

**SUBMISSION BY THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS
AND WELFARE OF THE CHILD (ACERWC): WORKING GROUP ON CLIMATE
CHANGE AND CHILDREN IN AFRICA**

TO

**THE UNITED NATIONS SPECIAL RAPPORTEUR ON CLIMATE CHANGE AND
HUMAN RIGHTS**

CALL FOR INPUTS:

ON

ACCESS TO INFORMATION ON CLIMATE CHANGE AND HUMAN RIGHTS

1. Introduction

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) has highlighted the negative impacts of climate change on the rights and welfare of African children, emphasizing the need for African states to take comprehensive adaptation measures to limit these impacts.¹ Based on the preamble of the Paris Agreement, parties have agreed that States should, when taking climate action, respect, promote and consider the rights of children, as well as intergenerational equity when taking climate action. Despite this, children – forming one-third of the global population, and half of those living in extreme poverty – are often overlooked in States' responses to climate change, and in deliberations and guidance emanating from the intergovernmental UNFCCC process.

Lack of adequate rights based response to climate change violates children's enjoyment of rights such as the right to education, health, life, dignity, food and nutrition. Climate change increases children's risks to different forms of abuse and exploitation, and limits their access to essential resources like water and nutrition.² These impacts are exacerbated by lack of adequate child friendly accessible information on climate change and climate action, severely hampering children's ability to adapt to climate change and be active agents of change in climate action. Lack of disaggregated UpToDate data further hampers the work of organizations and communities in the children's rights sector. Accordingly, the ACERWC welcomes the invitation by the Office of the Special Rapporteur on Climate Change and Human Rights to submit this contribution on access to information on climate change and

¹ African Children's Committee. (2020). African Children's Committee establishes working group on children and climate change. <https://www.acerwc.africa/>

² R D Nanima and E Durojaye 'The adequacy of the African Charter on the Rights and Welfare of the Child in the risky trinity of climate change, food security and children ' in AO Jegede and O Adejonwo *Climate Change Justice and Human Rights: An African Perspective (PULP 2022) 77-96*

human rights. The ACERWC hereby submits on the questionnaire as it relates to the African Child as follow:

1. The need to collect and share information on the negative impacts of climate change on human rights as well as response measures

Children in Africa are disproportionately affected by climate change, facing violations of their rights due to the adverse impacts of climate change. The majority of African children live in communities with little resilience to adapt to climate-induced emergencies, posing significant challenges to their well-being and development.³ Access to Information such as mitigation and adaptation effort is vital in preventing, addressing, and mitigating the damage caused by climate change. However, lack of disaggregated data and restrictive access to information policies and practices can hinder climate change interventions. Hence information on legislative developments, such as laws on access to information and civil society engagement, are essential for fostering child rights-based approach to climate change.

It is crucial to collect and share information that identifies and prevents negative impacts on human rights resulting from climate change and response measures. This includes data on climate change vulnerabilities, adaptation strategies, and the specific impacts on children in Africa. Particularly challenging information to access include detailed climate change projections, vulnerability assessments, and data on the effectiveness of adaptation strategies. Improving public access to such information is crucial for promoting public participation in decision-making, ensuring access to justice, avoiding preventable loss and damage, and providing effective remedies in the context of climate change and children rights. Furthermore, there is a critical deficit of evidence base on the implications of climate change on various groups of vulnerable children in Africa such as children with various forms of disabilities, children affected

³ UN News. (2023, September 9). African children bearing the brunt of climate change impacts. <https://news.un.org/en/story/2023/09/1140312>.

by conflict and crisis, children on the move, those living in low-lying coastal areas, children living in extreme poverty and so on. It is crucial to significantly enhance research from various fields on how specific groups of children in Africa are impacted by climate change.

