights and children's voice is critical and a big step, but it is not sufficient. Policymakers, government personnel, and private sector and community leaders must do more than incorporate young people and their perspectives into their existing work. They must make space for, and support, youth-created and youth-led initiatives and organizations that aim to create the world that young people want to live in.

Young people from diverse communities are already playing leadership roles on climate action.⁴⁵ While Greta Thunberg's actions demanding immediate action on climate change have been well-documented, she is but one of many examples of youth leadership on climate change.⁴⁶ Future Coalition,⁴⁷ Sunrise Movement,⁴⁸ Fridays for Future,⁴⁹ and Youth Climate Collaborative⁵⁰ are just a handful of the

45 See *Youth in Action*, U.N. CLIMATE ACTION, <https://www.un.org/en/climatechange/youth-in-action> (last visited Dec. 12, 2022) ("Young people are increasingly aware of the challenges and risks presented by the climate crisis and of the opportunity to achieve sustainable development brought by a solution to climate change . . . Young people's unprecedented mobilization around the world shows the massive power they possess to hold decision-makers accountable. Their message is clear: the older generation has failed, and it is the young who will pay in full – with their very futures").

46 Thunberg led 4 million people on a strike on September 20, 2019, in the "largest climate demonstration in human history." Charlotte Alter et al., *TIME 2019 Person of the Year: Greta Thunberg*, TIME, <https://time.com/person-of-the-year-2019-greta-thunberg/> (last visited Apr. 10, 2023); see also Nylah Burton, *Meet the Young Activists of Color Who Are Leading the Charge Against Climate Disaster*, VOX (Oct. 11, 2019), <https://www.vox.com/identities/2019/10/11/20904791/young-climate-activists-of-color> ("Thunberg never asked to be the messianic-like face for the climate movement And by the media and public making her the center of youth-led climate activism, the work of many Indigenous, Black, and Brown youth activists is often erased or obscured.").

47 Future Coalition is a national network of youth-led organizations and youth leaders that advocates for the youth vote and youth climate justice. The organization incubates starter nonprofits to support them with professional tools and skills, coordinates youth-led and intergenerational local election coalitions, and fights to end the era of fossil fuels through youth climate financing. See *Our Mission*, FUTURE COAL., <https://futurecoalition.org/mission/> (last visited Apr. 10, 2023).

48 See *Who We Are: About the Sunrise Movement*, SUNRISE MOVEMENT, <https://www.sunrisemovement.org/about/> (last visited Apr. 10, 2023).

49 See *Who We Are*, FRIDAYS FOR FUTURE, <https://fridaysforfuture.org/what-we-do/who-we-are/> (last visited Apr. 10, 2023).

50 See *Who We Are*, YOUTH CLIMATE COLLABORATIVE, <https://youthcc.org/who-we-are/> (last visited Apr. 10, 2023).

hundreds of youth-led climate activist organizations.⁵¹ Government and corporate actors must support these and other youth-led efforts and inter-generational movements that have genuinely partnered with young people, to make meaningful progress toward the realization of a right to a clean, healthy, and sustainable environment for all.⁵²

V. CONCLUSION

In 2022, both houses of the U.S. Congress introduced resolutions “[r]ecognizing that the climate crisis is disproportionately affecting the health, economic opportunity, and fundamental rights of children”⁵³ The Senate resolution, recognizes that the climate crisis “has inspired children across the United States to organize and demand immediate government action to protect their fundamental rights from the perils of climate change.”⁵⁴ It then calls for a comprehensive, national plan that “upholds the fundamental rights of children.”⁵⁵ This recognition of children’s rights is an important step. However, the Senate resolution does not identify a role for children or contemplate youth participation in the development of such a plan. More broadly, youth participation is absent from both the Senate and House versions of this resolution.⁵⁶ In other words, recognition of children’s fundamental rights is a significant part of moving toward securing a clean, healthy, and sustainable environment for all, but that must also include full implementation of children’s right to be heard on matters that affect their lives, including climate change.

“Nothing About Us Without Us” is a frequent refrain in social

51 See, e.g., Tihu Lujan, *Youth Congress Passes First Bill of Term*, THE GUAM DAILY POST (Feb. 19, 2018), https://www.postguam.com/news/local/youth-congress-passes-first-bill-of-term/article_0c474e12-147b-11e8-8352-cf6alb73df69.html.

52 For additional examples of movements partnering with young people, see *Amplifying Indigenous Voices*, INDIGENOUS CLIMATE ACTION, <https://www.indigenousclimateaction.com/pathways/amplifying-voices> (last visited Apr. 10, 2023); *Who We Are*, UPROSE, <https://www.uprose.org/mission> (last visited Apr. 10, 2023).

53 S. Con. Res. 8, 117th Cong. (2022); H.R. Con. Res. 31, 117th Cong. (2022).

54 S. Con. Res. 8.

55 *Id.*

56 *Id.* (noting the impact of climate change on children and that many children have been inspired to “organize and demand immediate government action” but failing to call for youth to be involved in government and societal responses to the issue); H.R. Con. Res. 31 (similarly noting the impact of climate change on youth and their demand for more government action, but omitting any call for youth participation in efforts to respond to climate change).

movements today.⁵⁷ It is a demand for inclusion and full participation rights. And it must hold true in the climate change context. Ultimately, no group is more affected by climate change than young people. Therefore, any solution to the problem must meaningfully include young people's participation and, importantly, their vision for our planet.

⁵⁷ See, e.g., *International Day of Disabled Persons 2004*, U.N. DEP'T OF ECON. & SOC. AFFS., <https://www.un.org/development/desa/disabilities/international-day-of-persons-with-disabilities-3-december/international-day-of-disabled-persons-2004-nothing-about-us-without-us.html> (last visited Apr. 10, 2023).