2. Sufficiency or otherwise of existing approaches to information gathering

Some existing approaches provide useful information but are insufficient to fully assess the magnitude of climate change impacts on African children's rights and the adequacy of state responses. There is a shortage of data on children in vulnerable situations including displaced children.⁴ There are sources of information such as the National Determined Contributions (NDCs) under the Paris Agreement, Environmental Impact Assessments (EIAs), and UNICEF's Children's Climate Risk Index, among others. While NDCs have human rights implications that could inform enforcement of human rights treaties like the African Children's Charter, they do not directly assess human rights impacts or adequacy of state responses. EIAs evaluate the potential environmental impacts of projects while UNICEF's index identifies countries where children are most at risk from climate hazards. While valuable, these methods have limitations, they are too broad and they fail to directly measure the specific negative effects on children in all their diversities and localities.⁵⁶ Furthermore, they fail to connect the various ways in which children are affected with their legally protected human rights, thereby limiting the potential for a child-rights based approach to climate action. Hence there is a need to explore alternative strategies that consider children's rights.

3. Children's Barriers to Accessing Information

⁴ AO Jegede Climate change displacement and socio-economic rights of the child under the African human rights system The relevance of ETOs' in M Gibney, GE Turkelli, M Krajewski and W Vandenhole (eds) *The Routledge handbook on extraterritorial human rights obligations* (Routledge, 2022) 182-195

⁵ Fambasayi, R., & Addaney, M. (2024). Cascading impacts of climate change and the rights of children in Africa: A reflection on the principle of intergenerational equity. *African Human Rights Law Journal*.

⁶ Boshoff, E., & Damte, S. G. (2022). The potential of litigating children's rights in the climate crisis before the African Committee of Experts on the Rights and Welfare of the Child. *African Human Rights Law Journal*, 22, 328-361. <http://dx.doi.org/10.17159/1996-2096/2022/v22n2a1>

The diversity of languages spoken across Africa can limit the availability of information in local languages to children, thus hindering comprehension and access to vital resources.⁷ Additionally, limited access to technology and the internet in certain regions of Africa impede the ability to reach online resources and educational materials on human rights and climate change.⁸ In some cases, governments or institutions may restrict access to information on sensitive topics like human rights violations or environmental issues, creating barriers to knowledge dissemination. Other barriers are socio-economic in nature and may include lack of educational resources, and inadequate infrastructure that undermine accessibility of up-to-date information on human rights and climate change. Overall, barriers include limited awareness, lack of child-friendly educational materials on climate change, and inadequate participation opportunities for children in decision-making processes related to climate action, limited access to updated climate change educational materials in child-friendly formats, limited access to platforms for children to engage in climate discourse at all levels of climate engagements. Children with disabilities and children from marginalized ethnic groups face additional barriers to access information, owing to lack of inclusivity of available information and mode of communication.

4. International cooperation and access to information

There are examples of official regional instruments and measures at the regional level in support of access to information. For instance, the African Union's Climate Change and Resilient Development Strategy and Action Plan (2022-2032) aims to strengthen cooperation and coordination among African countries to address the impacts of

⁷A children's rights approach to the climate crisis in Africa. (2024). African Law Matters. <https://www.africanlawmatters.com/blog/a-childrens-rights-approach-to-the-climate-crisis-in-africa>.

⁸Drawing attention to children's human rights in the context of development: The effects of climate change on education and the protection of land. (2024). One Ocean Hub. <https://oneoceanhub.org/drawing-attention-to-childrens-human-rights-in-the-context-of-development-the-effects-of-climate-change-on-education-and-the-protection-of-land/>.

climate change.⁹ This includes improving access to climate information services and promoting public awareness and education on climate change.

Children's right to receive information and express opinion is also safeguarded under Article 7 of the ACRWC. Another standard setting instruments in relation to access to information by children is the African Commission Model Law on Access to Information for Africa (Model Law).¹⁰ According to the Model Law, an effective implementation of access to information legislation can enhance transparency, accountability and greater participation of the populace in public affairs and address corruption.¹¹ It requires public and private bodies to publish environmental impact assessment reports within 30 days of the information being generated or received by that body.¹² Also, the 2019 Declaration of Principles on Freedom of Expression and Access to information in Africa affirms the importance of freedom of expression and access to information (Principle 1) and non-interference with freedom of opinion (Principle 2) in Africa.¹³ It protects everyone from sanctions against the disclosure of information on any wrongdoing that poses serious 'threat to health, safety or the environment, or whose disclosure is in the public interest, in the honest belief that such information is substantially true'.¹⁴ However, international cooperation is still required to increase funding and technical support for climate information systems and public awareness campaigns in Africa, ensure climate change policies and strategies are aligned with other child-focused policies and programs and to promote meaningful participation of children and youth in climate change decision-making at all levels.

⁹ African Union. (2023). Climate Change Strategy and Action Plan 2022-2032. Retrieved from https://au.int/sites/default/files/documents/41959-doc-CC_Strategy_and_Action_Plan_2022-2032_08_02_23_Single_Print_Ready.pdf

¹⁰ African Commission Model Law on Access to Information for Africa, prepared by the African Commission on Human and Peoples' Rights.

¹¹ African Commission Model Law on Access to Information for Africa 9.

¹² African Commission Model Law on Access to Information for Africa para 7(1)(h).

¹³ Declaration of Principles on Freedom of Expression and Access to information in Africa, adopted by the African Commission on Human and Peoples' Rights (the African Commission) at its 65th Ordinary Session, which was held from 21 October to 10 November 2019 in Banjul, The Gambia.

¹⁴ Declaration of Principles on Freedom of Expression and Access to Information in Africa para 35(1)

5. Concrete challenges for business to communicate risks information

In certain parts of Africa, Corporations do not have a consistent culture of communicating and reporting information pertaining to the adverse consequences or benefits of their climate related activities to children. A possible reason is that states do not oblige them to do so.¹⁵ Other challenges include lack of transparent and accessible information on how businesses exercise the responsibility to comply with legislation on special measures to address climate change and its adverse consequences on children rights; whether they do take measures for preventing their activities from harming children, and if so, what measures they have in place to rectify any negative human rights impacts arising from their activities or actions. There remains evidence of lack of practice to establish rules and regulations that protect children's rights in climate change actions. Additionally, there is uncertain evidence of disclosure by corporations on measures that they take to reduce greenhouse gas emissions from their own activities and their subsidiaries and how they reduce greenhouse gas emissions from their products and services. Corporations also fail to publicly disclose their emissions, climate vulnerability, the risk of stranded assets; and what they do to ensure that people affected by business-related human rights violations have access to effective remedies.¹⁶

Human rights implications of inadequate access to information

The inadequate access to information from public authorities and businesses has severe implications for the human rights of African children. Inadequate access to information for children hinder targeted interventions to address their specific needs in the face of climate change.¹⁷ It deprives policy planners, implementers and human

¹⁵ AO Jegede ' State Duty to 'Protect' Rights and Legal Obstacles to Climate Litigation' in K Bouwer, U Etemire, Tracy-Lynn Field, and AO Jegede (eds) *Climate Litigation and Justice in Africa* (Bristol University Press 2024) 43-67

¹⁶ Expert Group on Climate Obligations of Enterprises, *Principles on Climate Obligations of Enterprises: Legal Perspectives for Global Challenges* (Expert Group on Climate Obligations of Enterprises, 2018).

¹⁷ McKinley, D. T. (n.d.). The state of access to information in South Africa. Human Rights Initiative. https://www.humanrightsinitiative.org/programs/ai/rti/international/laws_papers/southafrica/McKinley%20-%20FOI%20in%20South%20Africa.pdf

services vital statistics required for funding and resource mobilization and development of services necessary for climate action. That limitation consequently further exacerbate inequalities and hinder children's right to education about climate change issues, more especially children from disadvantaged backgrounds. ¹⁸

¹⁸ South African Human Rights Commission. (n.d.). The impact of protest action on the right to a basic education in South Africa.

<https://www.sahrc.org.za/home/21/files/WEBSITE%20Impact%20of%20protest%20on%20edu.pdf>